

## ***Part 2: The international organisations***

This part of the compilation focuses upon the international organisations for which the Steering Group has a mandate to seek observer status.

The Steering Group's role occurred in three phases;

- First, the Steering Group scoped which international organisations it ought to look more carefully at in the future. If there appeared to be a good case to potentially pursue observer status, a recommendation was made to the Conference to give the Steering Group a mandate to further explore the matter, and if warranted, seek observer status.
- Second, with a mandate the Steering Group looked into the case for obtaining observer status in more detail. A small working group was usually established in each case. Typical considerations for the Steering Group were to identify the relevant committees of the international organisation and their current and future work plans, and to consider whether observer status would be a short or long term prospect. The international organisations' processes for granting observer status were studied.
- Third, when the circumstances were right, which had to do with the international organisation's current work plans and the Steering Group's ability to manage an observer at that time, the Steering Group would prepared the necessary application and apply for observer status.

Typically the Steering Group prepared a summary dossier on each international organisation of interest. This included recording aspects of the international organisation's mandate and current involvement of DPAs in its work along with other pertinent details.

The Steering Group obtained observer status before three organisations:

- ISO
- Council of Europe
- OECD

and so these are given first, followed by APEC for which guest status was obtained before two meetings.





## **International organisations for which observer status obtained**

The Steering Group obtained observer status before three organisations:

- ISO
- Council of Europe
- OECD.

The Steering Group obtained guest status for two particular meetings of the relevant committee of APEC. However, since permanent observer status has not been obtained, APEC is described in the next part of the compilation.





## 8. ISO

The material on ISO starts with the standard template summary.

The other materials include preliminary work by the OECD/ISO Working Group of the Steering Group that explored the relevant issues. Prior to the establishment of the Steering Group, ISO had already appointed a liaison officer to the International Conference. The work in this case was to reciprocate that positive initiative from an international organisation. Indeed, the Conference's earlier inability to meaningfully to respond to the ISO initiative, or to meet its request for input into ISO processes, was one driver for establishing the Steering Group in the first place. (As an aside, the issue of reciprocity with ISO was one of the reasons for the Steering Group later initiating work to create a clearer and more permanent process for admitting international organisations as observers of the closed session of the Conference.)

There is quite an amount of documentation associated with the ISO work. This is partly because it was the first observer appointed by the Conference but also because of the diligent work by the Conference's delegate.

An interesting aspect of the ISO documentation is the Steering Group's efforts at communications and publicity. The opportunity was taken to do a joint news release between ISO and the Conference. An announcement was also made to all accredited members of the Conference.







8 May 2009

Steve Johnston  
Senior Security and Technology Advisor  
112 Kent Street  
Ottawa  
Ontario K1A 1H3  
Canada

Dear Steve

### **Appointment as Conference delegate**

On behalf of the Steering Group on Representation before International Organisations of the International Conference of Privacy and Data Protection Commissioners, I write to formally confirm the Conference's nomination of you as its liaison officer to the International Organisation for Standardisation.

This nomination has, of course, already been advised to you informally.

May I express the Steering Group's thanks for volunteering to take on this task. Your service to the Conference is greatly appreciated.

Your willingness to serve has been particularly helpful in this early stage of establishment of the Steering Group's processes given that we have not been able to give you detailed documentation about the role or tools to help you perform it. Indeed, you have rendered assistance to the Steering Group in preparing such documentation.

However, I can advise that we now have adopted the enclosed document expressing the Steering Group's expectations of delegates. I trust that the document is consistent with your own understanding of the role. This is of course a new endeavour for the Conference and that document, and other supporting documentation yet to be developed, will continue to evolve and we certainly welcome feedback from any quarter, particularly from delegates.

I wish you well in the role as liaison officer and look forward to working with you.

Yours sincerely

**Marie Shroff**  
**New Zealand Privacy Commissioner**  
**Chair, Steering Group on Representation before International Organisations,**  
**International Conference of Data Protection and Privacy Commissioners**





**JOINT NEWS RELEASE FROM ISO AND INTERNATIONAL CONFERENCE AND DATA  
PROTECTION AND PRIVACY COMMISSIONERS**

**IS THERE A SOLUTION ON THE HORIZON TO COMBAT THE THREAT TO OUR DATA  
PROTECTION AND PRIVACY?**

13 May 2009: The threat to the protection and privacy of our data has been a challenge faced by citizens, regulators and organisations around the world for many years. The threat is growing at an alarming rate and will continue to do so unless some international solutions are found to combat this problem.

A significant step towards achieving an international solution took place today with a joint announcement by Marie Shroff, the New Zealand Privacy Commissioner and Walter Fumy, the Chairman of ISO/IEC JTC 1/SC 27, the leading international standards committee on information security.

Commissioner Shroff announced that the International Conference of Data Protection and Privacy Commissioners had appointed Steven Johnston, Senior Security and Technology Advisor to the Office of the Privacy Commissioner of Canada, as liaison officer SC 27's WG 5 on identity management and privacy technologies.

The New Zealand Commissioner chairs the International Conference's Steering Group on Representation before International Organisations, which was established at the 30th Conference in Strasbourg late last year.

Commissioner Shroff said:

*"The establishment of the Steering Group was a major step forward for the Conference by creating a mechanism by which the collective privacy and data protection expertise of commissioners could be better linked into international policy formulation. This appointment is a practical manifestation of that initiative.*

*There are now many players in the international scene working to develop solutions to the privacy challenges facing the world. The Conference's initiative is one small step to link together some of the stakeholders to share knowledge and experience. Steven Johnston has a depth of experience in relation to security, technology and the standards process that will serve the Conference and WG 5 well."*

Dr Walter Fumy said:

*"I warmly welcome this collaborative development with the International Conference of Data Protection and Privacy Commissioners. It represents an important turning point in advancing data privacy and protecting personal information through the publication of international privacy standards in the area of technology in the near future."*

Professor Kai Rannenberg, Convener of WG 5, said:

*"I am very pleased to see this liaison become a reality as it is important for SC 27 to bridge the gap between Privacy Requirements and Privacy Technology. The threat to privacy affects everybody whether in healthcare, mobile communications or social networks. The nomination*

*of Steven Johnston nicely complements the earlier appointment of Stefan Weiss as Liaison Officer from WG 5 to the Conference".*

Edward Humphreys, Press Officer, SC 27  
Blair Stewart, Assistant Privacy Commissioner, New Zealand

All enquiries about this press release may be directed to [edwardj7@msn.com](mailto:edwardj7@msn.com) for ISO/IEC JTC 1/SC 27 or to [enquiries@privacy.org.nz](mailto:enquiries@privacy.org.nz).

For more details of this joint cooperation go to the ISO/IEC JTC 1/SC 27 web site <http://www.jtc1sc27.din.de/en>. Also contained on this web site is a full list of ISO/IEC JTC 1/SC 27 projects.

For further information about the International Conference of Data Protection and Privacy Commissioners, go to resolutions on [global standards](#) and [appointing liaison officer](#) or to this year's [conference web site](#).



## Blair Stewart

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**From:** Steven Johnston [sjohnston@privcom.gc.ca]  
**Sent:** Friday, 15 May 2009 3:21 a.m.  
**To:** Stewart Dresner  
**Cc:** Blair Stewart  
**Subject:** RE: Joint news release from ISO and International Conference and Data Protection and Privacy Commissioners - Liaison on ISO/IEC JTC 1/SC 27 privacy standard setting

Stewart:

I will try to answer your questions.

1) SC, or sub-committee, 27 is the ISO sub-committee responsible for developing IT security standards. For instance, they are the group responsible for the publication and maintenance of ISO 27002 (formerly BS, then ISO 17799), the Information Security Management System Code of Practice. Working Group (WG) 5 is the WG responsible for the development of standards related to the security aspects of identity management, privacy technologies and biometrics.

2) Stefan Weiss works for KPMG in Germany. He is a member of the German delegation to WG 5 and was nominated as the WG liaison officer to the International Conference some time ago (it may have been at the Fall 2007 meeting). Whenever ISO establishes a liaison relationship with another organization, there are usually two liaison officers nominated - one from ISO to the organization in question (in this case, Stefan), one from the organization to ISO (me).

Hope this helps. Of course, as Blair points out, if you have any other questions concerning the ISO work, just let me know.

Steve

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**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** Wednesday, May 13, 2009 8:09 PM  
**To:** Stewart Dresner  
**Cc:** Steven Johnston  
**Subject:** RE: Joint news release from ISO and International Conference and Data Protection and Privacy Commissioners - Liaison on ISO/IEC JTC 1/SC 27 privacy standard setting

Thanks Stewart

Mea culpa. Sorry if it is a little opaque in places, I had drafted a media release that answered most questions. A joint release was then prepared with ISO which gutted some of my background explanations. I tried to compensate by bunging some of my earlier explanations into my cover email. It obviously didn't work perfectly!

I'm not best placed to answer anything specific about ISO's structures. Indeed, I'm staggered to notice for the first time that in the editing of the joint media release our contact person for enquiries about the ISO work has been left off. It was supposed to say that for enquiries about ISO's privacy work contact our newly appointed liaison officer Steve Johnston ([sjohnston@privcom.gc.ca](mailto:sjohnston@privcom.gc.ca)) will answer questions and for enquiries about the conference's Steering Group, contact me.

So if you don't mind I'll flick your enquiry onto Steve who is in Beijing at the ISO meeting and ask him to answer. If you have any follow up please feel free to direct questions his way. He or the ISO press officer can tell you about Stephan Weiss.

If you have any questions about the steering group I can be much more helpful!

Kind regards, Blair

05/12/2011

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**From:** Stewart Dresner [mailto:Stewart.Dresner@privacylaws.com]  
**Sent:** Wednesday, 13 May 2009 10:10 p.m.  
**To:** Blair Stewart  
**Subject:** RE: Joint news release from ISO and International Conference and Data Protection and Privacy Commissioners - Liaison on ISO/IEC JTC 1/SC 27 privacy standard setting

Dear Blair,

This press release is a bit opaque. for example:

1. What is SC 27's WG 5 and
2. who is *Stefan Weiss* ?

Best Regards,

Stewart Dresner  
Chief Executive

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**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** 13 May 2009 01:25  
**Subject:** Joint news release from ISO and International Conference and Data Protection and Privacy Commissioners - Liaison on ISO/IEC JTC 1/SC 27 privacy standard setting

## **International Conference of Data Protection and Privacy Commissioners cooperates with ISO in developing International privacy standards**

Please find attached a joint news release from ISO and International Conference and Data Protection and Privacy Commissioners (Steering Group on Representation before

05/12/2011



International Organisations).

*Brief background* - see additional notes at foot of attached news release

The International Conference of Data Protection and Privacy Commissioners has met annually for more than 30 years. The 31<sup>st</sup> Conference is scheduled for Madrid in November 2009. There are 80 data protection authorities to the International Conference. This includes 39 national authorities and 35 authorities with a limited sub-national territory. In addition, there are 6 accredited data protection authorities within international or supra-national organisations.

The Steering Group on Representation before International Organisations was established by resolution adopted at the 30<sup>th</sup> Conference last year. The Steering Group has a mandate to explore the usefulness of seeking observer representation before a series of international organisations. ISO is the first observer to be appointed but others may follow.

The liaison officer has been appointed to a joint working group established by ISO and IEC. The ISO/IEC JTC 1/SC 27/WG 5 is undertaking work in several areas. Current projects exist in the areas of biometric template protection, a framework for identity management, authentication context for biometrics, a privacy framework, privacy reference architecture, entity authentication assurance, a framework for access management and a privacy capability maturity model.

Blair Stewart  
Assistant Privacy Commissioner  
PO Box 466, Auckland 1140, New Zealand

tel +64 9 302 8654 fax +64 9 302 2305 [www.privacy.org.nz](http://www.privacy.org.nz)

Search privacy case notes from around the world: [www.worldlii.org/int/special/privacy](http://www.worldlii.org/int/special/privacy)

*If you have received this transmission in error please notify me immediately by return e-mail and delete all copies*

## Blair Stewart

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**From:** Steven Johnston [sjohnston@privcom.gc.ca]  
**Sent:** Saturday, 30 May 2009 8:53 a.m.  
**To:** Blair Stewart  
**Subject:** RE: ISO - feedback

**Sensitivity:** Confidential

Blair:

I hope to be able to send out my delegate report on Monday - I have made some changes to the way in which I am presenting the material, so it took me a bit longer than expected to finalize. I will send it to the folks on the contact list directly, cc you for the Steering Group.

If I include NZ, I have received requests from 7 DPAs (Greece, Slovenia, Czech Republic, Switzerland (federal and Canton of Zurich) and Croatia) to be added to the contact list. I am assuming that one of the reasons I have not heard from many others is that I provide an update on ISO at each of the IWGDPT meetings.

Steve

-----Original Message-----

**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** Wednesday, May 27, 2009 10:42 PM  
**To:** Steven Johnston  
**Subject:** RE: ISO - feedback  
**Sensitivity:** Confidential

Steve

On the summary report back what you suggest sounds fine to me. Get it out directly to those on the circulation list when its ready. Let me have it for circulation to the steering group too.

For my own information and that of the SG, how many DPAs have asked to go on the circulation list? BTW I probably never gave you a NZ name. Would you please add Rosie.Byford@privacy.org.nz.

Keep an eye out for a possible alternate, I think it will be a help to you. Otherwise we may get a volunteer at the time of the Madrid conference.

As for the Spanish offer, I wouldn't trouble yourself at this stage to set anything up as we've not been told that there'll be any opportunity for any detailed reports back on the individual international organisation work though there will be a general Steering Group report back in the closed session. If that changes the offer may be quite helpful.

Regards, Blair

-----Original Message-----

**From:** Steven Johnston [mailto:sjohnston@privcom.gc.ca]  
**Sent:** Monday, 25 May 2009 11:50 p.m.  
**To:** Blair Stewart  
**Subject:** RE: ISO - feedback  
**Sensitivity:** Confidential

Blair:

To answer your question first, no - I did not find anyone to act as an alternate. Having said that, I do have an offer from the Spanish delegation to WG 5 to provide an individual to stand in for me at the Conference this fall. I haven't spoken to her about it yet, so I don't know if she would be willing to do that. I'll start making enquiries with the members of the Berlin Group and will let you know if what I find out. On a related note, I hope to have a set of summary notes from the recent ISO meeting ready for distribution in a few days. I have received several e-mails from

members of the Conference who have expressed an interest in the ISO work - I'll send the note directly to them and I assume I can send you a copy for distribution to the Steering Group?

In terms of the other comments, I can't say I am at all surprised. I suspect I know the individual to whom Colin refers - I have also heard similar feedback from the US at previous ISO meetings, as well as at the recent ISO TMB Task Force on Privacy meeting (during which the US delegate repeatedly stated that ISO standards should support public policy, not create it). I also had a good chat with an individual from the US Department of Commerce at the recent meetings - they have basically the same concerns. I think the WG "gets it" now - we have decided that the privacy framework standard will not include any mandatory requirements (the language will be based on "should", not "shall", and will be written to be as accommodating of alternative approaches as possible). I'll make sure to keep in touch with Colin in order to anticipate any dissent.

Rgeards

Steve

-----Original Message-----

From: Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
Sent: Sunday, May 24, 2009 8:20 PM  
To: Steven Johnston  
Subject: ISO - feedback  
Sensitivity: Confidential

Steve

A bit of feedback.

Incidentally, did you further your researches about a possible alternate at the Beijing meeting?

Regards, Blair

-----Original Message-----

From: Colin Wallis@ssc.govt.nz [mailto:Colin.Wallis@ssc.govt.nz]  
Sent: Monday, 25 May 2009 12:06 p.m.  
To: Blair Stewart  
Subject: RE: Copy letter nominating Liaison officer to ISO

Hi again Blair

Just to say that, as expected, the news of the nomination was circulated at the meeting and welcomed by all. Steve Johnston was in the room to receive 'thanks and praise'..

However, I should let you know of some signs of unease in certain corners, that I have picked up on, from my wide network of identity related mail lists and groups.

ANSI (and other US bodies not limited to them) are concerned that ISO be not the place to try and draft a 'privacy standard' at the policy level.

Clearly it's the place for implementation and I'm sure that was foremost in the minds of the Privacy Commissioners in this initiative.

Underlying this, from a small and vocal camp in the US, is a deep antagonism to some of WG5's work in IdM as they consider it hypothetical and academic (given the participation of FIDIS, PICOS, Primelife and so on, from Europe). Personally I don't see their involvement takes the draft standards away from reality, but the quote below from a US private sector standard participant who is a lawyer, holds an extreme view of the European Commission maliciously (quote) "tossing money at institutes to develop off-the-wall hypothetical schemes" as a protectionist measure to disadvantage US companies. (this was given to me second hand, as it were).

However, they agree it is worth keeping an eye on what policymakers do; they just don't want WG5 to stray up into policy work. Steve Johnston is an extremely safe pair

of hands. But since Marie (and NZ by implication) has put their names to this very worthy initiative, we might need to 'keep watch' for a while...:-)

Cheers  
Colin

--

Colin Wallis  
Identity Standards Manager, Government Technology Services State Services Commission  
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-----Original Message-----

From: WALLIS, Colin  
Sent: Wednesday, 15 April 2009 12:19 a.m.  
To: 'Blair.Stewart@privacy.org.nz'  
Subject: Re: Copy letter nominating Liaison officer to ISO

Thanks Blair. Got it now. Will absorb in a spare moment here in DC.  
Cheers  
Colin

----- Original Message -----

From: Blair Stewart <Blair.Stewart@privacy.org.nz>  
To: WALLIS, Colin  
Sent: Thu Apr 09 15:41:16 2009  
Subject: Copy letter nominating Liaison officer to ISO

## Blair Stewart

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**From:** Steven Johnston [sjohnston@privcom.gc.ca]  
**Sent:** Wednesday, 19 August 2009 6:08 a.m.  
**To:** Blair Stewart  
**Subject:** RE: Any suggestions for improving the expectations of delegates document?

**Attachments:** Expectations of delegatesBH-SJ.doc; SC27N7748\_WG5Liaison\_to\_The\_InternationalConference\_090508.pdf



Expectations of SC27N7748\_WG  
delegatesBH-SJ..iaison\_to\_The\_Ir

Blair:

I have reviewed the annotated expectations document and agree with Billy Hawkes' comments - I've also made a couple of very minor editorial changes. Other than that, I think the document is still valid guidance to delegates. Having said that, some of the practical procedural issues that I think we discussed some time ago are coming home to roost.

WG 5 has issued a liaison statement to the Conference following the Beijing meeting (a copy is attached - I will be circulating a copy to the Contact List, cc the Steering Group, separately). Unfortunately, I haven't had much time to put towards my international commitments lately (a little thing called Facebook got in the way) so I am a bit behind in sending the liaison statement out.

Normally, liaison statements are strictly informative but in this particular case, the Conference is specifically being invited to comment on ISO 24760 (Identity Management Framework) by 1 October. In addition, the Conference will be expected to submit a liaison statement to WG 5 - liaison statements to ISO WGs typically incorporate comments that the organization (in this case, the Conference) wishes to make with respect to specific projects.

Given that there are only a handful of individuals currently in the Contact Group, comments (if any) from the members of the Contact Group would hardly be representative of the Conference. Following the recent Article 29 WP discussions concerning ISO 29100 (Privacy Framework), my Commissioner has sent a letter to Alex Turk inviting members of the WP, in their capacity as members of the Conference, to join the Contact Group - no takers yet although I may get some feedback in Berlin in September.

I would appreciate your thoughts on the following:

- 1) Should I send copies of ISO 24760 along with the liaison statement and invite comments from members of the Contact group? There are approximately six weeks until the due date of 1 October - whether this will be enough time for people to review and comment is unknown. I am debating whether or not I should send copies of all of the current projects to the Group, at least for information purposes - perhaps send them along with a note saying "if you want to receive future versions, let me know"?
- 2) If I get comments from anyone, I can easily consolidate them into a single submission. How would I present these? Normally, they would be attached to a liaison statement from the Conference to WG 5.
- 3) Would a resolution be required in order to present these as the official position of the Conference (see Clause 5, third para)? If so, then I suspect getting a resolution approved in the time remaining will be difficult. Would the Steering Group be able to authorize a liaison statement in the absence of a resolution?

Hope this makes sense. Look forward to hearing from you.

Steve



-----Original Message-----

From: Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
Sent: Thursday, August 06, 2009 6:01 PM  
To: Steven Johnston  
Subject: Any suggestions for improving the expectations of delegates document?

Steve

Now that you've acted as a delegate for one meeting, as has Billy Hawkes on an ad hoc basis for an APEC meeting, I'm interested to know in the light of that experience if we should make any improvements to the 'expectations of delegates' document.

I'm not expecting we'll want to make any radical changes but would mention my intention to table the document at the closed session of the conference as part of the Steering Group's report - and thus if we want to make changes in emphasis or introduce new messages now's the time to do so.

I asked Billy Hawkes the same question (see email exchange below). You'll see in the attached document that Billy makes a couple of helpful suggestions, please let me know if you've got any particular ideas.

Regards, Blair

Blair Stewart Assistant Commissioner (Auckland) | Office of the Privacy Commissioner  
PO Box 466 Auckland 1140 New Zealand | ' +64-9-302 8654 | 6 +64-9-302 2305

-----Original Message-----

From: Billy F. Hawkes [mailto:BFHawkes@dataprotection.ie]  
Sent: Thursday, 6 August 2009 9:48 p.m.  
To: Blair Stewart  
Subject: RE: APEC Data Privacy Subgroup Meeting

(See attached file: APEC Data Privacy Subgroup Meeting July 09.doc) (See attached file: Expectations of delegatesBH.doc)

Many thanks Blair.

....

As you suggested, I have re-read the "Expectations of Delegates" document in the light of my experience. I think it reads well in the light of that experience, bearing in mind that I was a "once-off" observer and that, since the meeting was of a privacy body, the expression of Conference positions did not really arise. I have added a few comments in the attachment - they are strictly informal so please feel free to ignore them!

Thanks again for giving me the opportunity to observe how a privacy framework is being developed in the APEC region.

All the best

Billy

"Blair Stewart"  
<Blair.Stewart@pr  
ivacy.org.nz>

05/08/2009 23:41

"Billy F. Hawkes"  
<BFHawkes@dataprotection.ie>

To

cc

Subject

RE: APEC Data Privacy Subgroup

Meeting

Billy

Thank you both for undertaking the observer duties and compiling the report so promptly.

...

Finally, and not to hold up finalising this report, if you have any reflections on the "Expectations of Delegates" document having now served ad hoc in that role, I'd be interested to hear. It will be my plan to table that at the conference as part of the Steering Group's report and so if there's any ideas for improvements we still have time to update the document.

Regards

Blair Stewart Assistant Commissioner (Auckland) | Office of the Privacy Commissioner  
PO Box 466 Auckland 1140 New Zealand | ' +64-9-302 8654 | 6 +64-9-302  
2305

-----Original Message-----

From: Billy F. Hawkes [mailto:BFHawkes@dataprotection.ie]  
Sent: Thursday, 6 August 2009 3:17 a.m.  
To: Blair Stewart  
Subject: APEC Data Privacy Subgroup Meeting

(See attached file: APEC Data Privacy Subgroup Meeting.doc)

Dear Blair

First, thank you for arranging that I attend the Subgroup meeting as an International Conference observer and for your valuable guidance on how to interact with the APEC system.

I attach a draft report of the meeting. ...

Best wishes

Billy

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bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scríos an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, agus na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne, seoladh ábhair cholúil a dhícheadú.

Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i dteagmháil leis an seoltóir láithreach agus le mailminder[ag] justice.ie chomh maith.

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## Blair Stewart

---

**From:** Steven Johnston [sjohnston@privcom.gc.ca]  
**Sent:** Saturday, 29 August 2009 2:37 a.m.  
**To:** Blair Stewart  
**Subject:** FW: Contact list for updates about ISO Working Group from International Conference liaison officer

Blair:

I have just added Urszula Góral (Poland) to the Contact List.

Steve

-----Original Message-----

**From:** Steven Johnston  
**Sent:** Thursday, August 27, 2009 9:18 AM  
**To:** 'Blair Stewart'  
**Subject:** RE: Contact list for updates about ISO Working Group from International Conference liaison officer

Blair:

I know it has only been a few days since you sent out the original e-mail but so far, only Silke has responded - perhaps others are still considering it, etc. I will raise the subject at the upcoming meeting of the IWGDPT to see if I get any takers - I'll let you know how that turns out.

In the meantime, the list so far is:

Andrej Tomšič (Slovenia)  
Bruno Baeriswyl (Canton of Zurich)  
Josef Prokeš (Czech Republic)  
Pierre-Yves Baumann (Switzerland (federal)) Snježana Grgić (Croatia) Vasilis Zorkadis (Greece) Rosie Byford (New Zealand) Silke Harz (Germany)

Steve

-----Original Message-----

**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** Sunday, August 23, 2009 7:07 PM  
**To:** Blair Stewart; Steven Johnston  
**Subject:** RE: Contact list for updates about ISO Working Group from International Conference liaison officer  
**Importance:** Low

Steve

Please let me know in due course if this resulted in any new takers for the contact list, also if I can see the complete list for my information.

Blair Stewart Assistant Commissioner (Auckland) | Office of the Privacy Commissioner  
PO Box 466 Auckland 1140 New Zealand | ' +64-9-302 8654 | 6 +64-9-302 2305

-----Original Message-----

**From:** Blair Stewart  
**Sent:** Saturday, 22 August 2009 2:07 p.m.  
**To:** Steven Johnston  
**Subject:** RE: Contact list for updates about ISO Working Group from International Conference liaison officer

Oh well, hope you might get some new names nonetheless!

-----Original Message-----

From: Steven Johnston [mailto:sjohnston@privcom.gc.ca]  
Sent: Sat 22/08/2009 3:12 AM  
To: Silke Harz  
Cc: Blair Stewart  
Subject: RE: Contact list for updates about ISO Working Group from International Conference liaison officer

Silke:

Thank you for your e-mail - I already have that address added to the contact list.

Steve

---

From: Silke Harz [mailto:silke.harz@bfdi.bund.de]  
Sent: Friday, August 21, 2009 9:17 AM  
To: Steven Johnston  
Cc: Blair.Stewart@privacy.org.nz  
Subject: WG: Contact list for updates about ISO Working Group from International Conference liaison officer

Steve,

we would very much welcome receiving regular updates about the work of ISO. In case our office is not already on your contact list, could you please add ref6@bfdi.bund.de

Kind regards  
Silke

\*\*\*\*\*

The Federal Commissioner for Data Protection and Freedom of Information

Section VII

European and International Affairs, Criminal Law, Clearing Up of Stasi Files,  
Notification Matters, General Interior Administration

Husarenstraße 30  
D - 53117 Bonn

Phone: +49- (0) 228-81995-712

Fax: +49- (0) 228 81995-550

Mail: silke.harz@bfdi.bund.de or  
ref7@bfdi.bund.de

www.bfdi.bund.de

\*\*\*\*\*

---

Von: Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
Gesendet: Freitag, 21. August 2009 04:53  
An: Silke Harz; dix@datenschutz-berlin.de; dix@datenschutz-berlin.de; Rafael García Gozalo; Commissioner IPC; roderickbwoo@pco.org.hk; a.kuncinas@ada.lt; Poststelle@LDA.Brandenburg.de; sekretariat@giodo.gov.pl; commission@privacy.fgov.be  
Cc: sjohnston@privcom.gc.ca  
Betreff: Contact list for updates about ISO Working Group from International Conference liaison officer



Dear Colleagues

I am writing to you on behalf of the International Conference's Steering Group on Representation before International Organisations.

As you will recall (see email below) the conference has appointed a liaison officer to the ISO privacy standard setting processes. All DPAs were invited to notify the liaison officer, Steve Johnston, if they wished to be added to the contact list to be given updates after each ISO meeting. A number of DPAs responded to the request and received the first such update in June (copy attached). Some of you may have seen that report in a follow up distribution through IWGDPT. I'm sure that all would agree that the comprehensive report is extremely valuable for obtaining a view as to where the multi-faceted ISO work is at and where it is heading - collating that information in one place is no mean feat!

The Steering Group has noticed that the contact list is at present quite small and we are concerned that not all DPAs who wish to follow or be active in the ISO work have yet added their details to the list. The Steering Group will be writing to all DPAs in due course reminding them of the opportunity. However, as it is important to improve the communication networks for a forthcoming phase of the ISO work I thought that I would try to proactively identify some of the DPAs who might have a special interest in ISO work. I am writing to you because your DPA was a co-sponsor of Conference resolutions on standards and the ISO work at the Montreal (2007) or Wroclaw (2004) conferences.

If you or an appropriate member of your staff would like to be on the distribution list for ISO reports please send your details to Steve Johnston ("cc" above).

Regards

Blair Stewart

Assistant Privacy Commissioner, New Zealand

---

From: Blair Stewart

Sent: Wednesday, 29 April 2009 2:12 p.m.

To: a.kuncinas@ada.lt; acavouk@ipc.on.ca; alimatadah@yahoo.fr;  
antonio.troncoso@madrid.org; apdcat@gencat.net; atippcomm@theedge.ca; aturk@cnil.fr;  
bba@dsb.zh.ch; bettina.sokol@ldi.nrw.de; bhawkes@dataprotection.ie;  
commissioner.dataprotection@gov.mt; commissioner@dataprotection.gov.cy;  
contact@dpa.gr; dataprotection@gov.je; datenschutz@jpm.bl.ch; datenschutz@mvnet.de;  
director@agpd.es; dloukidelis@oipc.bc.ca; donghwa@kisa.or.kr; dzlp\_info@mt.net.mk;  
f.audubert@interpol.int; f.pizzetti@garanteprivacy.it; franjo.lacko@azop.hr;  
ga@datatilsynet.no; gdickson@oipc.sk.ca; georg.apenes@datatilsynet.no;  
Georg.LECHNER@dsk.gv.at; georgeta.basarabescu@dataprotection.ro;  
gerard.lommel@cnpd.lu; goran.graslund@datainspektionen.se; gyula.veszelei@pdp.gov.sk;  
hans.tischler@bfdi.bund.de; helen.versey@privacy.vic.gov.au;  
iain.mcdonald@odps.gov.im; infocomm@nt.gov.au; international@dataprotection.ro;  
ipcab@planet.eon.net; i-vicuna@ej-gv.es; Jacques.Saint-Laurent@cai.gouv.qc.ca;  
jc@datatilsynet.dk; jean-philippe.walter@edoeb.admin.ch; jko@cbpweb.nl;  
joan.crespo@apda.ad; Jstoddart@privcom.gc.ca; jtravieso@jus.gov.ar;

karel.neuwirt@centrum.cz; Karencurtis@privacy.gov.au; lana.velimirovic@azop.hr;  
lsilveira@cnpd.pt; m\_serzycki@giodo.gov.pl; mail@datenschutzzentrum.de;  
mailbox@datenschutz.hamburg.de; mailbox@datenschutz-berlin.de; Marie Shroff;  
natasa.pirc@ip-rs.si; nbombud@gnb.ca; nemeci@uoou.cz; oipc@gov.nl.ca;  
ombudsma@ombudsman.mb.ca; Peter.Harris@gov.gg; peter.hustinx@edps.europa.eu;  
peter.michael@consilium.europa.eu; peter.schaar@bfdi.bund.de;  
philipp.mittelberger@sds.llv.li; poststelle@datenschutz.hessen.de;  
poststelle@datenschutz.rlp.de; poststelle@datenschutz.thueringen.de;  
poststelle@datenschutz-bayern.de; Poststelle@LDA.Brandenburg.de; poststelle@lfd.lsa-  
net.de; postur@personuvernd.is; privacy@gra.gi; privacy\_nsw@agd.nsw.gov.au;  
reijo.aarnio@om.fi; rene.huber@allg.zg.ch; Richard.Thomas@ico.gsi.gov.uk;  
roderickbwoo@pco.org.hk; signe@dvi.gov.lv; sigrun@personuvernd.is;  
urmas.kukk@dp.gov.ee; waltraut.kotschy@dsk.gv.at; webmaster@kisa.or.kr;  
Willem.Debeuckelaere@privacy.fgov.be; zombor@obh.hu  
Cc: Steve Johnston (sjohnston@privcom.gc.ca); Linda Williams; Antonio Caselli; Blair  
Stewart; cbaggaley@privcom.gc.ca; Gary\_Davis@dataprotection.ie; Gwendal Le Grand ;  
phustinx@edps.eu.int; Rafael Garcia Gozalo; Silke Harz; TimothyPilgrim@privacy.gov.au;  
Diarmuid Hallinan; Jose Leandro Nunez Garcia ; Linda Williams ; Marie Shroff ; Sarah  
Oliver ; Section VII (Germany) ; Sophie Nerbonne; Vanna Palumbo  
Subject: International Conference of Data Protection and Privacy Commissioners  
nominates liaison officer to ISO Working Group

30 April 2009

Message to accredited Data Protection Authorities on behalf of the International  
Conference of Data Protection and Privacy Commissioners Steering Group on  
Representation before International Organisations

International Conference of Data Protection and Privacy Commissioners nominates  
liaison officer to ISO Working Group

As you will recall, the 30th International Conference of Data Protection and Privacy  
Commissioners resolved  
<[http://www.privacyconference2008.org/adopted\\_resolutions/STRASBOURG2008/resolution\\_steering\\_group\\_en.pdf%20](http://www.privacyconference2008.org/adopted_resolutions/STRASBOURG2008/resolution_steering_group_en.pdf%20)> to establish a Steering Group to obtain observer status at  
the relevant meetings of a number of international organisations including the  
International Organisation for Standardisation (ISO).

