

NOTES TO DOCUMENT C7: SPECIMEN COMMUNICATIONS

The sub-group, and occasionally the Committee, would sometimes communicate with external parties such as applicants, conference hosts, accredited authorities, perspective applicants and researchers.

Generally the Committee completed all its work "on the papers". In virtually all cases, the Committee was able to complete processing an application based on the application form and supporting documentation, such as links to an authority's law, website and annual report. Occasionally some additional questions needed to be posed of an applicant (an example is given of questions posed of the Council of Europe Data Protection Commissioner).

If the committee was not able to satisfy itself by study of the papers before it and correspondence with the applicant it might decline the application or, if convenient, arrange to meet with the applicant. For practical purposes this means arranging a meeting on the fringes of the conference and before the session dealing with accreditation questions. One example was the Korean applicant and a copy of a notice of a meeting is included amongst the papers.

The Committee's formal recommendations are circulated to accredited authorities in the manner prescribed for all resolutions for the conference. The Committee has therefore not consistently felt it necessary to separately advise applicants of its recommendations. However, as a courtesy to applicants, it has on occasion done so particularly where those applicants need to make travel arrangements to attend the conference in one capacity or another.

More difficult are the communications advising applicants that the Committee is unable to recommend their accreditation. Given the sensitivities, the Committee has sometimes done this by letter and examples provided in the cases of Monaco (later accredited) and Zurich city. Occasionally, this has been done by e-mail and examples of Mexico and the USA included.

Sometimes the applications are declined when the position of the authority is in a state of flux. For example, where an authority recognises that some amendments need to be made to its statute but this has not yet happened. It is often appropriate that the authority attend the conference as an observer while things are being set right. The Committee does not actually decide questions of admittance as an observer but usually takes upon itself to offer an informal recommendation to the host in such circumstances.

It is disruptive to orderly processing of the Committee's work to receive late applications. Accordingly, wherever possible the sub-group tries to identify, and communicate with, likely applicants and encourage them to make an early application. For example, it solicited early applications from the European Data Protection Supervisor and the Romanian Data Protection Commissioner.

The Committee has made arrangements to share the information it holds with researchers in appropriate cases (with the agreement of applicants). The committee has had limited success so far but has dealt with one researcher.

INTERNATIONAL CONFERENCE OF DATA PROTECTION COMMISSIONERS

MEETING OF CREDENTIALS COMMITTEE WITH KISA
WROCLAW, POLAND
13 SEPTEMBER 2004

- Date: Monday 13 September 2004
- Time: 1615 hrs (4.15 pm). The meeting is expected to last about an hour.
- Venue: Park Plaza Hotel, ul Drobnera 11/13, Wroclaw, Poland. A “club room” has been booked, if not earlier advised of precise room please ask at reception.
- Participants: From the Committee (2-5 people)
From KISA: (2-3 people)

The purpose of meeting is to discuss the application by the Korea Information Security Agency (KISA) for accreditation. The Committee has the KISA application (received 6 May 2004) together with a copy of the “Act on Promotion on Information and Communications Network Utilisation and Information Protection etc” and various helpful explanatory emails from Soonjoung Byun (particularly clarifying emails of 4, 5 and 16 August 2004).

It is expected that the matters the Committee will particularly want to discuss relate to:

- the coverage of the private sector
- the relationship with public sector law
- KISA’s powers and functions, particularly with respect to complaints and enforcement
- the relationship between KISA and its Mediation Committee.

5 August 2002

Corinne Laforest-de-Minotty
Commission de Contrôle de Informations Nominatives
"Gildo Pastor Center" - 7
rue du Gabian - Bloc B - bureau 409
MONACO 98000

Email: Credentials@privacy.org.nz

Dear Ms Laforest-de-Minotty

CREDENTIALS COMMITTEE OPINION ON ACCREDITATION APPLICATION

I am writing to you in my capacity as a member of the Credentials Committee established at the 23rd International Conference of Data Protection and Privacy Commissioners. The Committee has been considering all the applications for accreditation as a data protection authority and a resolution granting accreditation will be considered at the 24th International Conference to be held in Cardiff.

