29th International Conference of Data Protection and Privacy Commissioners

PRIVACY HORIZONS
TERRA INCOGNITA

Report of the Working Group on Conference Organisational Arrangements

August 2007

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Terms
Throughout this report:

Conference means the International Conference of Data Protection and Privacy Commissioners

DPA means a Data Protection Authority (accredited to the conference unless the context suggests otherwise)

Host means Conference host

Certain special terms are defined for parts of this report.

1. Introduction by Chair of Working Group

The 28th conference resolved to establish a Working Group to:
 (a) prepare a document recording existing organisational arrangements for the conference and the conference's expectations of hosts,
 (b) explore ideas for improving organisational arrangements with a view to ensuring the continued viability of annual conferences and promoting continuous improvement
and to offer recommendations to the 29th conference.

It has been my honour to chair the Working Group. I am pleased to present its report.

The conference is now completing its third decade. It has continued to grow in size and to be valued by participants. The need for effective cooperation between data protection authorities is recognized now more than ever before and the conference has a key part to play as the sole truly international gathering of DPAs.

I have been delighted to work with my fellow commissioners and DPA staff. It has been a team effort involving many hours of work. I particularly acknowledge the work of the four subgroups and their chairs. The report, which exceeds 50 pages, records the results of that work.

The first task for the Working Group was to document existing arrangements. The lack of documentation has made the task of hosts more difficult than it needed to be and has also meant that participants' expectations were not always fulfilled. Perhaps at a future point someone may attempt to write a tidier, more coherent, constitution for the conference but at this stage the we have focused solely on recording aspects of existing practice that seemed important.

The second task was to explore ideas for change. A number of proposals have been developed by the four subgroups. The Working Group had less than a year to develop these ideas. Although fairly modest, the reform proposals put before the conference in the resolution are of a practical and achievable nature.

The conference is in fine heart and has a promising future. However, I add two notes of caution.

First, the participant expectations survey revealed that 78% of DPA respondents considered that the financial cost would be likely to deter their offices from offering to host the conference. There may come a time when the conference must squarely face the issue of the burden occasioned by the large public conference.

Second, is the growing expectation that DPAs should collectively perform a role in finding practical solutions to data protection issues at the global level. If DPAs wish collectively to work in that way, the conference will need to further evolve. The groundwork has been laid with the credentials framework and the ability to adopt resolutions.   However, DPAs collectively are in a weak organisational position to conduct work between annual meetings. The report offers suggestions as to how the matter might be addressed but there is, as yet, no clear direction from the conference as to the way in which it wishes to move. The debate needs to continue.

I offer the Working Group report as a step along a journey. That the conference has lasted for three decades with fairly informal arrangements is encouraging. The Working Group will add some clarity and direction which I hope will strengthen the forum for the decades to come.

In closing I wish to offer a particular note of thanks on behalf of the Working Group and, I am sure, the entire conference for the work of the hosts of all 29 conferences to date. The Working Group recommendations add to a very firm foundation established by all that has gone before. That DPAs still gather annually at this conference 29 years after it started is a testament to the hard work and innovation of successive hosts.

Marie Shroff
New Zealand Privacy Commissioner

August 2007

2.   Working Group Report

Given the size of the task, the work was carried out in 4 subgroups. Each prepared a separate report on the issues they were asked to look at. Those subgroup reports follow in the next part of this report. They have all been endorsed by Working Group and form part of the report. This part of the report looks at some issues identified by the Working Group which had not been addressed in any of the subgroup's reports.

Surveys
A significant input into our work has been the participant expectation surveys that have been ably arranged by the Irish Data Protection Commissioner. The results of the two surveys are set out below. Those surveys build in part upon an earlier survey of DPAs undertaken in 1996[1]. The Working Group sees value in repeating such a survey from time to time. It is unnecessary to undertake a major survey every year but it should be done more frequently than once a decade. The Working group recommends that a survey of participant expectations be undertaken every 5 years or so.

At a more prosaic level, the Working Group recommends that the host of every conference undertake a simple attendee satisfaction survey. The results should be passed to the host of the following conference. Satisfaction surveys may assist hosts in refining organisational arrangements on such matters as registration processes and accommodation options.

The results of the participant expectations survey should not be considered binding on conference hosts. The results are merely indicative. The survey did not obtain a response from every DPA and nor did it seek to require 'official' positions of each office. The Working Group nonetheless urges all future hosts to take the survey results into account.   Without repeating the results in detail, the Working Group notes the following:

- The expectation is that the conference will be held in September each year. However, DPAs are relaxed about some adjustment so long as plenty of notice is given.   Noting the host selection subgroup's recommendations for transparent conference bids, the Working Group recommends that if a host wishes to propose a date other than September that this be highlighted for the conference's attention within the bid itself.
- The Working Group does not make a precise recommendation as to the balance between open and closed sessions. However, DPAs value a reasonable amount of time being made available for discussing issues with other DPAs with others excluded. This wish to discuss matters with others excluded is not related to any disinclination to interact with other important players in data protection. Rather, it has to do with the special nature of this conference and the desire on the part of all DPAs to learn from others performing the same specialised and unique functions. Therefore, the Working Group finds that the conference expects hosts to make a sufficient part of the programme available in a setting whereby DPAs can interact with each other. This may involve a mix of plenary and smaller group sessions.

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[1] The earlier survey results are contained in an 'Options Paper Concerning Future Shape of Conference' presented to the 18th Conference, September 1996.

The conference is a suitable opportunity to hold workshops for commissioners on practical issues.

- The survey offered insights into attitudes towards encouraging wider participation in the public session. There was high support for the importance of engaging with government bodies and NGOs. Very few respondents supported using DPA registration fees to subsidise civil society attendance.
- It is important to encourage the news media. Few respondents felt that the needs of the news media had been consistently well addressed in previous conferences. The Working Group finds that the conference does expect hosts to facilitate attendance of the news media at the public sessions and promulgate conference resolutions. The facilitated handover from host to host may usefully include guidance on ways to engage the news media successfully.

Observers from governmental international organisations

A resolution concerning country observers was adopted at the 27th conference. This resolution explicitly stated that the conference policy did not limit a host's discretion to admit other (i.e. non-country) observers such as those representing governmental international organisations.

None of the subgroups explicitly looked at the position of such observers although the working Group made some informal enquiries of some international organisations to see if there were special issues to consider.

