

ICDPPC Census 2017

All ICDPPC member authorities are requested to complete this survey which will provide a comprehensive snapshot of Data Protection and Privacy Authorities in 2017.

The census supports the objectives of the [Resolution on developing new metrics of data protection regulation](#) adopted at the 38th Conference in October 2016.

Instructions:

- Please complete the survey by 20 April 2017.
- Only one response per member authority.
- If the authority is a unit within a much larger public body, please answer these questions only in relation to your unit (particularly Part C questions on funding and resources).
- A few questions ask for information relating to 2016, as the most recent complete year. Please answer such questions with information relating either to the calendar year 2016 or, where more convenient, the most recently completed financial year for which you have figures.
- Please attempt to complete all questions. However, if you are not able to answer a question please move on to the following questions and submit the incomplete response.

Further information about publication and release of information gathered in this census is available here: <https://icdppc.org/wp-content/uploads/2017/03/ICDPPC-Census-2017-Notes.pdf>.

ICDPPC Secretariat

TABLE OF CONTENTS

The census has 59 questions in 7 Parts as follows:

- A. Authority profile
- B. Data protection law, jurisdiction and exemptions
- C. Authority's funding and resources
- D. Authority's enforcement powers, case handling and reporting
- E. Cross-border data flows, enforcement and cooperation
- F. Breach notification
- G. Other matters

Main contact details

First name	Surname	E-mail address	Telephone number

(Please note these details will not be released publicly but will enable the ICDPPC Secretariat to clarify responses, if necessary)

A. Authority profile

1. Please provide the following details regarding your data protection or privacy authority:

- a) Name of Authority:
- b) Country/economy:
- c) Please indicate the region in which the authority is located:
 - a. Africa and Middle East
 - b. Asia
 - c. Europe
 - d. Oceania
 - e. North America
 - f. South or Central America
 - g. Other
- d) The authority was established in which decade?
 - a. 1970s or earlier
 - b. 1980s
 - c. 1990s
 - d. 2000s
 - e. 2010s
- e) Year of establishment:

2. Does the authority have an official digital presence online? Yes/No

2.a As appropriate, please provide the details for the following social media:

- i. Website URL or user name: ...
- ii. Twitter account: @...
- iii. Facebook URL or username: ...
- iv. YouTube channel URL ...
- v. Any other social media account address: ...

3. Does the authority publish an annual report? Yes/No

3.a Is the annual report available online? Yes/No

If Yes, please provide the URL address:...

4. How is the Head of the authority appointed?

- a. Executive appointment
- b. Legislative committee appointment
- c. Election
- d. Civil servant/direct hire
- e. Other

B. Data protection law, jurisdiction and exemptions

1. Does the authority oversee privacy protection practices by:
 - a. Only the public sector?
 - b. Only the private sector?
 - c. Both public and private sectors?

2. In addition to a data protection or privacy law, does your country's constitution include a reference to data protection or privacy? Yes/No
 - 2.a Please provide the specific reference to the constitution (URL is preferable)

3. In addition to roles under a data protection or privacy law, does the authority perform any functions under the following types of information, rights or accountability laws?
 - a. Government information access or Freedom of Information law
 - b. Unsolicited electronic communications or spam law
 - c. Human rights or anti-discrimination law
 - d. public key infrastructure (PKI) or cryptography law
 - e. Cyber-security law
 - f. Data portability law
 - g. Government ethics law
 - h. Competition law
 - i. Telecommunications regulation law
 - j. Health information law

4. Does your data protection or privacy law contain:
 - a. A partial exemption for State intelligence and security agencies?
 - b. A complete exemption for State intelligence and security agencies?

