

## ICDPPC Executive Committee Minutes

### 31<sup>st</sup> Meeting of ICDPPC Executive Committee

21/22 September 2016

Chair: John Edwards, New Zealand  
Secretariat: Blair Stewart, Vanya Vida, New Zealand  
France: Nicolas De Bouville  
Canada: Daniel Therrien, Andrea Rousseau, Daniele Chatelois, Michael Maguire, Miguel Bernal-Castillero, Patricia Kosseim  
Morocco: Lahoussine Aniss  
Netherlands Wilbert Tomesen, Udo Oelen

Meeting opened: 7:00 am (NZST)

Apologies: Isabelle Falque-Pierrotin (FR), Said Ihrai (MA)

#### 1. Previous meeting

- a. **Minutes** of 30th meeting: **approved**.
- b. **Action points** All completed.

**Action:** The Chair called upon all members to continue to publicise and promote the 38th Conference.

#### 2. Accreditation of members

*Belgium Supervisory Body on Police Information Management application* (carried over from 30<sup>th</sup> meeting). The assessment report submitted by CA to an earlier meeting stated that the applicant meets the membership criteria but noted concerns with potential impacts sectoral authorities could have on the size of the Conference's membership. A follow-up paper submitted by the Secretariat to assist this discussion noted that where the criteria are shown to be established in a valid application the Committee should recommend membership.

FR and NL opposed recommending membership as they had concerns about the precedent effect of granting membership to an authority with a narrow sectoral mandate.

FR repeated its view that the Conference should hold a discussion at its annual meeting in relation to the direction it wishes to take on narrow sectoral authorities. CA took the view that the annual meeting should discuss the 'direction' of membership applications and this was a reason to reject the Belgian membership application. However CA suggested that the Belgian application be admitted as an observer until the discussion is held. The follow-up paper submitted by the Secretariat emphasised that the criteria existing in current rules should be applied to any application validly made, a position also taken by Morocco. The Secretariat paper

also rehearsed the historical background to the Conference’s treatment of sectoral authorities and the rejection in the current rules of the ‘wide sphere of activity’ consideration included in the former accreditation criteria. CA noted that the historical background showed a lack of consensus over the years on this consideration, that this lack of consensus apparently still exists, and therefore that further discussion of this issue by all ICDPPC members would seem desirable.

FR, NL and CA raised concerns at the growth in Conference size. As this had not been an issue previously signalled, nor a matter mentioned in the membership criteria, the Secretariat paper had not addressed it.

As the Committee could not reach a consensus, a vote was taken:

In favour of membership	Against membership
NZ and MA	CA, FR and NL

**Decision:** Committee by 3/2 majority rejected membership application for Belgian Supervisory Body on Police Information Management

Accordingly, as was usual with rejected membership applicants consideration was given to grant of observer status. Again, as the Committee could not reach a consensus, a vote was taken:

In favour of observer status	Against observer status
CA, MA and NZ	FR and NL

**Decision:** Committee by 3/2 majority recommended grant of observer status to Belgian Supervisory Body on Police Information Management.

FR offered to draft a paper that might contribute to discussion at the annual meeting regarding the size and membership of the Conference. The Chair further asked that the observer issues be folded into the paper on membership issues, and that the paper canvas what to do with existing membership should current members no longer meet narrower criteria.

**Action:** Secretariat to notify Belgian Supervisory Body on Police Information Management of the Committee’s recommendations against grant of membership and in favour of observer status.

**Action:** FR to prepare a paper to contribute to discussion at the annual meeting regarding the size and membership of the Conference.

### 3. Accreditations of observers

The Committee had disposed of several observer applications inter-sessionally by consensus leaving only applications where at least one member had expressed concerns.

As the Committee could not reach a consensus, a vote was taken on the application by the US Department of Justice.

In favour of observer status	Against observer status
MA and NZ	CA, FR and NL

**Decision:** Committee by 3/2 majority rejected observer application for the US Department of Justice.

A majority of the Committee felt that the application should be denied for the time being. That majority also felt that the applicant might be impacted by the planned discussion of the future size of the Conference.

As the Committee could not reach a consensus, a vote was taken on the application by the International Organisation on Migration.

In favour of observer status	Against of observer status
CA, MA, NL and NZ	FR

**Decision:** Committee by 4/1 majority recommended grant of observer status to International Organisation on Migration.

The Committee accepted the Secretariat's recommendation to grant APEC ECSG DPS observer status on the basis of reciprocity.

**Decision:** Committee recommended grant of observer status to APEC ECSG.

**Action:** Secretariat to notify observer applicants of the Committee's recommendations.

FR had submitted a paper setting out an amendment proposal to amend rule 5.3 on observer criteria few hours prior to the meeting. The late paper had not been read by Committee members and was deferred for discussion to a future Committee meeting.

**Action:** Secretariat to bring forward to a subsequent meeting FR proposal for amendment to rule 5.3 on observer criteria.

#### 4. 38<sup>th</sup> Conference Closed session

##### a. Day 1

CA updated the Committee on the encryption session. Professor Kerr will moderate the session that aims to fill gaps in DPA knowledge rather than seek to develop common positions. CA informed the Committee that Latha Reddy has withdrawn from participation and CA is in the process of engaging a replacement.

##### b. Day 2

The Committee endorsed the draft closed session agenda, amended to allocate time for the discussion of membership criteria.

##### c. Proposed privacy metrics resolution

The Committee agreed to sponsor the resolution.

**Action:** Secretariat to submit privacy metrics resolution to annual meeting.

#### 5. Public Conference

MA updated the Committee. MA thanked the Committee for their support in finalising the open session agenda. MA assured the Committee that the security provisions were in place. The Chair thanked MA for these assurances.

**6. Proposed ICDPPC–GPEN MoU**

Immediately prior to the meeting the GPEN Committee had replied to the Chair's proposal for a MoU between ICDPPC and GPEN by advising that it had no mandate from its members to enter into the proposed MoU. Based on GPEN Committee's response the Chair decided to withdraw the proposed MoU. CA highlighted its understanding that GPEN was interested in finding opportunities to cooperate with the ICDPPC.

**Action:** Secretariat to inform GPEN Committee of the Chair's decision to withdraw the offer of the proposed MoU.

**7. Enforcement cooperation arrangement compatibility with Convention 108**

The Committee agreed to wait for the T-PD to write to the Committee in relation to the enforcement cooperation arrangement.

**8. Global Privacy and Data Protection Awards**

The Committee supported the Chair's proposal for conferring awards at the 39<sup>th</sup> Conference.

**Action:** Secretariat to develop a process for the planned awards for consideration at a subsequent meeting.

**9. Common approaches and tools for data protection and privacy**

The Committee briefly discussed the CA/FR proposals for tools. A paper had been submitted by the Secretariat setting out principles for initiating work on new tools.

**Action:** CA to review proposals and revert to a future committee for further discussion and decisions.

**Next meeting**

16 October 2016 at 5–5:55pm in Palmeraie Conference Centre (Menara 3 room), Marrakech.

Meeting closed: 8:18am (NZST)