The issue of relationships with other organisations was discussed at the 15th conference where the minutes of the closed session recorded that:

> 'The conference would remain restricted to data protection and privacy commissioners. However, the policy of encouraging appropriate observers to attend main sessions would continue. The conference would retain open and friendly relationships with other groups and organisations. However, it was not appropriate for the conference to have a more formal relationship with other groups'. [2]

What was referred to as the 'main sessions' in 1994 have, in effect, now simply become a public conference open to anyone. Thus, there is no need for anyone to seek observer status to those sessions. The question more recently has then become one of attendance at the closed sessions. The conference has developed a practice of allowing some observers into those sessions.

Indeed the conference has shown a willingness to build bridges between the conference of accredited DPAs and others having a role to play in relation to data protection. For example:

- The conference has a category for accreditation of authorities within international or supra-national authorities
- The 25th conference adopted a resolution on data protection and international organisations

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[2] E J Howe, minutes of the closed session of the 15th Conference of 30 September 1993, 14 April 1994.

- The Montreux Declaration promotes cooperation and information exchange at various levels
- The resolution on country observers explicitly anticipates that hosts may admit observers from international organisations and this has happened in the past.

Some governmental international organisations especially active in data protection, such as the Council of Europe and EU, have been accredited to the conference and so the question of attending as observers does not arise. As other international organisations become more active, this is a principal route for engagement with the conference.

The OECD is an example of an international organisation active in data protection which does not yet have an authority able to be accredited to the conference. The OECD has a long association with the issues and has attended as an observer on several occasions.

The participant expectations survey did not address this issue directly. However, it does recognise a continuing wish for DPAs to have a place to discuss things amongst themselves, whether in small groups or in plenary sessions, outside the public conference. Having a few observers in the closed plenary to watch proceedings is not necessarily significantly at variance with that.

The Working Group does not recommend significant change in the absence of further study of the issues. It records the conference's existing practice of admitting observers from international governmental organisations and recommends that this practice continue although noting a small tension with the concurrent wish to preserve a forum for DPAs to discuss matters amongst themselves.

For the convenience of conference hosts, the conference may at some stage wish to look at adopting a standing list of permitted observers from international governmental organisations. If doing so, a set of criteria may need to be developed.

It might also be noted that the conference has not admitted international non-governmental organisations as observers. By contrast, the OECD has accredited civil society observers to its privacy working group (WPISP). The issue has also recently been considered at the APEC Data Privacy Subgroup. The conference may in the future wish to consider its practice in this regard.

Participation of observers in the closed session
The question does arise as to what being admitted as an observer to the closed session entails. The Working Group thought it useful to document its understanding of existing practice.

In the Working Group's opinion, admission as an 'observer' means precisely that: the person that is admitted to *observe* proceedings but is not, simply by being admitted as an observer, authorised to actively participate in proceedings. An observer needs a further permission to speak in a discussion in the closed session. In the normal course of events most observers will not expect, need or want to speak in closed session proceedings.

In some cases, it will be known in advance that the conference will desire to hear from an observer on an agenda item. In such cases, the question of speaking should be

considered between the observer and the chair before the closed session. It is anticipated that the chair will indicate at the start of discussion of an agenda item that the chair has agreed to the observer making an intervention subject to any objection by the assembled DPAs. Since the conference is ultimately the master of its own procedure, it can admit anyone to the closed session and permit them to participate or it can direct the chair in a particular case.

Occasionally, it may not have been anticipated that an observer might wish to speak in relation to an agenda item. If at all possible, such matters should be discussed between the observer and the chair (or the chair's representative) during a break in proceedings. Otherwise a note may be passed to the chair's assistant. It is in the chair's discretion as to whether to act on that request but in the normal course of events may often allow such an intervention subject to there being time available (so that the intervention does not deprive DPAs of a chance to speak) and there being no objection from DPAs.

In terms of room layout, the typical arrangement is for Commissioners to be seated at tables in a large rectangle. As space is at a premium, normally only two spaces are allowed for national delegations at the table with additional delegation members seated behind. In such circumstances, a large number of observers cannot be allowed to displace DPAs from the table at their own conference. Accordingly, the Working group would usually expect observers not to be seated at the table with DPAs but at a convenient distance from which proceedings can be suitably observed, often equal with supernumary members of delegations.

On occasions the closed session has occasionally been seated in 'cabaret' style tables or in an auditorium facing a stage. Sessions have also been held in legislative debating chambers complete with observers' galleries. Logistical considerations may determine where observers are placed. Hosts should try to ensure that observers are able to view proceedings. If interventions are anticipated, they may wish to keep a space at the main table and allow the observer in question to join the table for the item under discussion. In principle it may seem inappropriate to put observers directly at the table where the main proceedings are being conducted when many Commissioners as part of national delegations are seated in an inferior position. This is particularly the case where observers are only anticipated to watch proceedings whereas any member of the delegations may intervene by right on any item under discussion.

The Working Group has no proposal for reform of current procedures but is aware that hosts have, in the past, had no guidance as to how to accommodate or treat observers. The Working Group trusts that these notes may assist. There may at some stage need to be more thought given to the issue and possibly apply greater formality if the expectations of DPAs as to the role of observers do not match those of the observers themselves. The issues have to become more complex as the size of the conference has grown thus placing more pressure on available time for discussion even try DPAs themselves while space for DPAs at the table is also at a premium.

Language practices
Simultaneous interpretation has long been a feature of the conference. There has always been interpretation in English, French and German and in some recent conferences Spanish has featured. In addition, the conference has included local languages of the host country such as Chinese and Polish.

The conference has not typically translated all written presentations into other languages although hosts have sometimes done so into a local language.

There has been some inconsistency in practice with respect to translation of official conference documentation. Sometimes, but not always, the key documentation such as the conference agenda has been translated into 3 or even 4 languages. Proposed resolutions have sometimes been translated by the proposers and occasionally by the hosts. Conference minutes, where they have been prepared, have not always been translated.

Originally, the conference was held in a single plenary session. In later years, the public conference often split into two streams and in recent years three or even more. Simultaneous interpretation facilities have sometimes been provided in all sessions but for reasons of cost some hosts have not consistently provided full simultaneous interpretation facilitaties where there have been two or more streams.

As an international meeting of DPAs, indeed the only truly international forum, language policies, interpretation and translation are important matters. They are also important to hosts for the very practical reason that the costs of interpretation and translation can be substantial.

Most of the conference's principal resolutions relevant to organisation arrangements have been translated into English, French and German. The Credentials Committee has, from the outset, adopted an application form for accreditation that is in both English and French, languages spoken by the original Credentials Committee.

The conference guidelines for resolutions encourage proposers to translate their documentation and to consult, before proposing resolutions, with other commissioners from different linguistic traditions. While a number of proposed resolutions have been translated this has certainly not always been the case.

