



## 38th International Conference of Data Protection and Privacy Commissioners

Marrakech, Morocco

### Closed Session Report

In October 2016 the International Conference of Data Protection and Privacy Commissioners met in annual session for the 38th time. Delegations from 65 of the 115 accredited member authorities assembled in Marrakech and were joined by 16 accredited observers. The meeting was chaired by John Edwards, New Zealand Privacy Commissioner.

**Note from the ICDPPC Secretariat:** The following report briefly recounts the proceedings of the closed session of the 38th Conference. Fuller information on particular items can be found in the links to reports and documentation available on the permanent Conference [website](#).

Day 1: Monday, 17 October 2016			
Time	Item	Notes	Agreed action (if any)
09.30	<b>1. Welcome and opening</b>	Said Ihraï (host) delivered opening remarks.	
09.40		John Edwards (Chair) delivered <a href="#">opening remarks</a> .	
09.50	<b>2. Accreditation</b>	John Edwards took the chair for admission of new members and observers. An amendment was made to the earlier circulated accreditation resolution to add the US Department of Justice as an observer for the 38 <sup>th</sup> annual meeting.  The Conference resolved to accredit 5 new members. It also resolved to accredit 12 additional observers: 3 observers for multiple meetings and 9 observers only for the 38 <sup>th</sup> annual meeting.	<b>Adopted:</b> <a href="#">Resolution adopted</a> accrediting new members and observers.
10.00	<b>3. In-depth Discussion: Robotics and Artificial Intelligence</b>	John Edwards (Chair) offered introductory remarks and introduced Ian Kerr, moderator, and the <a href="#">presenters</a> .	<b>Reflected:</b> Discussion reflected in the <a href="#">communiqué</a> .
10.10		Ian Kerr introduced the topic and 1st robotics presentation by <a href="#">Nadia Magnenat Thalmann</a> which was	

		followed by discussion and refreshment break.	
11.45		2nd robotics presentation by <a href="#">Ian Kerr</a> followed by discussion.	
		3rd AI presentation by <a href="#">Mireille Hildebrandt</a> followed by discussion then lunch break.	
14.40		Delegates individually wrote out notes on the privacy issues and priorities emerging from morning's exploration of robotics and AI.	
14.50		Ian Kerr, Nadia Magnenat Thalmann and Mireille Hildebrandt returned for panel discussion with delegates focused around 6 policy questions identified by the moderator.	
16.10		Session drawn to a close by moderator followed by a refreshment break	
16.40	<b>4. In-depth Discussion: Encryption and the rule of law</b>	Daniel Therrien (CA) offered introductory remarks and introduced Ian Kerr, moderator, and the <a href="#">presenters</a> .	<b>Reflected:</b> Discussion reflected in the <a href="#">communiqué</a> .
16.50		Ian Kerr introduced the session and then screened a short pre-recorded video by Christopher Parsons.	
16.50		Ian Kerr moderated a panel conversation involving James Baker (by video-link), <a href="#">Christopher Kuner</a> and Amie Stepanovic.	
18.10	<b>5. Chair's summary</b>	John Edwards (Chair) offered <a href="#">closing remarks</a> reflecting upon the first day's proceedings	

<b>Day 2: Tuesday, 18 October 2016</b>			
<b>Time</b>	<b>Item</b>	<b>Notes</b>	<b>Agreed action (if any)</b>
09.00	<b>6. Update on previous day's discussions</b>	John Edwards (Chair) took the Chair for the rest of the meeting.  The Chair dispensed with summarising the Day 1 discussions as he had done so at the close of proceedings the previous evening.	
09.02	<b>7. Executive Committee</b>	John Edwards (Chair) briefly highlighted items from the Executive Committee's written <a href="#">annual report</a> .	
		The Chair expressed particular thanks to the service of the outgoing and long-standing Committee member (NL), the host (MO) and the Secretariat (NZ).	
		The Chair provided additional oral clarification in relation to one of the observer accreditation decisions taken by the Conference the previous day.	

