

ICDPPC Executive Committee Minutes

32nd Meeting of ICDPPC Executive Committee

16 October 2016

Meeting in person, Palmeraie Palace Hotel, Marrakesh, Morocco

Chair:	John Edwards, New Zealand
Secretariat:	Blair Stewart, New Zealand
Canada:	Daniel Therrien, Brent Homan, Daniele Chatelois, Patricia Kosseim
France:	Isabelle Falque-Pierrotin, Florance Raynal, Nicolas De Bouville
Morocco:	Said Ihrai, Lahoussine Aniss
Netherlands:	Wilbert Tomesen, Udo Oelen

Meeting opened: 17:05

1. Minutes of previous meeting

A revised version of the minutes incorporating a number of changes desired by CA had been made by the Secretariat prior to the meeting. At Canada's request, a further discussion on the minutes was held, specifically with respect to the committee's rationale for its decisions on the US DOJ and the Belgian SAPIM applications. After discussion it was agreed to add words to item 3 to reflect the reasoning of the 3 Committee members that voted against accrediting the US Department of Justice as an observer.

Minutes of 31st meeting: revised and approved.

2. Accreditation

The Secretariat had earlier circulated to Committee members a document received from the FTC requesting that the Committee reconsider its decision not to recommend observer status for the US Department of Justice.

There was some discussion of the points raised by the FTC. The Committee members that had opposed the grant of observer status were not universally persuaded by the new information continuing to hold concerns both as to the applicant's eligibility and to the extent to which an approval would be binding into the future, particularly in the context of an expected strategic discussion on the future of the conference.

The Secretariat explained that the rule change adopted at the 37th Conference meant that observer status could be conferred for a single meeting and thus need not tie the hands of a future Committee or create a precedent. This provided the basis for a consensus to emerge which was that the US Department of Justice could be recommended as an observer for the 38th Conference only but that there should be no expectation that a future Committee would necessarily take the same position particularly if Conference discussions lead to a more restrictive view being taken on admitting observers.

Agreed: To reverse decision taken by majority vote at previous meeting and instead, by consensus, to recommend that the US Department of Justice be admitted as an observer to the 38th annual meeting only, noting that this decision should not give rise to any expectation that the applicant would be admitted as an observer to future meetings.

3. Privacy education resolution

The Chair enquired about whether consensus had emerged on this resolution. It appeared after discussion that, despite efforts to find consensus, the FTC continued to harbour reservations and had made suggestions for alternative drafting that were supported by other members also. The Chair emphasised that it was important for the proposers of resolutions to work with members authorities to iron out differences in advance as the closed session was not suited for detailed discussions on drafting. If consensus could not be achieved then alternative wording should be brought to the closed session for the Conference to deliberate upon.

Action: FR/CA to meet with FTC to seek consensus on the Privacy Education Resolution.

4. Planned discussion on future membership and size of Conference

The Secretariat had earlier circulated to Committee members 2 discussion papers on this topic, one prepared by FR and the other by the Secretariat. The Chair proposed that both papers be circulated in hard copy to delegates on Monday allowing them to read the documents overnight before the Tuesday discussion.

It was not intended that any substantive decisions be taken at the 38th Conference but that the discussion merely start a conversation that might be taken forward into the 39th Conference. A survey could be undertaken between Conferences. A working group might usefully assist with setting questions for a survey.

Action: Both discussion papers on topic of future membership and size of Conference to be circulated in hard copy to delegates.

5. Transparency of Committee voting

CA had requested that there be discussion of transparency. The committee briefly discussed the level of detail that should be contained in committee communications and how they could most effectively reflect the committee's considerations and rationale for its decisions.

Agreed: The Committee's practices regarding transparency and accountability to be added to a future Committee agenda for discussion.

Meeting of new Committee

18 October 2016 at 18:30 in Palmeraie Conference Centre (room Amethyste), Marrakech.

Meeting closed: 17:55