The Committee has given careful consideration your own application. I am writing to advise that the Committee will not be recommending that your authority be accredited. The accreditation principles provide that accredited authorities must be guaranteed an appropriate degree of autonomy and independence to perform an appropriate range of functions and the necessary legal powers to do so. The law under which the authority operates must also be compatible with the principal international instruments. The Committee understands that your Commission does not have the power to make public statements and that instead, in cases of infringements, it is the Ministre d'Etat which decides on actions to be taken. The guaranteed power to make public statements was seen by the Committee as an essential element of the autonomy and independence which ought to be vested in an accredited authority.

The Committee has been informed that your Commission has been much involved in the drafting of a new bill which should be adopted by the Monaco government by the end of 2002. It is understood that the new law would likely meet the concerns of the Committee as well as bringing Monaco's law more closely into line with the international approach as represented by the Council of Europe Convention and EU Directive.

It has not been possible to meet with any applicants during the Committee's processing of 52 applications. However, the Committee would be willing to convene

in Cardiff to meet with you and receive any representations that you may wish to make. It will not meet unless specifically asked to do so and if you wish to take up this offer please let me know as soon as possible. It is unlikely that this could be arranged prior to the closed session of the Cardiff conference. However, the conference hosts may, in the meantime, be willing to grant you "observer" status to attend the closed sessions on the Monday of the conference. The Committee will recommend that you be granted observer status for this conference.

Given that you may attend the conference as an observer, and thereby not miss any of the sessions, you may prefer that your application be left in abeyance until after the enactment of your new law. The new law and a revised application could then be supplied to the Committee in time for the 25th Conference in 2003. If you prefer that the matter be handled in this way please let me know.

Yours sincerely

B H Slane
Privacy Commissioner
(On behalf of the Credentials Committee)

5 August 2002

Thomas Bärlocher
Datenschutzbeauftragter der Stadt Zürich
Röslistrasse 11
8006 Zürich
SWITZERLAND

Email: Credentials@privacy.org.nz

Dear Mr Bärlocher

CREDENTIALS COMMITTEE OPINION ON ACCREDITATION APPLICATION

I am writing to you in my capacity as a member of the Credentials Committee established at the 23rd International Conference of Data Protection and Privacy Commissioners. The Committee has been considering all the applications for accreditation as a data protection authority and a resolution granting accreditation will be considered at the 24th International Conference to be held in Cardiff.

The Committee has given careful consideration to your own application. I am writing to advise that the Committee will not be recommending that your authority be accredited. The accreditation principles provide that accredited authorities must have a clear mandate across a wide sphere of activity and are expected to be the premier experts on data protection in their jurisdiction. The authority must also have an appropriate range of functions with the legal powers necessary to perform those functions. The Committee notes your very narrow jurisdiction and understands that the city institutions which you supervise are regulated by the Canton law and that there is a Zurich Canton Commissioner.

It has not been possible to meet with any applicants during the Committee's processing of 52 applications. However, the Committee would be willing to convene in Cardiff to meet with you and receive any representations that you may wish to make. It will not meet unless specifically asked to do so and if you wish to take up that offer please let me know as soon as possible. It is unlikely that this could be arranged prior to the closed session of the Cardiff conference. However, the conference hosts may, in the meantime, be willing to grant you "observer" status to attend the closed sessions on the Monday of the conference. The Committee will recommend that you be granted observer status for this conference.

I have little doubt that your position fulfils a valuable role in the City of Zurich and makes a positive contribution to data protection. However, the Committee does not believe that it is appropriate to grant accreditation in this case.

Yours sincerely

Bruce Slane
Privacy Commissioner
(On behalf of the Credentials Committee)

Blair Stewart

From: Blair Stewart
Sent: Friday, 20 August 2004 12:07 p.m.
To: 'Lia Limón García'
Cc: Blair Stewart; Christophe Pallez (E-mail); Jonathan Bamford (E-mail); Marie Georges (E-mail)
Subject: RE: International Data Protection Commissioners' Conference: Mexico

Dear Ms Garcia

Thank you for your message which I will pass on to the conference host, the Polish Data Protection Commissioner.