		<p>The Chair explained that the Executive Committee had changed its position in relation to the application by the US Department of Justice between the time that papers were circulated to delegates in advance of the annual meeting and Day 1 of the meeting. This change of position was as a result of new information that the Committee was able to consider at its meeting on the evening before Day 1 of the meeting.</p> <p>He further explained that as a result of problems arising with accreditation decisions the previous year, the US Department of Justice observer applications had been processed in the name of the organisation seeking to be accredited and not a subsidiary unit (such as a CPO) within the organisation.</p>	
		The Chair asked the meeting to adopt the previously circulated <a href="#">voting list</a> .	<b>Adopted:</b> List of voting members.
		The Chair and Secretariat explained the proposed <a href="#">rule change</a> to improve the processing of observer applications.	<b>Agreed:</b> Proposed changes to rule 5.4.
09.25	<b>8. Privacy in a digital age</b>	Joe Cannataci, UN Special Rapporteur on Right to Privacy, gave a presentation and answered questions from delegates.	
10.05	<b>9. Reports back from working groups and events</b>	FR highlighted aspects from the <a href="#">report</a> of the Digital Education Working Group.	
		CH and ES reported back on behalf of the Privacy and Humanitarian Action Working Group.	
		UK reported back in relation to the <a href="#">enforcement cooperation event</a> held earlier in 2016 and on updates to an <a href="#">Enforcement Handbook</a> .	
		The Berlin Commissioner reported back on behalf of the IWGDPT.	
10.35	<i>Refreshment break</i>		
11.05	<b>10. Resolutions</b>	The Resolution on developing new metrics of data protection regulation was presented by the Chair and adopted by the Conference.	<b>Adopted:</b> <a href="#">Resolution on developing new metrics of data protection regulation</a> .
		The Resolution on Human Rights Defenders was presented by New Zealand. NZ explained two small amendments that had been proposed since circulation of a revised draft on 13 October. Both small changes were acceptable to the proposer and the resolution was adopted with those changes. The US FTC abstained.	<b>Adopted:</b> <a href="#">Resolution on Human Rights Defenders</a> .
		The Resolution on Enforcement	<b>Adopted:</b> <a href="#">Resolution on</a>

		Cooperation (2016) was presented by UK. There were a series of interventions and discussion was postponed until later in the meeting to allow side discussions amongst authorities taking a particular interest in the matter over wording changes that would yield consensus support. The Resolution was finally adopted with 2 changes to recital.	<a href="#">International Enforcement Cooperation (2016)</a> .
		The Resolution for the Adoption of an International Competency Framework on Privacy Education was presented by FR. There were a series of interventions. The US FTC finally abstained from voting on the resolution because the resolution sought to adopt a single international framework without recognizing that other approaches reflecting the diversity of privacy laws and cultural values that exist around the world could also achieve the common aim of promoting digital education.	<b>Adopted:</b> <a href="#">Resolution for the Adoption of an International Competency Framework on Privacy Education</a> .
11.50	<b>11. Regional updates</b>	FR which chairs the WP28 updated delegates on recent developments within the EU particularly in relation to GDPR and Privacy Shield.	
		The Council of Europe highlighted that the modernisation of Convention 108 was well advanced with finalisation not far away. Additionally, both Senegal and Mauritius had recently ratified the Convention.	
12.00	<b>12. Future size and membership of Conference</b>	Two papers were presented by <a href="#">FR</a> and <a href="#">the Chair</a> . The closed session agreed that a well-informed discussion is warranted on the future size and membership of the Conference. The chair proposed a working group should be created with a widespread participation from all members. The working group will submit a paper to the next closed session.	
12.35	<b>13. Election of Executive Committee members</b>	FR completed its first 2 year term this year and offered itself for re-election for a final 2-year term. There being no other nominations, FR was duly re-elected.  Other elected members are mid-way through their terms and accordingly did not face election or retirement this year.	<b>Elected:</b> FR was re-elected for a 2-year term.
12.38	<b>14. 39th Conference in Hong Kong</b>	The Hong Kong Privacy Commissioner for Personal Data provided information about the <a href="#">39<sup>th</sup> Conference</a> to be hosted in Hong Kong from 25-29 September 2017 and screened a short video.	
12.54	<i>Completion of item 10 (enforcement</i>	See above.	

	<i>cooperation resolution)</i>		
13.00	<b>15. General business</b>	The Conference asked the Chair send a letter of condolence to the family of Emilio Aced Félez who had passed away recently. Emilio was well known to many delegates from his involvement in both the Madrid and Spanish DPAs.	
13.02	<b>16. Closing statements from Chair and host</b>	John Edwards (Chair) and Said Ihrari (host) offered brief closing remarks.	