I am pleased to announce that the Steering Group has nominated Steve Johnston, from  
the Office of the Privacy Commissioner of Canada, to be the Conference's liaison  
officer to ISO/IEC JTC 1/SC 27/WG5. This joint Working Group is a key body working on  
privacy standards in the technology area. The matter is to be considered and confirmed  
at ISO meetings in Beijing in early-May.

The Conference is fortunate to have the services of Steve Johnston in this role. We  
are grateful both to Steve and to Jennifer Stoddart, Privacy Commissioner of Canada,  
for making him available. Steve is the Senior Security & Technology Advisor to the  
Office of the Privacy Commissioner. He has extensive experience and specific  
responsibilities in relation to information technology, IT security and current and  
emerging technologies, Steve has also been closely involved in relation to ISO's  
information security and privacy work both at Canadian and international level.

This is the first time the Conference has appointed an observer to a working committee of an international organization. It is a significant step for the wider DPA community and demonstrates a growing ability to engage with the work of other bodies at international level. I commend ISO for taking the first step in extending an invitation to the Conference to appoint a liaison officer.

The Conference Steering Group is continuing to develop its processes in relation to the appointment and mandating of delegates generally. Accordingly, this and other appointments made in the short term will be on an interim basis to be confirmed by the Steering Group once those processes have been fully settled. We thank Steve for being willing to accept the role while these matters are not yet finalised. DPAs will be kept informed at the appropriate time.

The Conference Steering Group will compile a contact list of staff or commissioners within those DPAs that wish to be kept informed of the ISO Working Group activity. This list will be used by the liaison officer and Steering Group to disseminate reports on the ISO work from time to time. Accordingly, if any DPA would like to be added to the contact list please send the relevant email contact details to Steve Johnston at [sjohnston@privcom.gc.ca](mailto:sjohnston@privcom.gc.ca). During the initial phase the contact list will be maintained by the Conference's delegate rather than the Steering Group or the Conference itself.

If anyone has any questions about the Conference Steering Group's work please do not hesitate to get in touch with me or contact Blair Stewart at [blair.stewart@privacy.org.nz](mailto:blair.stewart@privacy.org.nz). Questions about the ISO work should be directed to Steve Johnston at [sjohnston@privcom.gc.ca](mailto:sjohnston@privcom.gc.ca).

Yours sincerely

Marie Shroff

New Zealand Privacy Commissioner

Chair, Steering Group on Representation before International Organisations,  
International Conference of Data Protection and Privacy Commissioners

## Linda Williams

---

**From:** Linda Williams on behalf of Blair Stewart  
**Sent:** Thursday, 13 August 2009 11:42 a.m.  
**To:** Linda Williams  
**Subject:** FW: First Liaison Report to DPA Contact List  
**Attachments:** SC27N5196\_WG5\_Terms\_of\_reference\_May2006.pdf;  
SC27N7738\_WG5\_SD1\_Roadmap.pdf; PRIVACY-#242573-v1-  
ISO\_Liaison\_Report\_to\_ICDPPC\_Contact\_List\_and\_Steering\_Group.DOC

LINDA WILLIAMS | Executive Secretary | Office of the Privacy Commissioner | DDI: (09) 302 8658 | Email: [linda.williams@privacy.org.nz](mailto:linda.williams@privacy.org.nz) | Fax: (09) 302 2305 | Mail: PO Box 466 Shortland Street Auckland 1140 | Web [www.privacy.org.nz](http://www.privacy.org.nz)



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---

**From:** Steven Johnston [<mailto:sjohnston@privcom.gc.ca>]  
**Sent:** Tuesday, 2 June 2009 3:50 a.m.  
**To:** [bruno.baeriswyl@dsb.zh.ch](mailto:bruno.baeriswyl@dsb.zh.ch); [josef.prokes@uoou.cz](mailto:josef.prokes@uoou.cz); [Pierre-Yves.Baumann@edoeb.admin.ch](mailto:Pierre-Yves.Baumann@edoeb.admin.ch); Rosie Byford; [snjezana.grgic@azop.hr](mailto:snjezana.grgic@azop.hr); [zorkadis@dpa.gr](mailto:zorkadis@dpa.gr); [contact@dpa.gr](mailto:contact@dpa.gr)  
**Cc:** Blair Stewart  
**Subject:** First Liaison Report to DPA Contact List

Members of the Contact List:

First of all, I would like to thank each of you once more for your interest in the work currently underway within ISO's Working Group (WG) 5 (Identity Management and Privacy Technology).

Please find attached the following documents:

- 1) SC27 N5196 - Terms of Reference for WG 5 (Identity Management and Privacy Technology). You may find this document useful as background;
- 2) SC27 N7738 - WG 5 SD1 Roadmap. The Roadmap provides a visual representation of current and possible future standards projects that might be undertaken by WG 5, as well as providing some limited sense of the dependencies between the projects; and
- 3) Liaison Report. This report, being the first, provides a description of each of the projects currently underway, as well as a summary of the key issues that have arisen during the development of each standard over the past four international meetings. As such, it is somewhat on the long side. The intent is that future reports will focus strictly on more recent developments (e.g., the deliberations that occur during an international meeting).

In addition to reporting on the work of WG 5, I will also try to report on other ISO matters that may be of interest (as I have done at the end of this first liaison report).

If there are any questions, please do not hesitate to contact me.

17/11/2011

Regards

Steve

Steven Johnston  
Senior Security and Technology Advisor/  
Conseiller principal en sécurité et en technologie  
Office of the Privacy Commissioner of Canada/  
Commissariat à la protection de la vie privée du Canada  
Ph/Tel: (613) 943-2412  
Fax/Telec: (613) 995-1139  
E-mail/Courriel: [sjohnston@privcom.gc.ca](mailto:sjohnston@privcom.gc.ca)



**Blair Stewart**

---

**From:** Steven Johnston [sjohnston@privcom.gc.ca]  
**Sent:** Saturday, 29 August 2009 7:11 a.m.  
**To:** Andrej.Tomsic@ip-rs.si; bruno.baeriswyl@dsb.zh.ch; josef.prokes@uoou.cz; Pierre-Yves.Baumann@edoeb.admin.ch; Rosie Byford; snjezana.grgic@azop.hr; zorkadis@dpa.gr; contact@dpa.gr; ref6@bfdi.bund.de; Sekretariat DESiWM  
**Cc:** Blair Stewart  
**Subject:** Update on ISO Activities  
**Attachments:** SC27N7748\_WG5Liaison\_to\_The\_InternationalConference\_090508.pdf;  
 SC27N7742\_1stCD\_24760\_090717.ZIP;  
 SC27N7751\_29100\_2ndCD\_PrivacyFramework\_20090629.ZIP;  
 SC27N7753\_4thWD\_29101\_PrivacyRefArch.ZIP;  
 SC27N7755\_X\_eaa\_29115\_5thWD\_090720.ZIP;  
 SC27N7245rev2\_1stWD\_29146\_20090527.ZIP; SC27N7740\_1stCD\_24745\_20090703.ZIP;  
 SC27N7745\_1stWD\_29191\_090714.zip

Members of the Contact Group:

Now that a formal liaison has been established between ISO and the International Conference, ISO's Working Group (WG) 5 (Identity Management and Privacy Technology) will be sending liaison statements to the Conference following each international meeting. While the most recent meeting took place in May, I have only recently received the official liaison statement, along with the latest drafts of the active WG 5 projects. These documents, starting with the liaison statement, are attached for your information. Please note that the .zip files will contain two documents - the draft standard and a blank comment template (more on this below).

Normally, these liaison statements will simply be to inform the Conference of recent developments within WG 5. In this case, however, the Conference is specifically being invited to comment on ISO 24760 (Identity Management Framework) (document SC27 N7742 - the second attached document) by 1 October. I realize that this is only a few weeks away, but I would like to invite you to review and comment on this particular document. You are, of course, welcome to review and comment on any of the other documents, should you so choose.

Should you decide to submit comments, please use the comment template in the .zip file and complete the "Clause No.", "Paragraph No.", "Comment (justification for change)" and "Proposed change" columns (columns 2, 3, 5 and 6). You can then send the completed template to me via e-mail. I will fill in the "Type of Comment" column, will consolidate any comments received into a single submission and will send the submission to WG 5.

The consolidated submission will be sent as an attachment to a liaison statement from the Conference to WG 5. I realize that membership in the Contact Group is still small, and that we are not in a position to formally represent the views of the Conference, absent an appropriate resolution. Unfortunately, I don't think there isn't enough time to take the steps necessary to get such a resolution passed. Instead, what I propose (I will have to check this with ISO) is that the liaison statement from the Conference this time be worded as an "expert contribution" to the development of ISO 24760 (and other projects if appropriate). This will allow us to submit our comments as requested by WG 5 and will give us time to sort out proper procedures for future statements.

I would appreciate it if anyone who is interested in submitting comments could send me a short e-mail indicating their interest. In that way, I will know to watch for your comments. If at all possible, I would appreciate it if you could send your comments to me no later than 25 September (four (4) weeks from now) - this will give me a bit of time to consolidate and forward them to WG 5.

If there are any questions about any of the projects, or on submitting comments, please do not hesitate to contact me. Thank you.

Regards

Steve

05/12/2011

Steven Johnston  
Senior Security and Technology Advisor/  
Conseiller principal en sécurité et en technologie  
Office of the Privacy Commissioner of Canada/  
Commissariat à la protection de la vie privée du Canada  
Ph/Tel: (613) 943-2412  
Fax/Telec: (613) 995-1139  
E-mail/Courriel: [sjohnston@privcom.gc.ca](mailto:sjohnston@privcom.gc.ca)

Linda Williams

---

**From:** Steven Johnston [sjohnston@privcom.gc.ca]  
**Sent:** Friday, 4 September 2009 6:40 a.m.  
**To:** Andrej.Tomsic@ip-rs.si; bruno.baeriswyl@dsb.zh.ch; Data Protection Commissioner - Ireland; emma.butler@ico.gsi.gov.uk; Federal Commissioner - Germany; fraynal@cnil.fr; GIODO - Poland; Hellenic DPA; josef.prokes@uouu.cz; Justina Navickaite; omatter@cnil.fr; Pierre-Yves.Baumann@edoeb.admin.ch; Rosie Byford; snjezana.grgic@azop.hr; snerbonne@cnil.fr; zorkadis@dpa.gr  
**Cc:** Blair Stewart  
**Subject:** Update on ISO TMB Task Force on Privacy  
**Attachments:** FINAL REPORT TMB Privacy TF (N07 REV).doc; Privacy\_Questionnaire\_Analysis\_FINAL\_(N 05).doc

Members of the Contact Group:

In addition to the work underway in WG 5 (Identity Management and Privacy Technology), I thought you should be aware of another privacy-related initiative underway within ISO.

In June 2008, the Technical Management Board (TMB) of ISO established a Task Force (TF) on Privacy in order to explore and advise the TMB on the development of ISO technical standards to support public policy initiatives on privacy, with a specific focus on protection of personally identifiable information (PII) and fair information handling. In creating the TF, the TMB directed that the TF may identify the variety of public policy on this issue and make an inventory of existing standards from ISO, the International Electrotechnical Commission (IEC) and other sources, noting how they support public policy. The TF was not to recommend the development of standards that would be perceived as creating public policy.

During its only face-to-face meeting, the TF agreed to seek input from a variety of standards organizations, internal and external to ISO, which dealt with some aspect of privacy. Information on current and future work plans, whether or not assistance or guidance from the TMB was necessary or appropriate and suggestions for further ISO standards activities was sought via a questionnaire. A copy of the analysis of the questionnaire results, as well as the final report of the TF, is attached for your information.

The report has now been tabled with the TMB, which is scheduled to meet and consider it the week of 14 September. The result of the deliberations will be a resolution responding to the TF report and providing direction for implementing its recommendations. A copy of the draft resolution was provided to members of the TF. The key elements of the resolution, which I have permission to share with you, are:

- 1) The TMB decides that a Privacy Steering Committee shall be *created reporting to the TMB* with a view to: 1) implementing the three (3) Task Force recommendations and 2) assessing the feasibility of implementing the three (3) additional recommendations, and
- 2) The TMB further requests the Privacy Steering Committee to provide an outline of its proposed workplan and related timeframes for the *approval* of the TMB in time for its February 2010 meeting.

Please note that this is a draft resolution - it may or may not be adopted as presented. I will be able to provide an update once the TMB has met.

If there are any questions, please let me know.

Regards

Steve

Steven Johnston  
 Senior Security and Technology Advisor/  
 Conseiller principal en sécurité et en technologie

17/11/2011

Office of the Privacy Commissioner of Canada/  
Commissariat à la protection de la vie privée du Canada  
Ph/Tel: (613) 943-2412  
Fax/Telec: (613) 995-1139  
E-mail/Courriel: [sjohnston@privcom.gc.ca](mailto:sjohnston@privcom.gc.ca)

## Linda Williams

---

**From:** Blair Stewart  
**Sent:** Friday, 4 September 2009 4:26 p.m.  
**To:** Antonio Caselli; Blair Stewart; cbaggaley@privcom.gc.ca; Gary\_Davis@dataprotection.ie; Gwendal Le Grand ; phustinx@edps.eu.int; Rafael Garcia Gozalo; roderickbwoo@pco.org.hk; Silke Harz; TimothyPilgrim@privacy.gov.au  
**Cc:** Linda Williams  
**Subject:** Two ISO updates from Conference's ISO Liaison officer  
**Importance:** Low  
**Attachments:** Update on ISO Activities; Update on ISO TMB Task Force on Privacy Steering Group colleagues

Please find attached copies of two recent updates about the ISO work sent by Steve Johnston to the ISO contact list.

A reminder that if you want someone in your office to receive ISO updates directly, their email contact should be provided directly to Steve. (Similarly for updates on APEC or Council of Europe, pending appointment of standing delegates, please send details to Linda Williams at the NZ office.)

A heads up to say that I expect Steve Johnston to raise a question for the Steering Group's advice in the next week or so on his return from Berlin. It concerns the matter of responding to ISO's request for a Conference "liaison statement", the first time that the Steering Group will have been asked formally for a statement of views. I don't need anyone to express any views on process or substance yet but if anyone was interested in getting their head around the issues you can read the update of 28 August.

Blair

Blair Stewart  
Assistant Privacy Commissioner  
PO Box 466, Auckland 1140, New Zealand

tel +64 9 302 8654 fax +64 9 302 2305 [www.privacy.org.nz](http://www.privacy.org.nz)

[Search privacy case notes from around the world](#)

*If you have received this transmission in error please notify me immediately by return e-mail and delete all copies*



## Blair Stewart

---

**From:** Steven Johnston [sjohnston@privcom.gc.ca]  
**Sent:** Friday, 18 September 2009 12:09 a.m.  
**To:** Blair Stewart  
**Cc:** Linda Williams; Carman Baggaley  
**Subject:** RE: ISO request for a conference liaison statement etc.

**Attachments:** Annual Report Document 2009 \_ Annex F - for review (updated srj 170909).doc



Annual Report  
Document 2009 \_

Blair:

I have seen your "re-circ" e-mail - thank you for that. Now we wait.

I should have picked up on the need to update the delegate report - I have now done that and a (hopefully) final draft is attached.

Regards

Steve

-----Original Message-----

**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** Wednesday, September 16, 2009 9:56 PM  
**To:** Steven Johnston  
**Cc:** Carman Baggaley; Linda Williams; Carman Baggaley  
**Subject:** RE: ISO request for a conference liaison statement etc.

Steve

Thanks for this. I will recirculate to the SG the ISO request for a liaison statement together with your excellent overview of the issues. I regret to say that the majority of the Steering Group appear to be in hibernation and I cannot guarantee getting any useful comment from them in the time available. I hope that your contact group are more 'with it' on these issues.

On your PS. Does this mean that you need to revise your delegate's report? I haven't been editing your material at all, Linda my secretary merely pasted the new material in as requested. If you'd like anything you've written changed I'd be grateful if you'd resubmit the relevant text.

Regards, Blair

PS. It looks like there might be an error in the email address you've used for Carman so I've added the address I use.

Blair Stewart Assistant Commissioner (Auckland) | Office of the Privacy Commissioner  
PO Box 466 Auckland 1140 New Zealand | ' +64-9-302 8654 | 6 +64-9-302 2305

-----Original Message-----

**From:** Steven Johnston [mailto:sjohnston@privcom.gc.ca]  
**Sent:** Thursday, 17 September 2009 12:25 a.m.  
**To:** Blair Stewart  
**Cc:** Carman Baggaley  
**Subject:** RE: ISO request for a conference liaison statement etc.

Blair:

I have tried to put together a few notes for review/consideration by the Steering

Group concerning submission of liaison statements to ISO. The first part provides some background on how contributions can be made - the second raises some of the more important issues (in my view, at least) concerning the practicalities of submissions from the Conference.

#### Mechanisms for input to ISO

There are generally two ways in which to provide input to ISO (e.g., comments on a current project). The first is through the respective National Body. I assume that most countries operate a series of shadow or mirror committees for each ISO sub-committee or working group that they participate in at the international level. By joining the appropriate shadow group, individuals/organizations (including DPAs) can submit comments on current ISO projects (I know several countries are now doing this - the UK, France, Germany, NZ, Canada). Assuming that these comments are not rejected at the shadow group level, they become part of the national contribution to the project.

The other way to provide input is through the establishment of a liaison with the relevant sub-committee or working group, as the International Conference has done with ISO/IEC JTC 1/SC27/WG 5. Comments can be provided by any member of the liaison organization (in this case, the International Conference), which are typically consolidated (in the appropriate format) and submitted by the liaison officer. The comments are sent to ISO in the form of a liaison statement. An example statement is attached for information.

Regardless of how the comments are prepared and submitted, they generally reflect the official position (of either the national body or the liaison organization). As such, they must be approved (in some fashion) prior to being submitted.

ISO procedures call for comments to be submitted approximately one month prior to an international meeting. This gives the editor time to prepare a Summary of Contributions (a consolidation of all comments received) and a Proposed Disposition of Comments (a proposal as to how the editor plans to address the various comments). These documents are then distributed to National Bodies for review prior to the international meeting. While it is possible to submit comments after the deadlines, the practice is discouraged.

#### Approving liaison statements

In the case of the International Conference, "approving" a liaison statement prior to its submission to ISO is going to present some challenges, the solutions to which are not clear:

- 1) Approving a liaison statement requires knowledge and understanding of the contents of the statement. In this case, it would require that members of the Conference have actually studied the relevant ISO standard in order to understand the context and implications of the comments being made. The ability to do this will probably be limited to a handful of DPAs who have the requisite expertise to do so.
- 2) How would the liaison statement be approved - by resolution? Would the resolution have to be approved by the larger membership of the Conference, or could it be approved by the Steering Group? Note that approval would have to be done twice a year (prior to each international ISO meeting, typically held April/May and October/November). Given that the Conference only meets once a year, timing is an issue in the absence of some alternative approval mechanism.
- 3) In the event that the Conference as a whole needs to approve of any statement to ISO, what percentage of the membership of the Conference would have to approve the resolution in order for it to "pass"? What happens if the resolution "fails"?
- 4) As a follow-on to the previous items, what is the role of the Contact Group in this respect? So far, the Contact Group has representatives from about a dozen countries - hardly enough to be representative of the Conference as a whole. However, these countries are the ones that have indicated a particular interest in the ISO work (some of them are shadowing their respective national standards bodies (e.g., UK, Germany, France, NZ)) and who are most likely to comment on draft ISO standards. Does a mechanism exist to delegate responsibility/authority to the Contact Group in this matter?

Given the time constraints, I don't think a resolution out of Madrid is much of an option. It would appear that an "expert contribution" will be the way to go (this time at least). Having said that, I have not received any feedback from the members of the Contact group (not even an indication that they are interested in commenting) but I know that the Article 29 WP will be submitting comments on ISO 29100 (Privacy Framework). There will at least be some contribution to the WG 5 projects from the larger DPA community. Maybe we will have better luck next time - hopefully we will have a bit more lead time.

It is unfortunate that the conference (event) and the ISO international meeting overlap. This is a subject that takes some "getting used to" and some thinking out loud. It would be useful at some point to be able to sit down with members of the Steering Group as a start and walk them through some of these issues (a conference call perhaps?).

Hopefully the above notes help. If there are any questions, please let me know.

Regards

Steve

P.S.: I have just received word that the TMB resolution concerning the work of the Task Force on Privacy has passed, although in slightly altered form from what I originally sent you. The resolution, which has not yet been publicly released by ISO, now states:

The Technical Management Board,

Thanks the Task Force for the completion of the Final Report within the originally established time frames,

Notes the three (3) Task Force recommendations and the three (3) additional recommendations that are contained in the Final Report,

Decides to create a Privacy Steering Committee that shall report to the TMB with a view to: 1) implementing the three (3) Task Force recommendations, and 2) assessing the feasibility of implementing the three (3) additional recommendations,

Assigns the secretariat of the Privacy Steering Committee to JTC 1/SC 27,

Requests ISO/CS, to issue a call for nominations to TMB members to nominate experts, and the secretariat of the Privacy Steering Committee to invite other committees and working groups within ISO that have worked on privacy-related standards to join the Privacy Steering Committee and,

Further requests the Privacy Steering Committee to provide an outline of its proposed workplan and related timeframes for the approval of the TMB in time for its February 2010 meeting.

The major difference is lack of reference to inviting external experts to participate in the Steering Committee - not sure how this is going to play out. I'll keep you posted.

Steve

-----Original Message-----

From: Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]

Sent: Sunday, August 30, 2009 10:41 PM

To: Steven Johnston

Cc: Carman Baggaley

Subject: RE: ISO request for a conference liaison statement etc.

Importance: High

Steve

What you propose regarding ISO's request - casting the response as an expert contribution - sounds promising.

If they can wait, then a resolution out of Madrid is a possibility - but there will be several question marks over that including two obvious ones:

- whether it adds any value to them over that expert contribution (I can't say in the abstract but I suspect not unless there is a policy/political issue not merely a technical one),
- the practicalities especially that you won't be at Madrid, they're meeting the same day, etc.

Thus your proposed course sounds promising.

In terms of timing to get to the Steering Group I have some suggestions:

- in terms of the general high level issues (i.e. mechanisms for consensus input to ISO work at this critical juncture), I think the sooner the better - if you were able to pen something quickly I could have this out with the Steering Group while you're in Berlin (a week and a half seems a long time at this particular juncture, remember they'll need a week or so to ponder whatever is sent to them);
- I imagine you might - I say 'might', I'm not 100% sure whether this is essential or should be left to you as delegate - want to go back to the Steering Group after the proposed expert liaison response is written to have their endorsement or more probably their acquiescence, this second approach presumably will need to await some weeks until it's ready and which might incorporate contact group input.

I wouldn't want to send something to the entire DPA community yet. Rather that should happen after the Steering Group has pondered the issue for the first time. Even then I would be cautious about sending so much documentation to all DPAs (or even the entire Steering Group) if a subset could suffice - though that would be a matter in your judgment finally rather than mine. I fear that so much detail - perfectly appropriate for the self-selected contact group of those following ISO - will be overwhelming to others and not be welcomed.

I should add I'm not sure whether it is necessary to involve all DPAs, the SG could be asked for a view. If there were to be a liaison statement in the Conference's name then full circulation could be worthwhile even if no new information came to light as a result. On the other hand, if looking principally for expert input my guess is that your existing contact group will be the most promising. Perhaps a middle ground is circulation of the draft response (only) when it is prepared rather than involve everyone in its preparation (mirroring the Steering Group stages) is to be preferred.

Regards, Blair

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PO Box 466 Auckland 1140 New Zealand | ' +64-9-302 8654 | 6 +64-9-302 2305

-----Original Message-----

From: Steven Johnston [mailto:sjohnston@privcom.gc.ca]  
Sent: Saturday, 29 August 2009 6:58 a.m.  
To: Blair Stewart  
Subject: RE: ISO request for a conference liaison statement etc.

Blair:

Thanks for the guidance below.

I am about to send an e-mail to the Contact Group (I've cc'ed you on the e-mail), providing them with the liaison statement from WG 5 as well as the latest drafts of the active projects. I am asking the members to consider reviewing and commenting on the Identity Management Framework standard in particular - if they are interested and have the time, they are welcome to comment on any of the other projects as well - and submit comments to me by 25 September (this will give me time to consolidate any comments I might receive, package them up and submit them by 1 October). If you wanted to repeat the e-mail to the larger DPA community, inviting them to send comments directly to me, that would be appreciated.

Given that this is still a new area for the Conference, and given the relatively short time until Madrid, I have proposed to the members of the Contact Group that this

liaison statement be worded as an "expert contribution", rather than as the formal position of the Conference. While I still need to confirm that this is acceptable from an ISO perspective (I am hoping this will be acceptable compromise from the Conference perspective), it would allow us to submit any comments we might have while buying us some time to sort out how we want to deal with such requests in the future.

I will try to put together some notes about how all of this works to help the Steering Group in their deliberations on this matter. I will try to get those notes to you by the time I get back from Berlin - about a week and a half from now. Will that be OK, or will you need something sooner?

Regards

Steve

-----Original Message-----

From: Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]

Sent: Wednesday, August 19, 2009 12:40 AM

To: Steven Johnston

Subject: ISO request for a conference liaison statement etc.

Importance: High

Steve

Thanks for the feedback on the delegates expectations document which I'll process and approve with the Steering Group.

On the other matter I have a few thoughts:

- I follow the ISO work from a distance, but don't know that much about it so won't express any substantive views, I see my role here as being guided by you as the ISO expert and am trying to harness the Steering Group to aid you as the delegate, that SG assistance may be substantive (e.g. I could raise your current issue with the entire group for their guidance) and administrative (e.g. I have the practical means to send an message out in the SG's name to the entire list of DPAs);
- your contact group email list is understandably quite small at present, that is an issue with the existing APEC list as well, and will probably arise with the OECD and CoE lists when we compile them: I think these may grow with time and I had planned to do a re-solicitation of names for all the contact lists from time to time, so you may have new names before Madrid - but that doesn't help very much right now;
- I think you probably should use the contact group list, small as it is, to solicit input without delay, although I think you may be right to be cautious as to whether the small size will capture the generally held views: however, though a small group they are presumably likely to be those most clued up about ISO's work;
- I could facilitate a message to go to all DPAs in the SG's name soliciting comments to be sent directly back to you, this looks likely to be the most promising way forward to me though I'd have to clear that with the SG and I can't predict what they'll say. (This can also ask people to add their names to the contact list at the same time.)
- to put a formal position of the conference there would need to be a resolution, so I think we have some problems there. By 1 October the best you could hope is a helpful preliminary or expert statement with a caveat that there is no resolution. If you can look beyond 1 October there would be the possibility of a resolution - obviously complicated (though not made impossible) by the concurrent meeting of ISO and the Conference.
- If you did thing a resolution was useful or feasible (noting that it would be available to ISO after 1 October) there would be several subsidiary issues to work through. For instance should the resolution be in the form of adoption of a liaison statement (a bit unorthodox from the Conference's perspective but sounds appropriate if that's ISO's preferred working method)? Should it be a Steering Group resolution or something else like a Canada resolution? I think - and this is only tentative - it should probably be a Steering Group resolution prepared by you as delegate but submitted to the Conference by the Steering Group and with its imprimatur.

I welcome your response to these thoughts. Assuming that this all sounds to be in keeping with what you think best I'd suggest that you circulate your contact group without delay - that step may not need to await me taking these issues through the SG - this will give your contact group as much as a week or two extra to consider the issues and that may turn out to be crucial. Then that you send me a note that I can circulate to the SG for guidance or endorsement of the plan laid out above. This note may need to do little more than replicate your email below but you may want to recast



for the SG or incorporate aspects of the issues mentioned above.

ISO certainly is a live wire organisation and there was me thinking I had a quiet period on SG work in the lead up to the Conference! I'm extremely grateful for your safe pair of hands in navigating this stuff!

Regards, Blair

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-----Original Message-----

From: Steven Johnston [mailto:sjohnston@privcom.gc.ca]

Sent: Wednesday, 19 August 2009 6:08 a.m.

To: Blair Stewart

Subject: RE: Any suggestions for improving the expectations of delegates document?

Blair:

I have reviewed the annotated expectations document and agree with Billy Hawkes' comments - I've also made a couple of very minor editorial changes. Other than that, I think the document is still valid guidance to delegates. Having said that, some of the practical procedural issues that I think we discussed some time ago are coming home to roost.

WG 5 has issued a liaison statement to the Conference following the Beijing meeting (a copy is attached - I will be circulating a copy to the Contact List, cc the Steering Group, separately). Unfortunately, I haven't had much time to put towards my international commitments lately (a little thing called Facebook got in the way) so I am a bit behind in sending the liaison statement out.

Normally, liaison statements are strictly informative but in this particular case, the Conference is specifically being invited to comment on ISO 24760 (Identity Management Framework) by 1 October. In addition, the Conference will be expected to submit a liaison statement to WG 5 - liaison statements to ISO WGs typically incorporate comments that the organization (in this case, the Conference) wishes to make with respect to specific projects.

Given that there are only a handful of individuals currently in the Contact Group, comments (if any) from the members of the Contact Group would hardly be representative of the Conference. Following the recent Article 29 WP discussions concerning ISO 29100 (Privacy Framework), my Commissioner has sent a letter to Alex Turk inviting members of the WP, in their capacity as members of the Conference, to join the Contact Group - no takers yet although I may get some feedback in Berlin in September.

I would appreciate your thoughts on the following:

- 1) Should I send copies of ISO 24760 along with the liaison statement and invite comments from members of the Contact group? There are approximately six weeks until the due date of 1 October - whether this will be enough time for people to review and comment is unknown. I am debating whether or not I should send copies of all of the current projects to the Group, at least for information purposes - perhaps send them along with a note saying "if you want to receive future versions, let me know"?
- 2) If I get comments from anyone, I can easily consolidate them into a single submission. How would I present these? Normally, they would be attached to a liaison statement from the Conference to WG 5.
- 3) Would a resolution be required in order to present these as the official position of the Conference (see Clause 5, third para)? If so, then I suspect getting a resolution approved in the time remaining will be difficult. Would the Steering Group be able to authorize a liaison statement in the absence of a resolution?

Hope this makes sense. Look forward to hearing from you.

Steve

-----Original Message-----

From: Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
Sent: Thursday, August 06, 2009 6:01 PM  
To: Steven Johnston  
Subject: Any suggestions for improving the expectations of delegates document?

Steve

Now that you've acted as a delegate for one meeting, as has Billy Hawkes on an ad hoc basis for an APEC meeting, I'm interested to know in the light of that experience if we should make any improvements to the 'expectations of delegates' document.

I'm not expecting we'll want to make any radical changes but would mention my intention to table the document at the closed session of the conference as part of the Steering Group's report - and thus if we want to make changes in emphasis or introduce new messages now's the time to do so.

I asked Billy Hawkes the same question (see email exchange below). You'll see in the attached document that Billy makes a couple of helpful suggestions, please let me know if you've got any particular ideas.

Regards, Blair

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PO Box 466 Auckland 1140 New Zealand | ' +64-9-302 8654 | 6 +64-9-302 2305

-----Original Message-----

From: Billy F. Hawkes [mailto:BFHawkes@dataprotection.ie]  
Sent: Thursday, 6 August 2009 9:48 p.m.  
To: Blair Stewart  
Subject: RE: APEC Data Privacy Subgroup Meeting

(See attached file: APEC Data Privacy Subgroup Meeting July 09.doc) (See attached file: Expectations of delegatesBH.doc)

Many thanks Blair.

....

As you suggested, I have re-read the "Expectations of Delegates" document in the light of my experience. I think it reads well in the light of that experience, bearing in mind that I was a "once-off" observer and that, since the meeting was of a privacy body, the expression of Conference positions did not really arise. I have added a few comments in the attachment - they are strictly informal so please feel free to ignore them!

Thanks again for giving me the opportunity to observe how a privacy framework is being developed in the APEC region.

All the best

Billy

"Blair Stewart"  
<Blair.Stewart@pr  
ivacy.org.nz>

05/08/2009 23:41

"Billy F. Hawkes"  
<BFHawkes@dataprotection.ie>

To

cc

Subject  
RE: APEC Data Privacy Subgroup  
Meeting

Billy

Thank you both for undertaking the observer duties and compiling the report so promptly.

...