5. Has your data protection or privacy law been revised in the last 3 years? Yes/No

6. Is your data protection or privacy law currently being revised? Yes/No

C. Authority's funding and resources

1. What was your total income for 2016 in your national currency? (no decimals, please do not put commas or dots to differentiate thousands)

	Income	Currency
2016		

2. How does the authority's total budget compare to the previous year?
 - a. The budget increased
 - b. The budget remained the same
 - c. The budget decreased
 - 2.a If the authority's budget increased from the previous year, by what percentage did it increase?
 - i. 1-5%
 - ii. 6-10%
 - iii. 11-20%
 - iv. more than 20%
3. Does the authority's funding coming from any of these sources (select all that apply):
 - a. Government grants Yes/No
 - b. Registration or licensing fees Yes/No
 - c. Chargeable services (e.g. auditing, training, publications) Yes/No
 - d. Fines and penalties Yes/No
 - e. Other Yes/No (please specify):
4. How many staff are employed by the authority (full time equivalent employees)?
5. How does the authority's total number of staff compare to the previous year?
 - a. The number of staff has increased
 - b. The number of staff has remained the same
 - c. The number of staff has decreased
6. Please describe the geographic distribution of your staff:
 - a. One office: All staff work at the same location
 - b. Two offices: Staff are split between two offices
 - c. More than two offices: Staff work at three or more offices

D. Authority's enforcement powers, case handling and reporting

1. What are the principal roles performed by the authority under the privacy or data protection law (indicate as many as apply):
 - a. Mediation/ arbitration
 - b. Policy research
 - c. Handle complaints
 - d. Registry activities
 - e. Auditing/ inspections
 - f. Public outreach/ education
 - g. Advocate for privacy rights/ legislation
 - h. Compliance/ investigations/ enforcement
 - i. Other (please name)

2. How many cases did the authority accept for investigation in 2016?

3. Does the authority:
 - a. Have the power to make binding decisions in individual cases? YES/NO
 - b. Have the power to make recommendations in individual cases? YES/NO
 - c. Have the power to refer to another authority with decision-making powers? YES/NO

4. Are the decisions or recommendations of the authority subject to appeal to another body (agency, court or tribunal)? Yes/No
 - 4.a How many cases were taken on appeal in 2016?

5. Does the authority report publicly on cases it has handled? Yes/No
If YES:

5.a How many case reports were released in the last year?	
5.b In the case reports are posted on the authority's website, please provide the URL	
5.c Is a formal citation assigned to each case report?	Yes/No
5.d Are the case reports uploaded to a central repository (such as an online legal information institute)?	Yes/No

Note: Please respond to Q6.b and Q7 in your country's national currency

6. Does the authority impose *finest or penalties* for a breach of the data protection or privacy law? Yes/No
 - 6.a Does the authority keep any of the *fine or penalty*? Yes/No

- 6.b Please provide the amount of the largest fine or penalty imposed by the authority (or an appeal authority, court or tribunal) for a breach in 2016
7. What was the largest amount of compensation awarded by the authority (or an appeal authority, court or tribunal) for harm caused by a breach of the privacy or data protection law in the last year?
8. Does the authority ever publicly name organisations that have breached the privacy or data protection law? Yes/No
- 8.a How many organisations were publicly named in 2016 as having breached the law?

E. Cross-border data flows, enforcement and cooperation

1. Does the privacy or data protection law include express provision for any of the following :
 - a. Transfer of complaints to privacy enforcement authorities in other jurisdictions? Yes/No
 - b. Disclosure to privacy enforcement authorities in other jurisdictions of information obtained in investigations? Yes/No
 - c. Assisting other privacy enforcement authorities in cross-border investigations? Yes/No
 - d. A prohibition on providing information to other enforcement authorities? Yes/No

2. Does the jurisdiction have legal provisions (whether in the privacy or data protection law or otherwise) that:
 - a. Restrict the cross-border transfer of personal information? Yes/No
If YES, does the authority have a role to enforce this law? Yes/No
 - b. Require data processing facilities to be located within the jurisdiction? Yes/No
If YES, does the authority have a role to enforce this law? Yes/No

