

**27th International Conference of Data Protection
and Privacy Commissioners
Montreux, Switzerland
16 September 2005**

Report of the Credentials Committee

The Commissioners from France, New Zealand and the United Kingdom were re-elected at the 25th Conference for a further 2-year term as the Credentials Committee. The Committee is pleased to report on its activities over the last year.

The Committee's role derives from the "Resolution on Accreditation Features of Data Protection Authorities" adopted at the 23rd Conference and principally involves recommending to the conference the authorities that ought to be accredited. The Credentials Subgroup, which assists in the work of the Committee, comprised:

- Marie Georges, Head of European & International Division, CNIL, France
- Jonathan Bamford, Assistant Information Commissioner, United Kingdom
- Blair Stewart, Assistant Privacy Commissioner, New Zealand.

The Subgroup assesses each accreditation application received based upon the accreditation principles focusing upon whether:

- the applicant has clear and wide ranging data protection functions covering a broad area of economic activity
- the applicant is a public body established on an appropriate legal basis
- the applicant is guaranteed an appropriate degree of autonomy and independence to perform its functions
- the law under which it operates is compatible with international instruments
- the applicant has an appropriate range of functions with the legal powers necessary to perform those functions.

National level applications

Applications were received for accreditation at national level from:

- **Andorra:** Data Protection Agency
- **Luxembourg:** National Data Protection Commission
- **Liechtenstein:** Data Protection Commissioner.

The accreditation rules require that applications should be made at least 3 months before the conference. This year nearly all the applications were received close to the deadline or after it. It did not prove possible to process the Andorra application in the time available as much of the supporting documentation was in Spanish which required extra time to study. The Liechtenstein application was received later than Andorra's. Both applications will be held over for consideration after the conference.

The Committee recommends that the Luxembourg authority be accredited.

Sub-national level applications

Two applications were received for accreditation at sub-national level. These were from:

- **Canada:** Saskatchewan Information and Privacy Commissioner
- **Switzerland:** Basel-Landschaft Data Protection Commissioner.

The Committee recommends that both authorities be accredited.

International and supra-national level applications

No applications were received for accreditation at the international or supra-national level.

Observer resolution

At the previous conference, a matter was raised regarding ways in which the conference could better engage with the wider group of data protection bodies that do not meet the accreditation principles. The Credentials Committee understood that it would be useful to the conference if it considered the issue to see if it could make suggestions for taking the matter forward.

The Committee studied several options. One option that was looked at would have established various classes of “membership”. Another would have allowed a specialist data protection authority in a country to be temporarily accredited so long as there was no broadly-based authority accredited for that country. Finally, the Committee settled upon a fairly modest reform that it considered would likely find full consensus amongst conference participants.

The Committee proposes that, subject to available space and registration at the general conference, any country not represented by an accredited data protection authority should be able to nominate a single observer to watch proceedings. The process will remain within the control of the host of the conference.

Completion of term of the Committee

The Committee comprising France, New Zealand and the UK represents a continuity stretching back to the 21st Committee when the conference asked those countries to form a working group to suggest processes for adopting resolutions. The same working group was asked by the 22nd Conference to propose an accreditation framework. At the 23rd Conference, the French, New Zealand and UK Commissioners were elected as the inaugural Credentials Committee. The usual term for committee members is 2 years. However, at the 25th Conference the conference asked the Committee to continue for a further 2 years to see the accreditation framework fully implemented.

The entire Committee has now come to the end of its term. The Committee Rules provide that no member should serve more than 4 years. However, the Conference may want to waive that requirement for a year to provide a smooth transition to a new Committee. The Committee suggests that France and the UK retire this year and New Zealand retire next year. If there are no French speakers on the new Committee, the CNIL has kindly offered to assist with some translation for the next conference if necessary. The Committee further suggests that the conference consider the merit of electing some future conference hosts to the Committee as this may bring synergies to the Committee’s work.

On behalf of the inaugural Committee, including our retired predecessors, may we record that it has been an honour to serve the Conference in this capacity. It has been a pleasure for us to deal with so many colleagues from around the world and to learn about your data protection systems and laws.

Alex Türk

Marie Shroff

Richard Thomas

Credentials Committee

10