



International Conference of Data Protection and Privacy Commissioners
RULES AND PROCEDURES

ICDPPC Secretariat Consolidation

The Rules and Procedures express the Conference's purposes and set out its governance arrangements and the processes for its annual meetings and ancillary matters.

The Rules and Procedures as consolidated in the present document took effect on Tuesday 23rd October 2018.

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RULES AND PROCEDURES

1. The Conference

1.1 The Status of the Conference

The International Conference of Data Protection and Privacy Commissioners (the “Conference”) is an entity in its own right, representing the collective accredited members. For the purposes of this document, the term the Conference refers to the collective accredited members. There is no compelling need in the short-term to incorporate or otherwise give the Conference legal status. The legal status of the Conference can be revisited at a later date.

1.2 The Purposes of the Conference

The purposes of the Conference are:

- a. To promote and enhance internationally personal data protection and privacy rights.
- b. To improve data protection and privacy by providing a forum that encourages dialogue, cooperation and information sharing.
- c. To draft and adopt joint resolutions and declarations on subjects that warrant the common interest or concern of the accredited members, and promote their implementation.
- d. To be a meeting point between accredited members and other international fora or organisations that share common objectives.
- e. To encourage and facilitate cooperation and the exchange of information among accredited members, in particular regarding enforcement actions.
- f. To promote the development of international standards in the field of protection of personal data.

1.3 Elements of the Conference

The Conference consists of

- The Closed Session
- The Executive Committee
- Working Groups

Note: To improve useability and consistency a new heading for the rule was added with subclauses assigned decimal numbers. This resulted in a renumbering of all three clauses.

2. The Annual meeting and Closed Session

2.1 The Annual Meeting

The Conference shall hold a meeting at least once a year, preferably during the months of September to November.

The annual meeting will be organised by one of its Members (hereinafter, the Hosting Authority), with the advice and support of the Executive Committee. Insofar as possible, the Hosting Authority should alternate between countries representing different cultural, geographic and legal backgrounds.

The annual meetings shall consist of a Closed Session (hereinafter, the Closed Session). At the discretion of the Executive Committee and the Hosting Authority, the annual meeting should seek to include, without prejudice to ordinary business and debates, during the Closed Session, dedicated occasions for members to share and exchange operational and practical experiences. The decision whether to hold an open meeting in conjunction with the Closed Session, with participation from governments, industry, academia and civil society, should be left to the Hosting Authority.

Should it wish to hold an open meeting, the Hosting Authority should be free to decide how to organize such an event. Individuals or organizations with specific expertise could be invited

by the Executive Committee to present a specific subject and attend specific parts of the Closed Session.

Note: Third paragraph was amended by 40th Conference.

2.2 Functions of the Closed Session

The functions of the Closed Session are:

- a. To adopt the Agenda of the current meeting and the minutes of the previous one.
- b. To elect the Executive Committee and the Chair of the Executive Committee.
- c. To set up the appropriate Working Groups.
- [d. *Revoked*]
- e. To consider and vote on proposed resolutions and declarations.
- f. To adopt the reports delivered by the Executive Committee and the Working Groups.
- g. To decide on the accreditation and on the review of status of Members and Observers, pursuant to [the rules set out at article 5.1 to 5.5].
- h. To decide whether to request observer status to other fora and international organisations whose activity is related to the protection of personal data and/or privacy.
- i. To define the Conference's strategic direction.
- j. To amend and, where appropriate, implement these Rules of Procedure.

Note: Paragraph (d) revoked by 36th Conference.

Note: Paragraph (g) amended by 37th Conference.

2.3 Closed Session decision-making

The Closed Session will be co-chaired by the Chair of the Executive Committee and by the Hosting Authority of the Annual Meeting. The Closed Session can be attended by accredited members and observers only.

Insofar as possible, decisions of the Closed Session will be adopted by consensus. When consensus is not possible, decisions will be based on a majority of the votes cast. Abstentions

will not be considered as votes cast for the purposes of determining a majority. Dissenting votes will be noted in the minutes and in adopted resolutions at the request of any member.

