



38th Executive Committee meeting: 22/ 23 August 2017

Agenda and Compilation of meeting papers

	22 August	23 August
New Zealand		10:00 (NZST)
France	Midnight (CEST)	
Canada	18:00 (EDT)	
Morocco	23:00 (WEST)	
Hong Kong		6:00 (HKT)

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Item 1: Adopt agenda, note apologies

ICDPPC Executive Committee Agenda

38th meeting of ICDPPC Executive Committee

22/ 23 August 2017

Meeting scheduled for 60 minutes

Agenda

1. Formalities: Apologies/ adopt agenda
2. Previous meeting (June 2017): Approve minutes of 37th meeting, review action points
3. 39th Conference (closed session) (Chair/Secretariat)
4. Membership application (Secretariat)
 - For discussion: Belgium Supervisory Body for Police Information Management and Turkey Personal Data Protection Authority
 - Awaiting feedback: Korea Communications Commission
 - Approved on papers (noting only): Montenegro Agency for Personal Data Protection and Free Access to Information, Japan Personal Information Protection Commission, and South Africa Information Regulator
5. Proposed rule changes
 - Resolutions (Secretariat)
6. Discussion on the draft discussion paper on the future of the Conference (CA)
7. Committee and Secretariat transition (Secretariat)
8. Preliminary review of process used in 2017 for endorsing enforcement cooperation meetings (Secretariat)
9. General business
10. Next meeting
25 September (18:00, in person in Hong Kong)

Item 2: Previous meeting (19th April 2017): Approve minutes of 36th meeting

ICDPPC Executive Committee Minutes

37th Meeting of ICDPPC Executive Committee

12/13 June 2017

Chair: John Edwards*, New Zealand
Secretariat: Blair Stewart, Vanya Vida
Canada: Daniel Therrien, Barbara Bucknell, Brent Homan, Miguel Bernal-Castillero, Andrea Rousseau
France: Isabelle Falque-Pierrotin, Sophie Bory
Morocco: Amine Byad
**left the meeting after item 7*

Apologies: Stephen Wong, Hong Kong.

Meeting opened: 9:56 (NZST)

1. Previous meeting (19th April) and action points:

Minutes were approved. The Chair thanked Miguel Bernal-Castillero for taking the previous minutes.

FR enquired how their two sets of written comments on the April's agenda items had been taken into account in their absence from the previous meeting. The Chair explained that one set (from the CNIL President, personally) had been seen by the Chair and distributed to all Committee members and referenced by the Chair during the Committee's discussions while the other set (from CNIL staff), received shortly before the meeting and forwarded by the Secretariat by email to the Chair, had been received on the day of the meeting by the Chair while in Washington DC but had been overlooked and not opened or read before the meeting. The Chair directed the Secretariat to provide FR with the recording of the previous meeting.

Action: Secretariat to provide FR with recording of previous meeting.

2. 39th Conference: Closed session plans

The Chair thanked CA for their effort in preparing the draft session outline. The Committee discussed the draft outline and approved its general tenor and direction. It was agreed that the number of speakers needed to be reduced to align with the 4 or 5 speakers for which travel funding would be available and accordingly it would be necessary to reduce the programme from 3 to 2 panels. The Committee noted the importance of considering geographic diversity and gender balance in selecting speakers for the closed session.

FR recommended Henri Verdier to be added to the list of suitable speakers.

The Chair noted HK's written comments recording good progress on preparations for the public conference.

Action:

- Secretariat and CA to refine closed session outline; and

- Secretariat to check availability of suggested speakers.

3. 41st Conference in 2019

The Chair thanked the sub-committee for their work. The Committee discussed the 3 applicants each of which had garnered support from at least one Committee member.

[REDACTED]

Discussion ranged over the three proposals with Committee members acknowledging the strengths of each. Reference was made to the fact that

[REDACTED]

[REDACTED]

The Secretariat noted that if a clear choice could be obtained in that way it would be desirable not to wait for the August meeting but instead to maintain the earlier planned timetable for notifying the membership of the Committee's recommendation during July. This would enable the Committee to meet the target of scheduling the host of the 41st Conference (and subsequent conferences) a clear 2 years in advance thus cementing work to place the Conference on a sound footing.

Action: [REDACTED]

4. Committee and Secretariat transition

The Committee discussed the Secretariat's paper outlining the routine of Secretariat tasks and associated expenses and calls on resources. FR commented it had found it interesting to see the precise costs associated with the work involved.

CA advised that the Commissioner will put his name forward at the closed session for election as Chair. The Chair thanked CA and advised that NZ will assist in an effective handover.

5. Discussion of project on future size and membership of Conference

The Chair advised that he proposes to circulate a report on the results of the survey to the closed session in Hong Kong. It was noted that the interim results suggested that members want the Conference to be inclusive and membership to be open to both small and large authorities. MA supported this view and added that the Conference must help to promote data protection on a global scale.

The interim results indicated that the membership sees the Conference achieving some objectives well and others poorly. The Chair recommended that the Committee at its August

meeting settle a discussion outline for the closed session in Hong Kong. CA offered to prepare a draft outline to guide discussion, to be circulated for feedback in advance of the August meeting to allow more time for possible broader consultation.

CA commented that it is clear that members want the Conference to be inclusive. In CA's view it would be premature to recommend any rule changes in September but that some might suitably follow in 2018.

Action:

- Chair to report on the survey results to the closed session in Hong Kong; and
- CA to prepare a draft outline to guide discussion in Hong Kong.

6. Preliminary discussion on new process for endorsing enforcement cooperation meetings

Discussion deferred to next meeting.

7. General business

The Committee discussed observer applications from UNESCO and from the Chief Privacy and Civil Liberties Officer, US Department of Justice.

The Committee agreed to recommend observer status for UNESCO for the forthcoming Conference.

The Committee discussed the Chief Privacy and Civil Liberties Officer, US Department of Justice's application. The Chair commented that discussion last year when the DoJ's observer application has become enmeshed in the discussion on the future size and membership of the Conference. But now it may be possible better to de-couple the issues and consider the application simply on the basis of the current rules. [REDACTED]

Members supported granting observer status limited solely to the forthcoming annual meeting.

Action: Secretariat to notify applicants, and the membership, of Committee's observer recommendations.

Next meeting

22/23 August 2017

After a short discussion on dates, which have been set for some time, and the timing of teleconferences, which is always inconvenient for at least one member, the Secretariat said it is not possible to change the dates but it will look at timing options and let everyone know the time for the next meeting shortly.

