

**29th International Conference of
Data Protection and Privacy Commissioners
Montreal, Canada
September 25 to 28, 2007**

Report of the Credentials Committee

This is the 6th Annual Report of the Credentials Committee of the International Data Protection and Privacy Commissioners Conference. It presents an overview of the current members of the Committee and its Subgroup, as well as a summary of who applied for accreditation this year and the Committee's recommendations in this regard.

Membership of the Committee

This year's Credentials Committee is comprised of the following members:

- Jennifer Stoddart, Privacy Commissioner of Canada (Chair)
- Alex Türk, President, French Data Protection Authority
- Jacob Kohnstamm, Chairman, Dutch Data Protection Authority

The Committee's main role is to review applications for accreditation to the Conference and recommend to the Conference the authorities that should be accredited.

Ms. Stoddart's two-year term on the Committee expires at the 29th Conference. Mr. Türk and Mr. Kohnstamm were named to the Credentials Committee at the 28th Conference and still have one year to go before their terms expire.

The Credentials Committee is assisted by a Subgroup, comprised of:

- François Cadieux, Office of the Privacy Commissioner of Canada
- Marie Georges, French Data Protection Authority
- Laetitia Kröner, Dutch Data Protection Authority

The Subgroup assesses each application received based on the Accreditation Principles of the Conference, and makes recommendations to the Committee in this regard. The Subgroup also carries out other duties and functions related to activities of the Committee, such as preparing the annual report for consideration by the Committee and later tabling at the Conference.

Applications Received

The Committee this year received two applications from national data protection authorities:

- Republic of Slovenia—Information Commissioner of the Republic of Slovenia
- Former Yugoslav Republic of Macedonia—Directorate of Personal Data Protection of the Republic of Macedonia

The Committee also received two applications from sub-national data protection authorities, both of which are located in provinces of Canada:

- Newfoundland and Labrador—Office of the Information and Privacy Commissioner for Newfoundland and Labrador
- Nova Scotia—Freedom of Information and Privacy Review Office

Recommendations of the Credentials Committee

Upon review of the applications received and consideration of legislative instruments and other documents provided as background information, the Credentials Committee recommends that the Directorate of Personal Data Protection of the Former Yugoslav Republic of Macedonia, the Office of the Information Commissioner of the Republic of Slovenia, and the Office of the Information and Privacy Commissioner for Newfoundland and Labrador be granted accreditation to the Conference.

The Credentials Committee is satisfied that these authorities each meet the requisite conditions for accreditation—notably that they have:

- a clearly established legal basis;
- legislation consistent with the major international instruments in the area of privacy;
- a clear and wide ranging mandate covering a broad area of economic activity;
- the autonomy and independence to carry out their work;
- appropriate functions to carry out their mandate.

The Credentials Committee does not recommend that the Freedom of Information and Privacy Review Office of Nova Scotia be granted accreditation at this time. In the Committee's view, this Office does not currently possess the full and appropriate range of functions to justify accreditation. The Committee nevertheless notes the commendable work that is being done by the Review Office in promoting privacy rights in Nova Scotia. The Committee urges the Office to continue its work in the area of privacy promotion and protection, in the hope that it may one day join the Conference as an accredited data protection authority.

The Committee wishes to take this opportunity to thank Mr. Blair Stewart, Assistant Privacy Commissioner of New Zealand, who provided us with a third opinion on the Nova Scotia application.

Background Information on the New Members

All three of the DPAs proposed for accreditation are relatively new entities.

On November 30, 2005, the National Assembly of the Republic of Slovenia passed the *Information Commissioner Act*, which effectively merged what until then had been two distinct offices—the Inspectorate for Personal Data Protection and the Office of the Commissioner for Access to Public Information. The Information Commissioner of Slovenia thus plays a dual role—that of access to information commissioner as well as that of data protection and privacy protection authority. The current Information Commissioner of Slovenia is Ms. Nataša Pirc Musar. She administers the *Personal Data*

Protection Act of the Republic of Slovenia, which was adopted by the National Assembly in July 2004.

The Directorate for Personal Information Protection of the Former Yugoslav Republic of Macedonia was established in June, 2005, pursuant to the *Macedonian Law on Personal Data Protection*, which was passed by the Parliament of the Republic on January of that year. The current Director for Personal Information Protection of Macedonia is Ms. Marijana Marusic.

Newfoundland and Labrador's *Access to Information and Protection of Privacy Act* (ATIPPA) was passed by the Newfoundland and Labrador House of Assembly in March of 2002. The ATIPPA repeals and replaces the *Freedom of Information Act* which came into effect in 1981. The legislation governs access to records in the custody of or under the control of a public body and sets out requirements for the collection, use, storage and disclosure of personal information contained in the records they maintain. Philip J. Wall is currently the Information and Privacy Commissioner for Newfoundland and Labrador.

Looking Ahead

As indicated above, the two year term of the Privacy Commissioner of Canada on the Committee is coming to an end this year, and Commissioner Stoddart has decided not to renew it. The Committee will therefore be seeking a new member to replace her. The Criteria and Rules for the Credentials Committee indicate that the Committee will be composed of three members. The Rules further state that the Committee may not contain more than one member from the same country at any time.