Only one vote may be cast on behalf of any country. When more than one member from the same country attends the Closed Session, the vote will be cast by the national authority or by the most representative member according to criteria such as the extent of its supervisory powers. The member casting the vote is expected to consult with the other members from the country in question.

A list of the voting Members shall be adopted at the beginning of each Closed Session, on a proposal of the Executive Committee.

Members that belong to international organisations are not entitled to vote, unless voting rights have been specifically granted to them at the time of accreditation.

Note: Text in 1st paragraph of 2.3 substituted by 36th Conference.

Note to rule 2: To improve useability and consistency a new heading for the rule was added and the numbering was adjusted.

Note: Text in 1st paragraph of 2.3 amended by 40th Conference

3. Governance Structure

3.1 The Executive Committee

The Conference shall be managed and represented by an Executive Committee. The Executive Committee will consist of five elected members. These members, representing national authorities, will be elected by the Closed Session for two year terms. The other two members will be the immediate past Hosting Authority and the next Hosting Authority (in the event of co-Hosting Authorities, these authorities are to share their Executive Committee seat). The members of the Executive Committee may not be elected for more than two consecutive terms. In order to ensure continuity, the members of the Committee will have offsetting terms. The Secretariat shall not have a separate right to vote.

To the extent possible and to encourage diversity in the cultural, geographic and legal background of the Executive Committee, at least one member – and no more than two members – will be elected from each of the following four regions: Africa/Middle East, the Americas, Asia/Oceania, and Europe. Identification with a region is at the discretion of each member.

The Executive Committee shall meet at least twice annually – in person or by other means such as videoconference or teleconference. Three members are required to constitute a quorum.

One of the elected members of the Committee will be elected by the Closed Session to serve as the Chair of the Committee. The Chair will be responsible for convening and chairing the meetings of the Executive Committee. As required, the Chair, a member of the Committee, or an ICDPPC member designated by the Committee may represent the Conference and report back on its representation. 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.

Note: First paragraph of Article 3.1 amended by 39th Conference.

Note: First paragraph of Article 3.1 amended by 40th Conference.

Note: Text in 2nd paragraph of 3.1 substituted by 40th Conference.

Note: Text in 4th paragraph of 3.1 amended by 40th Conference.

3.2 Functions of the Executive Committee

- a. To implement the decisions of the Closed Session.
 - aa. To provide leadership to the Conference in attaining its strategic goals.
- b. To ensure the application of the resolutions of the Closed Session.
- c. To seek proposals from member authorities by a specified deadline to host or co-host the Annual Meeting; to evaluate such proposals; and to recommend a hosting or co-hosting authority to the members of the Conference with sufficient

time to allow the selected hosting or co-hosting authority to execute orderly preparations.

- i. If no member objects within a period designated by the Executive Committee, the recommendation will become the decision of the Conference.
 - ii. If any member objects, the Executive Committee will as soon as practicable arrange for a membership electronic vote on the recommendation.
- d. To assist the Hosting Authority in organising the next Annual Meeting.
 - e. To draft press releases, statements and any other media resources.
 - f. To appoint, for renewable two-year terms, representatives of the Conference to attend and report back from those fora and/or international organisations in which the Conference has observer status or to which the Conference may be invited to attend. Insofar as possible, the delegates shall be representing different cultural, geographic and legal backgrounds.
 - g. Recommend the accreditation of new Members or Observers.
 - h. Consider requests to review the status of Member or Observers.
 - 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 to support the operation of the Global Cross Border Enforcement Cooperation Arrangement.

Insofar as possible, decisions of the Executive Committee will be adopted by consensus. When consensus is not possible decisions will be adopted by a majority of the votes cast. Abstentions will not be considered as votes cast for the purposes of determining a majority.

Note: Article 3.2(c) substituted by 36th Conference.