Meeting closed: 11:04 (NZST)

Action points from previous meeting

Task	Committee Member	Notes
Secretariat to provide FR with recording of previous meeting.	Secretariat	Complete
Secretariat and CA to refine closed session outline	CA and Secretariat	Complete
Secretariat to check availability of suggested speakers	Secretariat	Complete
[REDACTED]	Secretariat	Complete
Chair to report on the survey results to the closed session in Hong Kong	Chair	To be completed at 39 th Conference
CA to prepare a draft outline to guide discussion in Hong Kong	CA	Complete
Secretariat to notify applicants, and the membership, of Committee's observer recommendations	Secretariat	Complete

Item 3: 39th Conference (closed session)

Closed session: Note from the Secretariat (as at 7 August)

For information, please find an outline agenda for both Day 1 and Day 2 set out on the next page.

Even though details have not all been finalised for either Day 1 or Day 2 it has been necessary to finalise this outline to enable its inclusion in the printed Conference papers.

The outline has been written in a generalised way, and does not include precise timings, so that it remains relevant regardless of how the final agenda may change (e.g. by the possible addition of another Day 1 presenter and additional discussion items on Day 2).

In due course, the outline agenda will for practical purposes be superseded by a more detailed agenda which will be uploaded to the closed portion of the website for the information of delegates and which may be revised before being finalised. For Day 1 the agenda will be supplemented by speaker biographies and a more detailed run sheet while there will be various papers (e.g. resolutions) supplementing the Day 2 agenda.

Day 1

Please note:

- The speakers shown have all been confirmed. They are shown in alphabetical order not necessarily the order in which they will speak.
- We are exploring the feasibility of adding an additional speaker. The position should be resolved one way or the other later this week.

Day 2

Please note:

- The Secretariat is preparing a more detailed agenda for Day 2 indicating more precise timings and this will be shared with the ExCo as a late paper for discussion at the August meeting.
- We are in the process of clarifying timing requests and topics with convenors of working groups. Most have let us know what they would like.
- In terms of timing allocations for discussion of resolutions, thus far we have seen a draft of one proposed resolution (from Germany on Smart Cars) and understand that another resolution may be presented on the topic of enforcement cooperation. If ExCo members know of any other proposals in preparation please let us know.
- There is a fairly hard end time as side meetings begin after lunch at 13.30.

Annual Meeting: In closed Session

OUTLINE AGENDA

(Subject to Change)

Day 1: Tuesday 26 September 2017

09.00-09.15	Welcome and Opening Opening statements on behalf of the hosting authority (Stephen Wong) and the Executive Committee (John Edwards).
09.15-09.25	Accreditation Admission of new members.
09.25-12.30*	In-depth Discussion: Government Information sharing: protecting sensitive data, preventing discrimination and managing risk Expert presentations interspersed with Q&A and discussion sessions Presenters: Eric Applewhite, John Bacon-Shone, Stephen Curtis, Liz Macpherson, Viljar Peep, Rhema Viathianathan.
12.30-13.30	Lunch
13.30-16.50*	Discussion of Government Information Sharing continued with remaining presentations and concluding with a concluding general discussion around ‘what is to be done?’
16.50-17.00	Chair’s summary Including administrative announcements and close of day’s deliberations.

* 30 minute refreshment breaks to be taken at natural breaks at approximately 10.30 and 15.00

Day 2: Wednesday 27 September 2017

09.00-09.10	Recap on previous day’s discussion by Executive Committee Chair
09.10-10.30	<ul style="list-style-type: none">• Executive Committee business (reports, rule changes, etc.)• Reports back from working groups• Update from UN Special Rapporteur on the Right to Privacy
10.30-11.00	Refreshment break
11.00-12.20	<ul style="list-style-type: none">• Resolutions• Discussion on future size and membership of the Conference• Looking to the 40th Conference in Brussels• Executive Committee elections• Any other business
12.20-12.30	Closing statements from hosting authority and Chair

Item 4: Membership application (Secretariat)

Membership application from the Supervisory body for Police information management

New Application to be accredited as a member authority from ICDPPC website

Details of the Authority
Name
supervisory body for police information management
Country or Economy
Belgium
Postal Address
Leuvenseweg 48
City
Brussels
Postal Code
1000
Website
www.controleorgaan.eu
Details of contact person for this application:
Name
[REDACTED]
Email
[REDACTED]
Description of Authority
Type of Authority
Inspectorate
Confirm that:
<ul style="list-style-type: none">• The authority is a public body• The authority has the supervision of implementation of data protection or privacy legislation
Jurisdiction:
Belgium
Indicate the authority's sectoral or other jurisdiction
Particular sectors / other
Briefly describe sectors or other jurisdiction
Public sector : police information
Legal Basis
Name of data protection or privacy law:
Belgian privacy act
Link to data protection or privacy law:
https://www.privacycommission.be/sites/privacycommission/files/documents/Privacy_Act_1992.pdf
Compatibility with International Instruments
Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?
Yes
Indicate the international instrument or instruments principally implemented by the Authority's data protection or privacy law
<ul style="list-style-type: none">• EU Directive (1995)

Does the law instead, or additionally, implement any general or specific international instrument?
No
Appropriate functions and powers
Does the Authority possess functions in any of the following areas?
<ul style="list-style-type: none"> • Compliance (e.g. audit, inspection) • Approvals (e.g. prior-checking, notification) • Policy advice for government
Compliance
article 36ter / 9 and 36ter /10 belgian privacy act
Approvals
article 36ter / 12 belgian privacy act
Policy advice for government
article 36ter/8 belgian privacy act
Autonomy and Independence
Indicate who appoints the head of the Authority:
Legislature
Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.
see article 36ter / 1 belgian privacy act : The members of the supervisory body shall be appointed for a once renewable six-year term by the Belgian House of Representatives, based on their knowledge regarding the management of police information.
Can the head of the authority or members of the authority be removed before the expiry of their term?
Yes
Briefly describe the process for removal, including an indication of who has the authority to remove the head or members of the authority and any applicable reasons allowed in law for removal. Provide the relevant statutory provisions
see article 36 ter / 1 belgian privacy act : The chair and the members of the supervisory body can be removed from office by the Belgian House of Representatives if they no longer meet the conditions referred to in §§ 3, 4 and 5 and in article 36ter/2 or based on serious grounds.

Please indicate if any of the following typical protections of an authority's independence and autonomy are included in the territory's data protection or privacy law or other relevant law.