Finally, and not to hold up finalising this report, if you have any reflections on the "Expectations of Delegates" document having now served ad hoc in that role, I'd be interested to hear. It will be my plan to table that at the conference as part of the Steering Group's report and so if there's any ideas for improvements we still have time to update the document.

Regards

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2305

-----Original Message-----

From: Billy F. Hawkes [mailto:BFHawkes@dataprotection.ie]  
Sent: Thursday, 6 August 2009 3:17 a.m.  
To: Blair Stewart  
Subject: APEC Data Privacy Subgroup Meeting

(See attached file: APEC Data Privacy Subgroup Meeting.doc)

Dear Blair

First, thank you for arranging that I attend the Subgroup meeting as an International Conference observer and for your valuable guidance on how to interact with the APEC system.

I attach a draft report of the meeting. ...

Best wishes

Billy

\*\*\*\*\*

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Is le haghaidh an duine nó an eintitis ar a bhfuil sí dírithe, agus le haghaidh an

duine nó an eintitis sin amháin, a bheartaítear an fhaisnéis a tarchuireadh agus féadfaidh sé go bhfuil ábhar faoi rún agus/nó faoi phribhléid inti. Toirmisctear aon athbhreithniú, atarchur nó leathadh a dhéanamh ar an bhfaisnéis seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scríos an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, agus na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne, seoladh ábhair cholúil a dhícheadú.

Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i dteagmháil leis an seoltóir láithreach agus le mailminder[ag] justice.ie chomh maith.

\*\*\*\*\*

**Blair Stewart**

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**From:** Steven Johnston [sjohnston@privcom.gc.ca]  
**Sent:** Saturday, 28 November 2009 2:46 a.m.  
**To:** Blair Stewart  
**Subject:** FW: Delegate Report - ISO International Meeting, Redmond, USA 2 - 6 November 2009  
**Attachments:** PRIVACY-#259657-v3-Delegate\_Report\_-\_ISO\_Standards\_Meeting\_-\_Redmond\_November\_2009.DOC

Blair:

I trust you are keeping well - how was Madrid?

Here are my notes from the latest WG 5 meeting, which I have just sent out to the Contact Group. I would appreciate it if you could forward this to the members of the Steering Group - on that note, do you want to do the forwarding, or are you OK with me cc'ing the members of the Steering Group when I send my notes to the Contact Group? If the latter, could you confirm who I should be sending the notes to? Thanks.

You should be aware that the WG has asked SC27 to establish a liaison with the Article 29 WP - the related WG resolution passed unanimously despite some lively discussion about whether or not we should establish a liaison (arguments against including DPA participation via national standards bodies or being represented by the liaison from the Conference; arguments for including the fact that WG 5 has been asking DPAs to get involved and now they are). Something else to add to a discussion of practical issues.

If you have any questions, please let me know.

Regards

Steve

---

**From:** Steven Johnston  
**Sent:** Friday, November 27, 2009 8:40 AM  
**To:** Andrej Tomšič (Andrej.Tomsic@ip-rs.si); Bruno Baeriswyl (bruno.baeriswyl@dsb.zh.ch); Data Protection Commissioner - Ireland; Dr. Peter Harris; Emma Butler (emma.butler@ico.gsi.gov.uk); Federal Commissioner - Germany; Florence Raynal (fraynal@cnil.fr); GIODO - Poland; Gwendal Le Grand (glegrand@cnil.fr); Hellenic DPA; Josef Prokeš (josef.prokes@uouu.cz); Justina Navickaite; Karsten Neumann (datenschutz@mvnet.de); Olivier Matter (omatter@cnil.fr); Pierre-Yves Baumann (Pierre-Yves.Baumann@edoeb.admin.ch); Rosie Byford (Rosie.Byford@privacy.org.nz); Snježana Grgić (snjezana.grgic@azop.hr); Sylvie Nerbonne (snerbonne@cnil.fr); Ulrich Vollmer (vollmer@datenschutz-berlin.de); Vasilis Zorkadis (zorkadis@dpa.gr)  
**Subject:** Delegate Report - ISO International Meeting, Redmond, USA 2 - 6 November 2009

Members of the Contact Group:

Please find attached my delegate report for the most recent international meeting of WG 5 (Identity Management and Privacy Technology), held in Redmond, USA 2 - 6 November. I will forward copies of the latest versions of the project documents as they become available.

You might also be interested to know that WG 5 has requested that SC27 (the parent subcommittee to WG 5) establish a liaison with the Article 29 WP. Although there was initially some debate about doing this, the resolution asking SC27 to start the liaison process passed unanimously.

As always, if there are any questions on the attached report, or on ISO generally, please let me know.

Regards

05/12/2011

Steve

Steven Johnston  
Senior Security and Technology Advisor/  
Conseiller principal en sécurité et en technologie  
Office of the Privacy Commissioner of Canada/  
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**To:** Contact List/Steering Group  
International Conference of Data Protection and Privacy Commissioners

**From:** Steve Johnston  
Senior Security and Technology Advisor  
Office of the Privacy Commissioner of Canada

**Subject:** Delegate Report, SC 27/WG 5 Meeting  
2 – 6 November 2009  
Redmond, USA

### **General Comments**

The most recent meeting of ISO/IEC JTC1/SC 27/WG 5 was held 2 – 6 November 2009 in Redmond, USA. The meeting facilities were provided by Microsoft.

### **Projects**

WG 5 is currently working on 8 numbered projects and 2 Standing Documents (SDs). A brief description of the project, as well as a summary of the editing meeting discussions (where attended) for each project, follows:

- 1) **ISO 24760 – A Framework for Identity Management.** This standard, at 1<sup>st</sup> Committee Draft (CD) at the time of the meeting, defines and establishes a framework for Identity Management (defined as an integrated concept of processes, policies and technologies that enable organizations and individual entities to facilitate and control the use of identity information in their respective relations). The Framework standard is intended to help designers, architects, evaluators, and users of IT systems building solutions related to identity controls, and to improve adherence to compliance regulations, internal security and privacy policies.

As with previous drafts, numerous comments (over 500) were submitted by National Bodies (NBs). Many of these comments still dealt with basic issues such as terminology and concepts, which are proving to be the major obstacles to progressing this document in timely manner. One term/concept that needs to be discussed in more detail is that of "entity" and, in particular, whether an entity is human and/or non-human. In the context of this document, where objects can have identities (note: "identity" is currently defined as "a set of attributes related to an entity"), entities can be both human and non-human. The same does not hold true in the context of ISO 29100 (Privacy Framework), where entities can not be data controllers, for instance, if they are non-human.

The ITU-T Study Group (SG) 17 liaison officer noted that x.idmdef – Baseline Identity Management Terms and Definitions was "determined" at the most recent SG17 meeting. While this document is supposedly "fundamentally aligned" with ISO 24760 terminology, the fact that WG 5 still cannot reach agreement in this area means that alignment may not in fact have been achieved. The editors requested that any future contributions from ITU-T with respect to terminology should be submitted using the ISO comment template.

Given the often convoluted language that is used in the document, it is frequently difficult to clearly understand the underlying technical content. After considerable discussion, it was agreed that a small ad hoc editing team would be created to review and revise Clause 6 (Concepts of Identity Management). One of the co-editors agreed to propose a simplified text for consideration by the ad hoc editing team. Once this revision is completed, Clause 3 (Terms and Definitions) will be reviewed to address any discrepancies identified.

Some comments proposed splitting the document into several parts, given the different levels of maturity in various parts of the document and the fact that different parts of the document are intended for different audiences. There was a view that splitting the document would allow those portions of the document that were more mature to progress to publication more quickly, while allowing effort to be concentrated on those portions that needed more work. There was no consensus reached on splitting the document so it will remain as is for now. In any event, splitting a document requires SC27 approval and can only be agreed during the SC27 Plenary (which is not until April 2010).

There was further discussion concerning the use of "should" versus "shall" in the document. Some NBs noted that even allowing for the fact that the document is a framework and is thus informative, use of the two terms within the document is not consistent. ISO procedures do not provide any clarity in this regard, so it will be up to the WG to decide which term is used in which circumstances. The editors agreed to undertake a thorough review of the document once other comments had been addressed.

The next version of this document, 2<sup>nd</sup> CD, is due to be released 31 December 2009.

- 2) **ISO 24745 – Biometric Template Protection.** This standard, currently at 1<sup>st</sup> CD, is focused on the essential security mechanisms required for the protection of biometric templates.

A number of the comments received on the current draft dealt with basic issues, including:

- a) **Changing the title:** SC37 (Biometrics), a liaison group, noted that the title of the document no longer reflects the content and suggested that the title be changed. The editors propose changing the title to "Biometric Information Protection", subject to review and comment by NBs during the upcoming review cycle and subject to SC27 approval at the April 2010 Plenary;
- b) **Terminology:** the biometric-related terminology in ISO 24745 should be aligned with the terminology in SC37 (Biometrics) Standing Document 2 – Harmonized Vocabulary. The editors agreed to conduct such a review for the next draft;
- c) **Restructuring Clause 6 (Security aspects of a biometric system):** there was some discussion of the appropriateness of including system security aspects in a document dealing with information protection. It was agreed that one aspect of protecting information was protecting the system on/in which it resides, so this section will remain. There will, however, be additional text included at the beginning of the clause to clearly explain why the clause is included and the editors will review the existing text to ensure that it is presented in the most logical fashion;
- d) **Simplifying Clause 6 (Security aspects of a biometric system):** the tables presented in Clause 6 (especially Tables 3 and 4) and the accompanying text was viewed as being too detailed and confusing. The editors agreed to attempt to simplify the tables and text prior to circulating the next draft;
- e) **Simplifying Clause 7 (Biometric system application models and security):** there was some confusion about the distinction amongst the various models presented in this clause, with some of the models being viewed as duplicates. After some discussion, this confusion was cleared up. However, it was pointed out that neither of the "store on server" models (i.e., models A and C) took into account the possibility that biometric references might be stored on multiple servers. The editors agreed to provide appropriate text in the next draft of the document; and
- f) **Restructuring Clause 8 (Biometric information privacy management):** the privacy-related material in this clause is not well organized and should be restructured to reflect the OECD Guidelines. This should be the subject of an NB contribution during the upcoming review period. There was also some discussion about putting Clause 8 earlier in the document, but no consensus was reached on where it should appear.

The next version of the document, 2<sup>nd</sup> CD, is due to be released 31 December 2009.

- 3) **ISO 29100 – A Privacy Framework.** This standard, currently at 1<sup>st</sup> CD, provides a framework for defining privacy safeguarding requirements as they relate to personally identifiable information (PII) processed by any information and communication system in any jurisdiction. The framework is applicable on an international scale and sets a common privacy terminology, defines privacy principles when processing PII, categorizes privacy features and relates all described privacy aspects to existing security guidelines.

The editor identified a number of themes arising from the comments submitted by NBs, including:

- a) **The listing or mentioning of particular laws in the standard:** several of the European NBs and the Article 29 WP submitted comments suggesting the addition of new "principles" to the Framework (e.g., the right to object to further processing (of PII)). This was viewed by some NBs as being too Euro-specific. In the absence of proposed text, it was difficult to determine if the principle itself warranted inclusion (any such principle must be acceptable internationally, not just regionally). NBs and the Article 29 WP will have an opportunity to suggest text for inclusion during the upcoming review period;
- b) **Splitting the document:** up to Clause 6, the Framework is written at a conceptual level, while Clause 7 attempts to provide more detailed guidance on implementing the concepts and principles outlined in previous clauses. Clause 7 is much less mature than the remainder of the document and it was proposed that the document be split in two, with Clause 7 forming the basis of a new document. After some discussion, it was agreed that Clause 7 should be transferred to ISO 29101 (Privacy Reference Architecture); and
- c) **Use of "should" vs. "shall":** following extensive discussion during the May 2009 meeting, it was agreed that the Framework would be an informative document, so the text was revised to reflect the use of the term "should" instead of "shall". Several comments were received that suggested a selective return to "shall" (e.g., "...shall ensure compliance with relevant law" rather than "...should ensure...") or proposed wording that, if adopted, would have the effect of "shall" without using the term.

An issue that generated a considerable amount of discussion was the intervention by the Article 29 Working Party. Established under Article 29 of the European Union Data Protection Directive<sup>1</sup>, the WP's role is to:

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<sup>1</sup> The full title for the Directive is "Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic

- a) To provide expert opinion from member state level to the Commission on questions of data protection;
- b) To promote the uniform application of the general principles of the Directives in all Member States through co-operation between data protection supervisory authorities;
- c) To advise the Commission on any Community measures affecting the rights and freedoms of natural persons with regard to the processing of personal data and privacy; and
- d) To make recommendations to the public at large, and in particular to Community institutions on matters relating to the protection of persons with regard to the processing of personal data and privacy in the European Community.

The contribution from the Article 29 WP with respect to ISO 29100 was discussed twice during the WG 5 meetings. Although there is no formal liaison with the Article 29 WP (more on this later), the letter from the WP to ISO concerning ISO 29100 (Privacy Framework) was raised during the liaison review and generated a fair bit of discussion. The WP comments were discussed, in a very general way, during the editing session for the document.

#### **Liaison with Article 29 WP**

The German National Body (NB) stated that it intends to put forward a motion recommending that liaison be established with the WP. The reaction by members of the WG to the proposal was mixed. Some countries were opposed on the basis that the DPAs comprising the WP were already represented through the liaison with the Conference and potentially through their respective National Bodies, and that having a separate liaison would not add value. They also expressed concern about potential conflicts between the input received from the WP and that from the Conference. Other countries were more open to the possibility of liaison, acknowledging the work that had been done by the Article 29 WP on this standard and arguing that WG 5 should be receptive to any input from subject matter experts, particularly in the area of privacy.

The German NB noted that the issue is one of effectiveness of the liaison, not its "representativeness". Requiring the Article 29 WP members to go through their respective NBs or the Conference will not be as effective as having a direct liaison – the NBs may reject or amend the DPA input and it may prove difficult to get the Conference to agree on the comments, given the potential diversity of

views on any given project and the current process for adopting Conference resolutions.

The challenge will be to figure out how to harness the interest of the Article 29 WP in a manner that is acceptable to everyone. It should be noted that the WP has a different work cycle (it meets every two months, with special working groups meeting even more frequently) than the International Conference, for example (which only meets once a year).

The proposal to establish liaison with the WP was the subject of a WG resolution. It passed unanimously, which was somewhat surprising given some of the dissent voiced during earlier discussions. The liaison offer will now have to be considered by the WP, especially considering that the liaison had not been requested by the WP.

### **Article 29 WP Comments**

Because there is no established liaison between the WP and WG 5, the editors could technically ignore the WP comments. Although they did not ignore them outright, the editors did not assign them a very high priority as many of the comments also appeared in submissions from several of the NBs. The editors expressed some frustration about this situation – in several instances, the comments received from the NBs were not consistent, either with the comments from the WP or amongst the NBs. This created extra work for the editors, who had received around 170 pages of comments. Despite the number of comments to be discussed during the WG meeting, the editors did not amend the WG's agenda in order to allocate more time to this discussion.

The editors, in preparing for the editing session for the document, identified a number of themes that needed to be discussed (see above for more details). Some of the themes were the result of, or included references to the WP comments. However, there was no direct discussion of specific WP comments – nor was there time left to discuss any other specific NB comments.

The proposal from the editors was that those NBs that had proposed the inclusion of new principles or concepts (e.g., the Article 29 WP/French proposal that 29100 address the “right to object to further processing”) were to provide appropriate text to the editors for inclusion in the next version of the document. The proposed text would then be subject to review and comment by NBs and liaison organizations during the next review period.

After much debate, it was agreed that the next edition of the document will be 3<sup>rd</sup> CD, not FCD as currently scheduled. This will provide the Article 29 WP and other NBs an opportunity to provide additional input. It will, however, mean a delay of six months in the development cycle, with publication being some time mid 2011 instead of end 2010.



The next version of this document, 3<sup>rd</sup> CD, is due to be released 31 December 2009.

- 4) **ISO 29101 – A Privacy Reference Architecture.** This standard is intended to provide a privacy reference architecture model that will describe best practices for a consistent, technical implementation of privacy requirements as they relate to the processing of personally identifiable information (PII) in information and communication systems. It will cover the various stages in data life cycle management and the required privacy functionalities for PI data in each data life cycle, as well as positioning the roles and responsibilities of all involved parties.

Following the May 2009 meeting, the 4<sup>th</sup> WD of the document was distributed to NBs, along with a Call for Contributions specifically targeting the architecture components of the standard. While several NBs commented on the document, no substantial contributions to the text were received. As a result, there is still very little in the way of architectural guidance (e.g., there are no descriptions of the services that a privacy architecture should support) in the document. Note that although no comments were submitted by Canada, there is a strong possibility that Canada will be able to make a contribution, based on work done by the Government of Alberta, to the next version of the document.

The main points of discussion during the editing session included:

- a) **Lack of a clear link between ISO 29100 and ISO 29101:** the first goal of this standard, as presented in the Introduction, is to "provide a consistent approach to the implementation of privacy requirements", yet there is a lack of text in this document to translate the principles defined in ISO 29100 into architectural guidance;
- b) **Disconnect between Figure 1 (Main Elements of a Privacy Reference Architecture) and the supporting text:** there are more architectural elements listed in Figure 1 than there are sub-clauses explaining/describing each element. There are also some sub-clauses (e.g., 5.1.1.6 – Distinguishability) which are not included in Figure 1. This clause needs to be reviewed in order to ensure better alignment between the figure and the supporting text;
- c) **Information classification (5.1.1.5):** this term is used in the information management sense, not the protective marking sense. NBs felt that there was not a clear link between the classification of PII and the resultant risks and required safeguards – there was some confusion, for instance, over the use of the phrase "PII protection category" in Table 1. A number of suggestions for improvement were made and these should be reflected in the next draft; and

d) **Taxonomy of privacy enhancing technologies (PETs):** Clause 6 lacks structure – several of the examples provided can be grouped under a more generic heading (e.g., anonymizing tools) and several NBs noted that there some PETs are missing from the list. Estonia volunteered to provide a draft taxonomy, as well as examples of PETs in each category. In addition, the clause does not provide any guidance on how to implement the PETs – Estonia offered to include draft text to address this issue as well.

The next version of the document, 5<sup>th</sup> WD, is due to be released by 31 December 2010. It will be accompanied by yet another Call for Contributions. If further contributions are not received, it may be necessary to delete certain parts of the document, or perhaps cancel the document outright – neither of these options would be suitable.

- 5) **ISO 29115 – Entity Authentication Assurance.** This standard, currently at 4<sup>th</sup> WD, provides objective and vendor neutral guidelines for identity assurance. It also describes the guidelines or principles that must be considered in identity assurance and the rationale for why they are important to an authentication decision. The standard provides a framework for assessing "how close" an identity (individual) is to the correct one and provides guidelines for how the strength of the authentication can be measured. It also provides the basis for a set of identity assurance measures that are general and applicable to a wide range of authentication mechanisms.

The editing session for this document was held at the same time as the editing session for ISO 24745 (Biometric Template Protection), so no one from Canada was able to attend. The editor for the project, in briefing the WG Plenary following the editing session, noted that a proposal will be put forward to change the title (from Entity Authentication Assurance to Entity Authentication Assurance Framework) and scope of the document. This proposal will be subject to NB letter ballot, with final approval being sought at the April 2010 SC27 Plenary.

The next version of this standard, 6<sup>th</sup> WD, is due to be published 15 January 2010.

### **ITU-T Collaborative Team Proposal**

To date, ITU-T and ISO have been reviewing and commenting on drafts of this document separately, then exchanging those comments for review and consideration at subsequent meetings. This is viewed as slow and inefficient.

To address this, ITU-T Study Group 17 proposed the creation of a collaborative team. The team would be co-chaired by SG17 and WG 5, would consist of

individuals from both groups and would meet between meetings of the respective parent WGs. Approval or endorsement of draft texts, etc. would still be the responsibility of parent WGs. The end result will be a common text ITU-T Recommendation/ISO Standard. Draft Terms of Reference were provided by SG17 and were reviewed and modified by WG 5. The revised Terms of Reference will be distributed to NBs for review and comment, including gauging the level of interest in participating in the team. Approval for the collaborative team will be sought at the April 2010 SC27 Plenary.

- 6) **ISO 29146 – Framework for Access Management.** This standard would aim to provide a framework for the definition of Access Management and the secure management of the process to access information. This framework would be applicable to any kind of user, individuals as well as organizations of all types and sizes, and should be useful to organizations at any location and regardless of the nature of the activities they are involved in.

This document is very closely linked to ISO 24760 – in fact, much of the text in the document is a direct copy of Clause 10 of ISO 24760 - so any changes made to that document will need to be reflected in this one.

The 1<sup>st</sup> WD of this document was received barely a month prior to the May 2009 meeting. As a result, only one NB managed to comment and most of those were editorial in nature. During the May 2009 meeting, it was agreed that the editors would produce a revised 1<sup>st</sup> WD, taking into account the changes that were discussed and agreed during the meeting. This was circulated sufficiently far in advance that several NBs were able to review and comment in time for the November 2009 meeting.

Two major areas of concern emerged from the comments, specifically:

- a) ensuring a clear distinction between identity management (ISO 24760) and access management. This is particularly important given that the text for this document is derived from ISO 24760 and given that there were some suggestions that the two documents should be put back together; and
- b) ensuring that the scope of the document is correct. Some comments proposed expanding the scope to cover access to any resource, not just information, while others proposed restricting the scope to access management for individuals (as opposed to objects – see comments under ISO 24760 re: human versus non-human entities). It was agreed that the scope statement needed to be shortened.

The next version of this document, 2<sup>nd</sup> WD, is due to be published 15 January 2010.

- 7) **ISO 29190 - Privacy Capability Maturity Models.** This standard describes a privacy capability maturity model and provides guidance to organizations for assessing how mature they are with respect to their processes for collecting, using, disclosing, retaining and disposing of personal information.

Following the May 2009 meeting, the acting editor was to revise the structure in accordance with the recommendations made during the editing session, including sample text in each of the clauses. This document was then to be circulated as part of a Call for Contributions to the text. Contributions were due 1 August 2009, with a preliminary working draft due by 15 September 2009. At the same time, SC 27 circulated a Call for Editors for this project. There was no preliminary draft prepared prior to the meeting, nor was there a response to the Call for Contributions.

Given the number of new participants in the 29190 editing session, the acting editor provided a summary of the discussions that have taken place to date. The summary included a review of the US NB contribution which was based on an existing privacy auditing framework and which, following discussion during the Kyoto meeting, would be used as the basis for ISO 29190.

The acting editor asked the NBs present to indicate whether or not they thought there was value in continuing the development of the document – the consensus was that the project should continue for at least one more cycle (i.e., until the meeting in April 2010).

The major outstanding issue for this project is the lack of an editor. The Call for Editors issued following the May 2009 meeting did not result in any nominations and the current acting editor can no longer carry out this role. During the November 2009 meeting, the Liberty Alliance (a liaison organization to WG 5) offered an Acting Editor, at least until the April 2010 meeting. It was agreed that one final another Call should be issued – should there be no nominations, a decision to cancel the project would need to be made at the next meeting.

The 1<sup>st</sup> WD of this document is to be released 15 January 2010.

- 8) **ISO 29191 – Requirements on Relative Anonymity with Identity Escrow – Model for Authentication and Authorization Using Group Signatures.** This standard defines requirements on relative anonymity with identity escrow based on the model of authentication and authorization using group signature techniques. These techniques allow any member of a group to digitally sign a document in a manner such that a verifier can confirm that it came from the group, but does not know which individual in the group signed the document. There is usually a group authority of some form that holds the user's identity in

escrow and can reveal that identity under appropriate circumstances. In this way, users can be anonymous to everyone but the group authority.

The editing session for the preliminary draft of this document was held in parallel with that for ISO 29190 – Privacy Capability Maturity Model, so no one from Canada was present. The editor for the project, in briefing the WG Plenary following the editing session, noted that the intent is to produce the 2<sup>nd</sup> WD following the November 2009 meeting, with 1<sup>st</sup> CD being produced following the April 2010 meeting.

The next version of this document, 2<sup>nd</sup> WD, is due to be released 15 January 2010.

- 9) **SD 1 – WG 5 Roadmap.** A new version of the WG 5 Roadmap was developed during the Nov 2009 meeting (the Roadmap is updated at every international meeting). The Roadmap provides a visual representation of the possible standards projects that might be undertaken by WG 5, as well as providing some sense of the dependencies between the potential projects.

The following changes were made to the Roadmap:

- a) addition of a placeholder for "privacy evaluation: surveys, inspections and audits", including links to ISO 29100, ISO 29190 and the placeholder for PIAs; and
- b) consideration to be given to adding an "expiry date" to each of the placeholders. This would force a review of each item to decide if it should remain in the Roadmap.

The next version of the Roadmap is due to be released 15 January 2010.

- 10) **SD 2 – Official Privacy Documents List.** This document is intended to act as a single reference point for privacy and data protection legislation, regulation and best practice. Canada did not submit any contributions to this version of the document.

Despite having been discussed during the May 2009 meeting and despite the scope of the document having been changed, several NBs expressed concern that the completion of the tables for national privacy legislation and regulation might be interpreted as providing legal advice, which is not the intent. The SC 27 Secretariat has been asked to initiate the actions necessary to determine the possible legal implications and consequences of the current structure of SD2. It especially seeks advice whether the use of the template constitutes legal interpretation, which may not be appropriate or would need a legal disclaimer to be provided.

There was also some discussion about making SD 2 publicly available. After some discussion, it was agreed that the SC 27 Secretariat should be asked to investigate the possibilities of making the document publicly available, either in its current state or as appropriately modified depending on the results of the above-mentioned review.

The next version of this document is due to be released 15 January 2010.

### **Next Meetings**

The next two WG 5 meetings have been officially announced as follows:

- 1) 19 – 23 April 2010, to be held in Melaka, Malaysia, followed by the SC27 Plenary 26 – 27 April 2010; and
- 2) 4 – 8 October 2010, to be held in Berlin, Germany.

Subsequent meetings are tentatively planned for:

- 1) May 2011 – Singapore;
- 2) November 2011 – Kenya; and
- 3) May 2012 – Sweden.

Steve Johnston  
Senior Security and Technology Advisor  
Office of the Privacy Commissioner of Canada  
May 2009

**Linda Williams**

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**From:** Blair Stewart  
**Sent:** Monday, 30 November 2009 10:40 a.m.  
**To:** 'Steven Johnston'  
**Cc:** Linda Williams; cbaggaley@privcom.gc.ca  
**Subject:** RE: Delegate Report - ISO International Meeting, Redmond, USA 2 - 6 November 2009  
 Steve

Thanks for the document which I'll read carefully when I get the chance. My preference is that you work with the conference contact group list rather than sending to the Steering Group direct - unless there's some reason that the Steering Group should get this quickly. There was a bit of an undercurrent amongst Steering Group members that they were getting too many Steering Group emails and so I had an idea that I would try to corral things into no more than one composite message a month (possibly even fewer as I don't feel inclined to put as much work into the Steering Group this year now that it is up and running).

Plus I haven't really had a chance fully to reflect upon the year ahead for the Steering Group post Madrid - the Madrid closed session was a bit of a depressing experience and we're not quite in the position I thought we would be after that meeting (no doubt Carman has filled you in).

One small positive note was that through some clever footwork involving your Commissioner, Carman (and, behind the scenes, my own invisible hand) ISO will, if it wishes, be admitted as an observer to next year's closed session much to the CNIL's chagrin. I can't say if that's going to be a standing arrangement, it was a little unclear what we actually voted upon at the closed session when it came to international observers.

Regards, Blair

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the  
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**From:** Steven Johnston [mailto:sjohnston@privcom.gc.ca]  
**Sent:** Saturday, 28 November 2009 2:46 a.m.  
**To:** Blair Stewart  
**Subject:** FW: Delegate Report - ISO International Meeting, Redmond, USA 2 - 6 November 2009

Blair:

I trust you are keeping well - how was Madrid?

Here are my notes from the latest WG 5 meeting, which I have just sent out to the Contact Group. I would appreciate it if you could forward this to the members of the Steering Group - on that note, do you want to do the forwarding, or are you OK with me cc'ing the members of the Steering Group when I send my notes to the Contact Group? If the latter, could you confirm who I should be sending the notes to? Thanks.

You should be aware that the WG has asked SC27 to establish a liaison with the Article 29 WP - the related WG resolution passed unanimously despite some lively discussion about whether or not we should establish a liaison (arguments against including DPA participation via national standards bodies or being represented by the liaison from the Conference; arguments for including the fact that WG 5 has been asking DPAs to get involved and now they are). Something else to add to a discussion of practical issues.

17/11/2011



If you have any questions, please let me know.

Regards

Steve

---

**From:** Steven Johnston

**Sent:** Friday, November 27, 2009 8:40 AM

**To:** Andrej Tomšič (Andrej.Tomsic@ip-rs.si); Bruno Baeriswyl (bruno.baeriswyl@dsb.zh.ch); Data Protection Commissioner - Ireland; Dr. Peter Harris; Emma Butler (emma.butler@ico.gsi.gov.uk); Federal Commissioner - Germany; Florence Raynal (fraynal@cnil.fr); GIODO - Poland; Gwendal Le Grand (glegrand@cnil.fr); Hellenic DPA; Josef Prokeš (josef.prokes@uoou.cz); Justina Navickaite; Karsten Neumann (datenschutz@mvnet.de); Olivier Matter (omatter@cnil.fr); Pierre-Yves Baumann (Pierre-Yves.Baumann@edoeb.admin.ch); Rosie Byford (Rosie.Byford@privacy.org.nz); Snježana Grgić (snjezana.grgic@azop.hr); Sylvie Nerbonne (snerbonne@cnil.fr); Ulrich Vollmer (vollmer@datenschutz-berlin.de); Vasilis Zorkadis (zorkadis@dpa.gr)

**Subject:** Delegate Report - ISO International Meeting, Redmond, USA 2 - 6 November 2009

Members of the Contact Group:

Please find attached my delegate report for the most recent international meeting of WG 5 (Identity Management and Privacy Technology), held in Redmond, USA 2 - 6 November. I will forward copies of the latest versions of the project documents as they become available.

You might also be interested to know that WG 5 has requested that SC27 (the parent subcommittee to WG 5) establish a liaison with the Article 29 WP. Although there was initially some debate about doing this, the resolution asking SC27 to start the liaison process passed unanimously.

As always, if there are any questions on the attached report, or on ISO generally, please let me know.

Regards

Steve

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## Blair Stewart

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**From:** Steven Johnston [Steven.Johnston@priv.gc.ca]  
**Sent:** Tuesday, 13 April 2010 8:45 a.m.  
**To:** Blair Stewart  
**Subject:** Re: Update on ISO Activities

Blair:

Thanks for the update as far as ISO observing the closed session goes. As we have a bit of time yet, I will double-check with Carman and then get in touch with Stefan.

Gwendal has declined to act as alternate liaison officer - he is concerned that it might cause a bit of confusion with the Art. EC liaison (which will probably be approved at the upcoming ISO meeting). He has, however, agreed to prepare some notes for a debrief (I've also asked my stand-in to prepare some notes, so we should be OK that way).

Regards

Steve

---

**From:** Blair Stewart <Blair.Stewart@privacy.org.nz>  
**To:** Steven Johnston  
**Cc:** Carman Baggaley  
**Sent:** Mon Apr 12 03:12:35 2010  
**Subject:** RE: Update on ISO Activities

Steve

I've not had any message from Gwendal though if it arrives I'll process it.

I don't know how Stephan or ISO will find out about the conference decision. Without wanting to sound too flippant it isn't my responsibility - or perhaps more accurately I've done my best to get things sorted and feel reasonably frustrated about the result. When I say it isn't my responsibility I mean we tried to make management of the international observer arrangements our (i.e. Steering Group) responsibility and our sensible and good faith efforts were knocked back after we'd invested a reasonable amount of energy and time - instead its left with hosts to manage which is a recipe for uneven administration and confusion in several quarters. I also urged the Spanish DPA innumerable times after the conference to update their website with resolutions adopted and decisions taken. I gave up several months back as it was a total waste of time, I couldn't manage to get them to act.

There's no harm in *you* telling Stephan or ISO as to the state of play, in fact as our liaison officer that sounds, on reflection, entirely appropriate. You may want to check via Carman what the conference minutes explicitly say on the matter but my crystal clear memory was that it was agreed that ISO - along with the EC - is entitled to attend as an observer if it wishes. Your own commissioner had intervened in the discussion to elicit this outcome.

Regards

**Blair Stewart** Assistant Commissioner | Office of the Privacy Commissioner  
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05/12/2011

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**From:** Steven Johnston [mailto:Steven.Johnston@priv.gc.ca]  
**Sent:** Wednesday, 7 April 2010 5:50 a.m.  
**To:** Blair Stewart  
**Cc:** Carman Baggaley  
**Subject:** RE: Update on ISO Activities

Blair:

The lack of funding to send me to Malaysia is having all sorts of "interesting" ripple effects, not the least of which is the amount of work it takes to brief a stand-in.