Note: Articles 3.2(aa), 3.2(i), 3.2(j) and 3.2(k) inserted by 37th Conference.

Note: Articles 3.2(c) and 3.2(f) amended by 40th Conference

3.3 Working groups

Working Groups are composed of members of the Conference. Observers can be invited to participate in Working Groups on an ad hoc basis. Participation is voluntary. Working Groups are to be chaired by one or more member authority, and can come from the same or different regions. Working Group Chairs shall take steps to encourage participation from all regions. Insofar as possible, a Working Group's members shall represent different cultural, geographic and legal backgrounds.

Working Groups derive their mandate and direction from the Closed Session. They shall report to the Closed Session; however, they should keep the Executive Committee informed of their progress.

Working Groups may be temporary or permanent, as stated at the time of their establishment.

Note: Text in 1st paragraph of 3.3 amended by 40th Conference.

4. Resolutions

4.1 Submission of proposed Resolutions or Declarations

Members or Working Groups may submit proposed resolutions or declarations to the Chair of the Executive Committee with a copy to the Hosting Authority for consideration at the Closed Session.

Proposed resolutions or declarations must be submitted at least eight weeks before the next Closed Session, to enable the text to be circulated to all Members of the Conference and for the proposal of amendments. Where the resolution concerns complex technical or policy issues or relates to a topic that otherwise may require a longer review and comment period prior to the Closed Session, sponsors of resolutions are encouraged to provide such longer time to facilitate consensus resolutions. In exceptional cases, and after approval of the Executive Committee, proposed resolutions or declarations may be submitted less than eight weeks before the Closed Session.

Proposed resolutions or declarations must have at least four other cosponsors, representing, insofar as possible, different cultural, geographic and legal backgrounds.

Note: Second paragraph of article 4.1 amended by 39th Conference.

Note: Article 4.1 amended by 40th Conference.

4.2 Expression and usefulness of resolutions

Proposed resolutions or declarations should be:

- clearly and concisely expressed;
- address matters that are sufficiently related to the purposes of the Conference;
- an offer of enduring guidance or contributing to public debate on matters related to data protection of privacy rights; and
- made available in English and the language of other major linguistic communities.

Note: Text in 4th point of 4.2 inserted by 40th Conference.

4.3 Structure of resolutions

Proposed resolutions or declarations shall consist of the following parts:

- a. Title
- b. Member or members that submit the proposal – the sponsor(s)
- c. Members that support the proposal – the co-sponsors
- d. Recitals (optional)
- e. Body of the resolution or declaration
- f. Explanatory note (optional)
- g. Annex or annexes (optional)
- h. Suggestions for implementation (optional)

Note: Article 4.3(h) inserted by 40th Conference.

4.4 Voting on resolutions

Upon debate and the answering of questions by the member or Working Group that submitted the proposed resolution or declaration, it will be voted on by the accredited members at the Closed Session according to the rules set out above in 2.3.

Note to rule 4: To improve useability and consistency the Secretariat has added a new heading for the rule and subheadings for three newly numbered subclauses 4.2, 4.3 and 4.4).

Note: Article 4.4 amended by 40th Conference.

4.5 Implementation resolutions

The member or Working Group that submits a resolution or declaration that is adopted shall provide a point of contact for the year following its adoption so that members who have questions, seek clarifications or wish to have more information on how to implement the resolution or declaration can do so.

Members are encouraged to share with the Secretariat any domestic or regional actions taken as a result of or in reference to the adoption of a Conference resolution or declaration.

Note: Article 4.5 inserted by 40th Conference.

5. Accreditation Rules and Procedures

5.1 Member status

Supervisory Authorities that meet the following criteria and successfully complete the application process provided for in the next section of these Rules, shall be deemed Members of the Conference:

- a. A public entity, created by an appropriate legal instrument based upon legal traditions of the country or international organisation which it belongs to;
- b. Has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates;
- c. The legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy;
- d. Has an appropriate range of legal powers to perform its functions; and
- e. Has appropriate autonomy and independence.