- An explicit statement in law that the Authority is to act independently
- Appointment of the head of the authority on a permanent basis or fixed term
- Removal of the head of the authority permitted only for limited reasons and by a process provided for in law
- The process for removal of the head of the authority to require the concurrence of the Legislature

An explicit statement in law that the Authority is to act independently

article 36 ter belgian privacy act : A supervisory body for police information management, in charge of supervising the processing of the information and data referred to in article 44/1 of the Belgian Act on the office of police, including the information and data in the databases referred to in article 44/2, shall be established at the Commission for the Protection of Privacy.
 § 2. For the performance of its duties this body shall be independent of the Commission for the Protection of Privacy. It shall share its secretariat with that of the Commission for the Protection of Privacy.

Appointment of the head of the authority on a permanent basis or fixed term

article 36 ter /1 : The members of the supervisory body shall be appointed for a once renewable six-year term by the Belgian House of Representatives, based on their knowledge regarding the management of police information. Upon expiry of this term the members shall remain in office until their successor has taken the oath.

Removal of the head of the authority permitted only for limited reasons and by a process provided for in law

article 36ter / 1 : The chair and the members of the supervisory body can be removed from office by the Belgian House of Representatives if they no longer meet the conditions referred to in §§ 3, 4 and 5 and in article 36ter/2 or based on serious grounds.

The process for removal of the head of the authority to require the concurrence of the Legislature

cfr supra

Accreditation assessment checklist: Members

To be completed by secretariat	
Applicant contact	[REDACTED]
Name of Authority and country/economy	Supervisory Body For Police Information Management - Belgium
Description of Authority	Inspectorate

To be completed by principal assessor (Morocco)	
Recommendation (select appropriate recommendation): Applicant does meet criteria	
1. Is the applicant a public entity created by an appropriate legal instrument? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Brief comments The Supervisory body is created by Art. 36 ter of the Belgian Privacy Act : “A <i>supervisory body for police information management, in charge of supervising the processing of the information and data referred to in article 44/1 of the Belgian Act on the office of police, including the information and data in the databases referred to in article 44/2, shall be established at the Commission for the Protection of Privacy.</i> ”
2. Does the applicant have the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Brief comments Art 36. ter : “A <i>supervisory body for police information management, in charge of supervising the processing of the information and data referred to in article 44/1 of the Belgian Act on the office of police, including the information and data in the databases referred to in article 44/2, shall be established at the Commission for the Protection of Privacy.</i> ” The articles 44/1 & 44/2 mentioned above relate to the collection, processing and transmission of personal information regarding police duties.
3. Is the legislation under which the applicant operates compatible with the principal international instruments dealing with data protection or privacy? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Brief comments <ul style="list-style-type: none"> • According to the applicant, the Privacy Act is compatible with the EU Directive (1995); • The Body supervises the processeing of personal data under the Belgian Act on the office of police. This act has established a number of rules to ensure personal data protection by police services. The main data protection principles adopted by the said act are :

	<ul style="list-style-type: none"> - Personal data must be processed lawfully (Art. 44/1); - Purpose specification and limitation (Art. 44/1 & 44/3 & 44/7); - Data retention no longer that is necessary for the purposes of its processing (Art. 44/11/3bis §7); - Data accuracy (Art. 44/1); - Data security and confidentiality (Art. 44/4). <ul style="list-style-type: none"> • The Belgian Privacy Act clarifies also that the following articles does not apply to any data processing by police services and public authorities : Article 2 §5 : “ Articles 9, 10§ 1 and 12 do not apply to : 1. The processing of personal data managed by public authorities with a view to the fulfilment of their judicial police duties ; 2. To the processing of personal data managed by the police services referred to in article 3 of ... with a view to the fulfilment of their administrative police duties..” <p>Article 9 : Right to be informed Article 10§ 1 : Right to access Article 12 : Right to rectification and objection</p> <p>Besides these articles, the Article 5 indicates that personal data can be processed without prior consent if “e) the processing is necessary for the performance of a task carried out in the public interest or in the exercise of the official authority vested in the controller or in a third party to whom the data is disclosed;”</p>
<p>4. Does the applicant have an appropriate range of legal powers to perform its functions?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>The Privacy act gives the Supervisory Body the following powers :</p> <ul style="list-style-type: none"> - Supervision over the protection of personal data and compliance enforcement regarding the access and the use of the General National Database - GND (Art 36ter/8 & /9); - Investigations on the GND, its contents and how personal data is processed on it (Art. 36ter/10 & /11); - Advice for Government on designation, promotion, appointment or transfer of the members of staff of the polices services managing the GND. The SBPIM issues also an elaborate opinion on the advisability of a disciplinary procedure (Art. 36ter/12); - Reporting to the House of Representatives (Art. 36ter/13); - Processing complaints following a request from the Privacy Commission (Art 36ter §4). <p>However, the SBPIM does not have the ability to initiate sanctions.</p>

<p>Does the applicant have appropriate autonomy and independence?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>Autonomy and independency of the Supervisory Body are granted by law as below :</p> <ul style="list-style-type: none"> - The SPBIM is independent from the Privacy Commission of Belgium, having its own rules and procedures as approved by the Parliament (Art. 36ter §2 & §3); - The supervisory body Chairman and members are appointed by the Parliament of Belgium (Art. 36ter/1); - Conditions of dismissing The Chairman and members before the expiry of their terms are listed on the Art. 36ter /1 §7; <p>There is no indications on the Belgian Privacy Act that clarifies :</p> <ul style="list-style-type: none"> - The source of the Supervisory Body’s budget; - The legal protection of the personnel against civil suits for actions performed in good faith of their duties
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To be completed by ExCo member other than principal assessor (HK)	
I agree with the principal assessor’s evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	√
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	√ (subject to comment below)
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	√ (subject to comment below)
4. has an appropriate range of legal powers to perform its functions	√ (subject to comment below)
5. has appropriate autonomy and independence	√
Brief comments	<p><u>Comment for item 2:</u></p> <p>Morocco stated in its assessment that “<i>articles 44/1 & 44/2</i>” of “<i>the Belgian Act on the office of police</i>” “<i>relate to the collection, processing and transmission of personal information regarding police duties</i>”. The Act appears to be 5 AOUT 1992. - Loi sur la fonction de police (online version: http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?language=fr&la=F&table_name=loi&cn=1992080552&&caller=list&F&fromtab=loi&tri=dd+AS+RANK&rech=1&numero=1&sql=%28text+contains+%28%27%27%29%29#LNK0016) PCPD notices that the Act only has French and Dutch versions. In supporting Morocco’s assessment for item 2, PCPD relies on Morocco’s interpretation of articles 44/1 & 44/2 of the Act.</p> <p><u>Comment for item 3:</u></p>