The Working Group ran out of time to fully explore this issue and is not proposing any changes. There may be benefits to conference hosts in preparing their budgets to know the conference's precise expectations in relation to interpretation and translation. It is a major expense. Although the Working Group has been unable in the time available to offer any substantive recommendations it may be an issue that some future working group of the conference should further consider and offer recommendations.

Working Groups
The conference meets in session just once a year and therefore the question arises as to how preparatory or continuing work can be undertaken between conferences. Partly this has been addressed by tasks being placed with the host (the principal focus of much of this report). However, there are some functions performed for the conference by others.

One example is the Credentials Committee, the only permanent committee so far established by the conference. It has the task of soliciting, receiving and processing applications for accreditation and making recommendations.

The conference sometimes establishes *ad hoc* working groups to study particular matters. This working group and those that developed the accreditation framework and

the guidelines for resolutions are examples. Our resolution suggests some further tasks for the website subgroup.

The arrangements just mentioned tend to focus on the administrative and constitutional underpinnings of the conference. What of subject matter committees dealing with privacy and data protection issues between conference sessions?

So far, the conference has really only established one subject matter working group. Although initially a working group of the conference, the International Working Group on Data Protection in Telecommunications (IWGDPT) has successfully established an identity of its own.

The IWGDPT was originally formed as a working group of the conference which it (officially) ceased to be at the 14th conference in 1993. However, since that date there has nonetheless always been some point on the agenda of the closed session of the conference to report back. The IWGDPT has for many years documented its expert views through 'common positions' (which are now renamed 'working papers'). The IWGDPT has adopted a process to distribute working papers to DPAs accredited to the conference for a comment period of 6 weeks before final adoption.

The IWGDPT is comfortable with the current arrangement with the conference and has not mooted any significant reform. However, it has indicated a willingness to work with the conference if reform ideas offer mutual benefit. For example, while the IWGDPT is not formally a conference working group it would be pleased to accept mandates from the conference to prepare documents on specific problems.

In the participant expectations survey, DPAs were asked for views on the place of conference working groups.   Respondents were evenly split as to whether the conference should make greater use of commissioner working groups.

The Working Group makes the following observations:

- There are increasing demands for co-operative trans-border approaches to data protection and DPAs as key regulators are expected to rise to this challenge
- The conference is the only truly international forum of DPAs but has a challenging task to provide meaningful and ongoing leadership at international level with only a single meeting each year
- Ad hoc working groups have proved useful to tackle some institutional issues but they are not necessarily well suited for ongoing administrative tasks (standing committees or, in due course, a secretariat may be better for such purposes)
- If the conference wishes to be the forum for more active collaborative and on-going DPA work, it may wish to further consider the possibility of standing working groups in subject areas and perhaps also, as canvassed below, the use of delegates for certain purposes.

Delegates to other international fora
Through its resolution on international organisations and data protection, and the Montreux declaration, the conference called upon international organisations to build data protection into their processes. Some international organisations have processes allowing relevant interests to be represented as observers. Business and civil society

play an active role in international organisations through these mechanisms. The question is whether DPAs collectively should be using such opportunities to ensure that the data protection message is effectively built into international standard setting.

The working group is cautious in making proposals in this area. It was not a subject of detailed study. However, this is a matter worthy of consideration if the conference is to be a key player in international data protection into the future.

The Working Group tentatively proposes that the following might offer a model for the conference to have delegates participate as observers at appropriate international fora:

- The conference in its regular session agree on any international forum for which it wishes to obtain observer status. The 29th or 30th conference might consider, for example, the OECD, APEC and ISO.
- The conference in each case mandate a small steering group consisting of at least 3 DPAs, and no upper limit, to pursue an observer application on the conference's behalf.
- The steering group to report back to subsequent conferences in writing.
- In the event that observer status is granted, a delegate from the steering group be the conference's representative at the international forum. That delegate to work within any directions given by the conference (initially or in subsequent sessions) or the steering group. Any resolution of the conference to be taken as a standing direction for any delegate and all the steering groups.
- The delegate to keep the steering group informed and to assist the steering group in preparing its written report to the conference.
- As a general matter all mandates should be reviewed on at least a 5-yearly basis by the conference and more frequently by steering group, to see that the arrangements are meeting the conference's objectives.
- The conference does not undertake to meet, and is not liable for, any delegate's expenses in attending meetings.

3.   Subgroup Reports

3.1   Hosting Subgroup

PART A: EXISTING ORGANISATIONAL ARRANGEMENTS

Part A is divided into two sections:
* organisational arrangements that have been adopted via Conference resolutions
* conventional organisational practices that have not been formalised but that have over time become common practice.

Resolutions that relate to Conference hosting
Relatively few of the resolutions passed at the Conference deal with organisational issues. Those that do tend to deal with the management of the closed session.

Closed session
The closed session of the Conference provides the formal part of Conference proceedings. It is in the closed session that DPAs are accredited and resolutions are debated and passed. The closed session also provides an opportunity for discussion of special items, business arising from the previous conference and selection of future hosts.

Generally the closed session is chaired by the host.

Aspects of the closed session have been formalised in a number of resolutions (see below).

Guidelines and procedures for conference resolutions
At the 22nd Conference, a resolution was passed which set out guidelines and procedures for Conference resolutions.[3]

Of relevance to hosts is the requirement that the proposed resolution:

1. be proposed by an accredited authority and have the support of 3 other accredited authorities

2. is received by the host at least 2 weeks before the Conference (or by an earlier deadline notified by the host – up to 1 month before the conference) to allow the host adequate time to circulate the proposed resolution to participating authorities.

This means that hosts play a key role in coordinating resolutions prior to the Conference. It is the responsibility of the host to advise of any early deadline for resolutions and to check that resolutions have the support of at least 4 authorities (the proposer and 3 supporters), been received on time and to then circulate proposed resolutions prior to the Conference.

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[3] *Guidelines and Procedures for Conference Resolutions* adopted on 29 September 2000 during the 22nd Conference and as amended on 25 September 2001 during the 23rd Conference.

The manner by which resolutions are distributed is not specified but in practice usually an email to participating authorities and, where the facility exists for password protected access, posting proposed resolutions to the conference website.

Accreditation of DPAs
At the 23rd Conference a resolution was adopted relating to the Criteria and Rules for Credentials Committee and the Accreditation Principles.[4]

This resolution sets out how the Credentials Committee will operate and how it will judge whether a DPA meets certain minimum standards in order to be accredited by the Conference. At each conference, the Credentials Committee proposes a resolution that recognises accreditation of DPAs that have met the minimum standard. The rules provide that the Committee's resolution is always the first item of business.

Hosts need to have access to an up-to-date consolidated list of accredited authorities in order to manage the closed session.