As I think I've mentioned before, it is the host rather than the Credentials Committee that decides on questions of Observer participation. The host will respond to you directly but if you do not hear back may I suggest you take the matter up with the conference organisers rather than me.

I hope that I may get the opportunity to meet Mr Álvarez in Wroclaw.

kind regards

-----Original Message-----

From: Lia Limón García [mailto:lia.limon@ifai.org.mx]
Sent: Friday, 20 August 2004 12:02
To: Blair Stewart
Cc: 'Alfonso Hernández Valdez'
Subject: RE: International Data Protection Commissioners' Conference

Dear Mr. Stewart,
We will be happy to attend the conference as an observer. The commissioner Mr. Horacio Aguilar Álvarez will be attending. We have already sent his registration form, but I am sending it also to you. Attached you will find it.
Best regards,

Lía Limón
Directora de Asuntos Internacionales
Instituto Federal de Acceso a la Información
lia.limon@ifai.org.mx
3067-2457

-----Mensaje original-----

De: Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]
Enviado el: Martes, 03 de Agosto de 2004 07:49 p.m.
Para: Lia Limón García (E-mail); Maria Marván Laborde (E-mail)
Asunto: International Data Protection Commissioners' Conference

Colleagues

My colleagues on the Credentials Committee have asked me to enquire as to whether, in the light of the earlier advice, IFAI will be seeking to attend the conference in Poland as an observer.

Yours sincerely

Blair Stewart
Assistant Privacy Commissioner
Office of the Privacy Commissioner
PO Box 466, Auckland, New Zealand

tel +64-9 302 8654 fax +64-9 302 2305

Search the case notes of privacy commissioners in NZ and abroad:
www.worldl11.org/int/special/privacy
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> -----Original Message-----

> From: Blair Stewart
> Sent: Tuesday, 6 July 2004 15:00
> To: Lia Limón Garcia (E-mail); Maria Marván Laborde (E-mail)
> Subject: Application by IFAI for accreditation to International
Data Protection Commissioners' Conference

>
> Dear colleagues

>
> The Credentials Committee has considered the application by IFAI for
> accreditation to the International Data Protection Commissioners'
Conference. I regret to inform you that the Committee would not
recommend accreditation at this time. In the Committee's view your
authority does not possess the full range of data protection and privacy
functions expected of an accredited authority.

>
> I understand that Mexico is contemplating enacting a Data Protection
> Act and that, if it does, it is possible that a broader mandate may be

> conferred on the IFAI. If this happens we would welcome a renewed
> application.

>
> You remain welcome to register to attend the public part of the
> conference which would be an opportunity to learn more about data
protection and the activities of data protection commissioners. If it
would be helpful, you could approach the conference host and ask whether
you could attend the closed session as an observer. If permission is
granted (in the discretion of the Polish Commissioner) it would be for
this conference only and would be to observe rather than participate in
the discussions.

> Yours faithfully

>
> Blair Stewart
> Assistant Privacy Commissioner
> Office of the Privacy Commissioner
> PO Box 466, Auckland, New Zealand
> Home page: www.privacy.org.nz
> tel +64-9 302 8654 fax +64-9 302 2305

>
> Search the case notes of privacy commissioners in NZ and abroad:
> www.worldl11.org/int/special/privacy
> If you have received this transmission in error please notify me
immediately by return e-mail and delete all copies

>
>

Blair Stewart

From: Blair Stewart
Sent: Thursday, 5 August 2004 2:20 p.m.
To: Blair Stewart; Christophe Pallez (E-mail); Jonathan Bamford (E-mail); Marie Georges (E-mail)
Subject: FW: US DHS PO

My work as an international diplomat continues ...

-----Original Message-----

From: Cooney, Maureen [<mailto:Maureen.Cooney@dhs.gov>]
Sent: Thursday, 5 August 2004 14:17
To: Blair Stewart
Subject: RE: International Conference of DPAs - accreditation application by US DHS PO

Very helpful, as always. Thank you, Blair.