	<p>- In 2nd bullet pt. of Morocco's assessment, Morocco referred to the "main data protection principles" in the "Belgian Act on the office of police". As noted in Comment for item 2 above, the Act appears to be 5 AOUT 1992. - Loi sur la fonction de police, which only has French and Dutch versions. In supporting Morocco's assessment, PCPD relies on Morocco's interpretation of the main data protection principles of the Act.</p> <p>- In 3rd bullet pt. of Morocco's assessment, Morocco commented that "The Belgian Privacy Act clarifies also that the following articles does not apply to any data processing by police services and public authorities : Article 2 §5". PCPD considers <u>Article 3 §5</u> appears to be the correct provision.</p> <p><u>Comment for item 4:</u></p> <p>For Morocco's assessment that "The Privacy Act gives the Supervisory Body the following powers:</p> <p>...</p> <p>-Processing complaints following a request from the Privacy Commission (Art36 ter§4)", PCPD considers <u>Art 36 ter§8</u> appears to be the correct provision.</p>
Name of ExCo member	Privacy Commissioner for Personal Data, Hong Kong

To be completed by ExCo member other than principal assessor (NZ)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	✓
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	✓
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	✓
4. has an appropriate range of legal powers to perform its functions	✓
5. has appropriate autonomy and independence	✓
Brief comments	----
Name of ExCo member	NZ

To be completed by ExCo member other than principal assessor (CA)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	✓
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	✓
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	✓
4. has an appropriate range of legal powers to perform its functions	✓

5. has appropriate autonomy and independence		✓
Brief comments		
Name of ExCo member	CA	

To be completed by ExCo member other than principal assessor (FR)		
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)		
1. is a public entity created by an appropriate legal instrument		✓
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates		✓
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy		✓
4. has an appropriate range of legal powers to perform its functions		✓
5. has appropriate autonomy and independence		✓
Brief comments		
Name of ExCo member	CNIL, France	

Notes:

1. Where more information is required from the applicant the principal assessor should get the relevant information from the applicant.
2. Principal assessor's recommendation will be circulated via email to ExCo members. Where the ExCo agrees with the principal assessor's recommendation the secretariat will notify the applicant of the ExCo's decision.
3. If any member of the ExCo disagrees with the principal assessor's recommendation the relevant application/s will be discussed at the following ExCo meeting.

New Application to be accredited as a member authority from ICDPPC website

Details of the Authority
Name
Personal Data Protection Authority
Country or Economy
Turkey
Postal Address
Cinnah cad. Willy Brandt sok. no:5 Çankaya
City
Ankara
Postal Code
06690
Website
www.kvkk.gov.tr/en/index.html
Details of contact person for this application:
Name
[REDACTED]
Email
[REDACTED]
Description of Authority
Type of Authority
Board
Confirm that:
<ul style="list-style-type: none">• The authority is a public body• The authority has the supervision of implementation of data protection or privacy legislation
Jurisdiction:
country
Indicate the authority's sectoral or other jurisdiction
Entire public and private sectors
Legal Basis
Name of data protection or privacy law:
Turkish Law on the Protection of Personal Data no. 6698
Link to data protection or privacy law:
http://kvkk.gov.tr/en/docs/regulation-6698.pdf
Compatibility with International Instruments
Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?
No
Does the law instead, or additionally, implement any general or specific international instrument?
No
Appropriate functions and powers
Does the Authority possess functions in any of the following areas?
<ul style="list-style-type: none">• Compliance (e.g. audit, inspection)• Approvals (e.g. prior-checking, notification)• Applying sanctions (e.g. prosecution, compliance orders, awarding penalties)• Guidance (e.g. compliance advice)• Public education• Policy advice for government• Rule-making (e.g. issuing codes of practice, approving standards)

Compliance
Turkish Law on the Protection of Personal Data no. 6698 Article 15
Approvals
Turkish Law on the Protection of Personal Data no. 6698 Article 14
Applying sanctions
Turkish Law on the Protection of Personal Data no. 6698 Article 17-18
Guidance
Turkish Law on the Protection of Personal Data no. 6698 Article 4-13
Public education
Turkish Law on the Protection of Personal Data no. 6698 Article 20/b,c,d
Policy advice for government
Turkish Law on the Protection of Personal Data no. 6698 Article 20/a , 22/h
Rule-making
Turkish Law on the Protection of Personal Data no. 6698 Article 22
Autonomy and Independence
Indicate who appoints the head of the Authority:
Other
Other - please specify
The Board elects the President and the Second President among its members. President of the Board is also the head of the Authority.
Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.
The Board consists of nine members. Five members of the Board are elected by the Turkish Grand National Assembly, two members by the President, and two members by the Council of Ministers. In order to be a member of the Board, the following conditions are sought: Having knowledge and experience in the subjects of duty of the institution, not being a member of any political party, to have worked for at least ten years in public institutions and organizations, in international organizations, in non-governmental organizations, in professional organizations of public institutions or in private sector etc. Consent of the elected members of the Board is sought. In the selection of the members, the representatives of the institutions are given a pluralistic representation of those who have the knowledge and experience in the subjects.
Can the head of the authority or members of the authority be removed before the expiry of their term?
No
Please indicate if any of the following typical protections of an authority's independence and autonomy are included in the territory's data protection or privacy law or other relevant law.
<ul style="list-style-type: none"> • An explicit statement in law that the Authority is to act independently • Legal protection against civil suits for members of the authority and its staff for actions performed in good faith in the course of their lawful duties • Suitable guarantees for the funding of the authority • Appointment of the head of the authority on a permanent basis or fixed term • Removal of the head of the authority permitted only for limited reasons and by a process provided for in law • Express provision in law prohibiting or limiting the ability of government officials to direct the authority in the performance of its functions
An explicit statement in law that the Authority is to act independently
Protection of Personal Data no. 6698 Article 21/(1)
Legal protection against civil suits for members of the authority and its staff for actions performed in good faith in the course of their lawful duties
Protection of Personal Data no. 6698 Article 21/ (11), (12)
Suitable guarantees for the funding of the authority
Protection of Personal Data no. 6698 Article 29
Appointment of the head of the authority on a permanent basis or fixed term
Protection of Personal Data no. 6698 Article 21/ (8)

Removal of the head of the authority permitted only for limited reasons and by a process provided for in law

Protection of Personal Data no. 6698
Article 21/ (13)

Express provision in law prohibiting or limiting the ability of government officials to direct the authority in the performance of its functions

Protection of Personal Data no. 6698
Article 21/(1)

Accreditation assessment checklist: Members

To be completed by secretariat	
Applicant contact	[REDACTED]
Name of Authority and country/economy	Personal Data Protection Authority, Turkey
Description of Authority	Board