If the host is not actually on the Credentials Committee, there will usually be a liaison process established so that the host is not surprised by the number of new authorities likely to attend, etc.

An addendum to the Guidelines and Procedures for Conference Resolutions sets out procedures for voting including that:

- a resolution can only be adopted when a majority of accredited authorities entitled to vote are present

- as far as possible resolutions will be adopted by consensus rather than through a formal vote

- when voting is necessary, only one vote may be cast on behalf of any country

- generally international and supra-national DPAs may not vote unless granted a voting entitlement at the time of accreditation.[5]

As chair of the closed session, hosts must be conversant in these procedures in order to administer them.

Country Observers to the closed session
At the 27th Conference, a resolution provided a framework for observers to the conference for countries that do not have an accredited DPA.[6]

This resolution implemented the following policy for country observers:

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[4] *Criteria and Rules for the Credentials Committee and the Accreditation Principles* adopted on 25 September 2001 during the 23rd Conference as amended on 9 September 2002 during the 24th Conference.
[5] Currently only the European Data Protection Supervisor has a voting entitlement.
[6] *Resolution of the Credentials Committee concerning Country Observers* adopted at the 27th Conference, 2005.

1. Observers from countries not represented by an accredited DPA may be admitted to the closed session. Such observers will be public bodies, usually having a significant responsibility for data protection within their country. Where more than one agency from a country seeks to attend and sufficient space is not available, the government of that country nominates the attendee on a one observer per country basis.

2. Admission of observers remains within the discretion of the Conference and the host but will normally be permitted subject to:
   a. Available space;
   b. The application for admission having been received by the host at least 1 month before the conference; and
   c. The applicant having:
      i. registered for the conference;
      ii. met any administrative requirements imposed by the host (such as completing a form, supplying supporting documentation or paying additional fees).

3. Hosts are expected to make at least 4 places available for such observers.

4. Hosts may adjust the deadline for applications generally (and notify this in the place where conference registration details are publicised) and may waive or reduce the advance deadline requirement in a particular case.

5. This policy does not limit a host's discretion to admit other observers such as those representing Governmental International Organisations.[7]

Hosts therefore have responsibilities for managing the attendance of country observers and ensuring places exist for them in the closed session.

In general, observers of the closed session are not permitted to participate in debates unless invited by the chair nor are they permitted to cast a vote (see above).

Conventional organisational practices

Closed session
Generally, Conference hosts circulate a draft agenda prior to the Conference for input by DPAs.

The practice of collecting and circulating country reports has varied over the years. Typically hosts have invited DPAs to submit Country reports by a certain date before the Conference and have made copies available at the conference in printed or, more usually in recent years, in electronic form. In earlier years there was an opportunity in the closed session for countries to speak to these reports but with the larger size of the conference this has rarely been possible in recent years. On a number of occasions the host has specified report length and format or asked countries to touch upon specific topics. At the 28th and 29th Conferences, a country report template was provided.

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[7] For example, the OECD usually sends an observer.

Website[8]
Conference websites set up by hosts usually form a base of information about the conference which often includes: the program of speakers and events, information about registration, past resolutions, and general conference information.

Many hosts choose to keep their Conference websites active after the Conference to act as an ongoing resource for DPAs and other interested people.

Hand-over from host to host
It is usual practice for staff from the host to attend the preceding Conference in order to start preparing for their conference. It is also an opportunity to promote the next conference. Hosts usually allow a slot near the end of the conference for the forthcoming host to briefly promote their event.

Another practice that has developed is for hosts to include a clause in registration forms stating that attendees contact information will be passed on to the next host (with an option to opt-out). This makes it much easier for the next host to compile Conference contact lists and see that all DPAs and other participants are invited.

Selection of host[9]

It is current practice for the conference to select future hosts at least two years in advance.

PART B: OPTIONS FOR ENHANCING ORGANISATIONAL ARRANGEMENTS

Strengths of the current system

1. Closed session
The existing processes surrounding hosting have a number of strengths. Firstly, the formal proceedings of the conference are well accounted for and plotted out in the form of resolutions. These resolutions (outlined in Part A) set out in detail host responsibilities for the organisation of the closed session.

2. Flexibility
Other than these resolutions, the host is given a fair degree of flexibility regarding the organisation of their conference. Flexibility to 'make the conference their own' is important for hosts. A risk with changing the current system for Conference organisation is a reduction in flexibility by micromanaging hosting activities.

Weaknesses of the current system

1. Handover from host to host
A weakness in the current system is that sometimes there is not adequate support for new hosts in terms of handover from the last host. Currently there is no formal system for handover between hosts. We understand that, while handover between hosts

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[8] The operation of Conference websites and the development of a permanent Conference website are being addressed by the Website Subgroup of the Working group.
[9] See also request of Host Selection Subgroup

happens on an ad hoc basis, it would be worthwhile spelling out how current hosts can help future hosts.

Having greater liaison between the current and future hosts may facilitate better flow of information about Conference organisation and therefore encourage more smooth transition from year to year. Greater liaison between yearly hosts may also provide the kind of support that reduces the chances of hosts withdrawing from hosting the Conference at the last moment.   It may also lead to better conferences through continuous improvement.

2. Inconsistent approach to managing country reports
Currently, country reports are usually requested prior to the Conference for circulation to participating DPAs.   The general format, coordination and dissemination of country reports have varied from year to year. Some hosts have provided a template for country reports and specified length and content, though this practice is not universal. Generally, country reports have been made available to other accredited DPAs but not the general public. Reports are usually 'national' in scope despite the fact that many countries have more than one DPA.

3. No central resting place for resolutions relating to Conference organisation
Another weakness in the current system is that there is no central resting place for resolutions about conference organisation or general information about conference hosting. Since the 25th Conference, hosts have tended to list all resolutions on their conference website.   However resolutions about conference organisation are not distinguished from other resolutions and can be difficult and time-consuming to isolate.

4. No official consolidated list of accredited DPAs
At each Conference the Credentials Committee submits a recommendation (in the form of a resolution) to closed session delegates regarding applications for accreditation. A record of accredited DPAs is held in multiple resolutions adopted by the Conference. Some conference hosts (such as the Canadian Privacy Commissioner) have pulled together a consolidated list of all accredited DPAs. However, there is no official list that is added to and updated from year to year.

Options

1. Greater liaison between current and future hosts
We recommend that it be standard practice for the DPA hosting a conference to appoint an officer as a point of contact for the next conference host and that this contact be initiated as soon as future hosts have been formally awarded the Conference.

Establishing a point of contact is the first step to creating a smooth transition from year to year. Current hosts should make themselves available (through their point of contact) for questions from the future host regarding the organisation of the conference.