I know it is somewhat short notice but I will be sending a note to Gwendal shortly asking if he would be prepared to act as Conference liaison for the upcoming meeting. For the time being, it will just be for the upcoming meeting - I will want to have a separate conversation with him about acting as a permanent alternate.

I'll ask him to send the information requested below directly to you, cc me - that way it might get to you sooner.

The liaison from WG 5 to the Conference is indeed Stefan Weiss - just out of curiosity, how would he find out he (or rather ISO) has been invited as an observer to the closed sessions? Based on your e-mail, an invitation would come from the Israelis...

Regards

Steve

---

**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** Friday, March 26, 2010 12:46 AM  
**To:** Steven Johnston  
**Cc:** Carman Baggaley  
**Subject:** RE: Update on ISO Activities

Steve

Thanks for your message.

I haven't been able to spend much time on the Steering Group matters but it has always been a comfort to me that we have our most reliable delegate at work on the ISO side of things! (By contrast I never get replies to my messages the Italians and French in terms of finally settling arrangements to appoint delegates to the Council of Europe and OECD ... but enough of my problems).

Sorry to hear that you won't be able to get to Malaysia. Shame from several perspectives although we all know the pressures on budgets (in chatting with the Irish deputy was interested to hear how all their staff were forced to take a 15% pay cut).

I have no objection of course to you arranging for Gwendal to be a substitute for this meeting. If you can clear that with him I could put it before the Steering Group for approval for the sake of appearances. It would be helpful if you could arrange to let me have certain key (but basic) information for that purpose along the lines of his:

- name
- role in CNIL
- comment on relevant experience (can be very brief, could be as simple as he's been French delegate to ISO or similar)
- confirmation that CNIL is agreeable to him performing the role for this meeting.

05/12/2011

I'd be grateful if you can obtain this since that's the very information I've asked others in CNIL to provide so we can appoint them as OECD delegate and they never respond! (I tried to get them to complete a template.) Thus quite frankly I'm not keen to try again and would rather you deal with your personal contact.

If you'd rather have him as a permanent alternate, rather than just for this meeting, make that clear otherwise I'll assume it's just this once.

That TMB thing sounds significant, will read your report with interest in due course.

My understanding is that the ICDPPC did vote to approve ISO having an observer in the closed session if it wishes. You could ask Carmen to check the minutes of Madrid on that. Unfortunately the Spanish have been remiss in updating the conference website on any such resolutions. They also didn't accept our resolution to place observer responsibility with the Steering Group so I have no responsibility in relation to the issue - it is handled by the host for the time being, Israel for 2010. As for who would be the observer, that's entirely up to ISO I'd say. I assumed that it would be the liaison officer they already appointed, Stephan Weiss?

Regards, Blair

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the Privacy Commissioner

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**From:** Steven Johnston [mailto:Steven.Johnston@priv.gc.ca]

**Sent:** Wednesday, 24 March 2010 2:20 a.m.

**To:** Blair Stewart

**Subject:** Update on ISO Activities

Blair:

It has been a while since I last updated you on my ISO-related activities. I hope this note finds you well.

The next international meeting of ISO's WG 5 is scheduled to take place in Melaka, Malaysia from 19 - 23 April, with the SC27 Plenary scheduled for the following Monday and Tuesday. Unfortunately, due to lack of funding, I will be unable to attend and have had to make alternative arrangements for Canada to be represented at the meeting. I was speaking with Gwendal late last month and it turns out he will be attending the April meeting. I haven't spoken to him yet about standing in for me as liaison officer from the International Conference - I wanted to check with you first to see if you had any objections.

You may recall that I was Canada's representative to an ISO Technical Management Board Task Force on Privacy. The Task Force presented its report to the TMB last fall and the TMB agreed to establish a TMB-level Privacy Steering Committee. I have been given permission by Commissioner Stoddart to act as Canada's representative to the Steering Committee. The Committee held its inaugural meeting last month in Berlin (which is where I spoke with Gwendal) and once I get a chance, I will be preparing a meeting report which I will circulate to the Conference Contact Group.

I recall seeing something a while back to the effect that ISO would be granted observer status at the closed sessions of the International Conference - in fact, it may have been you that mentioned it. In any case, I was wondering if there had been any discussion as to who the observer would be?

Regards

Steve

Steven Johnston

05/12/2011

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**Blair Stewart**

---

**From:** Blair Stewart  
**Sent:** Wednesday, 2 June 2010 10:33 a.m.  
**To:** 'Steven Johnston'  
**Cc:** Carman Baggaley (carman.baggaley@priv.gc.ca)  
**Subject:** RE: ICDPPC for SC27 Platinum Book (to celebrate SC27's 20th Birthday Oct 2010) ?  
**Attachments:** FW: Coordination of Steering Group activity during 2010 - need to appoint delegates to OECD and Council of Europe

Steve

Unfortunately at the moment I have no capacity to coordinate the work of the Steering Group - I'm in the middle of several major domestic projects having much higher priority in this office. I have suggested that someone else step forward or that messages simply be sent to the whole Steering Group for individual or collective response. I'm sorry that I didn't think to tell you as the most diligent delegate the conference has. However, if you speak with Carman who is your office's nominee to the Steering Group he has the details. Sorry I can't help wearing a steering group hat.

Wearing a NZ hat I'd have to say that I'm simply not sufficiently up to the play on ISO and for the same reasons as mentioned above I won't have time to delve into it. I think on the substance you might be better to work with the contact email list from DPAs (which includes Rosie from our office who may be able to help) and on the Steering Group 'approval' that you speak of simply follow the process outlined in the note to the Steering Group (that Carman has, further copy attached) which would be to send an enquiry to whole contact list for steering group.

I'm sorry to be so unhelpful. The lack of any response from the Steering Group members to my email (with honourable exception of Silke Harz) suggests that you not get your hopes up for any kind of coherent response.

Regards

**Blair Stewart** Assistant Commissioner | Office of the Privacy Commissioner

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Share your views on the Law Commission's review of the Privacy Act! Visit the [Talk Privacy](#) website

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**From:** Steven Johnston [mailto:Steven.Johnston@priv.gc.ca]  
**Sent:** Wednesday, 2 June 2010 8:05 a.m.  
**To:** Blair Stewart  
**Subject:** FW: ICDPPC for SC27 Platinum Book (to celebrate SC27's 20th Birthday Oct 2010) ?

Blair:

Please see the e-mail below – I also got a call from Kai this afternoon asking if there would be any submission from the Conference. My initial response to Kai was that it was unlikely that there would be a submission, given the short notice (unless I can put something together based on existing public statements (e.g., resolutions), and even at that, who would approve it?).

Your thoughts?

05/12/2011

Steve

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**From:** Kai Rannenberg [mailto:Kai.Rannenberg@m-chair.net]  
**Sent:** Monday, May 31, 2010 6:45 PM  
**To:** Steven Johnston  
**Cc:** Jan Schallaböck (ULD62@datenschutzzentrum.de); Kai Rannenberg  
**Subject:** FW: ICDPPC for SC27 Platinum Book (to celebrate SC27's 20th Birthday Oct 2010) ?

Dear Steve,

as it is getting closer to June and Ted Humphreys has been asking I was wondering whether you received my mail below. Could you let me know your views?

Best regards

Kai

Prof. Dr. Kai Rannenberg <[Kai.Rannenberg@m-chair.net](mailto:Kai.Rannenberg@m-chair.net)>  
Mobile Business & Multilateral Security  
Goethe University Frankfurt Tel. : +49-69-798-34701  
Grueneburgplatz 1. Fax : +49-69-798-35004  
D-60629 Frankfurt/Main [www.m-chair.net](http://www.m-chair.net)  
PGP key on [www.m-chair.net/personal/pgp/Kai\\_Rannenberg.pgp](http://www.m-chair.net/personal/pgp/Kai_Rannenberg.pgp)

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**From:** Kai Rannenberg  
**Sent:** Thursday, May 27, 2010 12:24 AM  
**To:** Steven Johnston  
**Cc:** Jan Schallaböck; Kai Rannenberg  
**Subject:** ICDPPC for SC27 Platinum Book (to celebrate SC27's 20th Birthday Oct 2010) ?

Dear Steve,

I trust you saw the mail below on the SC 27 Platinum book. The editor would like to especially have a contribution from the International Conference of Data Protection and Privacy Commissioners. This can but does not need to be an article of max 1500/2000 words, it can also be a 150-200 word statement. The choice is yours; details are in the attachment.

Would this be possible?

Best regards

Kai

Kai Rannenberg, Convener SC 27/WG 5 "Identity Management and Privacy Technologies"

Prof. Dr. Kai Rannenberg <[Kai.Rannenberg@m-chair.net](mailto:Kai.Rannenberg@m-chair.net)>  
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PGP key on [www.m-chair.net/personal/pgp/Kai\\_Rannenberg.pgp](http://www.m-chair.net/personal/pgp/Kai_Rannenberg.pgp)

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**From:** sc27wg5-bounces@dlst.uni-frankfurt.de [mailto:sc27wg5-bounces@dlst.uni-frankfurt.de] **On Behalf Of** Kai Rannenberg  
**Sent:** Wednesday, May 26, 2010 2:41 AM

05/12/2011

**To:** sc27wg5@dlst.uni-frankfurt.de

**Subject:** [SC27WG5] SC27 Platinum Book (to celebrate SC27's 20th Birthday Oct 2010) - all articles due by 11th June 2010

Dear WG 5ers,

Ted Humphreys reminds on the contributions for the SC27 Platinum Book (to celebrate SC27's 20th Birthday Oct 2010). This innovations goes especially to **Editors and Liaison Officers, who can introduce their work and projects**. Details can be found in the attached document.

**The DEADLINE for articles is 11th June. Contributions after this date are highly unlikely to be included due to the publishing lead time required.**

Best wishes

Kai

Kai Rannenberg, Convener SC 27/WG 5 "Identity Management and Privacy Technologies"

Prof. Dr. Kai Rannenberg <[Kai.Rannenberg@m-chair.net](mailto:Kai.Rannenberg@m-chair.net)>  
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Grueneburgplatz 1 Fax : +49-69-798-35004  
D-60629 Frankfurt/Main [www.m-chair.net](http://www.m-chair.net)  
PGP key on [www.m-chair.net/personal/pgp/Kai\\_Rannenberg.pgp](http://www.m-chair.net/personal/pgp/Kai_Rannenberg.pgp)

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**From:** sc27wg5-bounces@dlst.uni-frankfurt.de [mailto:sc27wg5-bounces@dlst.uni-frankfurt.de] **On Behalf Of** Kai Rannenberg  
**Sent:** Monday, April 26, 2010 9:13 AM  
**To:** sc27wg5@dlst.uni-frankfurt.de  
**Subject:** [SC27WG5] SC27 Platinum Book (To celebrate SC27's 20th Birthday Oct 2010) - all articles are due by the 11th June 2010

Dear WG 5ers,

Please see the message below from Edward Humphreys about the SC27 Platinum Book to celebrate SC27's 20th Birthday Oct 2010.

Best wishes

Kai

Kai Rannenberg, Convener SC 27/WG 5 "Identity Management and Privacy Technologies"

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**From:** Edward Humphreys [mailto:edwardj7@msn.com]

### **SC27 Platinum Book (To celebrate SC27's 20th Birthday Oct 2010)**

Dear SC27 Experts

You are cordially invited to submit technical articles on subjects related to the work of your particular working group for publication in the SC27 Platinum Book which is being produced to

05/12/2011



celebrate SC27s birthday in October 2010. The attached document provides some background information regarding this book.

It is important to note that **all articles are due by the 11th June 2010**. Although this is a tight deadline it is necessary to meet the printing schedule in order for the Book to be ready for the October meeting of SC27.

All articles are to be sent to [edwardj7@msn.com](mailto:edwardj7@msn.com) and [marijke.desoete@pandora.be](mailto:marijke.desoete@pandora.be).

Thank you in advance for your articles.

Prof. Edward Humphreys  
WG1 Convenor.

## Blair Stewart

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**From:** Steven Johnston [Steven.Johnston@priv.gc.ca]  
**Sent:** Wednesday, 29 September 2010 2:29 a.m.  
**To:** Blair Stewart  
**Subject:** RE: Input to Annual Steering Group Report

Blair:

As I believe I said in another e-mail, the delegate process seems to be one way (i.e., from the delegate to the contact list, with virtually nothing flowing the other way). I don't mind – a lot of what I do seems to go that way – the trick is trying to remember to send stuff out in a timely manner. Maybe I need to set some reminders in my calendar – especially for the ISO meeting which takes place next week (4-1/2 days of WG meeting, 1 day for the first ISO Privacy Standards Conference, ½ day for a meeting of the Privacy Steering Committee and then 2 days for the Subcommittee Plenary (all back to back, including the weekend)).

On the subject of ISO, here are a few notes for inclusion in a Steering Group report (text in *italics* is for explanation only). I opted for a very high-level summary of recent activities and key issues rather than getting into a lot of detail – I will send a quick update once the meetings next week are over. I will also be available (by e-mail) to answer any questions that may arise.

### 1) ISO/IEC JTC 1/SC 27/WG 5:

Since the last report, WG 5 has met three times (November 2009 (Redmond), April 2010 (Melaka) and October 2010 (Berlin)) – *note that the Redmond meeting actually coincided with the 2009 International Conference, so maybe we only report two meetings.* The WG projects continue to progress, albeit at different rates. ISO 29100 (Privacy Framework) is currently at 4<sup>th</sup> Committee Draft and is expected to progress to Draft International Standard following the Berlin meeting. If so, then the document should be published as a formal ISO standard some time during the second half of 2011. ISO 24760 (Identity Management Framework) is still not progressing as hoped – even though it is currently at 3<sup>rd</sup> Committee Draft, the WG is still struggling with basic terminology and concepts. Unless these are resolved, the project could be at risk of cancellation. The acting editor for ISO 29100 (Privacy Capability Assessment Model) had to step down due to other commitments. The document is now without an editor and unless one can be found, the project may be cancelled.

### 2) ISO Technical Management Board Privacy Steering Committee

In June 2008, ISO's TMB, the most senior management body within ISO, established a Privacy Task Force (TF) to "explore and advise the TMB on ISO technical standards that can support the implementation of public policy initiatives on Privacy, with specific focus on protection of personally identifiable information (PII) and fair information handling." The TF has completed its deliberations and submitted its final report for consideration at the TMB meeting held 14 September 2009.

At that meeting, the TMB resolved to create a Privacy Steering Committee (PSC) reporting to the TMB. The PSC is, like the Task Force, consists of members nominated by TMB member countries, as well as other selected individuals (such as Kai Rannenberg, International Convenor of ISO/IEC JTC 1/SC 27/WG 5 (Identity Management and Privacy Technology)). The PSC was tasked to:

- a) Organize an international privacy standards conference: the conference is scheduled to take place 8 – 9 October 2010 in Berlin. Participation in the event has been limited to those organizations involved in privacy-related standards development (e.g., ISO committees and working groups, OECD, APEC, data protection and privacy authorities and so on);

b) Develop a common terminology document in the area of privacy and privacy principles: this "document" will be based on terms and definitions appearing in WG 5 project documents and will be incorporated into the Termium<sup>®</sup> product operated and maintained by Canada's Translation Bureau. This product was chosen because a number of ISO terminology-related documents are already incorporated into Termium<sup>®</sup>; and

c) Develop of a "live" inventory (web page) of current work underway in ISO and other standards development organizations (e.g., ITU-T): as with the terminology repository, it was agreed that an existing product or service would be preferable to creating something new. In this case, the PSC Secretariat has contacted ITU-T about possible sharing of their Standards Roadmap website. Discussions between ISO and ITU-T are continuing.

Hope this is satisfactory. If you have any questions, or if you think I should provide additional information, just let me know.

Regards

Steve

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**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** Wednesday, September 01, 2010 2:47 AM  
**To:** Steven Johnston  
**Subject:** RE: Input to Annual Steering Group Report

Steve

I'm pleased that Olivier made contact - it can be a lonely life as an ICDPPC delegate!

I haven't given a lot of thought to an annual report and thus your question is a very good one.

I remain a bit cheesed off with the treatment of the reporting arrangements from last year where I have a suspicion, if memory serves, that our elaborate annual report was never circulated by email nor posted on the website nor provided on the day and neither was the 1 page summary translated, circulated or posted. However, I can't imagine that the Israelis would perform so poorly on such matters, indeed they seem highly motivated and efficient. However, this year as we've not done very much, I was anticipating just doing a 1 page Steering Group report as there is a lot less to say.

As I say, I haven't yet given it much thought but now that you remind me it would be useful to get a report on ISO. Would it be possible to offer something extremely brief, say 1 page? (I think last year your report was longer but it was set within a much longer report any way.) Would that be feasible or appropriate? - if not we can discuss some other, fuller, approach. Links could be offered to more information.

I welcome your thoughts.

Regards, Blair

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the  
Privacy Commissioner  
PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠 +64-  
9-302 2305

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05/12/2011

**From:** Steven Johnston [mailto:Steven.Johnston@priv.gc.ca]  
**Sent:** Saturday, 28 August 2010 6:57 a.m.  
**To:** Blair Stewart  
**Subject:** Input to Annual Steering Group Report

Blair:

I hope this note finds you well.

I had a good chat with Olivier yesterday re: being a Conference delegate. During our discussion, the subject of the annual report of the Steering Group came up. Assuming that there will be a report this year, did you want anything from me re ISO, and if so, is there a particular format you would like it in?

Regards

Steve

Steven Johnston  
Senior Security and Technology Advisor/  
Conseiller principal en sécurité et en technologie  
Office of the Privacy Commissioner of Canada/  
Commissariat à la protection de la vie privée du Canada  
Ph/Tel: (613) 943-2412  
Fax/Telec: (613) 995-1139  
E-mail/Courriel: [Steven.Johnston@priv.gc.ca](mailto:Steven.Johnston@priv.gc.ca)

**Blair Stewart**

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**From:** Steven Johnston [Steven.Johnston@priv.gc.ca]  
**Sent:** Saturday, 6 November 2010 1:26 a.m.  
**To:** Blair Stewart  
**Subject:** RE: Steering Group - Appointment of delegate to T-PD - Annual report

Blair:

Thank you for the note. I am assuming that you are back home now – hope you had a safe, enjoyable trip.

I am working on putting my notes together from the latest round of ISO meetings – I hope to have them out next week (assuming my “real” job doesn’t keep interfering).

Regards

Steve

---

**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** Thursday, November 04, 2010 7:43 PM  
**To:** Steven Johnston  
**Cc:** Carman Baggaley  
**Subject:** RE: Steering Group - Appointment of delegate to T-PD - Annual report

Steve

The closed session in its current format isn't really a suitable place for much substantive discussion and so not unexpectedly there was no discussion on my oral presentation of the Steering Group report. I put in a plea for DPAs to ask to go on the observers' contact lists if they were interested in the work of ISO, OECD or CoE and so I hope that will net you a few more people for your list.

Regards, Blair

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the  
 Privacy Commissioner  
 PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠  
 +64-9-302 2305

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**From:** Steven Johnston [mailto:Steven.Johnston@priv.gc.ca]  
**Sent:** Friday, 29 October 2010 7:20 a.m.  
**To:** Blair Stewart  
**Subject:** RE: Steering Group - Appointment of delegate to T-PD - Annual report

Blair:

I hope you are enjoying Jerusalem.

If it wouldn't be too much trouble, would you be able to send me a quick note highlighting the discussion, if any, arising from presenting the annual report? I'm just curious to see if there is any real interest in the ISO work... Thanks.

05/12/2011

Regards

Steve

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**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** Friday, October 22, 2010 9:19 AM  
**To:** Steven Johnston  
**Subject:** RE: Steering Group - Appointment of delegate to T-PD - Annual report

Thanks Steve. I hope that Peter is not going to point out the error from the cheap seats when I give the oral report!

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**From:** Steven Johnston [Steven.Johnston@priv.gc.ca]  
**Sent:** Tuesday, October 19, 2010 8:38 AM  
**To:** Blair Stewart  
**Subject:** RE: Steering Group - Appointment of delegate to T-PD - Annual report

Blair:

Peter Harris has pointed out a small error in the numbering of one of the ISO projects in my report – in the appendix, item 1, second para, the project number for the Privacy Capability Assessment Model should read 29190, not 29100 (which is the project number of the Privacy Framework document, which is proceeding along nicely).

Regards

Steve

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**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** Tuesday, October 05, 2010 5:31 PM  
**To:** (allan.chiang@pcpd.org.hk); Antonio Caselli; Blair Stewart; Carman Baggaley; Gary\_Davis@dataprotection.ie; Gwendal Le Grand ; phustinx@edps.eu.int; Rafael Garcia Gozalo; Silke Harz; TimothyPilgrim@privacy.gov.au  
**Cc:** 'omatter@cnil.fr'; Steven Johnston; Linda Williams  
**Subject:** Steering Group - Appointment of delegate to T-PD - Annual report

Colleagues

I am pleased to record that the Steering Group has appointed Olivier Matter as ICDPPC Observer to the Council of Europe T-PD Committee. I will make the necessary arrangements to formally notify both Olivier and the T-PD Committee Secretary.

I have updated the draft annual report which has now been approved by the Steering Group and will make arrangements for this to be provided to the Conference hosts. I attach a copy for information.

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the  
Privacy Commissioner  
PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠 +64-9-302 2305  
2010 marks the 30th Anniversary of the OECD Privacy Guidelines -  
[find out more](#)

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## **9. Council of Europe**

The materials begin with the standard template summary and include an application for observer status and some communications with the Council of Europe.

It was initially difficult to arrange a delegate for the T-PD meetings as observer approval was granted only shortly before the annual plenary conference. However, a temporary Italian delegate was arranged for that meeting and later replaced by French delegates.



The results begin with the standard logistic model, which is estimated on the full sample of observations. The results show that the probability of a firm being a financial institution is significantly higher for firms with a high level of debt, a high level of equity, and a high level of cash. The results also show that the probability of a firm being a financial institution is significantly higher for firms with a high level of debt, a high level of equity, and a high level of cash. The results also show that the probability of a firm being a financial institution is significantly higher for firms with a high level of debt, a high level of equity, and a high level of cash.



## **Council of Europe / T-PD details**

### **1. Name of International Organisation**

Council of Europe (CoE)

### **2. Key contact people**

Ms Kateryna Gayevska, Secretary to the T-PD as of 2 June 2009.

Directorate of Standard-Setting

Directorate General of Human Rights and Legal Affairs

E-mail: [kateryna.gayevska@coe.int](mailto:kateryna.gayevska@coe.int)

Mme Christiane Weltzer, her assistant, who will start her new functions on 11 June 2009.

Directorate of Standard-Setting

Directorate General of Human Rights and Legal Affairs

E-mail: [christiane.weltzer@coe.int](mailto:christiane.weltzer@coe.int)

Tel: +33 390.21.45.30

### **3. Contact details**

Postal Address:

Council of Europe

Directorate General of Human Rights and Legal Affairs

Directorate of Standard-Setting

FR-67000 Strasbourg

Tel: + 33 3 88 41 31 74

Fax: + 33 3 90 21 56 48

### **4. Brief description of organisational structure**

Founded in 1949, the Council of Europe seeks to develop throughout Europe common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals.

The Council of Europe has a genuine pan-European dimension of 47 member countries.

5 observer countries (the Holy See, the United States, Canada, Japan, Mexico) takes part to the work.

The Council of Europe has the following aims:

- to protect human rights, pluralist democracy and the rule of law;
- to promote awareness and encourage the development of Europe's cultural identity and diversity

- to find common solutions to the challenges facing European society: such as discrimination against minorities, xenophobia, intolerance, bioethics and cloning, terrorism, trafficking in human beings, organised crime and corruption, cybercrime, violence against children;
- to consolidate democratic stability in Europe by backing political, legislative and constitutional reform.

The main component parts of the Council of Europe are:

- the **Committee of Ministers**, the Organisation's decision-making body, composed of the 47 Foreign Ministers or their Strasbourg-based deputies (ambassadors/permanent representatives);
- the **Parliamentary Assembly**, driving force for European co-operation, grouping 636 members (318 representatives and 318 substitutes) from the 47 national parliaments;
- the **Congress of Local and Regional Authorities**, the voice of Europe's regions and municipalities, composed of a Chamber of Local Authorities and a Chamber of Regions;
- the 1800-strong secretariat recruited from member states, headed by a **Secretary General**, elected by the Parliamentary Assembly.

## 5. Committee details

In order to secure for every individual respect for rights and fundamental freedoms, and in particular the right to privacy with regard to automatic processing of personal data, the Council of Europe elaborated the "Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data" which was opened for signature in 1981. To this day, it still remains the only binding international legal instrument with a worldwide scope of application in this field, open to any country, including countries which are not members of the CoE.

The Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD) is the main instance in the Council responsible in the field of data and privacy protection with regard to processing of personal data. This committee

- may take proposals with a view to facilitating or improving the application of the convention;
- may make proposals for amendment of the convention
- shall formulate its opinion on any proposal for amendment of this convention which is referred to it
- may express an opinion on any question concerning the application of this convention

This committee is platform to monitor trends, share experiences and information, analyse the impact of technology on the respect for data and privacy protection, improve law enforcement and develop standards and rules.

The T-PD meets once a year in Strasbourg. Its bureau (7 members, but opened to others Parties and observers) meets 3-4 a year in Strasbourg.

Work on data protection and privacy in the CoE has included:

- Convention for the protection of individuals with regard to automatic processing of personal data (ETS No 108)
- Additional Protocol to the Convention ETS No 108 regarding supervisory authorities and transborder data flows (ETS No 181)
- Recommendation No.R(2002) 9 on the protection of personal data collected and processed for insurance purposes (2002)
- Recommendation No.R(99) 5 for the protection of privacy on the Internet (1999)

- Recommendation No.R(97) 18 on the protection of personal data collected and processed for statistical purposes (1997)
- Recommendation No.R(97) 5 on the protection of medical data (1997)
- Recommendation No.R(95) 4 on the protection of personal data in the area of telecommunication services, with particular reference to telephone services (1995)
- Recommendation No.R(91) 10 on the communication to third parties of personal data held by public bodies (1991)
- Recommendation No.R(90) 19 on the protection of personal data used for payment and other operations (1990)
- Recommendation No.R(89) 2 on the protection of personal data used for employment purposes (1989)
- Recommendation No.R(87) 15 regulating the use of personal data in the police sector (1987)
- Recommendation No.R(86) 1 on the protection of personal data for social security purposes (1986)
- Recommendation No.R(85) 20 on the protection of personal data used for the purposes of direct marketing (1985)
- Recommendation No.R(83) 10 on the protection of personal data used for scientific research and statistics (1983) [replaced by Recommendation No. R(97) 18 with regard to statistics]
- Recommendation No.R(81) 1 on regulations for automated medical data banks (1981) [replaced by Recommendation No. R (97) 5]
- 
- The CoE and the T-PD has also adopted and published studies and guidelines, for example:
  - Progress report on the application of the principles of Convention 108 to the collection and processing of biometric data (2005)
  - Guiding principles for the protection of personal data with regard to smart cards (2004)
  - Guiding principles for the protection of individuals with regard to the collection and processing of data by means of video surveillance (2003)
  - Guide to the preparation of contractual clauses governing data protection during the transfer of personal data to third parties not bound by an adequate level of data protection (2002).

Currently the T-PD is working on profiling.

Other information:

[http://www.coe.int/T/E/Legal\\_affairs/Legal\\_co-operation/Data\\_protection/](http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Data_protection/)

#### 6. Additional Committees

None identified at this stage

#### 7. Additional notes

The Council of Europe organises also forum, sessions, seminars and conferences. The organisation is also active in all questions concerning the Information Society

**TEMPLATE COMPLETED/UPDATE**

Jean-Philippe Walter  
Blair Stewart (update contact details)

.....  
(Person)

3 November 2008  
17 August 2009

.....  
(Date)

*Council of Europe*  
*The Deputy Secretary General*

Strasbourg, 15 May 2009

Dear Deputy Secretary General,

I have the pleasure to refer to our meeting at the OECD Ministerial Conference on the Future of the Internet Economy in Seoul on 16-17 June last year, where we discussed the strengthening of our co-operation in matters related to information technologies, and in particular to cybercrime. Indeed, both our Organisations are involved in these matters and there is scope for further co-operation in the context of the existing "Arrangement between the Council of Europe and the Organisation for Economic Co-operation and Development" of November 1962.

The OECD – through its Working Party on Information Security and Privacy (WPISP) – is developing policies related to the security of information systems and networks and the protection of privacy and personal data.

The Council of Europe is taking measures against cybercrime through the Convention on Cybercrime and other standards, through the Cybercrime Convention Committee (T-CY), and through technical co-operation projects, such as the Project on Cybercrime, which is supporting countries worldwide in the implementation of the Convention.

A reinforcement of co-operation between the OECD and the Council of Europe could be envisaged in the following areas:

- Malware/botnets: the Council of Europe is supporting the strengthening of legislation, law enforcement and international co-operation against malware and other types of cybercrime. The OECD, in co-operation with the Asia-Pacific Economic Co-operation (APEC), in 2008, prepared a malware report which calls for the launching of a global "Anti-Malware Partnership".

Mr Pier Carlo Padoan  
Deputy Secretary General  
Organisation for Economic Co-operation and Development (OECD)  
2, rue André Pascal  
75775 Paris Cedex 16

Tel. - 67075 Strasbourg Cedex  
France

Tel. - 33 (0)3 88 41 32 87  
+ 33 (0)3 88 41 20 60

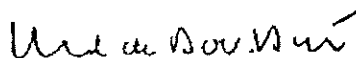
Fax - 33 (0)3 88 41 27 60  
+ 33 (0)3 88 41 27 99

- Both the OECD and the Council of Europe could build on their own areas of competence and co-operate with each other in such a partnership, in view of promoting globally coherent approaches against malware and botnets. The partnership could also involve APEC as well as other inter-governmental organisations, the private sector and other stakeholders, as appropriate, to enhance cross-border co-operation among all communities involved in fighting malware. Measures may cover legislation, law enforcement, information security and privacy, economic incentives, capacity building, education and awareness, research and studies. In this context, both organisations could promote each others' instruments, expertise and experience.
- Protecting children online: the OECD is developing policies and raising awareness in this field. The Council of Europe is promoting criminal law measures to protect children from sexual exploitation and abuse online, as well as the safer use of the internet by children. We have adopted a Convention on the Protection of children against Sexual Exploitation and Sexual Abuse, which is very relevant in this respect and which is also open to accession by non-member States. Both organisations could share each other's experience and promote each other's standards and practices.
- Cloud computing and other challenges: both organisations could co-operate to explore solutions to arising challenges, such as the question of jurisdiction and cross-border law enforcement in the times of cloud computing.
- Data protection and privacy: both organisations already co-operate and participate in each other's activities in this field. The Council of Europe intends to further promote data protection and privacy standards through technical co-operation activities against cybercrime. The Council of Europe could share its experience in this respect with the OECD, and the OECD could take Council of Europe standards into account when co-operating also with non-member States of the Council of Europe.

The OECD and the Council of Europe could thus aim at inviting each other to relevant committees and working parties, at keeping each other informed and at participating in each other's activities related to cybercrime, the protection of children online, as well as privacy and data protection as outlined above.

Should this proposal be agreeable to you, I will ask my staff to liaise with yours to move to the implementation phase.

Yours sincerely,



Maud de Boer-Buquicchio



Privacy Commissioner  
Te Mana Matapono Matatapu

20 July 2009

Terry Davis  
Secretary General  
Avenue de l'Europe  
F - 67075 Strasbourg Cedex  
**FRANCE**

Dear Mr Davis

**Request by International Conference of Data Protection and Privacy Commissioners for observer status before T-PD**

I write on behalf of the International Conference of Data Protection and Privacy Commissioners to seek observer status before the Council of Europe Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD).

The International Conference is the principal global meeting of privacy and data protection authorities and has convened annually for more than 30 years. To be accredited to the Conference a data protection authority is assessed against a set of principles focused upon guarantees of autonomy and independence, sufficient legal basis and compatibility with recognised international privacy principles.<sup>1</sup> There are now 80 accredited authorities including 37 national authorities, 35 sub-national authorities and 6 data protection authorities within international or supra-national bodies. They are each, by virtue of their breadth of functions and depth of experience, the premier experts on the principles and practice of data protection in their jurisdiction.

I annex to this application a list of the authorities currently accredited to the Conference. In addition to authorities from many European countries, there are a number – growing each year – from other regions including North America, Asia and the Pacific. A couple of authorities from Africa and South America have been accredited. Several additional authorities are usually accredited to the Conference each year.

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<sup>1</sup> [www.privacyconference2008.org/adopted\\_resolutions/7-PARIS2001/PARIS-EN1.pdf](http://www.privacyconference2008.org/adopted_resolutions/7-PARIS2001/PARIS-EN1.pdf)

I/0072/A201812

The Conference is an international forum that shares knowledge of privacy and data protection and promotes regulatory and enforcement cooperation across borders. As such the Conference works hard to bridge the varying approaches taken to privacy and data protection. The Conference was honoured to have held its 30<sup>th</sup> annual conference in the Council of Europe Palais de L'Europe last year. As well as meeting in Europe a number of times, the Conference has met several times in North America, Asia and Australia over the last 10 years.