To be completed by principal assessor (Morocco)	
<i>Recommendation (select appropriate recommendation):</i> Applicant meets criteria,	
<p>1. Is the applicant a public entity created by an appropriate legal instrument?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>The Agency is created by Article 19(1) of the “PERSONAL DATA PROTECTION ACT” (PDPA) of Turkey (N° 6689) . The Art 19(1) states that the “<i>Personal Data Protection Agency which is a public law body with public law legal personality having administrative and financial autonomy has been established to carry out duties provided by this Law</i>”.</p>
<p>2. Does the applicant have the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>The art. 19(1) indicates that “<i>Personal Data Protection Agency which is a public law body with public law legal personality having administrative and financial autonomy has been established to carry out duties provided by this Law</i>”</p>
<p>3. Is the legislation under which the applicant operates compatible with the principal international instruments dealing with data protection or privacy?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>The main data protection principles adopted by the Law are:</p> <ul style="list-style-type: none"> - Personal data must be processed lawfully (Art. 4(a)); - Purpose specification and limitation (Art. 4(c)); - Data Minimization (Art. 4(ç)); - Prior consent (Art. 5 & 8 & 9); - Right to be informed (Art. 10); - Right to access, to rectify, to erase & to object (Art. 11 & 13); - Data retention no longer that is necessary for the purposes of its processing (Art. 4(d));

	<ul style="list-style-type: none"> - Data accuracy (Art. 4(b)); - Data security and confidentiality (Art. 12).
<p>4. Does the applicant have an appropriate range of legal powers to perform its functions?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>The Data Protection Law gives the Agency and its Board the following powers :</p> <ul style="list-style-type: none"> - Supervision over the protection of personal data and compliance enforcement (Art. 16 & 22 (a)); - Prior approvals (Art. 16) - Receiving complaints (Art. 14 & 15 & 22(b)); - Guidance (Art. 20(a) & 22); - Rule-making (Art. 20(a) & 22); - Policy advice for Government (Art. 20(b) & 22); - Investigations / Examinations (Art. 15 & 22(c)); - Applying sanctions (Art. 15(6) & 15 (7) & 22(g'))
<p>Does the applicant have appropriate autonomy and independence?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>Autonomy and independency of the Agency are granted by law as below :</p> <ul style="list-style-type: none"> - The Agency shall be autonomous and independent in the performance of the tasks falling within its competence (Art. 21(1)). Other conditions to ensure the Board independency are taken into consideration while electing the members of the Board (Art 21(3)); - The Agency's Board is elected by the National Assembly, the President and the Council of Ministers (Art. 21(2)); - Conditions of dismissing The Chairman and members before the expiry of their terms are listed on the Art. 21(3); - The work of the Agency shall be financed from the budget of Turkey, properties of the Agency, received donations or grants and other revenues (Art. 29).

To be completed by ExCo member other than principal assessor (CA)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
6. is a public entity created by an appropriate legal instrument	✓
7. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	✓

8. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	✓
9. has an appropriate range of legal powers to perform its functions	✓
10. has appropriate autonomy and independence	✓
Brief comments	None
Name of ExCo member	CA

To be completed by ExCo member other than principal assessor (HK)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	Yes
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	Yes
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	Yes
4. has an appropriate range of legal powers to perform its functions	Yes
5. has appropriate autonomy and independence	Yes
Brief comments	
Name of ExCo member	HK

To be completed by ExCo member other than principal assessor (FR)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	✓
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	✓
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	✓
4. has an appropriate range of legal powers to perform its functions	✓
5. has appropriate autonomy and independence	✓
Brief comments	
Name of ExCo member	CNIL

To be completed by ExCo member other than principal assessor (NZ)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	

4. has an appropriate range of legal powers to perform its functions	
5. has appropriate autonomy and independence	
Brief comments	
Name of ExCo member	

The table below will only appear if an ExCo member disagrees with the principal assessor's evaluation.

To be completed by ExCo member other than principal assessor (NZ)	
I disagree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
6. is a public entity created by an appropriate legal instrument	
7. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	
8. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	
9. has an appropriate range of legal powers to perform its functions	
10. has appropriate autonomy and independence	
Brief comments	
Name of ExCo member	

Notes:

4. Where more information is required from the applicant the principal assessor should get the relevant information from the applicant.
5. Principal assessor's recommendation will be circulated via email to ExCo members. Where the ExCo agrees with the principal assessor's recommendation the secretariat will notify the applicant of the ExCo's decision.
6. If any member of the ExCo disagrees with the principal assessor's recommendation the relevant application/s will be discussed at the following ExCo meeting.

Item 5: Proposed rule changes (Secretariat)

The Secretariat suggests two areas for minor changes to the rules.

The small adjustments concern the deadline for observer applications the rule about submitting resolutions.

1 Deadline for observer applications

Last year's rule amendments changed the process for granting observer approvals so that they could be handled out of session. The deadline for submitting applications was left at 3 months before the annual meeting which is the same as for membership applications. The Committee has successfully operated a process for dealing with most applications 'on the papers' without needing to await a formal Committee meeting.

Having now had a year's experience operating the new system, the Secretariat considers the 3 month deadline needlessly restrictive (and has already faced requests received after the deadline). A 2 month deadline seems administratively feasible. This still allows time for borderline applications to be included on the agenda of a Committee meeting and to allow time for circulation to members and an objection period.

Recommendation: Rule 5.4(b) be amended to replace the current 3 month deadline with a 2 month deadline.

2. Resolution-making

Strategic Plan

Part D of the 2016-18 Action Plan provided in Part D:

Assessing Our Effectiveness

- a. Review resolutions adopted since 2003 to better understand whether resolution-making has been effective to date and to identify room for improvement.
- b. Develop and execute a plan for making conference resolutions more effective.

Although it has been intended to make progress on this item in 2017 it has not proved possible and the next ExCo will need to return to the item.¹ However, the opportunity remains to make some minor tweaks to the rules to support effective resolution-making.

One initiative taken by the Secretariat in the lead up to last year's Conference was to create an informal administrative process that:

¹ Some preliminary work has been carried out this year that may be of assistance to a future Committee, see Note from Secretariat to ExCo, "Effectiveness of Resolution Making", 17 July 2017, circulated earlier this month for information but not reprinted here.

- Invited member authorities to submit comments on proposed resolutions that has been uploaded to the password-protected website directly to proposers by a particular date;
- For the proposers to consider any comments received and:
 - To incorporate any they found useful directly into a redrafted resolution which would be submitted to the Secretariat, uploaded as a new version and become the version to be discussed at the closed session;
 - To engage directly with the authority making any suggestions they could not support to explain their reasoning;
 - After the comment period, to supply a brief note highlighting any revisions, noting any suggestions not accepted or confirming that no comments had been received.