I am calling it a night. Have a good day. - Thanks, again. - Maureen

Maureen Cooney
Chief of Staff and
Director, International Privacy Policy
Privacy Office
U.S. Department of Homeland Security
Washington, D.C. 20528
Tel. 202.772.9848 / Fax. 202.772.5036
E-mail: maureen.cooney@dhs.gov

See: www.dhs.gov/privacy

-----Original Message-----

From: Blair Stewart [<mailto:Blair.Stewart@privacy.org.nz>]
Sent: Wednesday, August 04, 2004 10:12 PM
To: Cooney, Maureen
Subject: RE: International Conference of DPAs - accreditation application by US DHS PO

Maureen

1. I've passed the corrected version of your application along to the Polish Commissioner (having, immediately after sending my earlier message to you, already sent the earlier version).

2. The nearest to charter documents would be the "Criteria and rules for the Credentials Committee" and the "Accreditation Principles" found at http://www.privacyconference2003.org/pdf/Criteria_and_Rules.pdf and the "Guidelines and Procedures for Conference Resolutions" found at http://www.privacyconference2003.org/pdf/Guidelines_Procedures_for_Conference_Resolution

Most of the conference's 25 years have been informal. Sometimes discussions are minuted but frequently not. There have also been earlier reports to the Conference on what participants wanted of it, and recommendations for change, together with some earlier resolutions on matters such as charging for participation but these are not really accessible (certainly not from me). The move to formalise who were DPAs started with the need to charge as the conference grew in size and as hosts tried to administer differential pricing. The wish by many participants to adopt resolutions led to a need to decide who could vote (including where there was more than one contender in each country).

3 The list of accredited authorities can be found at http://www.privacyconference2003.org/pdf/Accredited_Authorities.pdf as supplemented by

those additional authorities accredited at the 25th conference found at <http://www.privacyconference2003.org/resolutions/ACCREDITATION%20RESOLUTION%20EN%20120903.DOC>

4. Since you applied as an observer and presumably may be admitted to the forthcoming conference as such, the "non-fit" may not be especially apparent to readers of your annual report (depending upon what you said there, of course). At its simplest a big part of the non-fit relates to this conference comprising authorities having a broad mandate at national level, at its narrowest being all of the public sector (or theoretically, say, most or all of the private sector) whereas the DHS CPO covers merely a part of the public sector. As already indicated there's more to it than that, of course, and we can discuss it further if you wish.

Regards, Blair

-----Original Message-----

From: Cooney, Maureen [mailto:Maureen.Cooney@dhs.gov]
Sent: Thursday, 5 August 2004 13:27
To: Blair Stewart
Subject: RE: International Conference of DPAs - accreditation application by US DHS PO

Many thanks, Blair.

This is quite a bit to take in at the end of a long day that is not quite over yet, I am afraid. I would like to thank you for your kindness for the note. I think with a bit more rest, I would like to read your message again and try to better understand the nature of the Conference itself and its goals. And then, of course, reply to your thoughtful note in a more worthy manner.

Is there a charter document that you might pass along or mission statement - documents like that? Would you also be in a position to share a listing of fully accredited members, for that might demonstrate well the points you are sharing below.

We've mentioned the application in our Annual Report to Congress, which is now at the printers and due out shortly. There is a high probability that we will receive follow up questions and the more we can understand and explain the 'non-fit', probably the better.

On the Observer status for Poland, could I ask you to send a better, "spell-checked" copy of our application forward. I am afraid that in the rush, we missed a few spellings and I'd like to make sure that whatever you have from us looks as polished as possible, particularly if it will be shared more broadly. I've attached the very same application, just with correct spellings throughout. Many thanks. - Take care - Maureen

P.S. - We would look forward to hosting you in October. Let me know more about your plans and the time you have available to visit and we can make the appropriate arrangements on our end.