Recently the Conference sought and was granted observer status before the relevant ISO and APEC working groups.

The 30<sup>th</sup> International Conference held in Strasbourg late last year adopted a resolution establishing a Steering Group on Representation before International Organisations.<sup>2</sup> The Steering Group, of which I am the chair, has the authority to appoint delegates to act as the Conference's observers at meetings of international organisations. Under the resolution, appointed delegates would provide input based on existing Conference resolutions or, as needed, through an inter-sessional consultation process. The Conference has directed the Steering Group to seek observer status before the relevant Council of Europe committees which principally means the T-PD.

The Conference believes that obtaining observer status will be of mutual benefit to both the Council of Europe and the Conference. In particular:

- such an arrangement will enable the wider data protection community, including countries from outside Europe, to be better informed about the important privacy work being undertaken by the Council of Europe;
- the Council will obtain a convenient new source of information and expertise about privacy and data protection;
- the liaison will strengthen cooperation in key areas for example where the Council sees advantage in having its regional solutions or approaches to be influenced by, or perhaps adopted by, other regions or the global data protection community – the Conference has already, for example, by resolution drawn attention to the opportunity for governments to accede to Convention 108.<sup>3</sup>

Data Protection Authorities accredited to the Conference have already contributed directly to the Council's data protection work, for example through the Council's own Data Protection Commissioner (accredited in its own right to the Conference) and through membership of the T-PD Bureau. We believe that input has been welcomed and has strengthened the Council's work. Granting observer status to the Conference can build on that successful collaboration and provide a conduit of information from Council to the wider data protection authority community.

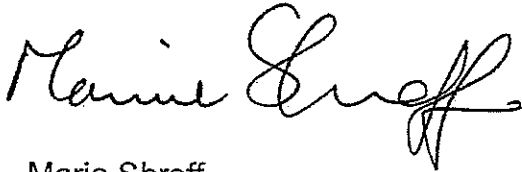
<sup>2</sup> [www.privacyconference2008.org/adopted\\_resolutions/STRASBOURG2008/resolution\\_steering\\_group\\_en.pdf](http://www.privacyconference2008.org/adopted_resolutions/STRASBOURG2008/resolution_steering_group_en.pdf)

<sup>3</sup> [www.privacyconference2008.org/adopted\\_resolutions/3-MONTREUX2005/MONTREUX-EN2.pdf](http://www.privacyconference2008.org/adopted_resolutions/3-MONTREUX2005/MONTREUX-EN2.pdf)



The Conference looks forward to deepening the relationship with Council of Europe if observer status is approved. I can provide further information on request.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marie Shroff', with a stylized, flowing script.

Marie Shroff

**New Zealand Privacy Commissioner**

**Chair, Steering Group on Representation before International Organisations,  
International Conference of Data Protection and Privacy Commissioners**

cc: Kateryna Gayevska, Directorate of Standard-Setting, Directorate General of  
Human Rights and Legal Affairs

**ANNEX****International Conference of Data Protection and  
Privacy Commissioners**

The following authorities are accredited to the International Conference of Data Protection and Privacy Commissioners:

**NATIONAL AUTHORITIES**

**Andorra:** Data Protection Agency  
**Argentina:** National Direction for Personal Data Protection  
**Australia:** Federal Privacy Commissioner  
**Austria:** Data Protection Commission  
**Belgium:** Privacy Commission  
**Burkina Faso:** Data Processing and Liberties Commission  
**Canada:** Privacy Commissioner of Canada  
**Croatia:** Croatian Data Protection Agency  
**Cyprus:** Personal Data Protection Commissioner  
**Czech Republic:** Office for Personal Data  
**Denmark:** Data Protection Agency  
**Estonia:** Data Protection Inspectorate  
**Finland:** Data Protection Ombudsman  
**France:** Data Protection Commission  
**Germany:** Federal Data Protection Commission  
**Greece:** Hellenic Data Protection Authority  
**Hungary:** Parliamentary Commissioner for Data Protection and Freedom of Information  
**Iceland:** Data Protection Authority  
**Ireland:** Data Protection Commissioner  
**Italy:** Data Protection Commission  
**Korea:** Korea Information Security Agency  
**Latvia:** State Data Inspectorate  
**Liechtenstein:** Data Protection Commissioner  
**Lithuania:** State Data Protection Inspectorate  
**Luxembourg:** National Data Protection Commission  
**Macedonia:** Directorate of Personal Data Protection of the Republic of Macedonia  
**Malta:** Data Protection Commissioner  
**Netherlands:** Data Protection Commission  
**New Zealand:** Privacy Commissioner  
**Norway:** Data Inspectorate  
**Poland:** Inspector General for Personal Data Protection  
**Portugal:** National Data Protection Commission  
**Romania:** National Supervisory Authority for Personal Data Protection  
**Slovakia:** Inspection Unit for the Protection of Personal Data  
**Slovenia:** Information Commissioner of the Republic of Slovenia  
**Spain:** Data Protection Commissioner  
**Sweden:** Data Inspection Board  
**Switzerland:** Federal Data Protection  
**United Kingdom:** Information Commissioner

## **AUTHORITIES WITHIN A LIMITED SUB-NATIONAL TERRITORY**

### **Australia**

- New South Wales: Privacy Commissioner
- Northern Territory: Information Commissioner
- Victoria: Privacy Commissioner

### **Canada**

- Alberta: Information and Privacy Commissioner
- British Columbia: Information and Privacy Commissioner
- Manitoba: Ombudsman New Brunswick: Ombudsman
- Newfoundland and Labrador: Office of the Information and Privacy Commissioner for Newfoundland and Labrador
- Northwest Territories: Information and Privacy Commissioner
- Nunavut: Information and Privacy Commissioner
- Ontario: Information and Privacy Commissioner
- Quebec: Information Access Commission
- Saskatchewan: Information and Privacy Commissioner

### **Germany**

- Bavaria: Privacy Commissioner
- Berlin: Data Protection and Freedom of Information Commissioner
- Brandenburg: Data Protection and Access to Information Commissioner
- Hamburg: Data Protection Commissioner
- Hesse: Data Protection Commissioner
- Mecklenburg–West Pomerania: Data Protection Commissioner
- North Rhine-Westphalia: Data Protection and Information Commissioner
- Rhineland Palatinate: Data Protection Commissioner
- Saxony-Anhalt: Data Protection Commissioner
- Schleswig-Holstein: Privacy Commissioner
- Thuringer: Data Protection Commissioner

**Gibraltar:** Data Protection Commissioner

**Guernsey:** Data Protection Commissioner

**Hong Kong:** Privacy Commissioner for Personal Data

**Isle of Man:** Data Protection Registrar

**Jersey:** Data Protection Registrar

### **Spain:**

- Basque Country: Data Protection Commissioner
- Catalonia: Catalan Data Protection Agency
- Madrid: Data Protection Agency of the Region of Madrid

### **Switzerland**

- Canton of Basel-Landschaft: Data Protection Commissioner
- Zurich Canton: Canton Data Protection Commissioner
- Zug Canton: Data Protection Commissioner

**AUTHORITIES WITHIN AN INTERNATIONAL OR SUPRANATIONAL BODY**

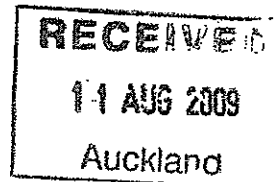
**Council of Europe:** Data Protection Commissioner

**European Union:**

- Customs Information System Joint Supervisory Authority
- European Data Protection Supervisor
- Joint Supervisory Body of Europol
- Joint Supervisory Authority for Schengen Information System

**Interpol:** Commission for the Control of Interpol's Files

*Council of Europe*  
*The Secretary General*



Strasbourg, 30 July 2009

Dear Ms Shroff

Thank you for your letter of 20 July requesting Observer status for the International Conference of Data Protection and Privacy Commissioners with the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD).

In conformity with Article 4 bis (1) of the Rules of Procedure of the T-PD, its members are being consulted about your request.

Ms Kateryna Gayevska of the Directorate General of Human Rights and Legal Affairs will keep you informed about the follow-up to your request, and she is at your disposal if you require any further information (Tel: +33 3 88 41 21 27; Fax: + 33 3 90 21 56 48; E-mail: [Kateryna.Gayevska@coe.int](mailto:Kateryna.Gayevska@coe.int).)

Yours sincerely

A handwritten signature in black ink, appearing to read "Terry Davis", written over a horizontal line.

Right Hon Terry Davis

Ms Marie Shroff  
Privacy Commissioner, Chair of the Steering Group on Representation  
before International Organisations  
International Conference of Data Protection and Privacy Commissioners  
PO Box 466  
Shortland Street  
Auckland 1140  
New Zealand

*T - 67075 Strasbourg Cedex*  
*France*

*Tel. + 33 (0)3 88 41 20 51*  
*+ 33 (0)3 88 41 20 00*

*Fax: + 33 (0)3 88 41 27 99*  
*+ 33 (0)3 88 41 27 40*

## Blair Stewart

---

**From:** Blair Stewart  
**Sent:** Wednesday, 26 August 2009 12:00 p.m.  
**To:** Blair Stewart  
**Subject:** FW: Appointment as ad hoc Conference observer to September Council of Europe T-PD plenary  
**Importance:** High  
**Attachments:** Expectations of delegates.doc

Blair Stewart Assistant Commissioner (Auckland) | Office of the Privacy Commissioner  
PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠 +64-9-302 2305

---

**From:** Blair Stewart  
**Sent:** Wednesday, 26 August 2009 11:59 a.m.  
**To:** Alessandra Pierucci  
**Cc:** roderickbwoo@pco.org.hk; 'Antonio Caselli'  
**Subject:** Appointment as ad hoc Conference observer to September Council of Europe T-PD plenary  
**Importance:** High

Alessandra

Thank you for agreeing to be the Conference's observer to the T-PD plenary - I am grateful for your willingness to take the task on at the last minute.

Antonio has rightly noted that we will want you to write a short report on the meeting so that we will circulate that to interested people from amongst the members of the International Conference.

I attach the "Expectations of Delegates" document which outlines the role of a Conference observer (or 'delegate'). Some of that document may not apply in your case since you are, at the moment, appointed as delegate for just one meeting rather than as a delegate for a 2 year term. However, it should be a useful guide nonetheless.

If you or Antonio have any questions please do not hesitate to contact me.

Good luck!

Blair Stewart Assistant Commissioner (Auckland) | Office of the Privacy Commissioner  
PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠 +64-9-302 2305

---

**From:** Antonio Caselli [mailto:a.caselli@garanteprivacy.it]  
**Sent:** Wednesday, 26 August 2009 1:52 a.m.

06/12/2011

**To:** Blair Stewart  
**Cc:** roderickbwoo@pco.org.hk; Alessandra Pierucci  
**Subject:** Re: Urgent question about availability for September Council of Europe T-PD plenary

Blair,

Thanks a lot for your messages and the information provided. I am happy to confirm that Alessandra will be attending the next T-PD meeting and is willing to act as observer on behalf of the Conference. As you wrote in your message to the Group, this is an ad-hoc solution given the time constraints and leaves all other nomination options absolutely open.

I guess Alessandra will have to submit a short report on the meeting and the main topics addressed. We can better detail the relevant arrangements in the coming days.

Kind regards,  
Antonio

Blair Stewart ha scritto:

Antonio

As you saw from the message sent this morning, we have been granted observer status for the T-PD. Since the meeting is next week, we clearly have very limited options for arranging representation.

I would be grateful for your urgent advice as to whether Alessandra Pierucci or anyone else from the Italian Garante is planning to attend and if they might be willing to fulfil the observer role.

If this is not possible I can try the rest of the Steering Group but frankly if I am to do so I must get a message out straight away given the need for messages to be received and replied to. Accordingly, I may send a general message to the Steering Group tonight even though I am awaiting your reply and hope that your office may be able to perform the role.

Regards, Blair

**Blair Stewart** Assistant Commissioner (Auckland) | Office of  
the Privacy Commissioner  
PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 |  
📠 +64-9-302 2305

---

**From:** Blair Stewart  
**Sent:** Monday, 17 August 2009 12:24 p.m.  
**To:** Antonio Caselli; [roderickbwoo@pco.org.hk](mailto:roderickbwoo@pco.org.hk)  
**Subject:** Small working group on progressing observer application to Council of Europe T-PD - urgent question about availability for September plenary  
**Importance:** High

Colleagues

As you can see, the Council Of Europe has received our application and is processing it.

**Options and approach for a delegate to plenary in September**

06/12/2011

I haven't been given any further update on timing but earlier indications were that this could probably be processed out of session in sufficient time for us to possibly send an observer to the plenary on 2-4 September. Obviously at such short notice it will be a challenge to organise representation but not necessarily impossible.

Tentatively, I suggest that we try to identify an *interim delegate* to represent us at just this meeting (if we are granted observer status in the next week or so out of session - otherwise we will look to the November meeting to be our first). I suggest this as we won't have time to fully explore all the suitable or interested candidates for the task. Nor in just a week or so will the DPA involved have very long to contemplate whether they are able to do the task for, say, 2 years - they may be more willing to make an immediate commitment to be the delegate to this meeting and ponder the bigger task later.

For this meeting I expect we'll probably also have to limit ourselves to someone who is planning to attend the plenary meeting anyway. I don't expect that we could quickly identify anyone else at such short notice be easily able to attend a 3 day meeting in Strasbourg!

I guess that the list of attendees at the February T-PD-BUR meeting might be a guide to some of the core people who are likely to attend the plenary? I'm sure there'll be others as well but obviously I have no idea who they will be.

Working just from the minutes of the February meeting the choices would seem to include DPAs from CoE member states including Switzerland, Italy, France, Monaco and Spain. (An outside possibility would be CAIQ from Quebec if they regularly attend as the Francophonie observer.) So when we have time to explore the possibilities in depth I think that there may be several available choices.

However, in terms of trying to select someone at short notice who clearly follows the T-PD work and whose DPA knows about the Steering Group work and expectations of delegates, there seemed to me to be an obvious choice: the representative from the Italian Garante per la Protezione dei Dati Personali, Alessandra Pierucci. ***Antonio, is Alessandra or someone from your authority planning to attend the plenary? Would they be willing to put themselves forward as our delegate (assuming that we get approved in time)?***

I should emphasise that I am not trying to "trap" your office into being the permanent delegate - we can look to that question separately after the plenary meeting - I am merely trying to find someone suitably qualified and available in a matter of days rather than weeks or months. If Italy is not able to do the task it is quite possible that we will have difficulty arranging for anyone else.

### **Options for permanent delegate and *ad hoc* delegates**

We have longer to contemplate our approach to selecting a permanent delegate and alternate but I will take the opportunity to sketch out a couple of suggestions.

First, I think we should select a delegate from amongst those most able regularly to get to the meetings. The list of those who attended the February meeting may perhaps be a good guide. However, it is possible that there may be others who wish to engage in the CoE work and this may be the spur - an invitation to the DPAs at large might draw out some unexpected choices.

Second, now that we are appointing a reasonable number of delegates I am looking to try to spread the opportunities around. Accordingly, for example, while a Strasbourg based series of meetings might conveniently be covered by the CNIL we need to bear in mind that we might be likely to have a CNIL delegate for the OECD Paris based meetings. (I have a similar dilemma with, for instance, Canada being the ISO delegate while they might also be a good APEC delegate.) Where possible I hope to find opportunities for small offices like Monaco or Quebec, to mention two mentioned above, to contribute - though I'm expressing no view on them for this opportunity I'm just using them as an example.

Third, consistent with the approach taken to other regional forums I hope to arrange that the permanent delegate will stand aside for other DPAs from outside the region to be the *ad hoc* delegate to particular meetings where that is feasible. We did this successfully with the Irish Commissioner attending the recent APEC meeting. This has advantages by providing diversity



to the input and opportunities to DPAs to get a close look at what other regions are doing. The permanent delegate still has an essential role in terms of continuity. I anticipate that we would publish a calendar of forthcoming meetings, such as the one attached, so that DPAs can indicate well in advance if they wished to step forward to be an *ad hoc* delegate.

I'd be grateful for your responses to these suggestions.

Regards

Blair Stewart  
Assistant Privacy Commissioner  
PO Box 466, Auckland 1140, New Zealand

tel +64 9 302 8654 fax +64 9 302 2305 [www.privacy.org.nz](http://www.privacy.org.nz)

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**Blair Stewart**

---

**From:** Blair Stewart  
**Sent:** Wednesday, 26 August 2009 11:43 a.m.  
**To:** Antonio Caselli; Blair Stewart; cbaggaley@privcom.gc.ca; Gary\_Davis@dataprotection.ie; Gwendal Le Grand ; phustinx@edps.eu.int; Rafael Garcia Gozalo; roderickbwoo@pco.org.hk; Silke Harz; TimothyPilgrim@privacy.gov.au  
**Cc:** Alessandra Pierucci  
**Subject:** Appointment of delegate for September Council of Europe T-PD plenary  
 Steering Group colleagues

I am very pleased to advise that Alessandra Pierucci from the Italian Garante is willing and able to be the Conference's ad hoc observer to the T-PD plenary next week.

Normally, we might follow a process whereby we would circulate information about the proposed delegate to the Steering Group and seek positive endorsement from a majority of members before making an appointment. However, in the circumstances I trust members are comfortable to work on the basis that unless any objections are filed by email in the next 24 hours I will assume a consensus in support of the appointment.

For the record, the special circumstances include:

- we have only a few days from the grant of observer status to finalise our choice;
- it is an ad hoc appointment for a single meeting, no longer term commitments by the Garante or the Steering group are implied by the appointment;
- no other offers have been forthcoming from Steering Group members (in the short time made available to them);
- the delegate appears well qualified for the task as a previous attendee to the T-PD-BUR from the Italian Garante.

Obviously it is not ideal for the delegate, the delegate's employer or the Steering Group to make these arrangements at such short notice. I am grateful to Alessandra, Antonio and the Garante for responding so positively to the challenge. From the Steering Group's perspective we may need in future to consider making provisional appointments as delegates even before observer status is granted, for instance, in the forthcoming case of OECD (and I note we are well advanced in that respect).

Regards, Blair

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the  
 Privacy Commissioner  
 PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠  
 +64-9-302 2305

---

**From:** Antonio Caselli [mailto:a.caselli@garanteprivacy.it]  
**Sent:** Wednesday, 26 August 2009 1:52 a.m.  
**To:** Blair Stewart  
**Cc:** roderickbwoo@pco.org.hk; Alessandra Pierucci  
**Subject:** Re: Urgent question about availability for September Council of Europe T-PD plenary

Blair,  
 Thanks a lot for your messages and the information provided. I am happy to confirm that Alessandra will be attending the next T-PD meeting and is willing to act as observer on behalf of

06/12/2011

the Conference. As you wrote in your message to the Group, this is an ad-hoc solution given the time constraints and leaves all other nomination options absolutely open.

I guess Alessandra will have to submit a short report on the meeting and the main topics addressed. We can better detail the relevant arrangements in the coming days.

Kind regards,  
Antonio



Privacy Commissioner  
Te Mana Matapono Matatapu

6 October 2010

Olivier Matter  
Commission nationale de l'Informatique et des Libertés  
8 rue Vivienne – CS 30223  
75083 Paris Cedex 02  
FRANCE

[omatter@cnil.fr](mailto:omatter@cnil.fr)

Dear Olivier

**Appointment as Conference Delegate to the Council of Europe Committee T-PD**

On behalf of the Steering Group on Representation before International Organisations of the International Conference of Privacy and Data Protection Commissioners, I write to confirm the Conference's nomination of you as its observer delegate to the Council of Europe Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD).

This nomination has, of course, already been advised to you informally.

May I express the Steering Group's thanks for volunteering to take on this task. Your service to the Conference is greatly appreciated.

Please find enclosed a document expressing the Steering Group's expectations of delegates. I trust that the document is consistent with your own understanding of the role.

I wish you well in the role as delegate and look forward to working with you.

Yours sincerely

Marie Shroff  
New Zealand Privacy Commissioner  
Chair, Steering Group on Representation before International Organisations,  
International Conference of Data Protection and Privacy Commissioners

I/0120/A237891

## Linda Williams

---

**From:** Blair Stewart  
**Sent:** Wednesday, 29 September 2010 7:37 p.m.  
**To:** 'LE GRAND Gwendal'; allan.chiang@pcpd.org.hk; Antonio Caselli; carman.baggaley@priv.gc.ca; Gary\_Davis@dataprotection.ie; phustinx@edps.eu.int; Rafael Garcia Gozalo; Silke Harz; TimothyPilgrim@privacy.gov.au  
**Cc:** MATTER Olivier; Linda Williams  
**Subject:** Proposed appointment of an observer to Council of Europe T-PD - nomination by CNIL of Olivier Matter

**Importance:** High

Colleagues

I am pleased to acknowledge the generous CNIL offer to appoint Olivier Matter as the Conference's observer delegate to the T-PD.

I am also happy to support the proposal but feel I should mention a few considerations that the Steering Group may wish to consider.

I should start by mentioning some strong considerations which weigh in favour of accepting the nomination from the French CNIL:

- The T-PD meets in Strasbourg and thus there may be some logistic advantages of a delegate based in France.
- Olivier is, as the Steering Group's already knows, is Legal Adviser at the Department of European and International Affairs at CNIL, and held already by the Steering Group to be qualified for the role of observer delegate in another capacity.
- We have no other nominations or offers to be the delegate.

On the other hand there are some other considerations that I should mention. Prime amongst those is the fact that we have recently appointed Olivier to be our delegate to OECD (which, as it happens, typically meets in Paris by happy coincidence). This is not a reason to avoid appointing a CNIL staffer in general or Olivier in particular but we should be alive to the fact that we would ideally wish to share around the appointments amongst individuals and DPAs wherever we can. I take the view that notwithstanding these considerations we should in this case nonetheless make the appointment for two very strong reasons, first, that no one else has offered, and second, that since both international organisations are based in France it is not unexpected to make a second appointment to a CNIL staffer. It might not be unreasonable for the delegate to be willing to stand aside from one or other delegate appointment at some point in the future if we were to have another DPA express a strong interest in either role

I welcome others' views and would encourage Steering Group members to send **comments by 6 October** the same day as I have requested comments upon our draft annual report. Given how close we are to the annual conference I would be keen to take a collective decision by then if we can. Accordingly, I propose that in the absence of any contrary views by that date, and with positive affirmation expressed by at least half the Steering Group members, I would take that as agreement to make the appointment.

Regards, Blair

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the Privacy Commissioner  
 PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠 +64-9-302 2305

---

**From:** LE GRAND Gwendal [mailto:glegrand@cnil.fr]

17/11/2011

**Sent:** Wednesday, 29 September 2010 1:15 a.m.

**To:** Blair Stewart; allan.chiang@pcpd.org.hk; Antonio Caselli; carman.baggaley@priv.gc.ca; Gary\_Davis@dataprotection.ie; phustinx@edps.eu.int; Rafael Garcia Gozalo; Silke Harz; TimothyPilgrim@privacy.gov.au

**Cc:** MATTER Olivier

**Subject:** RE: Appointment of an Observer to Council of Europe T-PD - Steering Group members all willing to stand for a further term

Dear colleagues,

The CNIL would like to volunteer to be the international conference's observer to the T-PD.

If this proposal is accepted, we would like to appoint Olivier Matter (from our international department) as the conference's delegate.

Best regards

Gwendal

---

**De :** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]

**Envoyé :** vendredi 24 septembre 2010 07:06

**À :** (allan.chiang@pcpd.org.hk); Antonio Caselli; Blair Stewart; Carman Baggaley (carman.baggaley@priv.gc.ca); Gary\_Davis@dataprotection.ie; LE GRAND Gwendal; phustinx@edps.eu.int; Rafael Garcia Gozalo; Silke Harz; TimothyPilgrim@privacy.gov.au

**Objet :** Appointment of an Observer to Council of Europe T-PD - Steering Group members all willing to stand for a further term

Steering Group colleagues

I feel that I should once again raise with the group the fact that the International Conference has been granted approval to be an official observer to the T-PD but that we have yet to identify and appoint a delegate to perform this task.

This is an unsatisfactory state of affairs and it would be nice if we can devise a way to resolve it.

I was reminded of this when I read a media report that the T-PD is embarking upon a review of Convention No 108. The report suggests that this may take several years but discussion would commence at a November T-PD bureau meeting. It occurs to me that this may be a development of interest to the wider DPA community given concurrent reviews of long standing international instruments happening in other forums (OECD, EU) and the unique status of Convention 108 of being a treaty open for all to accede to. See <http://www.huntonprivacyblog.com/2010/09/articles/european-union-1/council-of-europe-prepares-to-review-convention-108/index.html> In addition to this important review the T-PD does of course have an on-going programme of other work.

I suggest that the Steering Group ought to debate the way forward to fill this observer position. **Please remember that it is not necessary for our delegate to be a member of the steering group.** It may be more feasible to propose someone from an accredited DPA which is not on the Steering Group. Suggestions are welcomed since getting observer status is only half the task - unless we appoint a delegate the exercise of obtaining observer status has been futile. Having observer status and not turning up to meetings may also have the perverse effect of detracting from the international DPA community's credibility, the precise opposite of what we're trying to achieve.

I look forward to constructive suggestions. I should also advise that I have heard from all but one of the existing Steering Group members and all have been willing to stand for election for a further term. Accordingly, I will prepare a short report suitable for submission to the conference noting the Steering Group's willingness to continue on as a group beyond the Jerusalem conference.

Kind regards, Blair

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the

17/11/2011

Privacy Commissioner

PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠 +64-9-302 2305

2010 marks the 30th Anniversary of the OECD Privacy Guidelines -  
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<http://www.eset.com>

**Linda Williams**

---

**From:** Blair Stewart  
**Sent:** Wednesday, 6 October 2010 10:43 a.m.  
**To:** 'CABALION Delphine'  
**Cc:** GAYEVSKA Kateryna; 'omatter@cnil.fr'; Linda Williams  
**Subject:** RE: Observers: 22nd meeting of the T-PD-BUR - - appointment of ICDPPC observer delegate  
Dear Delphine

I write on behalf of the Steering Group on Representation before International Organisations of the International Conference of Data Protection and Privacy Commissioners (ICDPPC).

In August last year the ICDPPC was notified of the grant of observer status before the T-PD. At short notice we were able to arrange *ad hoc* representation for that year's plenary session but have not until now been able to secure a permanent observer delegate.

However, I am pleased to advise that we have appointed Olivier Matter of the French Data Protection Authority (CNIL) as our delegate. I believe Olivier may already be known to you since he is copied into your email but for the record his contact details are:

Mr. Olivier MATTER  
Legal adviser at the Department of European and International Affairs  
Commission nationale de l'Informatique et des Libertés  
8 rue Vivienne – CS 30223  
75083 Paris Cedex 02  
FRANCE  
Tel : + 33 (0)1 53 73 25 61  
Fax : + 33 (0)1 53 73 22 00  
Mail : [omatter@cnil.fr](mailto:omatter@cnil.fr)

Please feel free to deal directly with Mr Matter regarding any practical arrangements for participation.

Kind regards

Blair Stewart Assistant Commissioner (Auckland) | Office of the  
Privacy Commissioner  
PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠  
+64-9-302 2305

---

**From:** CABALION Delphine [mailto:Delphine.CABALION@coe.int]  
**Sent:** Saturday, 2 October 2010 4:21 a.m.  
**To:** anne.carblanc@oecd.org; Ballard, Shannon; Barbara.BUCKNELL@oecd.org; Blair Stewart; aruwet@hunton.com; ckuner.br@hunton.com; denis.kratchanov@justice.gc.ca; f.audubert@interpol.int; Hana.Pechackova@ec.europa.eu; John.kropf@dhs.gov; burdin@ilo.org; lauren.saadat@dhs.gov; maria.marvan@ifai.org.mx; Michael.DONOHUE@oecd.org; omatter@cnil.fr  
**Cc:** GAYEVSKA Kateryna  
**Subject:** Observers: 22nd meeting of the T-PD-BUR - 22ème réunion du T-PD-BUR

Dear T-PD Observers,

The **22nd meeting of the T-PD-BUR** will be held from **15 to 17 November 2010** in the

17/11/2011



Council of Europe, Agora Building, in Strasbourg.

Please find enclosed your invitation letter, the draft agenda and the revised expert rules.

I would like to draw your attention to the following:

- All working documents will be available on our restricted website, as soon as they have been updated (see address of the website below). **Please check our website regularly.**
- The working **documents will not be distributed at the meeting. Please bring your own copy.**

**Data protection** (*English website*):

[http://www.coe.int/t/e/legal\\_affairs/legal\\_co-operation/data\\_protection/events/t-pd\\_and\\_t-pd-bur\\_meetings/1meetings\\_DP.asp#TopOfPage](http://www.coe.int/t/e/legal_affairs/legal_co-operation/data_protection/events/t-pd_and_t-pd-bur_meetings/1meetings_DP.asp#TopOfPage)

Login :

extraweb\Legalcoop\_data

Mot de passe :

data2006

Best regards,

On behalf of Kateryna Gayevska, Secretary of the Committee

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Chers Observateurs du T-PD,

La **22e réunion du T-PD-BUR** se tiendra du **15 au 17 novembre 2010** au Conseil de l'Europe, Bâtiment Agora, à Strasbourg.

Veuillez trouver ci-joint votre courrier d'invitation, le projet d'ordre du jour ainsi que le règlement révisé des experts.

J'attire votre attention sur le fait que :

- Tous les documents de travail seront disponibles sur notre site (en accès restreint) au fur et à mesure qu'ils seront finalisés (voir adresse web ci-dessous). **Merci de consulter notre site régulièrement.**
- **Les documents de travail ne seront pas distribués pendant la réunion. Nous vous remercions d'imprimer les copies souhaitées.**

**Protection des données** (*Site français*) :

[http://www.coe.int/t/f/affaires\\_juridiques/coop%E9ration\\_juridique/protection\\_des\\_donn%E9es/ev%E9nements/reunions\\_du\\_t-pd\\_et\\_t-pd-bur/1Meetings\\_DP%20f.asp#TopOfPage](http://www.coe.int/t/f/affaires_juridiques/coop%E9ration_juridique/protection_des_donn%E9es/ev%E9nements/reunions_du_t-pd_et_t-pd-bur/1Meetings_DP%20f.asp#TopOfPage)

Login:

extraweb\Legalcoop\_data

Password:

data2006

Sincères salutations,

17/11/2011

De la part de Kateryna Gayevska, Secrétaire du Comité

<<Invitation 22th T-PD-BUR\_eng 1 oct.doc>> <<InvLetter\_22è\_T-PD-BUR\_fr 1 oct.doc>>

<<OJ\_T-PD-Bureau22(2010)\_en 1 oct.doc>> <<OJ\_T-PD-Bureau22(2010)\_fr 1 oct.doc>>

<<Experts Rules 2010.doc>> <<Experts Règlement 2010.doc>>

Delphine CABALION on behalf of Kateryna GAYEVSKA

Directorate of Standard-Setting

Directorate General of Human Rights and Legal Affairs

Agora Building

Council of Europe

F-67075 STRASBOURG Cedex

Tel: +33 3 90 21 52 72

Fax: + 33 3 90 21 56 48

E-mail: [Delphine.Cabalion@coe.int](mailto:Delphine.Cabalion@coe.int)

## Linda Williams

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**From:** Blair Stewart  
**Sent:** Wednesday, 6 October 2010 10:31 a.m.  
**To:** (allan.chiang@pcpd.org.hk); Antonio Caselli; Blair Stewart; Carman Baggaley (carman.baggaley@priv.gc.ca); Gary\_Davis@dataprotection.ie; Gwendal Le Grand ; phustinx@edps.eu.int; Rafael Garcia Gozalo; Silke Harz; TimothyPilgrim@privacy.gov.au  
**Cc:** 'omatter@cnil.fr'; Steven Johnston; Linda Williams  
**Subject:** Steering Group - Appointment of delegate to T-PD - Annual report  
**Attachments:** Annual Report 2010 for Steering Group.doc

Colleagues

I am pleased to record that the Steering Group has appointed Olivier Matter as ICDPPC Observer to the Council of Europe T-PD Committee. I will make the necessary arrangements to formally notify both Olivier and the T-PD Committee Secretary.

I have updated the draft annual report which has now been approved by the Steering Group and will make arrangements for this to be provided to the Conference hosts. I attach a copy for information.

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the  
Privacy Commissioner  
PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠  
+64-9-302 2305

2010 marks the 30th Anniversary of the OECD Privacy Guidelines -  
[find out more](#)



## Blair Stewart

---

**From:** CABALION Delphine [Delphine.CABALION@coe.int]  
**Sent:** Friday, 17 December 2010 12:28 a.m.  
**To:** GAYEVSKA Kateryna  
**Cc:** POLAKIEWICZ Jorg; TONELLI Simon; KWASNY Sophie; MALINOWSKI Jan  
**Subject:** T-PD activities changes as from 01/01/2011 - Changements au sein des activités du T-PD à compter du 1er janvier 2011

Dear T-PD members and experts,

I would like to draw your attention to changes taking effect as of the 1st of January 2011 concerning T-PD activities.