The process sought to enable the membership meaningfully to engage with resolutions in a way that is difficult in the closed session alone and to resolve small drafting issues without the need to take up closed session time. It also sought to surface substantive differences of opinion that the proposer had not been able to resolve.

The process worked well in some cases but not all. One challenge for the innovation was the limited time available to insert an additional step between uploading of a proposed resolution and the date before the closed session. The deadline for submission of resolutions is one month and so only 4 weeks is available for dissemination, analysis and comment on resolutions. In practice the period is shorter than this in some cases given delays in uploading, obtaining translations, availability of commissioners, etc.

The Secretariat suggests amending the rules to extend the deadline for submitting resolutions from a month to 6 weeks. This will ease administration for the Secretariat, host and volunteers assisting with translation. The change may also contribute to more effective resolutions by providing extra time for members better to engage with the proposals submitted for adoption.

Recommendation: Rule 4 be amended to require proposed resolutions to be submitted 6 weeks in advance of the annual meeting.

**Item 6: Discussion on the draft discussion paper
on the future of the Conference (CA)**

**FRAMEWORK FOR THE DISCUSSION ON
THE FUTURE SIZE AND MEMBERSHIP OF THE CONFERENCE**
Discussion paper prepared by the Office of the Privacy Commissioner of Canada

The present paper provides an overview of the results of the survey of members conducted as part of the Project on the Future Size and Membership of the Conference. Based on these results, we propose a framework for the discussion to be held during the 38th International Conference in Hong Kong, including options to meet identified objectives. The discussion will guide the work on the Project over the next year, as well as in the development of the Conference’s Strategic Plan for 2018-2020.

SURVEY RESULTS

Questions 2 and 3: The Conference’s purposes

Below are the results to questions 2 and 3 of the survey, which measured the importance members give to the Conference’s current purposes, and how well these purposes are being achieved. In the assessment below we assign a higher value to stronger sentiments.² We note that “neutral/no opinion” answers were more frequent in responses to question 3 on the Conference’s achievement of its purposes – suggesting less certitude from members when it came to judging the Conference’s ability to achieve its stated purposes.

Stated Purpose	Q2 Importance (Rank)	Q3 Achievement (Rank)	Achievement Gap Q3 minus Q2
A. To provide leadership at an international level in data protection and privacy.	+81 (4)	+42 (4)	-39
B. To improve data protection and privacy by providing an outstanding global forum that encourages dialogue, cooperation and information sharing.	+109 (1)	+64 (2)	-45
C. To adopt and to promote the implementation of joint resolutions on subjects that warrant the common attention or action of members and to promote their implementation.	+80 (5)	+55 (3)	-25
D. To be a meeting point between members and international organisations that share common objectives.	+87 (3)	+95 (1)	+8
E. To promote the development of international standards in the field of protection of personal data.	+99 (2)	+16 (7)	-83
F. To disseminate knowledge, and provide practical assistance, to help members more effectively to perform their mandates.	+79 (6)	+29 (5)	-50

² Answers were permitted on a scale from “very unimportant” to “very important.” To measure intensity, we have given answers of “Very unimportant” a score of -2; “Unimportant” as -1; “Neutral/No opinion” as 0; “Important” as +1; and, “Very important” as +2.

Stated Purpose	Q2 Importance (Rank)	Q3 Achievement (Rank)	Achievement Gap Q3 minus Q2
G. To connect and support efforts at the domestic and regional level, and in other international fora, to enable members better to protect and promote privacy and data protection.	+68 (7)	+19 (6)	-49

The above helps determine that only statement D is being achieved to a level comparable to the importance members gave that statement. All other statements have, to some degree, an achievement gap; that is, the importance members ascribed to the purpose is not being currently met.

Questions 4 and 5: Members' Suggestions

Survey questions 4 and 5 allowed members to provide their views on whether there are any important purposes that the Conference currently serves that are not reflected in the stated purposes, and if there are any new purposes the Conference should serve.

The answers to these questions suggest members place a premium on the opportunities to cooperate, network, share information and develop joint projects. Statements to this effect include:

- To “encourage the exchange of information on such issues among DPAs not only during the conference, but in the course of the whole year” (stated multiple times)
- To “reduce gaps between data protection authorities through cooperation and assistance.”
- To “facilitate cooperation between data protection authorities.”
- To allow for “more room for practical ‘getting to know each other’ [opportunities] with the aim of supporting each other and establishing effective and close cooperation.”
- To build connections and a place for discussion with other regulators/oversight agencies/ organizations that overlap in the data protection space.

There are also several statements suggesting that the Conference exert more policy influence and that it take more practical steps. These include:

- To give more direction and guidance to policy makers striving to influence the public debate.
- To provide expertise/input/opinion in international bodies and on international political initiatives (stated multiple times).
- To raise awareness for both private and public sector data controllers.
- To provide support to smaller countries and model best practices to countries that do not yet have sufficient data/privacy protection for their citizens. (stated multiple times)
- To better communicate with the business community, including thru guidance for common understanding and harmonized application of international data protection standards.

There were also statements suggesting how the Conference could improve its current practices:

- To follow up on the adopted resolutions (stated multiple times)
- To “reach consensus on more stringent and specific resolutions, avoiding broad and general declarations.”

- To be “a forum of guided controversial discussions.”
- To “more closely intertwine the closed session and the open session...keeping the closed session exclusively for DPAs or Conference members” and moving “discussions on matters of general interest to the open session”
- To have more diverse representation in the Executive and the working groups and recognize the validity of different approaches to data protection regulation.
- To establish “a permanent working group to respond to incidents or notifications sent to countries.”

Question 6 on attitudes to conference participation

The survey put forward a number of statements to gauge members’ attitudes on membership and size. The answers denote a consensus desire for a broader membership regardless of the authority’s size. While members would like the Conference to broaden its global reach, they also want it to remain a selective process that focuses on data protection and privacy authorities regardless of breadth of activities or size of jurisdiction, provided the authorities have independence in their activities.

There is a willingness to admit international organizations as observers, but less consensus on other types of observers (ie those who do not otherwise meet the criteria for admission as members – including governmental officials). The exception would be inviting observers for specific agenda items.

FOR DISCUSSION

Objective A. The Conference as a policy leader

Members value the Conference as a venue for in-depth discussion of data protection and privacy issues, as well as its purpose to promote international standards and adopt resolutions. But these latter two objectives – the promotion of international standards, and the adoption and implementation of joint resolutions – are, per the survey results, not being fully met. Some members expressed a desire for the Conference to have a more active role in international policy discussions and exert policy influence. There is currently no formal connection between the Conference’s in-depth discussions and its resolutions.

