

37th International Conference of Data Protection and Privacy Commissioners

Amsterdam, 26-27 October 2015

**The Executive Committee proposes the following amendments to the Conference Rules and Procedures:**

**1. Correction of cross-referencing errors in clauses 2.1(g), 5.3(a) and 5.5**

In the following articles delete and replace the text as indicated:

<b>Article</b>	<b>Delete text</b>	<b>Replace with</b>
2.1(g)	the rules adopted at the 32nd International Conference	the rules set out at articles 5.1 to 5.5
5.3(a)	the criteria provided for in the first article	the criteria provided for in article 5.1
5.5	the criteria provided for in sections 1 or 3 of these Rules	the criteria provided for in articles 5.1 or 5.3

*Explanation: The amendment corrects several cross-references.*

**2. The Executive Committee composition (article 3.1)**

In the first paragraph in clause 3.1, replace the phrase “national authorities” with “member authorities”.

*Explanation: The rules generally do not make a distinction between national authorities and other members. However, a distinction is made in the current rules in relation to membership of the Executive Committee and in relation to voting. The Executive Committee is of the view that it is not necessary to maintain the distinction in relation to Committee membership. The change will mean that non-national authorities will be permitted to stand for election to the Committee. Examples include the Hong Kong Commissioner and the European Data Protection Supervisor.*

### 3. The Conference Secretariat (new article 3.1A)

To more clearly recognise the Conference Secretariat, a new article is to be created by deleting the final two sentences of article 3.1 and re-inserting them as a new article under its own heading:

#### **“3.1A Conference Secretariat**

Until such time as a Permanent Secretariat is created, the Chair will provide a Secretariat function. The Secretariat function would include the management and preservation of the documents and files of the Conference.”

*Explanation: The Secretariat performs a number of existing roles and more are anticipated under the Enforcement Cooperation Arrangement. However, the current rules have no articles devoted exclusively to these roles other than the closing sentences in the article dealing with the Executive Committee (article 3.1). The current structuring of the rules anticipates an article introducing the Secretariat and a separate one outlining its functions (see companion article 3.2A below).*

### 4. Functions of the Executive Committee (article 3.2)

(1) To record the Executive Committee’s strategic role, the following new paragraph is inserted into article 3.2 to follow paragraph (a):

“(aa) To provide leadership to the Conference in attaining its strategic goals.”

*Explanation: The closed session has the function to set a strategic direction and has adopted a strategic plan. This function formally recognises the Executive Committee’s role to support the Conference’s strategic direction.*

(2) To record several Executive Committee administrative, implementation and accountability functions, the following additional paragraphs are inserted into in article 3.2:

“(i) To maintain a permanent Conference website as a repository for Conference documentation.

“(j) To keep Members informed of the work of the Executive Committee.

“(k) To ensure that processes are in place for the operation of the Global Cross Border Enforcement Cooperation Arrangement.”

*Explanation for new paragraph (i): Establishment of a permanent website has been a long term goal of the Conference for many years. Now that a website has been constructed by the current Executive Committee it is important expressly to record the function of maintaining a website permanently as a repository.*

*Explanation for new paragraph (j): Keeping members informed of the work of the Executive Committee is an important aspect of accountability and is a function in itself. To achieve such a goal the current Executive Committee has initiated such measures as a newsletter and publication of Committee minutes.*

*Explanation for new paragraph (j): This function reflects the adoption at the 33<sup>rd</sup> Conference of the Resolution on Enforcement Cooperation.*

## **5. Functions of the Conference Secretariat (new article 3.2A)**

Insert new article 3.2A after existing article 3.2:

### **“Functions of the Conference Secretariat**

“The general functions of the Conference Secretariat are to:

- a. Support the Chair and Executive Committee.
- b. Perform functions assigned by the Closed Session.
- c. Undertake functions delegated by the Executive Committee.

“Without limitation, more specific functions of the Conference Secretariat include:

- d. To manage and preserve the documents and files of the Conference.
- e. To schedule and service Executive Committee meetings.
- f. To manage and update the permanent Conference website.
- g. To manage the processes for selecting future Hosting authorities.
- h. To prepare Executive Committee reports and resolutions to the Closed Session.
- i. To assist Working Group convenors and delegates appointed to represent the Conference at meetings of international organisations.
- j. To liaise between the Executive Committee and designated hosting authorities for future Conferences.

- k. To receive and process notices of intent and commitment under the Global Cross Border Enforcement Cooperation Arrangement.”

*Explanation: It will be useful to the existing and future Secretariats to have the role outlined explicitly. This will become even more important as additional responsibilities are placed with the Secretariat and once this role becomes funded by the Conference.*

## **6. Simplification of submission of applications for membership (article 5.2)**

Replace existing article 5.2 with the following:

### **“5.2 Submission of applications for membership**

- a. Supervisory Authorities that consider they meet the criteria provided for in article 5.1 may apply to the Executive Committee on the form provided by the Secretariat to be a Member of the Conference.
- b. Applications must be received by the Secretariat at least three months before the next Closed Session to be properly considered.”

*Explanation: The new clause makes no change to the substantive requirements for membership but is focused upon simplifying the process for applicants and Secretariat. Dispensing with covering letters and being less prescriptive in relation to documentation is intended to facilitate implementation of electronic processing.*

## **7. Observer status: clarification in relation to attendance at a single meeting and ongoing attendance (article 5.3)**

At the end of article 5.3, replace:

“Observer status is granted once an entity or organisation has successfully completed the application process provided for in the next section of these Rules.”

With:

“Observer status may be granted for a particular annual meeting or for a period of time covering more than one annual meeting.”

*Explanation: The change makes clear that entities or organisations may be approved to be an observer to a single conference or for a period of time spanning more than one conference. This will assist in administration. It is quite usual in the meetings of international forums to distinguish between guests having a need to attend a single meeting and those approved to have ongoing access to closed meetings.*

## **8. Simplification of submission of applications for accreditation as Observer (article 5.2)**

Replace existing article 5.4 with the following:

### **“5.4 Submission of applications to be Observers**

- a. Entities or organisations that meet any of the conditions provided for in article 5.3 may apply to the Executive Committee on the form provided by the Secretariat to be an Observer.
- b. Applications must be received by the Secretariat at least three months before the next Closed Session to be properly considered.”

*Explanation: The new clause makes no change to the substantive requirements for observer accreditation but is focused upon simplifying the process for applicants and the Secretariat. Dispensing with covering letters and being less prescriptive in relation to documentation is intended to facilitate implementation of electronic processing.*