I am leaving the position of Secretary of the T-PD to fill another position within the Council of Europe Secretariat.

Ms Sophie Kwasny will officially take up the duties of T-PD Secretary as from 1st January 2011.

With a view to reinforcing synergies with the work on information society, the data protection unit will be transferred to the 'Information society, media and data protection division' (formerly called the Media and information Society Division) under the authority of Mr Jan Malinowski, Head of Division. This Division falls under the authority of Mr Jörg Polakiewicz as he has left his position of Head of the Law Reform Department to take up new duties of Head of the Human Rights Development Department and will thus continue to oversee data protection activities. Ms Delphine Cabalion, our new assistant arrived in 2010 will continue to follow data protection activity with Ms Sophie Kwasny.

I would like to take this opportunity to express my gratitude and appreciation to all of you for cooperative spirit and support you have been providing.

I also take this opportunity to send you all my very best wishes for a restful and peaceful end of 2010 and for a happy and rewarding 2011.

Delphine CABALION de la part de Kateryna GAYEVSKA

Directorate of Standard-Setting

Directorate General of Human Rights and Legal Affairs

Agora Building

Council of Europe

F-67075 STRASBOURG Cedex

Tel: +33 3 90 21 52 72

Fax: + 33 3 90 21 56 48

E-mail: [Delphine.Cabalion@coe.int](mailto:Delphine.Cabalion@coe.int)

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Chers membres et experts du T-PD,

J'aimerais attirer votre attention sur différents changements prenant effet à compter du 1er janvier 2011 concernant les activités du T-PD.

Je quitte mes fonctions de Secrétaire du T-PD afin d'occuper un nouveau poste au sein du Secrétariat du Conseil de l'Europe.

Mme Sophie Kwasny prendra officiellement ses fonctions de Secrétaire du T-PD à partir du 1er janvier 2011.

Afin de renforcer les synergies du travail sur la société d'information, l'unité de protection des données sera transférée au sein de la "Division de la société de l'information, des médias et de la protection des données" (anciennement connue sous l'intitulé "Division des médias et de la société de l'information"), placée sous l'autorité de Mr Jan Malinowski, son Chef de Division. La Division sera ainsi placée sous l'autorité de Jörg Polakiewicz étant donné qu'il a quitté ses fonctions de Chef de Service des réformes législatives pour prendre celles de Chef de Service du développement des droits de l'Homme. Il

08/12/2011

continuera à superviser les activités en matière de protection des données. Mlle Delphine Cabalion, notre nouvelle assistante arrivée en 2010 continuera à suivre l'activité avec Mme Sophie Kwasny.

Je voudrais saisir cette occasion pour exprimer ma gratitude auprès de vous tous pour votre esprit de coopération et le soutien que vous m'avez apporté.

J'en profite également pour vous adresser mes meilleurs voeux pour cette fin d'année 2010 ainsi que pour une joyeux année 2011.

Bien à vous,

**Delphine CABALION de la part de Kateryna GAYEVSKA**

Directorate of Standard-Setting

Directorate General of Human Rights and Legal Affairs

Agora Building

Council of Europe

F-67075 STRASBOURG Cedex

Tel: +33 3 90 21 52 72

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E-mail: [Delphine.Cabalion@coe.int](mailto:Delphine.Cabalion@coe.int)



Privacy Commissioner  
Te Mana Matapono Matatapu

6 October 2011

Anton Battesti  
Commission nationale de l'Informatique et des Libertés  
8 rue Vivienne – CS 30223  
75083 Paris Cedex 02  
**FRANCE**

Email: Abattesti@cnil.fr

Dear Anton

**Appointment as Observer Delegate to the OECD WPISP and Council of Europe T-PD**

On behalf of the Steering Group on Representation before International Organisations of the International Conference of Privacy and Data Protection Commissioners, I write to confirm the Conference's nomination of you as its observer delegate to:

- OECD Working Party on Information Security and Privacy (WPISP); and
- Council of Europe Consultative Committee on Convention No.108 (T-PD).

May I express the Steering Group's thanks for volunteering to take on these tasks. Your service to the Conference is greatly appreciated.

Please find enclosed a document expressing the Steering Group's expectations of delegates. I trust that the document is consistent with your own understanding of the role.

I wish you well in the role as delegate and look forward to working with you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Blair Stewart'.

**Blair Stewart**  
**Assistant Privacy Commissioner, New Zealand**

*Sent on behalf of the Steering Group on Representation before International Organisations,  
International Conference of Data Protection and Privacy Commissioners*

I/0071/A267553

**Steering Group on Representation before International Organisations  
International Conference of Data Protection and Privacy Commissioners**

## **Steering Group's Expectations of Delegates**

The International Conference of Data Protection and Privacy Commissioners encourages individuals within accredited data protection authorities (DPAs), both commissioners and staff, to offer themselves to be the Conference's observer to meetings of particular international organisations. Volunteering as observer (referred to in this note as 'delegate') involves devoting some time and expense to work on behalf of the Conference. The Steering Group is grateful to DPAs, and the individuals concerned, for performing such services. To assist authorities to decide whether to release staff (or commissioners) for the task, and to help the individuals concerned, this note outlines the Steering Group's broad expectations of delegates.

### **General expectation**

*The delegate will be an expert in data protection and privacy and knowledgeable in the work of both the Conference and the international organisation. The delegate will be Conference's 'eyes and ears', attending and observing the international organisation's meetings and reporting relevant information back. The delegate will be an advocate for data protection and privacy and, while taking care not to purport to speak on behalf of the Conference in the absence of an applicable resolution, will articulate data protection and privacy positions when the opportunity is given. The delegate will self-manage the relationship between the Conference and the international organisation by processing the available information, identifying the opportunities and risks and advancing the Conference's objectives.*

### **1. Expertise**

The Steering Group will presume that all nominees for a delegate role from DPAs will possess a good knowledge of data protection and privacy theory and practice.

Delegates should be familiar with the principal international instruments governing data protection and privacy regulation. The delegate's knowledge should extend beyond the guiding instruments governing the law in the delegate's own jurisdiction to include the other major instruments around the world.

Delegates are expected to be familiar with the relevant resolutions adopted by the Conference.

Delegates are expected to have a reasonable working knowledge of the relevant work of the international organisation concerned or be willing to familiarise themselves upon being appointed. Nominees for the role of delegate will be asked to complete a form for the Steering Group outlining previous experience relevant to the work of the international organisation.



Delegates will need to familiarise themselves with the relevant processes of the international organisation including any special rules applicable to observers.

## **2. Attendance at meetings**

It is expected that prospective delegates will give the Steering Group a realistic estimate of their availability to travel to and attend the relevant meetings during the period of appointment. Ideally delegates will be likely to be able to attend all or nearly-all of the important meetings of the relevant international organisation or committee during the expected term of the appointment.

However, firm commitments to attend all or nearly-all meetings are not always realistic or even necessary. In some cases, the role of delegate may require attendance at only a selection of meetings with other meetings to be followed 'on the papers'. If an alternate is also appointed, it will be sufficient to ensure a reasonable coverage of meetings between delegate and alternate. Occasionally, an alternate delegate will be appointed simply to attend a single meeting, sometimes in cases where the principal delegate cannot attend.

Delegates are expected to assess which of the forthcoming meetings warrant attendance. Delegates should keep the Steering Group reasonably informed of their assessments and be willing to explain their views.

Where the delegate assesses that a meeting should be attended, it is expected that the delegate will:

- attend the meeting, or
- arrange for the alternate (where appointed) to attend, or
- in cases where neither the delegate nor alternate can attend, let the Steering Group know the position in plenty of time with a recommendation, if possible, of a prospective candidate for the Steering Group to appoint as a delegate to attend the particular meeting.

Where the delegate assesses that a meeting need not be attended, or where attendance is simply not able to be arranged, the delegate is expected to convey the Conference's apologies through appropriate channels.

It is accepted that some delegates will attend some meetings in the dual capacity of Conference observer and as a member of a national delegation. This may be unavoidable as cost constraints will otherwise often prevent DPAs from attending without this combination of roles. However, the Steering Group expects delegates to manage the dual role so as to reflect well on the Conference and avoid any conflicts. In particular, it is expected that delegates will:

- let the Steering Group know if they propose to attend meetings in this dual capacity;
- ensure that the appropriate officials responsible for the meetings know of their dual capacity;
- ensure that there is no confusion as to the capacity in which they are intervening during meetings;
- ensure that their reports to the Steering Group reflect a Conference, rather than national, perspective.

### **3. Following the international organisation's work**

Delegates are expected to follow closely the relevant work of the international organisations. Delegates will need to arrange to receive and read the relevant papers.

Delegates are not expected to be an expert in every aspect of the relevant work of the international organisations. However, delegates should have a reasonable knowledge of the relevant organisation's work, be a reliable source of information for the Conference on that work and to be able to obtain further information if asked.

Delegates will also be expected to be able to assess and interpret what they know of the international organisation's work so that they may bring significant privacy and data protection issues to the attention of the Conference.

### **4. Keeping others informed**

Delegates are expected to keep the alternate and the Steering Group informed of their activities as delegate and to keep the Steering Group, interested DPAs and the Conference informed of the work of the international organisation.

If an alternate is appointed a delegate must keep the alternate appropriately informed. Typically, this will involve ensuring that the alternate has access to the necessary papers and knows of the delegate's plans in relation to meetings. The degree to which the delegate needs to keep the alternate informed will vary and this is a matter to be worked out between the delegate and the alternate. Delegates should try to ensure that the alternate is in a reasonable position to assume the delegate's responsibilities in the event that the delegate is unable to attend a meeting.

Delegates are expected to keep the Steering Committee reasonably informed. Delegates should provide sufficient information to reassure the Steering Group that the observer arrangements are working satisfactorily or to highlight any problems arising or matters requiring guidance from the Steering Group. Delegates are expected to produce some written reports for the Steering Group, in particular, material for incorporation in the Steering Group's annual report to the Conference.

Delegates are expected to maintain networks of, and provide reports to, interested DPAs who wish to follow the work of the international organisation. The arrangements for doing this may differ between organisations and delegates. Generally speaking it may involve delegates establishing and maintaining an email contact list of staff within DPAs who have asked to be kept informed. Delegates are expected to prepare and distribute short update reports at appropriate intervals (typically preceding and/or following important meetings). Sometimes the update report may include relevant documentation from the international organisation, such as meeting minutes or resolutions, where circulation of such documentation is permitted.

Delegates are expected to hold themselves open to answer questions from any DPA and the Steering Group about the work of the international organisations.

There may be opportunities for delegates to report back on the work of the international organisations at the annual conference. Such opportunities cannot be guaranteed given the pressure on the Conference programme but where such opportunities are available, and delegates are able to attend

the Conference, it is expected that delegates will be willing to provide a presentation or answer questions.

## **5. Representing the Conference**

The delegate's role is, first and foremost, as an observer. The international organisation will have granted the Conference privileged access to attend meetings not open to the public. Delegates observe, interpret and report back to interested DPAs and the Conference.

In accordance with the particular arrangements of the international organisation, delegates may also be able to do various other things. This might vary depending upon the nature of the meeting and the rules of the particular organisation. Typically, there will be a process whereby observers may be allowed to intervene in some part of proceedings, for example, to make a statement or ask a question. Sometimes participants might ask a question of observers.

It is expected that delegates will exercise careful judgment in preparing for and participating in the meetings to ensure that the participation provides most value to all concerned. Delegates must take care to avoid expressing positions on behalf of all DPAs or the Conference unless they have a mandate to do so. Where the Conference has adopted a resolution on a particular matter, this can be represented as a clear mandate. In the absence of a Conference resolution, expressions of view may best be stated at a sufficiently high level, in keeping with well understood and agreed principles of data protection and privacy, or expressed as an expert but personal view.

On occasion, a delegate will know in advance of a meeting that an international organisation will wish to hear an expression of views. In those cases, the delegate may wish to consider preparing a brief written statement of position in advance. In the absence of a Conference resolution this should not be stated to represent the view of the Conference but with the right preparation may be characterised as a position said to be generally in keeping with the views of DPAs attending the Conference. Such a statement should be accompanied by a suitable caveat to the effect that the Conference has not taken a resolution on the point.

If proposing to prepare such a statement, it is expected that delegates will seek views from other DPAs. The alternate is the primary resource to assist in this respect. The circulation list developed to keep interested DPAs informed is the second resource. The third resource is the Steering Group itself which is available for consultation and guidance and will wish to see statements that may be proposed to be tabled. In some instances, a matter could be raised with all DPAs (and the Steering Group has a circulation list for such use). However, to ensure proper coordination the delegate should not usually canvass views of all DPAs except through the Steering Group or with the Steering Group's approval.

In some instances, delegates may identify issues on which it will be helpful for the Conference to adopt a resolution. Those issues may be fed through the Steering Group to be considered as part of a Steering Group-sponsored resolution. This does not preclude a delegate's own DPA proposing a resolution of its own initiative.

## **6. Identifying opportunities**

Delegates are encouraged to use their initiative to further the objectives of the Conference and of privacy and data protection generally. In particular, delegates are expected to take any opportunity offered to observers to provide an update to the international organisation on the work of the Conference.

Other opportunities may present themselves. For example, delegates may wish to encourage key people within the international organisation to attend the public sessions of the Conference. Delegates may also be a resource to Conference hosts in identifying or approaching possible speakers for Conference sessions.

## **7. Duration of appointment as delegate**

An appropriate term of appointment will be made which may depend upon the delegate's preferences and availability and the nature of the international organisation and the particular series of meetings. In judging appropriate terms of appointment the Steering Group will try to ensure that while delegates are able to develop expertise in their role and perform effectively there remain opportunities for as many DPAs to contribute as possible.

As a general matter, delegates are expected, if possible, to make themselves initially available for a two year appointment which may be the normal duration. A renewal for up to a further two years will be contemplated but at the completion of an extended term it is expected that a delegate may step aside if there is another candidate offering themselves as delegate. The Steering Group will invite expressions of interest from the Conference at large for available positions from time to time.

It is expected that delegates will help ensure an orderly transition from one delegate to the next. The Steering Group would appreciate as much notice in advance as possible if delegates do not intent to continue in the role. Assistance in finding a successor, and briefing that person, will be appreciated.

Delegates should promptly advise the Steering Group if their employment by, or appointment to, a DPA ends. Delegates are expected to step down if asked to do so by the Steering Group.

The Steering Group may revoke an appointment if a delegate significantly fails to meet the expectations set out in this document or gives other cause for removal.

Version 1.1

*Adopted by the Inaugural Steering Group comprising DPAs from Australia, Canada, France, Germany, Hong Kong, Ireland, Italy, New Zealand, Spain and the European Data Protection Supervisor*

Date: 26 August 2009

## Blair Stewart

---

**From:** BATTESTI Anton'Maria [ambattesti@cnil.fr]  
**Sent:** Friday, 7 October 2011 3:21 a.m.  
**To:** Blair Stewart  
**Cc:** RAYNAL Florence  
**Subject:** Conference observer  
**Attachments:** Appt of Delegate, 06 10 11 (Signed Copy).pdf

Dear Mr. Stewart,

Thank you very much for your letter of appointment. I am deeply honored to ensure this task. I will immediately have a look on the expectations. Please find my details in the signature.

Best regards,  
Anton

PS: in fact my email is : [ambattesti@cnil.fr](mailto:ambattesti@cnil.fr)

Anton'Maria Battesti  
Commission nationale de l'informatique et des libertés (CNIL) / French Data Protection Authority  
Service des affaires européennes et internationales / Department of European and International Affairs  
Chargé des relations institutionnelles / Policy manager

8, rue Vivienne - CS 30223  
75083 PARIS Cedex 02  
Tel. +33 (0)1 53 73 25 85



## **10. OECD**

The materials commence with the standard template summary and include the application for observer status, some exchanges relating to the processing of the application and filling of the delegate slot.



The first of these is the fact that the system is not a simple one. It is a complex system, and the results of the analysis are not simple. The second is that the system is not a simple one. It is a complex system, and the results of the analysis are not simple.



## **OECD WPISP details**

### **1. Name of International Organisation**

Organisation for Economic Cooperation and Development (OECD)

### **2. Key contact people**

Name: Michael Donohue  
Position: Administrator, Information Security, Privacy and Consumer Policy  
Email: [Michael.donohue@oecd.org](mailto:Michael.donohue@oecd.org)

Name: Anne Carblanc  
Position: Principal Administrator  
Email: [Anne.Carblanc@oecd.org](mailto:Anne.Carblanc@oecd.org)

### **3. Contact details**

Postal Address:  
2, rue Andre-Pascal  
75775 Paris Cedex 16  
France

Tel: +33 1 45 24 14 79  
Fax: +33 1 44 30 62 59

### **4. Brief description of organisational structure**

The OECD is a unique forum where the governments of 30 member countries work together with business and civil society to address the economic, social, environmental and governance challenges of the globalising world economy, as well as exploit its opportunities.

The Working Party on Information Security and Privacy (WPISP) works under the direction of the Committee for Information, Computer and Communications Policy (ICCP) which reports to the OECD Council. It is supported by the OECD Secretariat within the Directorate for Science, Technology and Industry.

Participants are delegates from member countries. Business, civil society, other international organisations and non-members are also sitting at the table.

### **5. Committee details**

The OECD website ([www.oecd.org](http://www.oecd.org)) explains that the WPISP:

- Develops policy options by consensus to sustain trust in the global networked society.
- Addresses information security and privacy as complementary issues at the core of digital activities.
- Maintains an active network of experts from government, business and civil society.
- Serves as a unique platform to:

- monitor trends
- share and test experiences
- analysis the impact of technology on information security and privacy
- develop policy guidance.

The WPISP meets twice a year in Paris and organises forum sessions and conferences, occasionally elsewhere.

Work on privacy has included:

- OECD 'Guidelines on the Protection of Privacy and Trans-border flows of Personal Data' (1980)
- 'Privacy on-line: OECD Guidance on Policy and Practice' (2002)
- OECD privacy policy generator
- OECD 'Recommendation on Cross-border Cooperation in the Enforcement of Laws Protecting Privacy' (2007).

Considerable other work in areas such as cryptograph policy, authentication, spam and biometrics. Ongoing work in areas such as digital identity management, malware, sensors etc.

#### 6. Additional Committees

None identified at this stage.

#### 7. Additional notes

None

### TEMPLATE COMPLETED/UPDATE

Blair Stewart (completed)

.....  
(Person)

3 November 2008

.....  
(Date)



14 July 2009

Andrew Wyckoff  
Acting Director  
Science, Technology and Industry  
OECD  
2, rue André-Pascal  
75775 Paris - Cedex 16  
FRANCE

Dear Mr Wyckoff

**Request by International Conference of Data Protection and Privacy Commissioners for observer status before WPISP**

I write on behalf of the International Conference of Data Protection and Privacy Commissioners to seek observer status before the OECD Working Party on Information Security and Privacy (WPISP).

The International Conference is the principal global meeting of privacy and data protection authorities and has convened annually for more than 30 years. To be accredited to the Conference, a data protection authority is assessed against a set of principles focused upon guarantees of autonomy and independence, sufficient legal basis and compatibility with recognised international privacy principles.<sup>1</sup> There are now 80 accredited authorities including 37 national authorities, 35 sub-national authorities and 6 data protection authorities within international or supra-national bodies. They are each, by virtue of their breadth of functions and depth of experience, the premier experts on the principles and practice of data protection in their jurisdiction.

I annex to this application a list of the authorities currently accredited to the Conference. There are authorities throughout Europe as well as a number in other regions including North America, Asia and the Pacific. A couple of authorities from Africa and South America have been accredited. Several additional authorities are usually accredited to the Conference each year.

The Conference is an international forum that promotes the sharing of knowledge about privacy and data protection. As such the Conference works hard to bridge the varying approaches taken to privacy and data protection. It has, for example, had OECD speakers on previous conference programmes.

Recently the Conference sought and was granted observer status before the relevant ISO and APEC working groups.

<sup>1</sup> [www.privacyconference2008.org/adopted\\_resolutions/7-PARIS2001/PARIS-EN1.pdf](http://www.privacyconference2008.org/adopted_resolutions/7-PARIS2001/PARIS-EN1.pdf)

The 30<sup>th</sup> International Conference held in Strasbourg late last year adopted a resolution establishing a Steering Group on Representation before International Organisations.<sup>2</sup> The Steering Group, of which I am the chair, has the authority to appoint delegates to act as the Conference's observers at meetings of international organisations. Under the resolution, appointed delegates would provide input based on existing Conference resolutions or, as needed, through an inter-sessional consultation process. The Conference has directed the Steering Group to seek observer status before the relevant OECD committees which principally means the WPISP.

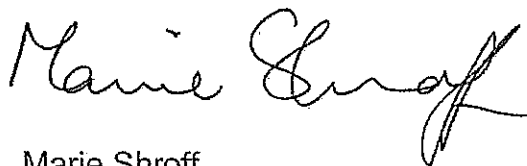
The Conference believes that obtaining observer status will be of mutual benefit to both OECD and the Conference. In particular:

- such an arrangement will enable the wider data protection community, including non-OECD countries, to be better informed about the important privacy work being undertaken by OECD;
- OECD will obtain a convenient new source of information and expertise about privacy and data protection;
- the liaison will strengthen cooperation in key areas such as in relation to developing practical tools for cross-border enforcement cooperation.

Data Protection Authorities accredited to the Conference have already contributed directly to the work of the WPISP, for example in recent years through a volunteer group working on cross-border enforcement cooperation. We believe that input has been welcomed and has strengthened the OECD approach. Granting observer status to the Conference can build on that successful collaboration and provide a conduit of information from OECD to the wider data protection authority community.

The Conference looks forward to deepening the relationship with OECD if observer status is approved.

Yours sincerely



Marie Shroff  
New Zealand Privacy Commissioner  
Chair, Steering Group on Representation before International Organisations,  
International Conference of Data Protection and Privacy Commissioners

cc: Anne Carblanc  
Michael Donohue

---

<sup>2</sup> [www.privacyconference2008.org/adopted\\_resolutions/STRASBOURG2008/resolution\\_steering\\_group\\_en.pdf](http://www.privacyconference2008.org/adopted_resolutions/STRASBOURG2008/resolution_steering_group_en.pdf)  
I/0068/A200250

## ANNEX

### International Conference of Data Protection and Privacy Commissioners

The following authorities are accredited to the International Conference of Data Protection and Privacy Commissioners:

#### NATIONAL AUTHORITIES

**Andorra:** Data Protection Agency  
**Argentina:** National Direction for Personal Data Protection  
**Australia:** Federal Privacy Commissioner  
**Austria:** Data Protection Commission  
**Belgium:** Privacy Commission  
**Burkina Faso:** Data Processing and Liberties Commission  
**Canada:** Privacy Commissioner of Canada  
**Croatia:** Croatian Data Protection Agency  
**Cyprus:** Personal Data Protection Commissioner  
**Czech Republic:** Office for Personal Data  
**Denmark:** Data Protection Agency  
**Estonia:** Data Protection Inspectorate  
**Finland:** Data Protection Ombudsman  
**France:** Data Protection Commission  
**Germany:** Federal Data Protection Commission  
**Greece:** Hellenic Data Protection Authority  
**Hungary:** Parliamentary Commissioner for Data Protection and Freedom of Information  
**Iceland:** Data Protection Authority  
**Ireland:** Data Protection Commissioner  
**Italy:** Data Protection Commission  
**Korea:** Korea Information Security Agency  
**Latvia:** State Data Inspectorate  
**Liechtenstein:** Data Protection Commissioner  
**Lithuania:** State Data Protection Inspectorate  
**Luxembourg:** National Data Protection Commission  
**Macedonia:** Directorate of Personal Data Protection of the Republic of Macedonia  
**Malta:** Data Protection Commissioner  
**Netherlands:** Data Protection Commission  
**New Zealand:** Privacy Commissioner  
**Norway:** Data Inspectorate  
**Poland:** Inspector General for Personal Data Protection  
**Portugal:** National Data Protection Commission  
**Romania:** National Supervisory Authority for Personal Data Protection  
**Slovakia:** Inspection Unit for the Protection of Personal Data  
**Slovenia:** Information Commissioner of the Republic of Slovenia  
**Spain:** Data Protection Commissioner  
**Sweden:** Data Inspection Board  
**Switzerland:** Federal Data Protection  
**United Kingdom:** Information Commissioner

## **AUTHORITIES WITHIN A LIMITED SUB-NATIONAL TERRITORY**

### **Australia**

- New South Wales: Privacy Commissioner
- Northern Territory: Information Commissioner
- Victoria: Privacy Commissioner

### **Canada**

- Alberta: Information and Privacy Commissioner
- British Columbia: Information and Privacy Commissioner
- Manitoba: Ombudsman New Brunswick: Ombudsman
- Newfoundland and Labrador: Office of the Information and Privacy Commissioner for Newfoundland and Labrador
- Northwest Territories: Information and Privacy Commissioner
- Nunavut: Information and Privacy Commissioner
- Ontario: Information and Privacy Commissioner
- Quebec: Information Access Commission
- Saskatchewan: Information and Privacy Commissioner

### **Germany**

- Bavaria: Privacy Commissioner
- Berlin: Data Protection and Freedom of Information Commissioner
- Brandenburg: Data Protection and Access to Information Commissioner
- Hamburg: Data Protection Commissioner
- Hesse: Data Protection Commissioner
- Mecklenburg–West Pomerania: Data Protection Commissioner
- North Rhine-Westphalia: Data Protection and Information Commissioner
- Rhineland Palatinate: Data Protection Commissioner
- Saxony-Anhalt: Data Protection Commissioner
- Schleswig-Holstein: Privacy Commissioner
- Thuringer: Data Protection Commissioner

**Gibraltar:** Data Protection Commissioner

**Guernsey:** Data Protection Commissioner

**Hong Kong:** Privacy Commissioner for Personal Data

**Isle of Man:** Data Protection Registrar

**Jersey:** Data Protection Registrar

### **Spain:**

- Basque Country: Data Protection Commissioner
- Catalonia: Catalan Data Protection Agency
- Madrid: Data Protection Agency of the Region of Madrid

### **Switzerland**

- Canton of Basel-Landschaft: Data Protection Commissioner
- Zurich Canton: Canton Data Protection Commissioner
- Zug Canton: Data Protection Commissioner

**AUTHORITIES WITHIN AN INTERNATIONAL OR SUPRANATIONAL BODY**

**Council of Europe:** Data Protection Commissioner

**European Union:**

- Customs Information System Joint Supervisory Authority
- European Data Protection Supervisor
- Joint Supervisory Body of Europol
- Joint Supervisory Authority for Schengen Information System

**Interpol:** Commission for the Control of Interpol's Files





**Linda Williams**

---

**From:** VERSTEEG, Tessa (ECO) [Tessa.Versteeg@mfat.govt.nz]**Sent:** Friday, 4 September 2009 5:03 p.m.**To:** Blair Stewart**Cc:** MACKINTOSH, Rupert (ASIA)**Subject:** FW: OECD WPISP Meeting, 12/13 October, Paris

[UNCLASSIFIED]

Kia ora Blair

Rupert passed your email below to me, as the OECD desk officer at MFAT.

I have passed your request on to the OECD Permanent Delegation in Paris, who I am sure will appreciate the detailed background and guidance you have provided below. In general, the Permanent Delegation is happy attend meetings that are important to agencies, subject to their workload over that period.

I will be in touch once I have heard back from the Permanent Delegation (or they may contact you directly). Feel free to call or email me if you have any further questions.

Regards,

*Tessa Versteeg* | Policy Officer, Economic Division | **Ministry of Foreign Affairs and Trade : Manatū Aorere** | New Zealand | 04 439 8443



Please consider the environment before printing this e-mail

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**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]**Sent:** Friday, 28 August 2009 4:01 p.m.**To:** MACKINTOSH, Rupert (ASIA)**Subject:** OECD WPISP Meeting, 12/13 October, Paris

Rupert

I wondered if there is any possibility of arranging for someone from New Zealand's Permanent Mission to the OECD to attend part of a meeting to be held on 12/13 October? (I attach a draft agenda.)

The Working Party on Information Security and Privacy (WPISP) as its name suggests is focused in part of Privacy. The Office of the Privacy Commissioner follows its work and occasionally participates when circumstances allow (typically when a WPISP meeting is held in proximity to another meeting we are travelling to). We are not able to attend the meeting in October.

The NZ Privacy Act is based upon and implements the OECD Privacy Guidelines of 1980. They celebrate their 30th Anniversary next year and the OECD plans some significant privacy policy work to coincide. In particular we understand that a review of the 1980 Guidelines will be part of their plans. We thought that it could be useful if an official from the Mission to observe item 10a on the agenda where these things are planned to be discussed. Hearing something of that discussion may assist this office in planning for our participation in the OECD policy work next year which we understand likely to be conducted through a volunteer group led by the Canadian Privacy Commissioner. It may also be of assistance to the Law Commission to know something more of the OECD's plans as the Law Commission is currently reviewing privacy law in New Zealand.

If the Mission official wishes to speak to anyone in the OECD Secretariat about the meeting the two people principally responsible are Ann Carblanc and Michael Donohue, both of whom I know quite well.

17/11/2011

While it is item 10a we are principally interested in hearing back on, I should perhaps mention as a heads up that the New Zealand Privacy Commissioner is associated with an application for observer status before the WPISP that might be the subject of discussion at item 4. The NZ Privacy Commissioner chairs a Steering Group of the International Conference of Data Protection and Privacy Commissioners that has sought observer status. I attach the letter of application signed by the Commissioner.

Regards

Blair Stewart  
Assistant Privacy Commissioner  
PO Box 466, Auckland 1140, New Zealand

tel +64 9 302 8654 fax +64 9 302 2305 [www.privacy.org.nz](http://www.privacy.org.nz)

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17/11/2011



ORGANISATION FOR ECONOMIC  
CO-OPERATION AND DEVELOPMENT

The Director

DIRECTORATE FOR SCIENCE, TECHNOLOGY AND INDUSTRY

---

Commissioner Marie Shroff  
New Zealand Privacy Commissioner  
Chair, Steering Group on Representation before  
International Organisations, International  
Conference of Data Protection and  
Privacy Commissioners  
Level 13, WHK Gosling Chapman Tower  
51-53 Shortland Street  
PO Box 466  
Auckland 1140  
NEW ZEALAND

Paris, 10 September 2009

STI/D/2009.219

Dear Commissioner Shroff,

Thank you for your letter of 14 July requesting observer status for the International Conference to the Working Party on Information Security and Privacy (WPISP). This request is very welcome.

Under OECD rules, requests for observer status have to be approved by our member countries on a consensus basis. The approval process will involve the WPISP, the Committee for Information, Computer and Communications Policy (ICCP) and the OECD Council, which is the governing body for the organisation.

We will commence the process in October, with the meetings of the WPISP (12-13 October) and the ICCP (14-16 October). We appreciate the detailed information contained in your letter which will help us prepare the documentation.

In addition, we believe it would be useful to have a representative of the International Conference participate in the October WPISP meeting and provide the Working Party with a brief introduction to the work of the Conference. My colleague Anne Carblanc (on copy) serves as Secretary to the WPISP, and will follow up with you to make the necessary arrangements.

Yours sincerely,

Andrew Wyckoff

c.c.

Mr. Stewart Blair

Assistant Privacy Commissioner

[Blair.Stewart@privacy.org.nz](mailto:Blair.Stewart@privacy.org.nz)

Anne Carblanc, Principal Administrator, ICCP Division, STI

[anne.carblanc@oecd.org](mailto:anne.carblanc@oecd.org)



## Linda Williams

---

**From:** Eva.BOUAZZA@oecd.org on behalf of Andrew.WYCKOFF@oecd.org  
**Sent:** Friday, 11 September 2009 4:05 a.m.  
**To:** Blair Stewart  
**Cc:** Linda Williams; Andrew.WYCKOFF@oecd.org; Hisashi.YOSHIKAWA@oecd.org; Anne.CARBLANC@oecd.org; Michael.DONOHUE@oecd.org; Dimitri.YPSILANTI@oecd.org; Jane.WARREN-PEACHEY@oecd.org  
**Subject:** RE: Request by International Conference of Data Protection and Privacy Commissioners for observer status before WPISP  
**Attachments:** 219 Shroff.pdf

STI/D/2009.219

Dear Mr. Stewart,

Please find attached a letter from Andrew Wyckoff, Director for Science, Technology and Industry, Organisation for Economic Co-operation and Development, Paris, addressed to Commissioner Marie Shroff in response to the Commissioner's letter to Mr. Wyckoff of 14 July.