Maureen Cooney
Chief of Staff and
Director, International Privacy Policy
Privacy Office
U.S. Department of Homeland Security
Washington, D.C. 20528
Tel. 202.772.9848 / Fax. 202.772.5036
E-mail: maureen.cooney@dhs.gov

See: www.dhs.gov/privacy

-----Original Message-----

From: Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]

Sent: Wednesday, August 04, 2004 8:23 PM

To: Cooney, Maureen

Subject: RE: International Conference of DPAs - accreditation application by US DHS PO

Maureen

The Credentials Committee has now had a chance to consider your application, the supporting documentation and to discuss the application.

Your application was as an "observer" (para 3 of your application) although you also indicated (para 29) that you'd be happy to have the application considered for full accreditation as a national authority if that seemed appropriate. Notwithstanding para 3, I processed the application for full accreditation because of the indication in para 29 and because you had gone to the trouble of assembling all the pertinent information that the Committee would need to consider the matter.

The Committee could not recommend accreditation of the Office of the DHS Privacy Officer as a national data protection authority as it does not, in the Committee's opinion, meet the requirements of the Accreditation Principles. The limited functions (and related powers) and area of activity or competence are seen as barriers to accreditation in this case. Concerns about the formal guarantees of independence and the "internal character" of the position would also have to be resolved.

Turning to the question of consideration of the matter as an observer. This is not a decision that is taken by the Credentials Committee but the host of each conference. Accordingly, I will pass your request to be an observer onto the Polish hosts and if you want to pursue the matter of observer status you should take it further with them. I have earlier signalled to our hosts that we are processing an application from you so they're not entirely in the dark. Decisions on observer participation are made on an *ad hoc* basis by each host and do not carry over to the next conference.

I would not like to finish without saying that a refusal to recommend accreditation is not in any sense a slight on your office nor does it represent an under-valuing of the important data protection work you perform. The conference is essentially one of national Data Protection Commissioners with a broad remit all of whom understand and value the fact that other types of institutions have important roles to play in achieving the goal of appropriate protection of privacy. While this is especially the case in countries with different legal systems and without privacy commissioners it is also the case in many of our own. For instance, many of us exist alongside specialist external regulators with narrow competence for, say, medical privacy or broadcasting privacy. A number of countries have internal control officials within agencies (eg statutory privacy officers in Germany). The conference does not accredit those specialist authorities or internal control bodies at national level. To do so would change the nature of the meeting and commissioners have not yet indicated that they wish to do that. Nonetheless commissioners very much value the interaction with others working in the field which comes through the public part of the conference.

Whether your office attends only the public part of the conference, or also attends as an observer in the closed part, I hope that I may see you again in Poland. I might add that it is likely I'll be in Washington DC in the week starting 11 October and, if convenient, would be very interested to visit your office and hear first hand about your work.

Regards

Blair Stewart

Assistant Privacy Commissioner, New Zealand (on behalf of the Credentials

Committee)

-----Original Message-----

From: Cooney, Maureen [<mailto:Maureen.Cooney@dhs.gov>]

Sent: Thursday, 17 June 2004 10:51

To: Blair Stewart

Subject: RE: 26th International Conference- <http://26konferencja.giodo.gov.pl>:

Many thanks, Blair. Hope you received our attachments to the application. We are finally back up and functioning. - Maureen

Maureen Cooney
Chief of Staff and
Director, International Privacy Policy
Privacy Office
U.S. Department of Homeland Security
Washington, D.C. 20528
Tel. 202.772.9848 / Fax. 202.772.5036
E-mail: maureen.cooney@dhs.gov

See: www.dhs.gov/privacy

-----Original Message-----

From: Blair Stewart [<mailto:Blair.Stewart@privacy.org.nz>]

Sent: Tuesday, June 15, 2004 11:20 PM

Subject: FW: 26th International Conference-
<http://26konferencja.giodo.gov.pl>:

I am sending this message to each of the applicants for accreditation to the International Conference of Privacy and Data Protection Commissioners.

Details of the forthcoming conference are now on the Polish Commissioner's website as set out below.

In many cases we have not finished the processing of accreditation applications but I thought that I ought to forward details on to enable you each to plan for the conference.