Secondly, hosts should be prepared to share information about the conference with the next host. This might include general information about how they organised registration, social events, venue, accommodation and a general idea of the costs involved. The amount and detail of the information passed on would be at the discretion of that host. However, if there is any information hosts think might be of use to the next host, they should consider passing it on to help the next host prepare for the Conference.

2. Consistent approach to managing country reports

The practice of collecting and circulating country reports is worthwhile and should continue.

Length and scope of country reports

Country reports are national in scope, even though many countries have more than one DPA. Reports should continue to be one per country as this is simpler for the host to coordinate and avoids generating a prohibitive number of country reports for participants to read.

However, where a country has more than one DPA, the national DPA should collate input from sub-national DPAs and provide the host with a single country report.

It should be the responsibility of the host to request country reports from accredited DPAs and make those reports available to DPAs before the Conference. Country reports be kept to a general maximum length of 3 A4 pages and be disseminated 2 weeks before the Conference to allow participants adequate time to read these reports. We suggest that for countries with multiple DPAs, the length of the report be extended by one page per additional DPA to provide adequate space for sub-national DPA input.

Format of country reports

There are a few different options for the format of the country reports. Generally, we suggest that format be adequately flexible (in terms of content and length) to take in input from sub-national DPAs.

At the 25th Conference DPAs were asked to submit country reports that addressed the following headings:

- Significant changes to Privacy or Data Protection law in your jurisdiction

- Significant changes to other laws affecting Privacy or Data Protection (enhancement or otherwise)

- Significant Inquiries or Reports that may affect Privacy or Data Protection (e.g. on new technologies; genetics; law enforcement/national security; community education or self help initiatives, etc)

- New initiatives your Authority has taken to assist organisations meet their privacy obligations or otherwise enhance privacy

- New initiatives your Authority has taken to assist individuals protect their privacy or otherwise manage their personal information.

At the 28th Conference, DPAs were asked to provide country reports that listed the top three privacy or data protection issues in their jurisdiction.

We suggest a combination of these approaches. DPAs could provide information on the top 3 – 5 issues in their jurisdictions using the above list of headings as a guide for what they should consider including. Of course, this format should be a guide rather than a

strict template in order to allow flexibility for countries submitting reports covering multiple DPAs.

Publication of country reports
In the past, access to country reports has tended to be restricted to accredited DPAs and other delegates in attendance at the closed session of the Conference. There is value in making these reports more widely available after the Conference; on host websites for example. In case some DPAs may not wish their country reports to be made public, we suggest that the when the host calls for country reports that they include a clause along the lines of: 'I agree to this report being made public' which DPAs may tick.

This would enable those DPAs that wish to, to have their country reports made public after the conference by the host.

3. Conference Hosting Guide
To enhance the smooth running of the Conference, we recommend the development of a Conference Hosting Guide. This type of document has been used successfully in other forums such as the Asia Pacific Privacy Authorities forum.

A hosting guide would be a living document that is added to and amended as the Conference develops and is passed on from host to host. We suggest that it include information about resolutions that relate to conference organisation (such as information contained in Part A of this document) as well as more general information about how Conferences should be organised. The Hosting Guide should be a guide and (other than formally adopted resolutions) should provide help and direction on Conference organisation rather than strict rules.

Much of the information contained in this report may usefully form the basis of a hosting guide.

4. Complete list of accredited DPAs
Any permanent conference website that is established include a complete and fully updated list of all accredited DPAs in order to make the administration of the Conference as straight-forward as possible for hosts.

3.2   Host Selection Subgroup

The Host Selection Subgroup's task was to identify the major strengths and weaknesses in the current arrangements for selecting conference hosts and devise options for improving current practices.

Current Conference Host Selection Process

Under normal circumstances, the conference takes place in September every year. Currently there is no formal protocol for selecting hosts.

Making reference to previous conference minutes, the discussion of "Future Conferences" normally takes place during closed session, and forms the last item on the agenda.

Any accredited DPA is eligible to host a conference, and no strict time frame is set for bidders to submit their applications before the discussion.

In recent years, the process of conference host selection has taken place two years in advance.

Strengths

1. Flexibility.
2. Absence of cumbersome procedures.
3. No time constraint – even a last minute bid is acceptable.

Weaknesses

1. Inconsistent selection process due to lack of formal procedure.
2. Insufficient information of bidders for discussion and making decision at the conference.
3. Inhibit commissioners to bid because of the uncertain situation.

The Subgroup discussed some fundamental issues. These issues together with the responses are as follows:

1. The need to form a Conference Selection Committee.
   - Not essential (too elaborate).
2. How much in advance to select future conference hosts?
   - Current practice is fine i.e. 2 years in advance.
3. Design a template to elicit details from bidders
   - Not essential.
4. Set out selection criteria (evaluation matrix).
   - Not essential (unnecessary if there is only one bid).
5. Preference for geographic rotation.
   - Not essential (unnecessary if there is only one bid).

 Recommendation by the Subgroup

In general, Subgroup members are in favour of keeping the conference host selection process simple and flexible.

Any accredited DPA is eligible to make a bid to host the conference. Any sub-nationals who are interested to bid hosting the conference are recommended to consult with their

national DPA before doing so. Two or more DPAs may also bid jointly to host a conference.

A proposed action list and timeline for selecting conference hosts is set out as below:

1. About two months before the annual conference, the conference host of the year should take steps to encourage interested DPAs to make a bid to host a conference in a particular year through the conference website or by writing. The conference host should also remind DPAs about the timeline for submitting bids.

2. The deadline for making a bid to host the conference should be in line with the existing proposed resolutions i.e. 2 – 4 weeks before the conference.

3. Bidders should provide relevant details in their applications such as:-
   - Which year the bid is intended and a fallback year.
   - City and venue if known.
   - Whether financing is secured.
   - Proposed theme
   - Additional information is helpful but not mandatory.

4. The conference host should seek further information from the bidders if the information provided is insufficient, and then collate all received bids and circulate to DPAs in advance of the conference.

5. If there is more than one bid, the conference host should take the following steps in making recommendation for voting at the conference:
   a) Form an ad-hoc hosting selection committee whose membership comprises not less than 3 and not more than 5 DPAs.
   b) The committee to set out what selection criteria it considers appropriate.
   c) The committee to agree on a recommendation on the sequence of future conferences.
   d) Conference host to table the recommendation at the conference for all attendees to consider before voting.

6. If no bids are received within 2 weeks before the conference, the conference host should make enquiries amongst DPAs to solicit at least one bid. The host may enlist the help of some commissioners with good networks from amongst the DPAs. This work may continue right through the conference if need be.