3. Does the data protection or privacy law establish a process for formally recognising other jurisdictions that have laws establishing comparable data protection standards? Yes/No
 - 3.a Does the authority perform any role in that recognition process? Yes/No

4. In 2016, has the authority participated in a secondment with another privacy enforcement authority? Yes/No
 - 4.a If YES:
 - i. The authority hosted a staff member or members from another authority on secondment
 - ii. The authority sent a staff member or members to another authority on secondment
 - iii. Both, sent and hosted

5. Which of these enforcement cooperation networks or arrangements does the authority participate in (select all that apply):
 - a. Global Privacy Enforcement Network (GPEN) Yes/No
 - b. GPEN Alert Yes/No
 - c. APEC Cross-border Privacy Enforcement Arrangement (CPEA) Yes/No
 - d. ICDPPC Enforcement Cooperation Arrangement Yes/No
 - e. Unsolicited Communications Enforcement Network (UCENet) Yes/No

6. Does the authority perform an enforcement role under any of these supra-national arrangements (select all that apply):
 - a. EU-US Privacy Shield Yes/No
 - b. Swiss-EU Privacy Shield Yes/No
 - c. EU Binding Corporate Rules Yes/No
 - d. APEC Cross-border Privacy Rules system (CBPRs) Yes/No

7. Does the authority have any bilateral arrangements with the privacy enforcement authorities of other countries to co-operate in the enforcement of privacy laws? YES/NO

8. In 2016, has your office been involved with the following coordinated efforts, involving authorities from many countries, to raise awareness of privacy and data protection:
 - a. Data Protection Day
 - b. Asia Pacific Privacy Awareness Week
 - c. GPEN Sweep

9. In 2016, has the authority (select all that apply):

a. Undertaken a joint investigation with any other enforcement authority or regulator within the same country?	
b. Undertaken a joint investigation with a privacy enforcement authority from another country?	
c. Provided assistance to an investigation being undertaken by a privacy enforcement authority from another country?	
d. Transferred a complaint to a privacy enforcement authority in another country?	
e. Received the transfer of a complaint from a privacy enforcement authority in another country?	

F. Breach notification

1. Are there any **voluntary** breach notification guidelines issued by the authority in your jurisdiction? Yes/No

1.a Do they recommend notification to:

- i. the data subject
- ii. the authority
- iii. both the data subject and the authority

2. Are there any **mandatory** breach notification requirements in your jurisdiction? Yes/No

2.a Do the mandatory breach notification requirements apply generally or to particular sectors?

i. Generally	Yes/No
ii. all public sector	Yes/No
iii. all private sector	Yes/No
iv. telecommunications sector	Yes/No
v. health sector	Yes/No
vi. other sector (please describe):	Yes/No

2.b Do mandatory breach notification requirements recommend notification to:

- i. the data subject
- ii. the authority
- iii. both the data subject and the authority?

2.c Do the requirements provide any explicit direction on notification to individuals living in other jurisdictions?

2.c.i If Yes, please briefly describe:

3. Is the authority involved in enforcing regulations on security breach notifications? Yes/No
4. How many breach notifications (under voluntary or mandatory arrangements) did the authority receive in 2016?
5. Does the authority publish any information on the breach notifications it receives, for example total number of notifications received, sectoral breakdown, details of those that result in formal action? Yes/No

5.a If yes, where is this information published? Select as appropriate and/or provide other examples

	Select all that apply	URL/Hyperlink/Name
Authority's annual report		
Authority's website		
Other:		
Other:		
Other:		

G. Other matters

1. Has the authority published guidance relating to data protection aspects of any of the following (select all that apply):

a. Profiling?	
b. App development?	
c. The Internet of Things?	
d. Transparency reporting?	
e. Artificial intelligence?	

2. Does the authority have a formal process for engagement with civil society (e.g. regular scheduled meetings)? Yes/No

2.a If yes, please specify:

3. Did the Authority conduct a public opinion survey in 2016?

3.a Please provide URL:

END