You will see that there is a lower fee for data protection authorities. I expect that the rate will only be available to already accredited authorities and that you will not, as applicants, be eligible for that discount. However, the matter of conference fees is a question for the conference host, not the Credentials Committee, so I cannot give you any definitive ruling.

You should not direct any questions about the Polish conference to me but deal with the Polish authorities as detailed on the web site. I am, of course, available to answer questions about the accreditation process.

Regards

Blair Stewart
Assistant Privacy Commissioner
Office of the Privacy Commissioner
PO Box 466, Auckland, New Zealand
Home page: www.privacy.org.nz
tel +64-9 302 8654 fax +64-9 302 2305

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-----Original Message-----

From: Privacy2004 [mailto:Privacy2004@Giodo.gov.pl]

Sent: Thursday, 27 May 2004 19:37

Subject: 26th International Conference-
<http://26konferencja.giodo.gov.pl>:

Dear Sir/Madam,

The Polish Data Protection Authority kindly informs that the 26th International Conference on Privacy and Personal Data Protection will be held on 14, 15 and 16 September 2004 in Wroclaw, Poland. The patronage of the Conference organised by the Inspector General for the Protection of Personal Data has been taken over by the President of the Republic of Poland - Mr Aleksander Kwasniewski.

The website devoted to the Conference is already active <http://26konferencja.giodo.gov.pl>. You can find there all the important information related to the Conference, including:

- issues to be discussed during the sessions,
- registration,
- accommodation.

The registration process of persons willing to participate in the Conference has just begun. We **encourage you to register before 15 July**. After having sent the registration form (e-mail: privacy2004@giodo.gov.pl or fax: +48 22 860 73 13) you will be given an account number to which the registration fee shall be paid and a password which allows you to use the special price offer while reserving the hotel.

Looking forward to see you in Wroclaw!

The Bureau of the Inspector General for the
Protection of Personal Data

Blair Stewart

From: Blair Stewart
Sent: Monday, 28 July 2003 11:19 a.m.
To: Anna Capello (E-mail); Peter A. Michael (E-mail); Florence Audubert (E-mail)
Cc: Blair Stewart; Jonathan Bamford (E-mail); Marie Georges (E-mail)
Subject: Accreditation applications

I write further to my email of 9 July 2003 to advise that the Credentials Committee of the International Conference of Privacy and Data Protection Commissioners intends to recommend for accreditation:

Council of Europe: Data Protection Commissioner

European Union:

- Customs Information System Joint Supervisory Authority
- Joint Supervisory Body of Europol
- Joint Supervisory Authority for Schengen Information System

Interpol: Board of Control of Interpol Archives (Commission de Contrôle des Fichiers de l'O.I.P.C.-Interpol)

This notification is unofficial at this stage. The Committee will render its official recommendations in the form of a resolution circulated to accredited authorities at least 2 weeks before the conference.

I hope that I will meet some or all of you in Sydney in September.

Regards,

Blair Stewart
Assistant Commissioner
Office of the Privacy Commissioner
PO Box 466, Auckland, New Zealand
Home page: www.privacy.org.nz
tel +64-9 302 8654 fax +64-9 302 2305
case notes: www.worldlii.org/nz/cases/NZPrivCmr

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Blair Stewart

From: Blair Stewart
Sent: Thursday, 6 May 2004 1:28 p.m.
To: 'Dave Banisar'
Subject: RE: Research use of accreditation applications

No the Council of Europe Data Protection Commissioner is obviously not the European Commission Data Protection Supervisor. The CoE and EU are quite different bodies as I'm sure you well know (and trust you'll credit me for knowing too)!

Unfortunately I don't have a web site reference for the CoE DPC. There are some CoE statutes establishing the office that are available on-line.

Regards, Blair

-----Original Message-----

From: Dave Banisar [mailto:banisar@2rad.net]
Sent: Thursday, 6 May 2004 01:26
To: Blair Stewart
Subject: RE: Research use of accreditation applications

Hi Blair,

What is the Council of Europe Data Protection Commissioner. I didnt think they had much. Or it is The Council of the European Union's DPA (ie Hustinx). Can you send me the details on them?

cheers

Dave

>11 more authorities were accredited at the Sydney conference (September 2003) (see <http://www.privacyconference2003.org/commissioners.asp> and, in particular, <http://www.privacyconference2003.org/resolutions/ACCREDITATION%20RESOLUTION%20EN%20120903.DOC>).