Yours sincerely,

Eva Bouazza  
Assistant to Andrew Wyckoff  
Tel + 33 1 45 24 9231  
Fax +\_ 33 1 44 30 62 56

---

**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** 14 July, 2009 5:32 AM  
**To:** WYCKOFF Andrew, STI  
**Cc:** DONOHUE Michael, STI/ICP; CARBLANC Anne, STI/ICP; WILLIAMS Linda [New Zealand]  
**Subject:** Request by International Conference of Data Protection and Privacy Commissioners for observer status before WPISP

Dear Mr Wyckoff

Please find attached an application from the International Conference of Data Protection and Privacy Commissioners seeking approval as an observer to the WPISP.

If you require any further information in relation to the application please do not hesitate to contact me.

Yours sincerely

Blair Stewart  
Assistant Privacy Commissioner  
PO Box 466, Auckland 1140, New Zealand

tel +64 9 302 8654 fax +64 9 302 2305 [www.privacy.org.nz](http://www.privacy.org.nz)

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**Linda Williams**

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**From:** Blair Stewart  
**Sent:** Friday, 11 September 2009 11:20 a.m.  
**To:** LE GRAND Gwendal; Silke Harz; cbaggaley@privcom.gc.ca; RAYNAL Florence  
**Cc:** Linda Williams  
**Subject:** OECD WPISP Meeting, 14-16 October - Consideration of ICDPPC Observer Application  
**Importance:** High  
**Attachments:** Request by Int. Conf. re observer status.pdf; Letter from Andrew Wyckoff re. observer to WPISP.pdf; DSTI-ICCP-REG-A(2009)2-ENG - draft agenda.pdf

Dear Steering Group small working group on OECD application (and Florence as proposed delegate)

As you will already know from the WPISP agenda (item 4) and the meeting paper (both attached) the Conference's observer application is due to be discussed at the October meeting.

I have just received a letter from the Director of STI (attached) asking that we have a representative at the meeting to provide a brief introduction to the work of the Conference and to answer questions. I enquired of Michael Donohue as to likely questions and he advised:

*One can imagine that there might be a question or two (e.g., how will the Conference representative be chosen and will it be the same person over time? How will the coordination of conference positions be accomplished?).*

My understanding is that the Canadian Privacy Commissioner may be present at the meeting and so I thought, as the most senior representative of the DPA community present (I'm unaware of any other commissioners likely to attend?) it might be good if Commissioner Stoddart might be asked to undertake this task?

I thought it might also be useful if we could complete the task of selecting and approving a delegate in advance of the October meeting so that any questions on that topic will have a ready answer. I understand the consensus of this group is that we'd like to take up CNIL's kind offer to provide the delegate, initially Florence Raynal but that might change in due course depending upon internal staffing decisions and recruitment issues? Canada has also kindly offered to be an alternate. If we can firm up on this (I have suggested the completion of the simple form we developed on the earlier ISO delegate appointment briefly setting out the delegate's relevant experience) I would then like to put the appointment to the Steering Group for endorsement as soon as possible.

I understand from Michael Donohue that there might be several DPAs represented at the WPISP meeting. He mentioned:

*We expect to have Jennifer Stoddart present during the discussion and hopefully the CNIL, UK ICO, AEPD, and the Italian DPA as part of their delegations which should be helpful.*

While this office won't be present I hope to brief a New Zealand Government official to be present at the discussion and to express support for the application.

I would be grateful for your guidance on these issues so that an appropriate response can be made to the OECD and we can ensure appropriate representation at the meeting etc.

Regards

Blair Stewart  
 Assistant Privacy Commissioner  
 PO Box 466, Auckland 1140, New Zealand

17/11/2011

tel +64 9 302 8654 fax +64 9 302 2305 [www.privacy.org.nz](http://www.privacy.org.nz)

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## Blair Stewart

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**From:** Blair Stewart  
**Sent:** Monday, 28 September 2009 4:16 p.m.  
**To:** 'Anne.CARBLANC@oecd.org'  
**Cc:** Linda Williams; Michael.DONOHUE@oecd.org; LE GRAND Gwendal; cbaggaley@privcom.gc.ca; Silke Harz; Colin McKay; RAYNAL Florence; 'Eva.BOUAZZA@oecd.org'  
**Subject:** RE: Request by International Conference of Data Protection and Privacy Commissioners for observer status before WPISP

Anne

Mr Wyckoff has kindly acknowledged the observer application and indicated that we should deal with you over the necessary arrangements for the forthcoming meeting at which the matter will be discussed.

Mr Wyckoff indicates that it will be useful to have a representative of the International Conference participate in the October WPISP meeting and provide the Working Party with a brief introduction to the work of the Conference. We are delighted to take up that invitation and I can advise that Jennifer Stoddart, Privacy Commissioner of Canada, will be present and has agreed to undertake that task.

Kind regards, Blair

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the Privacy Commissioner

PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠 +64-9-302 2305

---

**From:** Eva.BOUAZZA@oecd.org [mailto:Eva.BOUAZZA@oecd.org] **On Behalf Of** Andrew.WYCKOFF@oecd.org  
**Sent:** Friday, 11 September 2009 4:05 a.m.  
**To:** Blair Stewart  
**Cc:** Linda Williams; Andrew.WYCKOFF@oecd.org; Hisashi.YOSHIKAWA@oecd.org; Anne.CARBLANC@oecd.org; Michael.DONOHUE@oecd.org; Dimitri.YPSILANTI@oecd.org; Jane.WARREN-PEACHEY@oecd.org  
**Subject:** RE: Request by International Conference of Data Protection and Privacy Commissioners for observer status before WPISP

STI/D/2009.219

Dear Mr. Stewart,

Please find attached a letter from Andrew Wyckoff, Director for Science, Technology and Industry, Organisation for Economic Co-operation and Development, Paris, addressed to Commissioner Marie Shroff in response to the Commissioner's letter to Mr. Wyckoff of 14 July.

Yours sincerely,

Eva Bouazza  
Assistant to Andrew Wyckoff  
Tel + 33 1 45 24 9231  
Fax +\_ 33 1 44 30 62 56

06/12/2011



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**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** 14 July, 2009 5:32 AM  
**To:** WYCKOFF Andrew, STI  
**Cc:** DONOHUE Michael, STI/ICP; CARBLANC Anne, STI/ICP; WILLIAMS Linda [New Zealand]  
**Subject:** Request by International Conference of Data Protection and Privacy Commissioners for observer status before WPISP

Dear Mr Wyckoff

Please find attached an application from the International Conference of Data Protection and Privacy Commissioners seeking approval as an observer to the WPISP.

If you require any further information in relation to the application please do not hesitate to contact me.

Yours sincerely

Blair Stewart  
Assistant Privacy Commissioner  
PO Box 466, Auckland 1140, New Zealand

tel +64 9 302 8654 fax +64 9 302 2305 [www.privacy.org.nz](http://www.privacy.org.nz)

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Privacy Commissioner  
Te Mana Matapono Matatapu

6 October 2011

Anton Battesti  
Commission nationale de l'Informatique et des Libertés  
8 rue Vivienne – CS 30223  
75083 Paris Cedex 02  
**FRANCE**

Email: Abattesti@cnil.fr

Dear Anton

**Appointment as Observer Delegate to the OECD WPISP and Council of Europe T-PD**

On behalf of the Steering Group on Representation before International Organisations of the International Conference of Privacy and Data Protection Commissioners, I write to confirm the Conference's nomination of you as its observer delegate to:

- OECD Working Party on Information Security and Privacy (WPISP); and
- Council of Europe Consultative Committee on Convention No.108 (T-PD).

May I express the Steering Group's thanks for volunteering to take on these tasks. Your service to the Conference is greatly appreciated.

Please find enclosed a document expressing the Steering Group's expectations of delegates. I trust that the document is consistent with your own understanding of the role.

I wish you well in the role as delegate and look forward to working with you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Blair Stewart'.

**Blair Stewart**  
**Assistant Privacy Commissioner, New Zealand**

*Sent on behalf of the Steering Group on Representation before International Organisations,  
International Conference of Data Protection and Privacy Commissioners*

I/0071/A267553

3 August 2010

Olivier Matter  
Legal adviser at the Department of European and International Affairs  
Commission nationale de l'Informatique et des Libertés (French DPA)  
8 rue Vivienne – CS 30223  
75083 Paris Cedex 02  
**FRANCE**

[omatter@cnil.fr](mailto:omatter@cnil.fr)

Dear Olivier

**Re: Appointment as Delegate to the Working Party on Information Security and Privacy (WPISP) of the Organisation for Economic Co-operation and Development (OECD).**

On behalf of the Steering Group on Representation before International Organisations of the International Conference of Privacy and Data Protection Commissioners, I write to formally confirm the Conference's nomination of you as its delegate to the Working Party on Information Security and Privacy (WPISP)

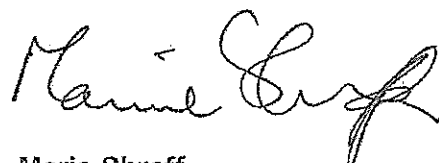
This nomination has, of course, already been advised to you informally.

May I express the Steering Group's thanks for volunteering to take on this task. Your service to the Conference is greatly appreciated.

Please find enclosed a document expressing the Steering Group's expectations of delegates. I trust that the document is consistent with your own understanding of the role.

I wish you well in the role as delegate and look forward to working with you.

Yours sincerely



Marie Shroff  
New Zealand Privacy Commissioner  
Chair, Steering Group on Representation before International Organisations,  
International Conference of Data Protection and Privacy Commissioners

I/0071/A232344

**Linda Williams**

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**From:** Blair Stewart  
**Sent:** Tuesday, 3 August 2010 2:05 p.m.  
**To:** Michael.DONOHUE@oecd.org  
**Cc:** 'Helen.MAGUIRE@oecd.org'; 'omatter@cnil.fr'; Linda Williams  
**Subject:** Observer status before WPISP : ICDPPC  
 Michael

I wish to advise that the **International Conference of Data Protection and Privacy Commissioners** has selected **Olivier Matter**, from the French Data Protection Authority, to be its observer at the meetings of the WPISP.

Mr Matter's contact details are as follows:

Mr. Olivier MATTER  
 Legal adviser at the Department of European and International Affairs  
 Commission nationale de l'Informatique et des Libertés (French DPA)  
 8 rue Vivienne – CS 30223  
 75083 Paris Cedex 02  
 Tel : + 33 (0)1 53 73 25 61  
 Fax : + 33 (0)1 53 73 22 00  
 Mail : [omatter@cnil.fr](mailto:omatter@cnil.fr)

Please feel free to deal directly with Mr Matter regarding any practical arrangements for participation.

Kind regards, Blair

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the  
 Privacy Commissioner  
 PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠  
 +64-9-302 2305

(On behalf of Steering Group on Representation before International Organisations of the International Conference of Data Protection and Privacy Authorities)

---

**From:** Helen.MAGUIRE@oecd.org [mailto:Helen.MAGUIRE@oecd.org]  
**Sent:** Thursday, 11 March 2010 2:59 a.m.  
**To:** Blair Stewart  
**Cc:** Andrew.WYCKOFF@oecd.org; Eva.BOUAZZA@oecd.org; Michael.DONOHUE@oecd.org  
**Subject:** Request for Observer status before WPISP : Letter from Andrew Wyckoff, Director for Science, Technology and Industry, OECD

Dear Mr. Stewart,

Further to the request for observer status at WPISP please the attached letter for the attention of Commissioner Marie Shroff from Andrew Wyckoff, Director for Science, Technology and Industry, OECD.

Yours sincerely,

*Helen Maguire*  
 OECD, Directorate for Science, Technology & Industry  
 2, rue André Pascal  
 75775 Paris Cedex 16  
 ☎ +33 (0)1 45 24 99 68  
 📠 +33 (0)1 44 30 62 56

17/11/2011

**Linda Williams**

---

**From:** Blair Stewart  
**Sent:** Friday, 7 October 2011 10:45 a.m.  
**To:** GAVRILOVIC Corinne; Delphine.CABALION@coe.int  
**Cc:** BATTESTI Anton'Maria; Linda Williams  
**Subject:** International Conference of Data Protection and Privacy Commissioners - new observer delegate to T-PD  
Dear T-PD Secretariat

I write on behalf of the International Conference of Data Protection and Privacy Commissioners to advise that the Conference has appointed a new observer delegate to replace Olivier Matter.

The new delegate is Anton Battesti whose full contact details are as follows:

Anton'Maria Battesti

Commission nationale de l'informatique et des libertés (CNIL) / French Data Protection Authority

Service des affaires européennes et internationales / Department of European and International Affairs

Chargé des relations institutionnelles / Policy manager

8, rue Vivienne - CS 30223

75083 PARIS Cedex 02

Tel. +33 (0)1 53 73 25 85

Email: [ambattesti@cnil.fr](mailto:ambattesti@cnil.fr)

I would be grateful if you would update your records accordingly.

Regards, Blair Stewart

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the Privacy Commissioner  
PO Box 466 Auckland 1140 New Zealand | tel+64-9-302 8654 | fax +64-9-302 2305

*The Privacy Commissioner is a member of the APEC Cross-border Privacy Enforcement Arrangement and Global Privacy Enforcement Network*

**Message written on behalf of the *International Conference of Data Protection and Privacy Commissioners Steering Group on Representation before International Organisations***

17/11/2011

## Linda Williams

---

**From:** Blair Stewart  
**Sent:** Friday, 7 October 2011 9:58 a.m.  
**To:** Linda Williams  
**Subject:** FW: Conference observer  
**Attachments:** Appt of Delegate, 06 10 11 (Signed Copy).pdf

Blair Stewart  
Assistant Commissioner (Auckland), Office of the Privacy Commissioner, New Zealand

---

**From:** BATTESTI Anton'Maria [mailto:[ambattesti@cnil.fr](mailto:ambattesti@cnil.fr)]  
**Sent:** Friday, 7 October 2011 3:21 a.m.  
**To:** Blair Stewart  
**Cc:** RAYNAL Florence  
**Subject:** Conference observer

Dear Mr. Stewart,

Thank you very much for your letter of appointment. I am deeply honored to ensure this task. I will immediately have a look on the expectations. Please find my details in the signature.

Best regards,  
Anton

PS: in fact my email is : [ambattesti@cnil.fr](mailto:ambattesti@cnil.fr)

Anton'Maria Battesti  
Commission nationale de l'informatique et des libertés (CNIL) / French Data Protection Authority  
Service des affaires européennes et internationales / Department of European and International Affairs  
Chargé des relations institutionnelles / Policy manager

8, rue Vivienne - CS 30223  
75083 PARIS Cedex 02  
Tel. +33 (0)1 53 73 25 85





### **International organisations for which observer status not yet obtained**

APEC is discussed in this part of the compilation since permanent observer status has not been obtained. However, guest status was obtained for two meetings.

Material is set out in relation to:

- APEC
- International Law Commission
- Internet Governance Forum
- ICANN
- London Action Plan
- International Telecommunications Union
- UNESCO.



## 11. APEC

The materials commence with the standard template summary and include an application in April 2009 for observer status before the ECSG and Data Privacy Subgroup. That application was not fully successful and, during the processing of the application, we withdrew the request for observer status before the ECSG meetings. While guest status was granted for a particular DPS meeting we did not succeed in obtaining permanent guest status.

We were led to believe that if we persisted, and made a further application to demonstrate our ongoing interest, it is likely that permanent guest status would have been forthcoming. However, we did not pursue that opportunity because by that stage we were uncertain as to whether we could provide a delegate to attend all relevant meetings. (The hope had been that the Hong Kong DPA might have been able to fulfil that role but this turned out not to be feasible.) The Irish Data Protection Commissioner performed the Conference delegate's role at the first meeting for which guest status was approved.

In August 2011 the opportunity arose at short notice for a member of the French DPA to be available to attend an APEC meeting. Accordingly, an urgent application for guest status was made for guest status for a particular meeting. This was duly granted.

Accordingly, it has proved feasible in at least the APEC case to obtain ad-hoc guest status as an alternative to permanent guest status.

In APEC the Steering Group took the approach that greatest value in these regional meetings was to utilise an out of region delegate where feasible. This was to add greatest value in building links between the work of different regions and seemed quite successful.



The following information was obtained from a review of the records of the Department of the Interior, Bureau of Land Management, for the period 1900 to 1910. The records show that the land was first surveyed in 1900, and that the survey was completed in 1910. The survey was conducted by the Bureau of Land Management, and the results of the survey were published in the Bureau of Land Management's annual report for 1910.

The survey was conducted by the Bureau of Land Management, and the results of the survey were published in the Bureau of Land Management's annual report for 1910. The survey was conducted by the Bureau of Land Management, and the results of the survey were published in the Bureau of Land Management's annual report for 1910. The survey was conducted by the Bureau of Land Management, and the results of the survey were published in the Bureau of Land Management's annual report for 1910.

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## **APEC Data Privacy Subgroup details**

### **1. Name of International Organisation**

Asia Pacific Economic Cooperation (APEC)

### **2. Key contact people**

Name: Colin Minihan  
Position: Chair, APEC ECSG Data Privacy Sub-group  
Email: [colin.minihan@pmc.govt.au](mailto:colin.minihan@pmc.govt.au)

Name: Richard Bourassa  
Position: ECSG Chair  
Email: [Bourassa.richard@ic.gc.ca](mailto:Bourassa.richard@ic.gc.ca)

### **3. Contact details**

Apec Secretariat  
Mr Park Ung-Suh  
Director (Programme)  
Email: [pys@apec.org](mailto:pys@apec.org)

### **4. Brief description of organisational structure**

The Electronic Commerce Steering Group (ECSG) promotes the development and use of electronic commerce by creating legal, regulatory and policy environments in the APEC region that are predictable, transparent and consistent. It provides a coordination role for APEC e-commerce activities based on principles set out in the 1998 APEC blueprint for action on electronic commerce. The ECSG was established in February 1999.

The ECSG recognises the importance of public-private collaboration in developing an environment conducive to e-commerce and encourages the act of participation and contribution of the private sector in its meetings and activities.

Originally established in 1999 as an APEC Senior Official's Special Task Force, ECSG was aligned to the Committee on Trade and Investment (CTI) in 2007.

The Data Privacy Sub-group reports to the ECSG. The Data Privacy Sub-group developed the APEC Privacy Framework which aims to provide a consistent approach to information privacy protection, avoid the creation of unnecessary barriers to information flows and prevent impediments to trade across APEC member economies. The framework provides technical assistance to those APEC economies that have not addressed privacy from a regulatory or policy perspective.

Progress of the implementation of the APEC Privacy Framework includes application of the information privacy individual action plans and the creation of a study group within the Data Privacy Sub-group to analyse and identify best practices.

In 2007 the ECSG approved the APEC Data Privacy Pathfinder and its work plan. The Pathfinder seeks to create implementation frameworks by pursuing multiple projects that work towards achieving an over-arching set of objectives and accountable cross-border information flows, progressing the implementation of the APEC Privacy Framework.

More information:

[www.apec.org/apec/apec\\_groups/committee\\_on\\_trade/electronic\\_commerce.html](http://www.apec.org/apec/apec_groups/committee_on_trade/electronic_commerce.html)

#### 5. Committee details

The Data Privacy Sub-group meets twice yearly at the first and third Senior Officials meetings (SOM1 and SOM3). The meetings are held before the ECSG meeting and in recent years have usually been accompanied by a Technical Assistance Seminar on relevant privacy issues. Currently the main activity being undertaken is the APEC Privacy Pathfinder, the principal focus of which is cross-border privacy rules.

#### 6. Additional Committees

It may be worth exploring involvement with the APEC TEL Committee at some future stage.

#### 7. Additional notes

### TEMPLATE COMPLETED/UPDATE

Blair Stewart (completed)

.....  
(Person)

3 November 2008

.....  
(Date)

## Linda Williams

---

**From:** Blair Stewart  
**Sent:** Wednesday, 4 February 2009 2:46 p.m.  
**To:** Linda Williams  
**Subject:** FW: For information only: GBDe guest status renewal application for APEC's TEL and ECSG committees  
**Importance:** Low  
**Attachments:** GBDe for TEL ECSG.pdf  
FYI

---

**From:** Blair Stewart  
**Sent:** Wednesday, 4 February 2009 2:45 p.m.  
**To:** Anja-Maria Gardain; Antonio Caselli; Blair Stewart; cbaggaley@privcom.gc.ca; Gary\_Davis@dataprotection.ie; Gweland Le Grand ; Hanspeter.Thuer@edoeb.admin.ch; Jean-Philippe.Walter@edoeb.admin.ch; jstoddart@privcom.gc.ca; Rafel Garcia Gozalo; roderickbwoo@pco.org.hk; Silke Harz; TimothyPilgrim@privacy.gov.au  
**Subject:** For information only: GBDe guest status renewal application for APEC's TEL and ECSG committees  
**Importance:** Low

Dear Principal Contact Points for International Conference Steering Group on Representation before International Bodies

Further to my message of 19 December 2008 I am pleased to advise that I will be in touch quite shortly with a note suggesting how we move forward on the Steering Group's work.

In the meantime the attached letter came across my desk today as part of the process maintained by APEC for review and periodic renewal of the status of observers (or "guests") before its information-oriented committees (the telecommunications and electronic commerce steering groups - TEL and ECSG respectively, the Data Privacy Subgroup being part of the ECSG). As one of the tasks we'll be embarking upon in the coming months is drafting applications for observer status to various bodies I thought that the document may be of interest to Steering Group members.

If others on the group come across documentation that might be of use to others in our tasks please feel free to circulate it or send it to me for dissemination with other communications.

Regards, Blair Stewart

Blair Stewart  
Assistant Privacy Commissioner  
PO Box 466, Auckland 1140, New Zealand

tel +64 9 302 8654 fax +64 9 302 2305 [www.privacy.org.nz](http://www.privacy.org.nz)

Search privacy case notes from around the world: [www.worldlii.org/int/special/privacy](http://www.worldlii.org/int/special/privacy)

*If you have received this transmission in error please notify me immediately by return e-mail and delete all copies*



Global Business Dialogue on Electronic Commerce

January 7, 2009

Ambassador Michael Tay  
Executive Director  
APEC Secretariat  
35 Heng Mui Keng Terrace  
Singapore 119616

Dear Ambassador,

The Global Business Dialogue on Electronic Commerce (GBDe) kindly requests your support in renewing our "Guest Status" at both APEC TEL and ECSG which, we understand, was first granted in 2003.

GBDe was formed in 1999 as a CEO-lead private sector organization to address issues relating to e-commerce. Since that time we have been very active in communicating the views of the private sector to governments as well as international organizations such as APEC, OECD, WTO, United Nations and others. We remain committed to developing practical policy solutions to cross-border issues associated with the growth of electronic commerce.

GBDe has been grateful for the opportunity to cooperate closely with APEC at several meetings, including ministerial and senior official gatherings, as well as meetings of both APEC TEL and ECSG throughout the region.

Recently, representatives of the GBDe attended the 18<sup>th</sup> meeting of the APEC Electronic Commerce Steering Group in Lima, Peru. The meeting summary states: *"Reports presented by guest organizations to the group, including the Global Business Dialogue on Electronic Commerce ... and Electronic Business and Organization for Economic Co-operation and Development are a welcome contribution to the ECSG"*.

Last December, GBDe held a kick off meeting of "ICA-Net" in Tokyo with organizations from Chinese Taipei, Japan, Malaysia and the US. Representatives from Vietnam and Thailand also participated as observers. We believe that this project will contribute greatly with the pathfinder project #9 of APEC ECSG. Representatives of GBDe also provided reports regarding Cyber security for embedded software at APEC TEL 37 in Tokyo and about mobile phone technology at APEC TELMIN 7 in Bangkok, Thailand.

We hope to continue our excellent relationship with APEC during 2009 and beyond and look forward to continuing to participate directly at APEC TEL and ECSG meetings.

For this reason, we trust that renewal of our "Guest Status" may be confirmed as soon as possible.

Yours sincerely,

Takaharu "Taka" NAGATA  
Head Secretary  
GBDe 2009 Secretariat



29 April 2009

Ambassador Michael Tay  
Executive Director  
APEC Secretariat  
35 Heng Mui Keng Terrace  
**SINGAPORE 119616**

Dear Ambassador

**Request by International Conference of Data Protection and Privacy Commissioners for guest status before ECSG and Data Privacy Subgroup**

I write to request that guest status before the APEC ECSG and the Data Privacy Subgroup (DPS) is granted to the International Conference of Data Protection and Privacy Commissioners.

The International Conference is the principal global meeting of privacy and data protection authorities and has convened annually for more than 30 years. To be accredited to the Conference, a data protection authority is assessed against a series of principles focused upon guarantees of autonomy and independence, sufficient legal basis and compatibility with recognised international privacy principles.<sup>1</sup> There are now 80 accredited authorities including 37 national authorities, 35 sub-national authorities and 6 data protection authorities within international or supra-national bodies. They are each, by virtue of their breadth of functions and depth of experience, the premier experts on the principles and practice of data protection in their jurisdiction.

I annex to this application a list of the authorities currently accredited to the Conference. There are authorities throughout Europe as well as a number in other regions including North America, Asia and the Pacific. A couple of authorities from Africa and South America have been accredited. Additional authorities are usually accredited to the Conference each year. Within the APEC region, authorities from five economies are accredited to the Conference. Several APEC economies that do not have accredited data protection authorities send observers to the Conference each year.

The Conference is a forum that promotes the sharing of knowledge about privacy and data protection. As an international, rather than regional, forum the Conference works hard to bridge the varying approaches taken to privacy and data protection. It has, for example, had APEC speakers on previous conference programmes.

---

<sup>1</sup> [www.privacyconference2008.org/adopted\\_resolutions/7-PARIS2001/PARIS-EN1.pdf](http://www.privacyconference2008.org/adopted_resolutions/7-PARIS2001/PARIS-EN1.pdf)

The 30<sup>th</sup> International Conference held in Strasbourg late last year adopted a resolution establishing a Steering Group on Representation before International Organisations.<sup>2</sup> The Steering Group, of which I am the chair, has the authority to appoint delegates to act as the Conference's observers at meetings of international organisations. The Conference has directed the Steering Group to explore and seek guest status before the relevant APEC committees. These appear to be the Data Privacy Subgroup and the entity to which it reports, the ECSG. The Data Privacy Subgroup is the prime body of interest to the Conference and we are willing for the application to be considered separately in respect of the DPS and the ECSG if that is more convenient to APEC.

The Conference believes that obtaining guest status will be of mutual benefit to both APEC and the Conference. In particular:

- such an arrangement will enable the wider data protection community to have a reliable and more complete source of information about the important privacy work being undertaken by APEC;
- APEC will obtain a convenient source of information about privacy and data protection work being carried out in many other regions of the world.

Privacy Commissioners accredited to the Conference have already contributed directly to the work of the DPS both in the development of the APEC Privacy Framework and, more recently, in the Privacy Pathfinder. We believe that that input has been welcomed and has strengthened the APEC approach. Granting guest status to the Conference can build on that successful collaboration and provide a conduit of information from APEC to the wider data protection authority community. Where desired by APEC, there can also be input in the other direction.

The Conference looks forward to deepening the relationship with APEC if guest status is approved.

Yours sincerely

Marie Shroff  
**New Zealand Privacy Commissioner**  
**Chair, Steering Group on Representation before International Organisations,**  
**International Conference of Data Protection and Privacy Commissioners**

Copies to:

- Data Privacy Subgroup Chair, Colin Minihan ([colin.minihan@pmc.gov.au](mailto:colin.minihan@pmc.gov.au))
- ECSG Chair, Richard Bourassa ([richard.bourassa@ic.ga.ca](mailto:richard.bourassa@ic.ga.ca))
- APEC Secretariat, Susan Natividad ([sbn@apcc.org.nz](mailto:sbn@apcc.org.nz))

---

<sup>2</sup> [www.privacyconference2008.org/adopted\\_resolutions/STRASBOURG2008/resolution\\_steering\\_group\\_en.pdf](http://www.privacyconference2008.org/adopted_resolutions/STRASBOURG2008/resolution_steering_group_en.pdf)

**ANNEX****International Conference of Data Protection and  
Privacy Commissioners**

The following authorities are accredited to the International Conference of Data Protection and Privacy Commissioners:

**NATIONAL AUTHORITIES**

**Andorra:** Data Protection Agency  
**Argentina:** National Direction for Personal Data Protection  
**Australia:** Federal Privacy Commissioner  
**Austria:** Data Protection Commission  
**Belgium:** Privacy Commission  
**Burkina Faso:** Data Processing and Liberties Commission  
**Canada:** Privacy Commissioner of Canada  
**Croatia:** Croatian Data Protection Agency  
**Cyprus:** Personal Data Protection Commissioner  
**Czech Republic:** Office for Personal Data  
**Denmark:** Data Protection Agency  
**Estonia:** Data Protection Inspectorate  
**Finland:** Data Protection Ombudsman  
**France:** Data Protection Commission  
**Germany:** Federal Data Protection Commission  
**Greece:** Hellenic Data Protection Authority  
**Hungary:** Parliamentary Commissioner for Data Protection and Freedom of Information  
**Iceland:** Data Protection Authority  
**Ireland:** Data Protection Commissioner  
**Italy:** Data Protection Commission  
**Korea:** Korea Information Security Agency  
**Latvia:** State Data Inspectorate  
**Liechtenstein:** Data Protection Commissioner  
**Lithuania:** State Data Protection Inspectorate  
**Luxembourg:** National Data Protection Commission  
**Macedonia:** Directorate of Personal Data Protection of the Republic of Macedonia  
**Malta:** Data Protection Commissioner  
**Netherlands:** Data Protection Commission  
**New Zealand:** Privacy Commissioner  
**Norway:** Data Inspectorate  
**Poland:** Inspector General for Personal Data Protection  
**Portugal:** National Data Protection Commission  
**Romania:** National Supervisory Authority for Personal Data Protection  
**Slovakia:** Inspection Unit for the Protection of Personal Data  
**Slovenia:** Information Commissioner of the Republic of Slovenia  
**Spain:** Data Protection Commissioner  
**Sweden:** Data Inspection Board  
**Switzerland:** Federal Data Protection  
**United Kingdom:** Information Commissioner

## **AUTHORITIES WITHIN A LIMITED SUB-NATIONAL TERRITORY**

### **Australia**

- New South Wales: Privacy Commissioner
- Northern Territory: Information Commissioner
- Victoria: Privacy Commissioner

### **Canada**

- Alberta: Information and Privacy Commissioner
- British Columbia: Information and Privacy Commissioner
- Manitoba: Ombudsman New Brunswick: Ombudsman
- Newfoundland and Labrador: Office of the Information and Privacy Commissioner for Newfoundland and Labrador
- Northwest Territories: Information and Privacy Commissioner
- Nunavut: Information and Privacy Commissioner
- Ontario: Information and Privacy Commissioner
- Quebec: Information Access Commission
- Saskatchewan: Information and Privacy Commissioner

### **Germany**

- Bavaria: Privacy Commissioner
- Berlin: Data Protection and Freedom of Information Commissioner
- Brandenburg: Data Protection and Access to Information Commissioner
- Hamburg: Data Protection Commissioner
- Hesse: Data Protection Commissioner
- Mecklenburg–West Pomerania: Data Protection Commissioner
- North Rhine-Westphalia: Data Protection and Information Commissioner
- Rhineland Palatinate: Data Protection Commissioner
- Saxony-Anhalt: Data Protection Commissioner
- Schleswig-Holstein: Privacy Commissioner
- Thuringer: Data Protection Commissioner

**Gibraltar:** Data Protection Commissioner

**Guernsey:** Data Protection Commissioner

**Hong Kong:** Privacy Commissioner for Personal Data

**Isle of Man:** Data Protection Registrar

**Jersey:** Data Protection Registrar

### **Spain:**

- Basque Country: Data Protection Commissioner
- Catalonia: Catalan Data Protection Agency
- Madrid: Data Protection Agency of the Region of Madrid

### **Switzerland**

- Canton of Basel-Landschaft: Data Protection Commissioner
- Zurich Canton: Canton Data Protection Commissioner
- Zug Canton: Data Protection Commissioner

## **AUTHORITIES WITHIN AN INTERNATIONAL OR SUPRANATIONAL BODY**

**Council of Europe:** Data Protection Commissioner

**European Union:**

- Customs Information System Joint Supervisory Authority
- European Data Protection Supervisor
- Joint Supervisory Body of Europol
- Joint Supervisory Authority for Schengen Information System

**Interpol:** Commission for the Control of Interpol's Files





Privacy Commissioner  
Te Mana Matapono Matatapu

26 August 2011

Ambassador Muhamad Noor Yacob  
Executive Director  
APEC Secretariat  
35 Heng Mui Keng Terrace  
**SINGAPORE 119616**

Dear Ambassador

**Request by International Conference of Data Protection and Privacy Commissioners for guest status at Data Privacy Subgroup meetings, 16 – 18 September 2011**

I write to request that guest status before the APEC Data Privacy Subgroup (DPS) is granted to the International Conference of Data Protection and Privacy Commissioners for the following meetings shortly to be held in San Francisco:

- Data Privacy Subgroup – Informal Meeting, 16 September 2011;
- Data Privacy Workshop. 'APEC Cross Border Privacy Rules: The value to Industry, Consumers and Governments', 17 September 2011
- Data Privacy Subgroup meeting, 18 September 2011.