7. During the conference, an item should remain in the agenda to discuss and to decide who will host the future conferences.

8. Following the completion of the selection process, the conference host should document its selection experience for future reference.

9. If not already announced at the conference, the successful bidder for the future conference should announce the date and the city of the conference as soon as possible after being selected and not to wait till the following year's conference to reveal such details.

10. The recommended host selection process, if adopted, should be reviewed in 2010.

3.3   Website Subgroup

The Website Subgroup makes recommendations about how a permanent conference website might be created and maintained in line with the commitment made in the Montreux Declaration[10] to establish a common base for information and resources management.

This report addresses two separate aspects of development of a conference website. The first section looks at options for a permanent website, what that website might contain and how it will be managed on an ongoing basis. The second looks at individual host websites for each year's Conference.   The Subgroup recommends that the permanent website should not replace individual websites set up by hosts from year to year.

For the purposes of this report, *permanent website* refers to the central conference website agreed to in the Montreux Declaration. *Host website* refers to the conference websites set up from year to year by hosts.

PART A: PERMANENT WEBSITE

The significant question of governance and hosting of the permanent website is addressed below.

Setting up a permanent website

Meeting the costs

Results from the Participants Expectations Questionnaire suggest that many DPAs would be willing to help fund a website but that not all would necessarily be in a position to contribute. Indeed about half of the DPA respondents thought that their offices would be unable to contribute to the start-up costs for a permanent website or for maintenance on an ongoing basis.[11]

It is possible that a modest cost website could be established simply on the contribution of some but not all DPAs. However, the survey results suggest that a proposal entirely dependant upon all DPAs meeting a share of costs might run into difficulties. It is possible that if the costs of a permanent website are significant the conference may need to consider seeking out additional support, 'buy-in' or sponsorship to be feasible or a partnership model as outlined in the next section.

OECD hosting of a permanent website

Discussions between subgroup members and OECD officials suggest that there may be scope for the proposed permanent website to be accommodated within an OECD-hosted website. This option is being explored as part of the practical tools associated

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[10] http://www.privacyconference2005.org/fileadmin/PDF/montreux_declaration_e.pdf.
[11] See Part E of the survey results. The figures should be considered "indicative" only as they do not represent "official" positions of any DPA.

with the recent OECD Recommendation on the Cross-border Enforcement of Laws Protecting Privacy.[12] Considering the possible shortfall of resourcing foreshadowed by the questionnaire results, the Subgroup suggests that there will be advantages in seriously exploring options for OECD hosting of a permanent website.

Early discussions with OECD representatives suggest that a permanent website hosted by the OECD could entail:

- a public site and a restricted access site

- customised look and branding specific to the Conference

- multiple languages

- decentralised administration whereby the OECD would build and maintain the site while the Conference would manage its own content and users

- a set of facilities including wikis, web logs, calendar of events, and a document library.[13]

The Subgroup notes that without the OECD hosting of the permanent website, it is possible that some of these features would be unavailable to the Conference due to funding shortfalls.

The Subgroup stresses that no commitment or agreement has been made with the OECD and further that OECD representatives have only provided initial thoughts on the idea.

The hosting of the permanent website would be undertaken in the context of ongoing OECD efforts to improve privacy enforcement coordination. The OECD has also indicated that the Conference would be one of a number of international forums that they might host on their website. It is recognised that this may give rise to opportunities or difficulties that have not yet been explored. However, if the Conference wishes to move in this direction, such issues can be addressed during more detailed discussions with the OECD.

The Subgroup therefore recommends that the Conference direct the Subgroup or a new working group continuing discussions with OECD representatives.

Other options for establishing and hosting of a permanent website

If Commissioners do not favour further exploring the preferred OECD option, there are other possibilities for the hosting of a permanent website.

Results from the Participant Expectations Questionnaire show that 31% of respondents believe that a permanent website should be hosted by a corporate entity set up by member DPAs; 25% believe it should be hosted by DPAs on a rotational basis in

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[12] www.oecd.org/dataoecd/43/28/38770483.pdf

[13] Such comments are at this stage merely indicative and the OECD has not given any firm indications.

consultation with a permanent website secretariat; and 16% believe it should be hosted by a single DPA.

The Subgroup notes that the most popular response for the hosting of the permanent website was for a corporate entity to be set up by member DPAs to manage this task. While this approach has the advantage of sharing the task equally between DPAs, the logistics of establishing a corporate entity may be complicated and would still likely require a smaller representative group of DPAs to develop and manage the permanent website. Also, there would be costs associated with the establishment of a corporate entity that may not be feasible given the number of DPAs that have indicated that they are unable to contribute to the funding of the project.

For these reasons, the Subgroup submits that a combination of approaches may be most effective. If the OECD hosting of the website is not possible or desirable, the Subgroup suggests that the actual domain name and physical website hosting responsibilities be given to one DPA with this responsibility passed onto another DPA (ideally a DPA in another region if possible) after five years.

The design and set up of the permanent website should be undertaken by a website secretariat established by the Conference and including as a member the DPA hosting the permanent website. This secretariat should include members from a variety of regions and should take input and guidance from the Conference. The Subgroup recommends that the Conference establishes a website secretariat with five DPAs (drawn from fund DPAs including the DPA hosting the permanent website), with the ability to co-opt between Conferences if necessary.

This website secretariat would be responsible for exploring options for the design and structure of the website and undertaking a tendering process for website designers (where appropriate[14]) within the available budget.

It is important to note that if the conference proceeds with the OECD option, something like a small website secretariat or committee will be needed for coordinating the Conference's use of the OECD facility. Although there would be less work of a technical and operational nature, there will still be content issues and probably the need to administer an accreditation system (for access to any restricted areas developed).

Start up and ongoing costs of a permanent website

The cost of establishing a website will depend on the nature of the website. A static website (a library of documents, for example, or even something as basic as a list of links to all past conference sites[15]) might be very cost effective while a fully interactive site is likely to be quite expensive.

As earlier noted the participants' expectations survey indicated that many DPAs may be unable or unwilling to contribute towards the establishment and ongoing maintenance of a permanent website.

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[14] It may be that participating DPAs already have adequate 'in-house' website design capabilities and can reduce the overall costs of the website by drawing on these.
[15] An example of such a simple site associated with the well know CFP privacy conference can be seen at www.cfp.org

The cost issue, and the sophistication of what might be on offer, are two reasons why the Subgroup sees exploration of the OECD option as especially attractive.

If the conference decides to fund the website maintenance work by contributions from DPAs (as a levy or as a voluntary contribution), it is recommended that it be done through the process of registration for each attendee at the annual conference.