How do we foster a conference that has guided controversial discussions, but that can also achieve consensus positions? How do we ensure the conference key messages, recommendations and resolutions are conveyed to policy-makers and do influence policy discussions at international level?

Suggestion 1. Strengthening the link between in-depth discussion topics, conference resolutions and practical implementation

- Topics selected for in-depth discussion benefit from presentations from world-class experts and the follow-up discussion among attendees. However, the knowledge gained and shared does not necessarily translate into any further concrete action by the Conference.
- Topics could be selected based on their appropriateness for further concrete work by the closed session of the Conference.

- Working groups should be established on key subjects of common interest and should develop a road map to be validated by the closed session. The chosen subject of the closed session (eg government sharing) should be dealt by a working group in order to ensure some follow up and practical implementation post conference
- The Conference could also, following one or more of the in depth discussions, designate a working group to be struck with the mandate to continue research and conduct consultations on the topic. Where feasible, a resolution could be developed for discussion and adoption at a future Conference.
- The Working Group would continue to serve as a resource for members to consult in their domestic implementation of such resolutions and any other follow-up to implementation by the Conference.

Suggestion 2. Holding the open session first and the closed session second

- In-depth discussions benefit from as wide an audience as possible to foment, enrich and deepen discussion. Having the open session first would allow relevant matters emanating from the open discussion to be discussed afterwards, in the closed session, with the benefit of lessons learned during the prior discussion.

Suggestion 3. Promote the development of practical tools

- Common tools can be of two types: (i) procedural, such as the [Enforcement Cooperation Handbook](#); or (ii) substantive, such as resolutions or frameworks like the [International Competency Framework for School Students on Data Protection and Privacy](#).
- Several members signalled an appetite for practical tools. What do members have in mind?

Suggestion 4. Influence the development of global privacy and data protection standards

- Members gave high importance to the Conference objective of promoting the development of international standards, but low marks to the Conference's achievement of this objective.
- Do members wish the conference to adopt technical or policy standards? Should they be on specific subjects or be more comprehensive, such as the general statement discussed in the 5th bullet below? Should they take the form of resolutions or are other forms desired?
- One step could be the increased participation of the Conference to its established network of representation at international level, providing an expert and independent contribution to current debates and policy developments.
- Another step could be to rely on the already existing channels of representations towards international organisations (i.e. organisations where the Conference is an observer such as the OECD, the Council of Europe, etc.) and on the development of further representation status at the international level (e.g. UN High Commissioner for Human Rights, UN Special Rapporteur on the Right to Privacy, International Organization for Standardisation (ISO), etc.)
- Yet another step could be for the Conference to aim at developing an international standard on data protection, in the form of a general statement summarizing the main and essential key principles on data protection. Such statement would have no binding value or direct legal effect (e.g. no adequacy or free flow) but would be considered as a general declaration

of the essential elements shared by the community/organisation, to be used for example for the further development of specific recommendation.

- Should the Conference explore strengthening its direct liaison with international standards development bodies, such as ISO, with a view to promoting privacy standards and influencing their development?

Suggestion 5. Increase the Conference’s visibility and recognition at the international level through a “rebranding exercise.”

- Recognition and visibility are important components to achieving a more active role in international policy discussions and exerting policy influence.
- In this regard, a change of the conference name could serve in making it more explicit to external and policy audiences, while strengthening its global reputation (e.g. International Privacy Commissioners Organisation – IPCO)
- The change of name could also be accompanied by a revamping of the organisation visual identity, logo and other communication tools

Objective B. A more global conference

Members show a desire to be a more global Conference. How can the conference promote diversity?

Suggestion 1. Enlarging the size of the Executive Committee to widen its regional representation.

- Make it explicit that every continent/region be represented on the Executive Committee (for example to 5 regions: Europe, Central and South Asia, East Asia and Pacific, Middle East and Africa, and the Americas).
- This would result in a seven member committee – the 5 regional representatives, plus the former and future host.

Suggestion 2. Diversifying hosting locations.

- Ensuring each region hosts the conference at least once and no more than three times per 10-year period.
- This accepts the premise that rotating locations gives the Conference more visibility in that region, and adds to its global appeal.

Suggestion 3. Mandating Working Groups to have regional representation.

- Working Groups should endeavour to have representation from at least three regions to ensure multiple points of views are reflected in their work and outputs.
- This may also promote engagement from a larger number of Conference members and add to the “ownership” of working group products.

Objective C. Increase ways and means for cooperating and sharing information

The survey results suggest that the Conference is meeting its purpose of being a meeting point between members and international organisations that share common objectives, but there is room

for improvement when it comes to providing a global forum that encourages dialogue, cooperation and information sharing. How do we achieve such practical outcomes?

Suggestion 1. Providing more ways of interaction between Conferences

- Current tools for interaction may not be seen as two-way communications: the ICDPPC website, the quarterly Newsletter, social media accounts (Twitter, YouTube). Should the Conference explore ways to ensure members can continue to interact outside the annual meeting?
- Members could allow for the Secretariat to share member's contact details to other members in order to facilitate the direct sharing of information or the issuance of materials of interest to other authorities.
- Members could share research papers or items of interest with the whole membership via the Secretariat's email distribution list.
- Note that this may increase the already high demands on the Secretariat, whose workload is assumed by the Chair authority and not subsidized by the Conference.

Suggestion 2. Creating a secure virtual space for members to interact

- Creating a private, login space on the ICDPPC website for members to interact would facilitate community-wide sharing of information or items of mutual interest, perhaps providing an opportunity for authorities to leverage the work of other members and avoid duplication of work.
- But would such a solution bring us towards success and higher interactions, or will they only marginally increase conversations between members?

Objective D. Achieving Change

The survey indicates that members want a more global conference and suggests there is little concern over the number of members – ie. the increasing size of membership. Nevertheless, members would like membership to remain a selective process and there is discomfort regarding the presence of government officials or agencies as observers to the Conference's closed session. To reflect members' preferences vis-à-vis membership and observer status, it may be necessary to change (or at least refine) the Conference's rules.

