

## **International Enforcement Resolution (Agenda item 8 for July meeting)**

Note from Secretariat to Executive Committee, 30 June 2015

To prepare for the implementation of the International Enforcement Arrangement it is **recommended that the Executive Committee delegate to the Secretariat the task of receiving and assessing Notices of Intent.**

If that is agreed, the Secretariat can undertake to have in place, before the Conference, an efficient, and to the greatest extent possible, automated process for lodging and processing Notices of Intent. The Chair invited the UK and to develop with Canada the content of a draft Notice of Intent which the Secretariat could then convert to an online form for ease of administration. It is anticipated that a simple approach, without detailed rules, should be able to be devised and implemented for the processing of Notices of Intent.

The draft Notice that was requested of the UK was received is attached at Annex A. Also received was a note expressing some views of the UK and Canada, which is attached at AnnexB.

## Annex A

### Global Cross Border Arrangement (the “Arrangement”) – draft form for Notice of Intent to Participate

FORM SHOULD BE COMPLETED BY A COMMISSIONER OR EQUIVALENT, OR BY A SENIOR REPRESENTATIVE GRANTED DELEGATED AUTHORITY THEREBY.

1. Name of authority (“Authority”)

Click here to enter text.

2. Country and/or Jurisdiction

Click here to enter text.

3. Address

Click here to enter text.

4. Web address

Click here to enter text.

5. Contact person name and job title

Click here to enter text.

6. Contact person telephone number

Click here to enter text.

7. Contact person email address

Click here to enter text.

8. By submitting this *Notice of Intent to Participate*, you acknowledge that you have thoroughly reviewed and understand the terms of the Arrangement (attached), and that your Authority:

*(i) agrees to be featured on a publicly available list of Participant authorities;*

*And*

*(ii) affirms that it is legally able to participate in the Arrangement.*

Tick to acknowledge.

9. Pursuant to Section 7 of the Arrangement, *Respecting Privacy and Data Protection Principles*, please:

(i) *confirm that your Authority commits to Schedule 1 of the Arrangement;*

*Or*

(ii) *attach details of other arrangements pursuant to which your Authority might share personal data should the need arise; or*

*Or*

(iii) *commit that your Authority will notify the ICDPPC Executive Committee with respect to (i) or (ii) above, before receiving any personal data from another Participant under this Arrangement.*

[Click here to enter text.](#)

10. Please indicate pursuant to which eligibility requirement (Section 12 of the Arrangement) your Authority is submitting this Notice of Intent:

(i) *as a "Member" – i.e. as an accredited member of the International Conference of Data Protection and Privacy Commissioners; or*

(ii) *as a "Partner" – i.e.,*

*a. an authority from a Member State which is signatory to Convention 108;*

*b. a GPEN Member authority;*

*c. a Participant in the APEC Cross Border Privacy Enforcement Arrangement (CPEA); or*

*d. a member of the Article 29 Working Party.*

[Click here to enter text.](#)

I agree that the data above are true to the best of knowledge –

Tick to agree.

Name [Click here to enter text.](#)

Date [Click here to enter a date.](#)

## Annex B

26 June 2015

*The following document represents a brief outline of the issues and processes that the OPC-Canada and UK-ICO expected to address when we offered to prepare a draft plan/process for implementation of the Arrangement, for ultimate approval by the Executive Committee (Jan/15). The outline is being offered to the International Conference Executive Committee, and the Executive Committee's Secretariat in particular, to the extent it may prove useful or informative as the Committee undertakes to develop a process and mechanism for Arrangement implementation.*

### **Supporting Rules and Procedures for the Arrangement**

Develop rules and procedures (including service standard deadlines) pursuant to which the Executive Committee or delegate(s) thereof (the "Committee") will discharge its responsibilities under the Arrangement, including:

- To whom, and how, Arrangement-related communications to the Committee should be forwarded – i.e. (13.a) notices of intent, (13.b) notices of commitment to Schedule 1 or other arrangements, (13.f) requests for review of the conduct of a Participant);
- How prospective Participants will be evaluated to confirm their eligibility to participate in the Arrangement (13.b) and to whom resulting decisions will be communicated;
- How signatures will be captured for authorized Participants to the Arrangement;
- How and where the list of Participants, including their notifications regarding Schedule 1 or other arrangements, and contact information will be maintained and made available to all Participants (7);
- Under what circumstances, and (in brief) how, the Committee will evaluate the conduct of a Participant pursuant to 13.f;
- How the Committee will notify Participants that an organization has withdrawn from the Arrangement (14); and
- How the Committee will communicate with other associations/networks, including GPEN, to verify membership therein (12.ii.b and 13.c), or for other purposes that may arise in carrying out its responsibilities under the Arrangement.

### **Initial Adoption of the Arrangement**

Develop a plan/strategy whereby as many authorities as possible can sign on to the Arrangement in Amsterdam – i.e.:

- communicate a process pursuant to which authorities can forward their intent to participate (and provide other necessary details - e.g. commitment to Schedule 1 or other arrangements, contact details) to the Executive Committee in advance of the Conference;
- provide for advance evaluation of those notices so that once the Executive Committee's

rules have been amended, presumably early in the closed session, the Committee will be able to efficiently approve participants; and

- organize a signing ceremony towards the end of the conference (noting that those authorities who cannot sign at the conference will be able to endorse the Arrangement as per Appendix A).
- Make the arrangement public on the icdppc.org-website and integrate the existence of the Arrangement and International Enforcement Cooperation in presentations of the International Conference in general.

**Agreement on amendments to the International Conference Terms of Reference (and plans which may be needed to be scheduled already for future Conferences):**

- The tasks above are added to the existing tasks of the Executive Committee. To this end, article 3.2 of the International Conference's Rules and Procedures needs to be amended. New provisions need to be introduced, which could read as:
  - i. Consider applications to join and intentions to withdraw from the Global Cross Border Enforcement Cooperation Arrangement as agreed on 13 - 16 October 2014 in Mauritius.*
  - j. To ensure the further implementation and effective functioning of the Arrangement referred to under i.*
- Establish a review committee at the 39th International Conference to review the Arrangement after two years in operation and - if need be - propose any updates and amendments at the 40th International Conference.