A website secretariat (see above) could advise the Conference of what they consider to be an appropriate figure for this levy.

Ongoing management of a permanent website

Once a permanent website has been established, there will need to be a framework for managing its upkeep and new uploads.

The Subgroup suggests that the earlier established website secretariat, perhaps reduced in size, could continue to manage the content and upkeep of the permanent website. Conference hosts would then pass on core documents (such as resolutions, minutes of the closed session and so on) from the conference to this committee for uploading to the permanent website.

Moreover, DPAs with information or resources they wish to share with other DPAs could approach the website secretariat to request that these documents be uploaded to the website.

Content

Results from the participants expectations questionnaire show that the top five features that respondents wanted to see on the permanent website were (in order):

1. A calendar of dates for significant international privacy conferences, meetings and other events
2. Information about or links to the website for each year's conference
3. A list of links to other privacy sites (such as government sites, NGO sites, business resources and academic resources)
4. Some portions of the permanent website accessible to the public with other portions restricted to registered users from DPAs
5. Space for access (by authorised users only) to information and other resources shared by individual DPAs for use by other DPAs.

Unless funding constraints limit the conference to a very simple static repository or list of links, the Subgroup recommends that the above features be included in a permanent website.

The Subgroup also recommends including the following cotent:

1. A repository of the work product of each annual DPA meeting, including minutes of DPA closed sessions, DPA resolutions and papers submitted by speakers.[16] Minutes of closed sessions and other material so designated would be accessible only by DPAs.

2. A complete list of accredited DPAs that is updated annually.

3. Resources available to the public, including:

   a. an archive of DPA meeting resolutions and declarations, as well as papers submitted for each DPA meeting by speakers,
   b. general information about data protection and privacy,
   c. information about current issues of international scope,
   d. information about individual DPAs, including:
      i. links to DPA websites, and
      ii. contact information.

PART B: CONFERENCE HOST WEBSITES

The subgroup believes the permanent website should be separate from the web presence that each host provides.

The Subgroup recommends that the DPA hosting the annual conference have control over the appearance and content of the host website. The subgroup also recommends that host websites should always include, in addition to all the usual details of theme, dates, venue, programme and speakers, the following:

1. Information about travel and accommodation arrangements, and
2. Registration information, with facility for online registration.

The subgroup recommends that guidance on what individual conference websites should address be included in the 'Conference Hosting Guide' outlined in the Hosting Subgroup's report.

The Subgroup also recommends that hosts be encouraged to keep their websites operational for a minimum of three years after their conference as a resource. The permanent website could then contain links to these host websites while they are active.

The subgroup also recommends that each year's host should agree to transfer all relevant materials for posting to the permanent DPA website within 3 months of the end of the annual meeting.

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[16] This would not prevent the host of each annual meeting from maintaining this material on the host website. The intention is to ensure ongoing availability of these materials.

3.4 Participant Expectations Subgroup

INTRODUCTION

On 25 May 2007 the Subgroup issued an invitation to DPAs to complete an on-line questionnaire. To gain as much insight as possible from the pool of Commissioners and staff, it was decided to encourage any individuals within each office with experience of attending the Conference to complete the questionnaire separately. Accordingly the results to the questionnaire are a guide to the views of individual Commissioners and members of their staff who actually attend the Conference; they are not a statement of the official position of each office.

Unfortunately it was not feasible to provide translated questionnaires for each language group and it is possible that this may have affected response rates. A total of fifty-five valid responses to the questionnaire were received and an analysis of these responses is presented below.

On 20 June an invitation to complete a separate survey was issued to a selection of non-DPA participants in previous conferences. This subsequent survey was designed differently so that it would be relevant to non-DPA participants (such as privacy NGOs, academics active in the field, specialist groups, private sector companies and media with a particular interest in the sector). The results of the non-DPA participants' survey are recorded separately below.

In presenting the results we have aimed to allow the statistical account of responses to speak for itself and have kept interpretation to the minimum.

The Subgroup thanks all respondents for taking the time to respond. We hope that this report will contribute to the ongoing development of the Conference as a resource for all of us.

TERMS

Throughout this part of the report:
Commissioner refers to Privacy or Data Protection Commissioners, members of commissions, registrars or their equivalent with accredited DPAs. Commissioners and their staffs are referred to as **delegates.**

Observers are participants, other than delegates approved to attend the closed session of the conference.

Non-accredited participants are those who attend the open public conference but who are not approved to attend the closed session.

The questionnaire targeted at DPAs is referred to as **the DPA participant expectations questionnaire**. The survey targeted at non-DPA participants is referred to as **the non-DPA participants' survey.**

PART A: RESULTS OF DPA PARTICIPANT EXPECTATIONS SURVEY

Section A: Respondent profile

Summary
This section of the questionnaire was designed to help us to determine the degree to which responses to the questionnaire were influenced by factors such as the relative size of offices. 55 valid responses to the questionnaire were received. The respondents represent a broad range of DPAs in terms of geographic location, office size and jurisdictional mandate (responses were received from offices with sub-national, national and supra-national areas of responsibility). 44 respondents were based in countries across Europe, 3 were based in Asia, 3 in Oceania, 3 in North America and 2 did not identify where they were based. In all, 39 separate DPA offices (with varying jurisdictional mandates) were represented. Half of the respondents work in offices with between 21 and 50 staff, while another 27% work in offices with between 1 and 20 staff. The more recent the conference, the greater was the percentage of respondents who had attended that conference. Overall, the respondent group holds a great deal of experience of the Conference; for example, 7 respondents had attended every Conference in the past 10 years.

Detail
A.3
Office size:
- 28 respondents (51%) work in offices with between 21 and 50 staff.
- 15 respondents (27%) work in offices with between 1 and 20 staff.
- 9 respondents (16%) work in offices with between 51 and 100 staff.
- 2 respondents (4%) work in offices with 100 or more staff.
1 respondent did not record a response to this question.