The fact that, according to the principles specified above, a country is represented by more than one Member, shall not affect the principle that only one vote is cast on behalf of any country.

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.

Note: Article 5.2 substituted by 37th Conference.

5.3 Observer status

The following entities and organisations can take part in the Conference, with an Observer status:

- a. Public entities that do not meet [the criteria provided for in article 5.1], but are involved in dealing with the protection of personal data and/or privacy.
- b. International organisations whose activity is related to the protection of personal data or privacy.
- c. Any other organisation that has granted Observer status to the Conference, under the principle of reciprocity.

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

Note: Article 5.3(a) amended by 37th Conference.

Note: Final sentence of Article 5.3 substituted by 37th Conference.

5.4 Submission of applications for accreditation as Observer

- 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 two months before the next Closed Session to be properly considered.
- c. Where the Executive Committee supports an application, the Secretariat will circulate the Committee's recommendation for approval of the proposed new observer to members of the Conference and invite objections; and:
 - i. If no member objects within a period designated by the Executive Committee, the recommendation will become the decision of the Conference; or
 - ii. If any member objects to the recommendation, the application will be decided at the closed session.

Note: Article 5.4 (a) and (b) substituted by 37th Conference.

Note: Article 5.4 (b) amended by 39th Conference.

Note: Article 5.4 (c) inserted by 38th Conference.

5.5 Submission of requests for review

The Executive Committee may be requested by at least three Members of the Conference, for a review of the status of a Member or Observer that may no longer meet the criteria provided for in articles 5.1 or 5.3 of these Rules and Procedures respectively. For that purpose, the requesting Members shall:

- a. Draft an application letter asking to review the status of a Member or Observer.
- b. Enclose all the necessary accompanying documents to support the request.
- c. Provide the documentation to the Executive Committee at least three months before the next Closed Session, to enable it to be properly considered.

If a Member or Observer thinks that it no longer meets the aforementioned criteria, it shall notify this fact to the Executive Committee at its earliest convenience, but before the next Closed Session.

Note: First sentence of Article 5.5 amended by 37th Conference.

6. Language

6.1 Linguistic diversity

Cultural and linguistic diversity are features of the conference. Authorities shall make their best efforts to preserve it by providing simultaneous interpretation for different languages, including but not limited to English [and the language of major linguistic communities]. The different linguistic communities shall contribute, when required, to accomplish that aim.

6.2 Conference documents

Without prejudice to section 4.2, conference documents, including accreditation and observer applications may be submitted in English or in another language. In the latter case, the documents shall be accompanied by an English version. Members with the ability and the resources to do so are encouraged to translate proposed resolutions and other conference documents such as the Conference Rules and Procedures.

Note: Second sentence of Article 6 amended by 37th Conference.

Note to rule 6: To improve useability and consistency subheadings with decimal numbering were added to the rule's two subclauses.

Note: Article 6.2 amended by 40th Conference.

Administrative note: Issue and amendments

2011 – Rules and Procedures adopted

2014 – Articles 2.1, 2.2 and 3.2 amended.

2015 – Articles 2.1, 3.2, 5.2, 5.3, 5.4, 5.5 and 6 amended.

2016 – Article 5.4 amended.

2017 – Articles 3.1, 4.1 and 5.4 amended.

2018 – Articles 2.1, 2.3, 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 4.4, 4.5 and 6.2 amended

This consolidation has been prepared by the ICDPPC Secretariat (E&OE).

The table of contents was not in the original and was added by the ICDPPC Secretariat.

The rules as initially adopted were inconsistent in their approach to numbering of subclauses and inclusion of subheadings. This made it needlessly difficult to locate and refer to some rules. To improve consistency, in August 2017 the ICDPPC Secretariat administratively added several headings, subheadings and some decimal numbering. Where this has been done it is noted in the text. This affects rules 1, 2, 4 and 6