Suggestion 1. Revise Conference Rules on Membership

- Achieving a more global conference may require amending the Conference rules as they may be excluding authorities from under-represented jurisdictions that are otherwise eager to join the community of privacy and data protection authorities.
- The results of the survey concerning sectorial regulators is somewhat inconclusive and would require further discussion, within the Executive Committee and the closed conference to agree on further criteria for membership status.
- The survey shows that members value "appropriate autonomy and independence" as a criteria for membership.
- The other criteria for membership (not reflected in the survey statements) are: being a public entity created by legal instrument; having supervision over the protection of personal data or privacy as one of its principal regulatory mandates; having legislation that is

compatible with the principal data protection or privacy international instruments; having an appropriate range of legal powers; and, possessing appropriate autonomy and independence. (emphasis added). Should more certainty be added to the criteria for membership? To their interpretation?

- How could the rules be adapted to increase the global outreach of the Conference?
- How do rules for membership, and the corresponding membership composition, impact the Conference's ability to achieve the key goal of being a global policy leader?

Suggestion 2. Revise Conference Rules on Observers

- Members disagreed with having authorities that do not meet the membership criteria allowed in as Observers. They also expressed concern with the presence of governmental officials in the closed session.
- The current rules allow the granting of Observers status to those "public entities that do not meet [the membership criteria] but are involved in dealing with the protection of personal data and/or privacy."
- There is no distinction regarding governmental authorities, or consideration for potential conflicts of interest between Members and Observers (ie, when a member has supervisory responsibilities over an observer)
- On the basis of the survey results, should the rules be amended to exclude government officials from the closed session?
- Members agreed with having international organisations participate as Observers. They also agreed with inviting Observers restrictively to the closed session and only for specific agenda items.
- Should Observer status be limited to international organisations and to authorities via invitation (ie, to participate in a specific discussion or agenda item)?
- Doing so may encourage authorities with data protection and privacy mandates to become members (and only be admitted into the closed session as members) and, where they do not meet the criteria for membership, seek domestic solutions to meet the criteria.

Suggestion 3. Adapting the Conference legal status to deliver change

- In order to achieve change and fully deliver on its objectives, the Conference's legal status might need to evolve in order to provide it with the necessary tools from both a practical and legal point of view.
- The Conference could consider changing its status to that of a private not-for-profit organisation (eg. association established under the legal regime of one of its member's national law), which would allow the setting up of a permanent and dedicated secretariat (1-2 people max) and the establishment of its own resources through membership fees.
- The current Conference rules could be adapted into by-laws that would set up the new organisation internal rules and governance.

**Item 7: Committee and Secretariat transition
(Secretariat)**

Note from the Secretariat on Committee and Secretariat transition, 7 August 2017

This item is the last substantial opportunity for this Committee to discuss aspects of transition to a new Committee that will occur after this year's annual meeting. In addition, this year there will be a change, for the first time in 3 years, of Chair and Secretariat.

If there are any desired actions that need be taken (e.g. proposing rule changes) this is the opportunity to raise them. A seamless transition is the objective so that the Committee and Conference can maintain progress and move from strength to strength.

A few points to note and in some cases to discuss:

1. **New Chair:** Since the last meeting we are pleased to note that FR will stand for election as Chair.
2. **New Secretariat:** NZ and FR are already liaising over the handover. NZ has prepared 2 new resources an 'ICDPPC Secretariat Reference Guide' and an 'ICDPPC Website Handbook' as resources for the new Secretariat.
3. **Outgoing host:** Morocco will complete its service at this Conference and stand down.
4. **Next host:** EDPS will join the Committee. EDPS was able to attend this year's in-person Committee meeting in Washington DC as part of the induction process. The EDPS submitted its 2nd progress report to the Secretariat this month which will be circulated for information to the ExCo.
5. **New elected member:** A new member will be elected to take the place of NZ.
6. **Joint hosts:** A position should be taken in relation to Committee membership of the joint hosts (i.e. are both or just one to be ExCo members).
7. **Next-but-one future host:** For the first time we have the hosts confirmed of the next two annual meetings and it is intended that this be the norm in the future. Consideration should be given to this new reality i.e. should the opportunity be taken to expand the Committee to accommodate all designated future hosts?

**Item 8: Preliminary review of process used in 2017 for
endorsing enforcement cooperation meetings
(Secretariat)**

Note from the Secretariat, 7 August 2017:

In August 2016 the Secretariat developed [guidance](#) for authorities seeking to have an event designated as an ICDPPC-recognised enforcement cooperation meeting. In addition the Secretariat published a [resource paper](#) to assist authorities that are proposing to hold, or are organising an ICDPPC-recognised enforcement cooperation meetings.

The Secretariat ran the process twice and the Committee endorsed 3 meetings:

- 21–22 June 2017, Manchester, United Kingdom: Workshop on a global journey through privacy enforcement – leveraging the skills and experience of international practitioners.
- 13 July 2017, Sydney, Australia: Joint workshop to discuss innovative developments in best-practice complaints management.
- 22-23 August 2017 Montevideo, Uruguay: Enforcement Cooperation Meeting.

The Secretariat noted that this is the last opportunity for this Committee to review the process. A final review is not possible until the Uruguay experience is to hand – the Secretariat has been unable to obtain current details of this event which has been rescheduled once already.

Two of the three ICDPPC-recognised enforcement cooperation meetings have already been held.

Participation	
June 2017, Manchester, United Kingdom	July 2017, Sydney, Australia
<ul style="list-style-type: none">➤ Attendees: 82➤ Economies represented: Albania, Australia, Bulgaria, Canada, Channel Islands, Czech Republic, Estonia, France, Georgia, Germany, Gibraltar, Hungary, Ireland, Isle of Man, Israel, Italy, Japan, Korea, Luxembourg, Macao, Malta, Netherlands, Norway, Poland, Singapore, South Africa, Switzerland, UK, USA.	<ul style="list-style-type: none">➤ Attendees: 60➤ Economies represented: Australia, Canada, Macau, Mexico, New Zealand and UK.

From the ICDPPC Secretariat’s point of view the process seemed to work satisfactorily administratively although it notes that completion of the 2nd round was somewhat delayed by an expected African proposal that did not eventuate. It might be useful once the final of the 3 endorsed events has been held an effort should be made systemically to solicit the views of the three event organisers to hear of their perspectives on the administration and on the usefulness of endorsement to their circumstances. It will not be feasible for the current Secretariat to take on this task so late in its terms and so if further review is deemed worthwhile it will need to be a task for the next Committee.

The ICDPPC Secretariat is of the view that the approach taken of endorsing events run by other networks or by members at regional level better achieves the mandating resolution’s aim of creating opportunities to discuss enforcement cooperation matters in a face-to-face setting that the alternative of a single standalone global workshop. The Secretariat suggests that the next Committee consider running the process again in 2018.

Item 9: General business

**Next meeting: In person on 25 September at 18:00 at
the Conference venue in Hong Kong**