If we are granted guest status, the delegate to these meetings would likely be Florence Raynal from the French National Data Protection Commission.

The International Conference is the principal global meeting of privacy and data protection authorities and has convened annually for more than 30 years. There are now 90 accredited authorities including 45 national authorities, 37 sub-national authorities and 7 data protection authorities within international or supra-national bodies. They are each, by virtue of their breadth of functions and depth of experience, the premier experts on the principles and practice of data protection in their jurisdiction.

I annex to this application a list of the authorities currently accredited to the Conference. There are authorities throughout Europe as well as a number in other regions including Africa, North and South America, Asia and the Pacific. Within the APEC region, authorities from seven economies are accredited to the Conference.

The Conference is a forum that promotes the sharing of knowledge about privacy and data protection. As an international, rather than regional, forum the Conference works hard to bridge the varying approaches taken to privacy and data protection. It has, for example, had APEC speakers on previous conference programmes.

The Conference believes that obtaining guest status to these meetings will be of mutual benefit to both APEC and the Conference. In particular:

I/0056/A264129

- such an arrangement will enable the wider data protection community to have a reliable and more complete source of information about the important privacy work currently being undertaken by APEC, notably on cross-border privacy rules;
- APEC will receive up to date information about privacy and data protection work being carried out elsewhere in the world.

The Conference was granted guest status before at a DPS meeting 2009.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Blair Stewart', with a stylized flourish at the end.

Blair Stewart

**Assistant Privacy Commissioner, New Zealand**

**Convenor, Steering Group on Representation before International Organisations, International Conference of Data Protection and Privacy Commissioners**

Copies to:

- Data Privacy Subgroup Chair, Colin Minihan ([colin.minihan@pmc.gov.au](mailto:colin.minihan@pmc.gov.au))
- APEC Secretariat, Yoo Myung-Lee ([ymh@apcc.org](mailto:ymh@apcc.org))



## ANNEX

### International Conference of Data Protection and Privacy Commissioners

The following authorities are accredited to the International Conference of Data Protection and Privacy Commissioners:

#### NATIONAL AUTHORITIES

**Albania:** Commissioner for Personal Data Protection  
**Andorra:** Data Protection Agency  
**Argentina:** National Direction for Personal Data Protection  
**Australia:** Federal Privacy Commissioner  
**Austria:** Data Protection Commission  
**Belgium:** Privacy Commission  
**Bulgaria:** Commission for Personal Data Protection  
**Burkina Faso:** Data Processing and Liberties Commission  
**Canada:** Privacy Commissioner of Canada  
**Croatia:** Croatian Data Protection Agency  
**Cyprus:** Personal Data Protection Commissioner  
**Czech Republic:** Office for Personal Data  
**Denmark:** Data Protection Agency  
**Estonia:** Data Protection Inspectorate  
**Finland:** Data Protection Ombudsman  
**France:** Data Protection Commission  
**Germany:** Federal Data Protection Commission  
**Greece:** Hellenic Data Protection Authority  
**Hungary:** Parliamentary Commissioner for Data Protection and Freedom of Information  
**Iceland:** Data Protection Authority  
**Ireland:** Data Protection Commissioner  
**Israel:** The Israeli Law, Information and Technology Authority  
**Italy:** Data Protection Commission  
**Korea:** Korea Information Security Agency  
**Latvia:** State Data Inspectorate  
**Liechtenstein:** Data Protection Commissioner  
**Lithuania:** State Data Protection Inspectorate  
**Luxembourg:** National Data Protection Commission  
**Macedonia:** Directorate of Personal Data Protection of the Republic of Macedonia  
**Malta:** Data Protection Commissioner  
**Mexico:** Institute for Access to Information and Data Protection of the Federal District  
**Moldavia:** National Center for Personal Data Protection  
**Monaco:** Supervisory Commission for Personal Information  
**Netherlands:** Data Protection Commission  
**New Zealand:** Privacy Commissioner  
**Norway:** Data Inspectorate  
**Poland:** Inspector General for Personal Data Protection  
**Portugal:** National Data Protection Commission

**Romania:** National Supervisory Authority for Personal Data Protection  
**Slovakia:** Inspection Unit for the Protection of Personal Data  
**Slovenia:** Information Commissioner of the Republic of Slovenia  
**Spain:** Data Protection Commissioner  
**Sweden:** Data Inspection Board  
**Switzerland:** Federal Data Protection  
**United Kingdom:** Information Commissioner  
**United States of America:** Federal Trade Commission  
**Uruguay:** Regulatory and Control Unit of Personal Data

## **AUTHORITIES WITHIN A LIMITED SUB-NATIONAL TERRITORY**

### **Australia**

- New South Wales: Privacy Commissioner
- Northern Territory: Information Commissioner
- Victoria: Privacy Commissioner

### **Canada**

- Alberta: Information and Privacy Commissioner
- British Columbia: Information and Privacy Commissioner
- Manitoba: Ombudsman New Brunswick: Ombudsman
- Newfoundland and Labrador: Office of the Information and Privacy Commissioner for Newfoundland and Labrador
- Northwest Territories: Information and Privacy Commissioner
- Nova Scotia: Freedom of Information and Protection of Privacy Review Office
- Nunavut: Information and Privacy Commissioner
- Ontario: Information and Privacy Commissioner
- Quebec: Information Access Commission
- Saskatchewan: Information and Privacy Commissioner

### **Germany**

- Bavaria: Privacy Commissioner
- Berlin: Data Protection and Freedom of Information Commissioner
- Brandenburg: Data Protection and Access to Information Commissioner
- Hamburg: Data Protection Commissioner
- Hesse: Data Protection Commissioner
- Mecklenburg–West Pomerania: Data Protection Commissioner
- North Rhine-Wesphalia: Data Protection and Information Commissioner
- Rhineland Palatinate: Data Protection Commissioner
- Saxony-Anhalt: Data Protection Commissioner
- Schleswig-Holstein: Privacy Commissioner
- Thuringer: Data Protection Commissioner

**Gibraltar:** Data Protection Commissioner

**Guernsey:** Data Protection Commissioner

**Hong Kong:** Privacy Commissioner for Personal Data

**Isle of Man:** Data Protection Registrar

**Jersey:** Data Protection Registrar

**Mexico:** Institute for Access to Information and Data Protection of the Federal District

**Spain:**

- Basque Country: Data Protection Commissioner
- Catalonia: Catalan Data Protection Agency
- Madrid: Data Protection Agency of the Region of Madrid

**Switzerland**

- Canton of Basel-Landschaft: Data Protection Commissioner
- Zurich Canton: Canton Data Protection Commissioner
- Zug Canton: Data Protection Commissioner

## **AUTHORITIES WITHIN AN INTERNATIONAL OR SUPRANATIONAL BODY**

**Council of Europe:** Data Protection Commissioner

**European Union:**

- Customs Information System Joint Supervisory Authority
- European Data Protection Supervisor.
- Joint Supervisory Body of Eurojust
- Joint Supervisory Body of Europol
- Joint Supervisory Authority for Schengen Information System

**Interpol:** Commission for the Control of Interpol's Files



## **12. International Law Commission**

The material includes the standard template summary. Exploration of the issue with the Swiss DPA, led the Steering Group to make the ILC a low priority.



The National Institute for Environmental Health Sciences (NIEHS) is a research agency within the U.S. Department of Health and Human Services. It is the only federal agency that focuses on the study of the environmental causes of human disease. NIEHS is part of the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Health and Human Services (HHS).

**STEERING GROUP ON  
DATA PROTECTION AUTHORITIES REPRESENTATION AT INTERNATIONAL MEETINGS**

## **International Law Commission details**

### **1. Name of International Organisation**

International Law Commission

### **2. Key contact people**

Name: Mahnoush Arsanjani

Position: Director, Codification Division, Office of Legal Affairs, United Nations.

Email: [arsanjani@un.org](mailto:arsanjani@un.org)

Tel : +1 212 963-1963

Name: Maria Vicien-Milburn

Position: Director of the General Legal Division, Office of Legal Affairs, United Nations

Email: [vicien-milburnm@un.org](mailto:vicien-milburnm@un.org)

Tel: +1 212 963-3155

### **3. Contact details**

Postal Address:

Palais des Nations

8-14 Avenue de la Paix

CH-1211 Genève 10

Tel: +41 22 917-2125

Fax: + 41 22 917-0001

### **4. Brief description of organisational structure**

The ILC is a UN body devoted to the codification and progressive development of international law. It was established by the UN General Assembly in 1947. It is composed of 34 experts representing the world's principal legal systems, each elected for a term of five years by the UN General Assembly to serve in their personal capacity rather than as representatives of governments.

The International Law Commission holds its annual session in Geneva, Switzerland for a period of ten to 12 weeks (as approved by the General Assembly of the United Nations).

Since 1992, the selection of topics by the Commission for its future work has been carried out in accordance with the procedure under which designated members of the Commission write a short outline or explanatory summary on one of the topics included in a pre-selected list, indicating: (i) the major issues raised by the topic; (ii) any applicable treaties, general principles or relevant national legislation or judicial decisions; (iii) existing doctrine; and (iv) the advantages and disadvantages of preparing a report, a study or a draft convention, if a

decision is taken to proceed with the topic.

In the selection of topics, the Commission has been guided by the following criteria: (i) the topic should reflect the needs of States in respect of the progressive development and codification of international law; (ii) the topic should be at a sufficiently advanced stage in terms of State practice to permit progressive development and codification; (iii) the topic should be concrete and feasible for progressive development and codification; and (iv) the Commission should not restrict itself to traditional topics, but should also consider those that reflect new developments in international law and pressing concerns of the international community as a whole.

<http://www.un.org/law/ilc/index.htm>

#### 5. Committee details

The International Law Commission decided at its 58th session to place the question of an universal Convention on data and privacy protection on its work programme, but the work on this topic had not yet started.

#### 6. Additional Committees

#### 7. Additional notes

### TEMPLATE COMPLETED/UPDATE

Jean-Philippe Walter.....  
(Person)

.....3 November 2008  
(Date)



**Blair Stewart**

---

**From:** Jean-Philippe.Walter@edoeb.admin.ch  
**Sent:** Monday, 10 August 2009 11:47 p.m.  
**To:** Blair Stewart  
**Subject:** RE : Steering Group on Representation before International Bodies - Question about International Law Commission work

Dear Blair

Thank you for your e-mail. Actually as wide I am informed there is no substantial progress concerning data protection in the work of ILC. The topic is always in the workprogram, but only on the paper. I know there are changes in the secretariat of ILC, but unfortunately I have no contact (until now) with the new responsables. As I heard from a old deputy general secretary, data protection is not a priority for this organisation. I think it is actually not necessary to take ILC in your programm for 2010.

As you I think the Internet Governance Forum will be actually more important for us.

Best regards

**Jean-Philippe Walter**  
préposé suppléant

Préposé fédéral à la protection des données et  
à la transparence

Feldegweg 1, CH-3003 Berne  
Tél +41 (0) 31 322 41 31  
Fax +41 (0) 31 325 99 96  
[jean-philippe.walter@edoeb.admin.ch](mailto:jean-philippe.walter@edoeb.admin.ch)  
[www.leprepose.ch](http://www.leprepose.ch)  
[www.edoeb.admin.ch](http://www.edoeb.admin.ch)



Afin de contribuer au respect de l'environnement, merci de n'imprimer ce message qu'en cas de nécessité !

Be environmentally friendly: do not print this email unless it is entirely necessary!

Bevor Sie diesen E-Mail ausdrucken: Denken Sie an die Umwelt!

-----Message d'origine-----

**De :** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]

**Envoyé :** jeudi, 6. août 2009 01:05

**À :** Walter Jean-Philippe EDÖB

**Objet :** Steering Group on Representation before International Bodies - Question about International Law Commission work

Jean-Philippe

You'll recall that you assisted me in the initial phases of setting up the Steering Group by providing information about the International Law Commission's working methods and projects - see attached template which you completed for me.

Thus far you are the only person from a Data Protection Authority who seems to know about the ILC's work, there will of course be others but I have not yet identified them! Accordingly, I hope that you might be willing to briefly share what you know about the ILC's plans although I realise that you have resigned from the Steering Group and are not in a position to spare much time for this

task. I trust that it may not take more than a few minutes of your time.

I am trying to identify priorities for the Steering Group's work after the Madrid Conference and into 2010. In particular, I am trying to identify which of the remaining international organisations identified in the 2008 resolution (ILC, ITU and UNESCO) we should concentrate on and whether there are additional more promising bodies (I am currently considering the possibility of the Internet Governance Forum).

Accordingly, I would be grateful to have your views on the usefulness of pursuing the ILC in 2010. In particular, whether the privacy and data protection mandate adopted at the 58th session has progressed or is likely to progress in 2010.

I have tried to seek the answer to this on the website linked into the attached note but have not able to find an answer there yet. I plan to send an email enquiry to the UN contacts shown in the note but am not confident of having a reply in time for including in the priority setting work of the Steering Group.

Any insights that you might have will be greatly appreciated.

Kind regards

Blair Stewart  
Assistant Privacy Commissioner  
PO Box 466, Auckland 1140, New Zealand

tel +64 9 302 8654 fax +64 9 302 2305 [www.privacy.org.nz](http://www.privacy.org.nz)

[Search privacy case notes from around the world](#)

*If you have received this transmission in error please notify me immediately by return e-mail and delete all copies*

### **13. Internet Governance Forum**

The materials include the template summary.



1. The first step is to identify the problem.

2. The second step is to analyze the problem.

**STEERING GROUP ON  
DATA PROTECTION AUTHORITIES REPRESENTATION AT INTERNATIONAL MEETINGS**

## **Template: International Organisation Details**

### **1. Name of International Organisation**

**Internet Governance Forum**

### **2. Key contact people**

**Markus Kummer**, Executive Coordinator.

### **3. Contact details**

#### **Mailing Address**

United Nations

Secretariat of the Internet Governance Forum (IGF)

Palais des Nations, CH-1211 Geneva 10

Switzerland

Website: <http://www.intgovforum.org/cms/>

### **4. Brief description of organisational structure**

#### **IGF Mandate**

Paragraph 72 of the Tunis Agenda:

**72.** We ask the UN Secretary-General, in an open and inclusive process, to convene, by the second quarter of 2006, a meeting of the new forum for multi-stakeholder policy dialogue—called the Internet Governance Forum (IGF). The mandate of the Forum is to:

- Discuss public policy issues related to key elements of Internet governance in order to foster the sustainability, robustness, security, stability and development of the Internet;
- Facilitate discourse between bodies dealing with different cross-cutting international public policies regarding the Internet and discuss issues that do not fall within the scope of any existing body;
- Interface with appropriate inter-governmental organizations and other institutions on matters under their purview;
- Facilitate the exchange of information and best practices, and in this regard make full use of the expertise of the academic, scientific and technical communities;
- Advise all stakeholders in proposing ways and means to accelerate the availability and affordability of the Internet in the developing world;
- Strengthen and enhance the engagement of stakeholders in existing and/or future Internet governance mechanisms, particularly those from developing countries;
- Identify emerging issues, bring them to the attention of the relevant bodies and the general public, and, where appropriate, make recommendations;
- Contribute to capacity building for Internet governance in developing countries, drawing fully on local

- sources of knowledge and expertise;
- Promote and assess, on an ongoing basis, the embodiment of WSIS principles in Internet governance processes;
- Discuss, inter alia, issues relating to critical Internet resources;
- Help to find solutions to the issues arising from the use and misuse of the Internet, of particular concern to everyday users;
- Publish its proceedings

## 5. Committee details

Seems to work through a series of preparatory national, regional and international meetings and forums leading to an annual international event. The 2009 calendar reads:

- **February**
  - 23-24 February: Open Consultations
  - 25-26 February: MAG meeting [Location: ITU Room B]
- **April**
  - 5 April: Deadline for submitting provisional workshop proposals
  - 15 April: Workshop proposals for Sharm El Sheikh meeting submission deadline
- **May**
  - 13 May Open Consultations
  - 14-15 May: MAG meeting
- **June**
  - 15 June: Due date for submission of workshop proposals
  - 30 June: Deadline for submitting speakers list
- **July**
  - 15 July: Deadline for submitting comments "on the desirability of the continuation of the Forum"
- **August**
  - 15 August: Deadline for submitting contributions relating to the proposed substantive agenda of the Sharm El Sheikh meeting
- **September**
  - 16-17 September: Informal meeting to discuss operational matters. The meeting is open to all stakeholders [Location: EBU, Geneva]
- **November**
  - 15-18 November: 4th IGF Meeting in Sharm El Sheikh

### Related Meetings

- **June**
  - 20 June: 2009 Australia and New Zealand Internet Best Practice Awards - Sydney, Australia
- **August**
  - 11-13 August: Latin American and Caribbean (LAC) Regional Preparatory Meeting - Rio de Janeiro, Brazil
  - 24-26 August: Caribbean IGF St. Kitts & Nevis
- **September**
  - 7-9 September: East African IGF - Nairobi, Kenya
  - 14-15 September: EuroDig - Geneva, Switzerland

- **October**
  - 5-6 October: IGF Italy 2009 - Pisa, Italy

#### 6. Additional Committees

None

#### 7. Additional notes

None

#### TEMPLATE COMPLETED/UPDATE

...Blair Stewart .....

.....  
(Person)

(Date) 6/8/2009





#### **14. London Action Plan (against spam)**

The materials include the template summary.



1. The first step is to identify the problem.

2. The second step is to define the problem.

## Template: International Organisation Details

### 1. Name of International Organisation

London Action Plan

### 2. Key contact people

Not known

### 3. Contact details

[admin@londonactionplan.org](mailto:admin@londonactionplan.org)

Website: <http://www.londonactionplan.org/>

### 4. Brief description of organisational structure

The Action Plan is meant to be a simple, flexible document facilitating concrete steps to start and continue working on international spam enforcement cooperation.

It appears to be a loose coalition bringing together the work of a variety of international organisations active in combating spam including OECD, ITU, EU, ICPEN and APEC. It seeks to promote international spam enforcement cooperation and address spam related problems, such as online fraud and deception, phishing, and dissemination of viruses. The Participants also open the Action Plan for participation by other interested government and public agencies, and by appropriate private sector representatives, as a way to expand the network of entities engaged in spam enforcement cooperation.

The full plan is on-line as is the list of members.

### 5. Committee details

Not known.

There is limited informatuion on the public website about the forum's activities although one event is shown for October 2009. The is a controlled access part of the website where, it is understood, members conduct most out of meeting work.

### 6. Additional Committees

Not known.

7. Additional notes

**TEMPLATE COMPLETED/UPDATE**

...Blair Stewart .....

(Person)

(Date) 10/8/2009

**Blair Stewart**


---

**From:** Blair Stewart  
**Sent:** Monday, 10 August 2009 4:13 p.m.  
**To:** Blair Stewart; 'Antonio Caselli'; cbaggaley@privcom.gc.ca; Gary\_Davis@dataprotection.ie; 'Gwendal Le Grand'; phustinx@edps.eu.int; 'Rafael Garcia Gozalo'; roderickbwoo@pco.org.hk; Silke Harz; TimothyPilgrim@privacy.gov.au  
**Cc:** Linda Williams  
**Subject:** RE: Steering Group - priorities for 2010 (2 new documents)  
**Attachments:** template London Action Plan for spam.doc; Template Internet Governance Forum.doc; Template - merged international organisation details.doc

Colleagues

In due course I welcome views in response to the issues I raised in the update of 31 July (review of the operation of the resolution, the draft resolution and priorities for 2010) but in the meantime wish to circulate two new documents to assist with just that last issue, priorities for 2010.

In addition to considering the case for moving ahead on, or delaying, seeking observer status for the 3 organisations identified in the 2008 resolution (ITU, ILC and UNESCO) or prioritising any of those I have also asked if there are any additional international bodies that we should be considering.

I kicked things off by raising the possibility of the IGF. I now offer another possibility, the "London Action Plan" (on spam). My knowledge of either organisation - forum might be a better characterisation in each case - is reasonably limited but I have obtained sufficient information from their respective websites to compile the attached summary templates. I trust that may help in your examination and I would encourage people to have a look at the websites which provide more information.

Similar templates on the ITU, ILC and UNESCO were circulated earlier this year but for convenience I recirculate the compilation of those earlier summaries.

If people have suggestions as to additional organisations worth considering please let me know since this is the opportunity to ensure that the mandate we receive from the Conference, and the work we plan to undertake next year, is targeted to best advantage.

In addition to soliciting views of steering group contact points I have made some enquiries of others who might have informed views including Alexander Dix on the telecommunications-related organisations, Steve Johnston on the standards aspects of ITU's work and Jean-Philippe Walter, and the relevant contact people at the UN, in relation to the likely timing of the International Law Commission data protection reference.

Regards

**Blair Stewart** Assistant Commissioner (Auckland) | Office of the Privacy Commissioner  
 PO Box 466 Auckland 1140 New Zealand | ☎ +64-9-302 8654 | 📠 +64-9-302 2305

---

**From:** Blair Stewart  
**Sent:** Friday, 31 July 2009 4:33 p.m.  
**To:** Antonio Caselli; Blair Stewart; cbaggaley@privcom.gc.ca; Gary\_Davis@dataprotection.ie; Gwendal Le Grand; phustinx@edps.eu.int; Rafael Garcia Gozalo; roderickbwoo@pco.org.hk; Silke Harz; TimothyPilgrim@privacy.gov.au  
**Cc:** Linda Williams; Steve Johnston (sjohnston@privcom.gc.ca); bhawkes@dataprotection.ie  
**Subject:** Steering Group Update - Annual report - resolution(s) - future priorities

06/12/2011

Dear Steering Group members

I write further to the general update of 2 July and email of 10 July.

...

### **Priorities for next year**

The Steering Group has the function to "research the international scene to identify opportunities for useful participation".

It also has the responsibility to consider applications to those organisations directed by the International Conference. We have carry over directions in relation to the International Telecommunications Union, UNESCO and International Law Commission. We have done little research work into these 3 organisations yet having prioritised the other 4 organisations.

Do members consider that the 3 organisations listed - ITU, UNESCO and ILC - remain the highest or only priorities? If anyone has any additional suggestions, or can suggest priorities amongst those 3 bodies, now is the time to let us know otherwise our workplan for next year will in essence be set around those 3 organisations (along with, of course, ongoing work in relation to the 4 organisations for which status has already been sought or obtained).

I have no strong views on this question yet. However, I do offer one suggestion for consideration. Does anyone know about, or suggest we explore representation at, the **Internet Governance Forum (IGF)**, a UN spin off from the WSIS exercise?

...

Blair Stewart

Assistant Privacy Commissioner

PO Box 466, Auckland 1140, New Zealand

tel +64 9 302 8654 fax +64 9 302 2305 [www.privacy.org.nz](http://www.privacy.org.nz)

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**15. ICANN**

No materials held.



1920-21

1921-22



## **16. International Telecommunications Union**

The ITU material includes the standard template information. The earlier correspondence suggests that the French DPA might have an interest and capacity to provide a delegate at some stage if observer status was obtained before ITU. However the French expression of interest was made before they took on the delegate role for the WPISP and T-PD.



The FBI reported that the 2009-2010 period was the most violent in the history of the FBI's reporting. The FBI reported that the 2009-2010 period was the most violent in the history of the FBI's reporting. The FBI reported that the 2009-2010 period was the most violent in the history of the FBI's reporting.

## **Template: International Organisation Details**

### **1. Name of International Organisation**

**International Telecommunications Union**

### **2. Key contact people**

Name: Dr Hamadoun Touré

Position: Secretary-General

Email: ?

Name: Houlin Zhao

Position: Deputy Secretary-General

Email: ?

### **3. Contact details**

Postal Address:

International Telecommunications Union  
Place des Nations,  
CH-1211 Geneva 20,  
Switzerland

Tel: +41 22 730 5111

Fax: +41 22 730 64 44

### **4. Brief description of organisational structure**

ITU is the leading United Nations agency for information and communication technologies. As the global focal point for governments and the private sector, ITU's role in helping the world communicate spans 3 core sectors: radio communication, standardization, and development. ITU also organizes Telecom events and was the lead organizing agency of the World Summit on the Information Society.

ITU is based in Geneva, Switzerland, and its membership includes 191 Member States and more than 700 Sector Members and Associates.

## 5. Committee details

→ The ITU Radio communication Sector (ITU-R) plays a vital role in the global management of the radio-frequency spectrum and satellite orbits - limited natural resources which are increasingly in demand from a large and growing number of services such as fixed, mobile, broadcasting, space research, emergency telecommunications, meteorology, global positioning systems, environmental monitoring and communication services - that ensure safety of life on land, at sea and in the skies.

→ In 2007, ITU's Telecommunications Standardization Sector produced over 160 new and revised standards (ITU-T recommendations) covering topics from core network functionality and broadband to next generation services like IPTV. This Sector is currently working on Identity management, and SMS filtering.

The recommendations of the ITU Standardization Sector are defining elements in information and communication technology (ICT) infrastructure. Whether voice, data or video messages are exchanged, communications cannot take place without standards linking the sender and the receiver. The work of this committee extends beyond the traditional areas of telephony to encompass a far wider range of information and communications technologies. The priority work areas are ensuring the needs of developing countries are taken into account in the development of global ICTs; accessibility; adopting international standards to ensure seamless global communications and interoperability for next generation networks (NGN) ; building confidence and security in the use of ICTs; emergency communications to develop early warning systems and to provide access to communications during and after disasters and the reduction of the impact of ICTs on climate change as well as create better understanding of how ICTs can mitigate its effects.

This committee would be interesting to be joined by the data protection community represented by the international conference.

→ The mission of the Telecommunication Development Sector (ITU-D) aims at achieving the Sector's objectives based on the right to communicate of all inhabitants of the planet through access to infrastructure and information and communication services.

In this regard, the mission is to:

- Assist countries in the field of information and communication technologies (ICTs), in facilitating the mobilization of technical, human and financial resources needed for their implementation, as well as in promoting access to ICTs.
- Promote the extension of the benefits of ICTs to all the world's inhabitants.
- Promote and participate in actions that contribute towards narrowing the digital divide.
- Develop and manage programmes that facilitate information flow geared to the needs of developing countries.

## 6. Additional Committees

None

## 7. Additional notes

None

**TEMPLATE COMPLETED/UPDATE**

...Stéphanie Régnier .....

.....  
(Person)

(Date) 25/11/2008



## Blair Stewart

---

**From:** RAYNAL Florence [fraynal@cnil.fr]  
**Sent:** Wednesday, 26 August 2009 5:16 a.m.  
**To:** Blair Stewart  
**Cc:** LE GRAND Gwendal; NERBONNE Sophie; sjohnston@privcom.gc.ca; REGNIE Stéphanie; LEROUX Marie  
**Subject:** TR: Steering Group on Representation before International Bodies - Question about International Telecommunications Union  
**Attachments:** Template - international organisations - ITU.doc; TR: Steering Group on Representation before International Bodies - Question about International Telecommunications Union

Dear Blair,

Thanks for your email.

Unfortunately, we do not think that we could represent the conference at the ITU in 2010 because of limited human resources. However, with plans of hiring in 2010, we should be able hopefully to participate in 2011. We share your views that Unesco and Internet Governance Forum could be very interesting bodies.

Best regards,

Florence Raynal  
Head of International and European Affairs - CNIL

---

**De :** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Envoyé :** jeudi 6 août 2009 01:42  
**À :** REGNIE Stéphanie  
**Cc :** LE GRAND Gwendal;  
**Objet :** Steering Group on Representation before International Bodies - Question about International Telecommunications Union

Stephanie

You'll recall that you assisted me in the initial phases of setting up the Steering Group by providing information about the International Telecommunications Union's working methods and projects - see attached template which you completed for me.

Through surveying all members of the Steering Group at the same time I ascertained that the CNIL seemed to be the only DPA amongst the Steering Group members that had any involvement with the ITU. Accordingly, while I have asked all Steering Group members about the priorities for 2010 I would be especially interested in your views in relation to the ITU.

I am trying to identify priorities for the Steering Group's work after the Madrid Conference and into 2010. In particular, I am trying to identify which of the remaining international organisations identified in the 2008 resolution (ILC, ITU and UNESCO) we should concentrate on and whether there are additional more promising bodies (I have, for instance, the possibility of looking at the Internet Governance Forum).

In your earlier note you advised that in relation to the ITU Standardisation Sector "[t]his committee would be interesting to be joined by the data protection community represented by the international conference." This sounds promising and perhaps you can amplify on the observation.

Given the possible relevance of the ITU standardisation remit and the ISO standards work I have taken the liberty of copying this message to Steve Johnston, the International Conference's liaison officer to the ISO work.

I look forward to any views on whether it is worth prioritising engagement with ITU as a 2010 goal.

06/12/2011

Kind regards

Blair Stewart  
Assistant Privacy Commissioner  
PO Box 466, Auckland 1140, New Zealand

tel +64 9 302 8654 fax +64 9 302 2305 [www.privacy.org.nz](http://www.privacy.org.nz)

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**Blair Stewart**

---

**From:** REGNIE Stéphanie [sregnie@cnil.fr]  
**Sent:** Saturday, 8 August 2009 2:38 a.m.  
**To:** RAYNAL Florence; VULLIET TAVERNIER Sophie; NERBONNE Sophie  
**Cc:** SERRIER Pascale  
**Subject:** TR: Steering Group on Representation before International Bodies - Question about International Telecommunications Union

Bonjour,

Je vous communique un message de Blair Stewart (de l'ADP de Nouvelle-Zélande) en charge de la résolution de la Conférence relative à l'obtention du statut d'observateur dans des forums internationaux. Il souhaite avoir notre avis sur les priorités à mettre en place, notamment par rapport au ITU (International Telecommunications Union)

Bien à vous,  
 Stéphanie

---

**De :** Steven Johnston [mailto:sjohnston@privcom.gc.ca]  
**Envoyé :** jeudi 6 août 2009 03:36  
**À :** Blair Stewart  
**Cc :** LE GRAND Gwendal; REGNIE Stéphanie  
**Objet :** RE: Steering Group on Representation before International Bodies - Question about International Telecommunications Union

Blair:

Just a quick note to mention that I am a member of the National Shadow Group (NSG) to ITU-T's Study Group 17, ITU-T's lead study group on telecommunications security and identity management. I don't attend the international meetings though.

Steve

---

**From:** Blair Stewart [mailto:Blair.Stewart@privacy.org.nz]  
**Sent:** Wednesday, August 05, 2009 7:42 PM  
**To:** REGNIE Stéphanie  
**Cc:** LE GRAND Gwendal; Steven Johnston  
**Subject:** Steering Group on Representation before International Bodies - Question about International Telecommunications Union

Stephanie

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06/12/2011

be interesting to be joined by the data protection community represented by the international conference." This sounds promising and perhaps you can amplify on the observation.

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I look forward to any views on whether it is worth prioritising engagement with ITU as a 2010 goal.

Kind regards

Blair Stewart  
Assistant Privacy Commissioner  
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## **17. UNESCO**

Only sketchy details could be assembled in relation to UNESCO which are set out in the standard template document.

The lack of information about UNESCO throws up an interesting challenge for the Steering Group. The limited enquiries that the Steering Group made, suggested that there were very few linkages between DPAs and UNESCO. Contrast that with, say, the Council of Europe T-PD which had several DPA members. Adding a Conference observer to the T-PD was, therefore, comparatively straightforward but may therefore not have added very much value to the existing linkages between T-PD and the data protection community. By contrast, it would have been difficult for the Steering Group to field an observer to UNESCO but, perhaps, creating that new linkage would have offered a larger payoff as a result of the new connections.





## **Template: International Organisation Details**

### **1. Name of International Organisation**

United Nations Educational Scientific and Cultural Organisation (UNESCO)

### **2. Key contact people**

Name:  
Position:  
Email:

Name:  
Position:  
Email:

### **3. Contact details**

Postal Address:

Tel:  
Fax:

### **4. Brief description of organisational structure**

## 5. Committee details

## 6. Additional Committees

## 7. Additional notes

### *Assesment of possible directions of UNESCO's work*

The World Information Society Summit placed UNESCO in charge of the "Ethical dimensions of the information society". In this context it organized in 2006/07 regional meetings on the subject. During those meetings a "code of ethics" was submitted with few lines on "notice and choice" principles for data protection. There had been much debate during the meeting in Europe region (which in Unesco's structure includes the USA, EU, Azerbedjan etc. and Israel) in September 2007 about the need for more precise and binding global principles for DP.

UNESCO is organizing several workshop at the next meeting of IGF in Hyderabad (begining of December 2009). The one on data protection it proposed is organized by UNESCO, Council of Europe and CNIL on the item: 'Toward an internaitonal instrument with a global reach?'

UNESCO also have a educational programme that is supposed to be developed more in this area.

It is still not very clear yet what real initiatives UNESCO will take especially because the General Director is leaving in one year. So the coming year seems to be more a year of increasing the educational programm. Awaiting more information on the groups they intend to set up.

**TEMPLATE COMPLETED/UPDATE**

.....  
(Person)

.....  
(Date)