>Three were national authorities, 3 sub-national and 5 within international or supra-national bodies.

>

>-----Original Message-----

>>From: Dave Banisar [mailto:banisar@2rad.net]
>>Sent: Friday, 30 April 2004 19:35
>>To: Blair Stewart
>>Subject: Re: Research use of accreditation applications

>

>

>>Hi Blair,

>

>>Its still in my queue of things to write for OSI (and they are getting stroppy about it so i best do it soon). We are also doing some work on evaluating the effectiveness of commissions that i imagine that it will be of some use for. Are there any more applications now. Seems to me a couple more have been created in the meanwhile.

>

>>cheers

>

>>Dave

>

>

>>Dave, I wondered if you'd ever completed a research publication that reflected the use of the applications supplied by the credentials committee of the International Conference of Privacy Commissioners?

>>>

>>>Regards

>>>

>>>Blair Stewart

>>>Assistant Commissioner

Blair Stewart

From: HUSTINX Peter [phustinx@europarl.eu.int]
Sent: Tuesday, 17 February 2004 3:01 a.m.
To: Blair Stewart
Subject: RE: European Data Protection Supervisor: Participation in the International Conference of Data Protection and Privacy Commissioners

Blair, thanks. We will come back to you in due course! Regards, Peter

-----Original Message-----

From: Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]
Sent: 15 February 2004 21:33
To: HUSTINX Peter
Subject: FW: European Data Protection Supervisor: Participation in the International Conference of Data Protection and Privacy Commissioners

Peter, in case this missed you in the changeover. Regards, Blair

> -----Original Message-----

> **From:** Blair Stewart
> **Sent:** Friday, 16 January 2004 13:14
> **To:** Peter Hustinx (E-mail)
> **Cc:** Blair Stewart; Christophe Pallez (E-mail); Jonathan Bamford (E-mail); Marie Georges (E-mail)
> **Subject:** European Data Protection Supervisor: Participation in the International Conference of Data Protection and Privacy Commissioners
>
> Peter, may I once again congratulate you on the appointment as Data Protection Supervisor, this time in my Credentials Committee Subgroup capacity.
>
> I realise that you'll have many urgent tasks before you as you face completion of your term at the CBP and in establishing a new office from scratch. However, I thought that I ought to mention the small task of submitting an accreditation application as I'm sure you'll wish to maintain your long association with the International Conference of Data Protection and Privacy Commissioners without any hitches. The application should be submitted in plenty of time, and at least 3 months before the next conference (i.e. you should submit it before 14 June given that the 26th conference is scheduled to start in Poland on 14 September).

>
> You'll recall the requirements for accreditation are set out in resolutions of the international conference adopted in Paris and updated in Venice. The resolutions can now be found conveniently consolidated on the Australian Privacy Commissioner's site at http://www.privacyconference2003.org/pdf/Criteria_and_Rules.pdf

> I attach the application form that will need to be completed and submitted.

> > <<Bilingual Application Form__.doc>>

>
> If you have any questions, please do not hesitate to get in touch or speak with Marie Georges and Jonathan Bamford who are both on the Credentials Committee Subgroup.

> Kind regards

> Blair Stewart
> Assistant Commissioner
> Office of the Privacy Commissioner
> PO Box 466, Auckland, New Zealand
> Home page: www.privacy.org.nz
> tel +64-9 302 8654 fax +64-9 302 2305

> Search the case notes of privacy commissioners in NZ and abroad:

Blair Stewart

From: Blair Stewart
Sent: Monday, 27 March 2006 7:19 p.m.
To: Blair Stewart; François Cadieux (E-mail); Juan Antonio Travieso (E-mail)
Subject: FW: Romanian DPA

Colleagues

Just an update to say that I became aware of the newly created DPA in Romania and have sent an accreditation application form to them (see below).

If you become aware of other eligible authorities please let me know - it is much more convenient to the Credentials Committee if these authorities make an application at the earliest possible stage.

Regards, Blair Stewart

-----Original Message-----

From: Blair Stewart
Sent: Monday, 27 March 2006 7:14 p.m.
To: 'georgeta.basarabescu@dataprotection.ro'
Subject: Accreditation to the International Conference of Data Protection and Privacy Commissioners

Dear Georgeta Basarabescu

Congratulations on your appointment as President of the National Supervisory Authority for Personal Data Processing from Romania.

You may be aware that there is an annual international conference of data protection commissioners now into its 28th year. Last year's conference was held at Montreux and you can read about it at <http://www.privacyconference2005.org/>

If you would like to seek accreditation to attend this conference you need to submit an application to the Credentials Committee of the conference. The accreditation principles and an application form (in English and French) are attached.



accreditation
principles and c...



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The next conference is scheduled for 2-3 November 2006. The application must be made at least 3 months before the conference and therefore must be received by 1 August.

If you have any questions please get in touch.

Kind regards

Blair Stewart
Assistant Privacy Commissioner
PO Box 466, Auckland, New Zealand

tel +64 9 302 8654 fax +64 9 302 2305 www.privacy.org.nz

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If you have received this transmission in error please notify me immediately by return e-mail and delete all copies

Blair Stewart

From: Blair Stewart
Sent: Thursday, 12 June 2003 9:50 a.m.
To: Blair Stewart; Jonathan Bamford (E-mail); Marie Georges (E-mail)
Subject: FW: Council of Europe Data protection Commissioner - answers to questions

These are the answers I've received to my CoE enquiry. There was a short delay in getting answers as my emails bounced back and I forwarded the message via Sophie Meudal (whose details I got from the CoE web site as the Data Protection Commissioner is not listed). I interpolate my questions in her reply for your assistance.

-----Original Message-----

From: CAPELLO Anna [mailto:Anna.CAPELLO@coe.int]
Sent: Thursday, 12 June 2003 04:37
To: Blair Stewart
Cc: Waltraut KOTSCHY (Waltraut KOTSCHY)
Subject: Council of Europe Data protection Commissioner

Dear Mr Blair,

My colleague Sophie Meudal forwarded to me your mail regarding the status of our Data protection Commissioner.

I can provide you with the following answers:

[1. We can see that the Commissioner can make reports to the Secretary General but there appears to be no explicit power to make public statements. Normally the right to speak freely in public is seen as an essential feature of an independent and autonomous data protection supervisor. Can you advise whether the Commissioner has the power to make public statements and, if there is no explicit power as such, whether the Commissioner in fact nonetheless speaks out and reports publicly?]

1. Possibility for the DPC to make public speeches

In the national context "the public" would mean the community of all those persons who are subject to the same legislation as the DPA.

Applying this to the DPA of an international Organisation, the "right to make public statements" would correspond to the right to make statements published to reach all persons subject to the statute of the Organisation, be it employees or officials.

The DPC of the Council of Europe certainly has this right. Moreover, in case of need the DPC could certainly make statements to the press if the issue at stake was of any interest for the French or European public.

So far in practice, the DPC has addressed the Council of Europe staff via circulars or through declaration/interviews on the Organisation's intranet.

[2. We see that the Commissioner can investigate and formulate opinions on complaints. However, it is not clear to us what consequences flow from a breach of the regulations or a commissioner's opinion that there has been such a breach. I would be grateful to have further information on this matter.]

2. Consequences of an opinion of the DPC

In many national European legal systems the DPA does not have the power to make decisions which can be legally executed: this is left to the courts.

The opinions of the DPC are executed according to the enforcement system of the Council of Europe, ie the Secretary General, the Committee of Ministers and the administrative Tribunal.

I hope these answers are satisfactory for you but please do not hesitate to contact me again if you have any

further questions.

Best regards

Anna Capello-Brillat
Secretary to the Data Protection Commissioner
Council of Europe