A.4
Record of attendance at previous conferences:
- 91% of the respondents attended the 28th Conference in London (2006)
- 64% attended the 27th Conference in Montreux (2005)
- 55% attended the 26th Conference in Wroclaw (2004)
- 38% attended the 25th Conference in Sydney (2003)
- 36% attended the 24th Conference in Cardiff (2002)
- 35% attended the 23rd Conference in Paris (2001)
- 29% attended the 22nd Conference in Venice (2000)
- 25% attended the 21st Conference in Hong Kong (1999)
- 22% attended the 20th Conference in Santiago de Compostela (1998)
- 15% attended the 19th Conference in Brussels (1997)

Section B: General structure and procedures of the conference

Summary
The Conference has met annually for 28 years, almost always in September. Previous questionnaires have found general support for meeting at least once a year in September. This section of the questionnaire was designed to explore attitudes to possible supplementary meetings between annual conferences and to the circumstances in which it might be appropriate to hold the conference in a month other

than September. A clear majority of respondents do not object to the month of the conference moving occasionally so long as there is plenty of notice of the dates. Most would like to spend more time in the course of the conference discussing issues with other delegates and observers, with others (non-accredited participants) excluded. Recent conferences have been reasonably successful in meeting respondents' expectations (all of the conferences were awarded a score of "3" or "good" by respondents). The most important reasons respondents' cited for attending the Conference were the opportunities to share experience and to update their knowledge of developing issues. The main value of the public conference for respondents is in the opportunity to update their knowledge of developing issues. The main value of the closed session lies in reaching consensus on challenging international issues or developments. This section also examined the balance between maximising the public awareness function of the conference (often well-served by the open, public session of the conference) and the experience sharing / networking function of the conference (often best served by the closed session of the conference). Respondents were divided in their views of how the time available to the conference should be apportioned between the public conference and the closed session (the latter to include workshops for delegates). However, the statistics do indicate that the public conference should be given equal time or slightly more time than the closed session. A large majority would be willing to occasionally attend supplementary small conferences or seminars depending upon the usefulness of the topic to their offices.

Detail

B.1
Conference Dates:
- 65% of respondents would not mind the month of the conference moving occasionally so long as there is plenty of notice of the conference dates;
- 20% of respondents prefer the conference to be always held in September;
- 6% of respondents are happy to leave the decision to the host;
- 9% of respondents believe that the conference should take such decisions itself on a case by case basis.

B.2
Time spent discussing issues with other delegates and observers:
- 65% of respondents would like to spend more time in the course of the conference discussing issues with other delegates and observers, with others (non-accredited participants) excluded;
- 9% think that these discussions should take place in a single, large group;
- 22% think that these discussions should take place in smaller groups;
- 35% think that these discussions should take place in a mixture of these formats;
- 35% would not like to spend more time in the course of the conference discussing issues with other delegates and observers, with others (non-accredited participants) excluded.

B.3
The degree to which the previous 4 conferences met expectations of a successful international conference (a score of 1 indicates that "significant improvement is needed" and a score of 4 means "excellent"):

The London Conference scored an average of 3.42 (good).

Specific comments:

"Focussed topic, good speakers."

"The fact that the conference focused on one issue led to meaningful and interesting discussion from a variety of speakers. More was accomplished this way."

"The idea of a specific subject of the conference was appealing, since it allowed room for more detailed discussions."

"Not too long, focused and relevant issue."

"The London Conference garnered large scale media attention and served to advance the debate on a surveillance society considerably."

"One topic with a well-prepared discussions report, adoption of the London Initiative. Very well organised in a very short time. Not enough time for discussions, no time for the regional conference."

"The UK did a good job under difficult circumstances but a single issue is too narrow a focus for such a broad field as data protection."

"The London Conference experienced a very interesting new format: the fact that only plenary sessions were held helped focus the message throughout the 2 days. It was also excellent in terms of media coverage, hence of awareness raising."

The Montreux Conference scored an average of 3.11 (good).
Specific comments:

"It is difficult for the organiser to qualify his own conference. But on the basis of the feedback we received, we consider it was a successful international conference with a guiding topic and the adoption of the Montreux Declaration. We have also managed enough time for the regional and international closed sessions. We were unfortunately also confronted with the problems of the time management: not enough time for discussions. Using an official recorder to make a synthesis of the conference was also very positive."

The Wroclaw Conference scored an average of 2.97 (good).
Specific comments:

"Not enough time for discussions, not enough time for the closed sessions. The closed sessions must not take place at the beginning of the conference. Well-organised conference (especially the social programme."

The Sydney Conference scored an average of 3.29 (good).
Specific comments:

"Excellent, varied topics, challenging speakers."

"Not enough time for the closed sessions. No guiding topic. Not enough time for discussions."

B.4

The reasons why respondents attend the conference in descending order of importance (a score of 1 indicates the least important reason for attendance and 8 indicates the most important reason for attendance):

- To share experience (average score 5)
- To update my knowledge of developing issues (average score 5)
- To develop my own thinking on the topics under discussion (average score 4)
- To build contacts with other delegates (average score 4)
- To reach consensus on challenging international issues / developments (average score 4)

- To build contacts with other concerned observers / individuals / groups (average score 3)
- To support a valuable awareness-raising opportunity (average score 3)
- Other(average score 0)

B.5
The reasons why respondents attend the **public conference** in descending order of importance (respondents chose a single option):
- Updating my knowledge of developing issues (33% cited this reason)
- Reaching consensus on challenging international issues / developments (16% cited this reason)
- Experience sharing (16% cited this reason)
- Supporting a valuable awareness-raising opportunity (15% cited this reason)
- Developing my own thinking on the topics under discussion (13% cited this reason)
- Building contacts with other delegates (5% cited this reason)
- Building contacts with other concerned observers / individuals / groups (2% cited this reason)
- Other (0% cited this reason)

B.6
The reasons why respondents attend the **closed session** in descending order of importance (respondents chose a single option):
- Reaching consensus on challenging international issues / developments (36% cited this reason)
- Experience sharing (18% cited this reason)
- Open but confidential discussion of topical issues (18% cited this reason)
- Updating my knowledge of developing issues (15% cited this reason)
- Building contacts with other delegates (5% cited this reason)
- Developing my own thinking on the topics under discussion (4% cited this reason)
- Supporting a valuable awareness-raising opportunity (4% cited this reason)
- Other (0% cited this reason)

B.7
A large majority (73%) see the conference as a suitable opportunity to hold workshops for Commissioners on practical issues.

B.8
As mentioned in the summary, respondents were quite divided on how the time available to the conference should be split between the public conference and the closed session. However, the statistics seem to indicate that the majority of respondents want the public conference to be given equal time (at least) or more time than the closed session.
- Only 4% of respondents preferred the conference split 20% public, 80% closed session;
- 13% preferred the conference split 40% public, 60% closed session;
- 27% preferred the conference split 50% public, 50% closed session;
- 34% preferred the conference split 60% public, 40% closed session;
- 22% preferred the conference split 80% public, 20% closed session.

B.9
Only one suggestion was offered for improving the Guidelines and Procedures that govern Conference Resolutions (as adopted at the 22nd conference and updated at the 23rd conference):
"Generally speaking we should strive to make the conference more permanent throughout the year, so that it is an operational organisation for DPAs. A reflection should be launched on how to improve those rules with an eye on making the conference alive throughout the year, rather than only once a year (ie adoption of resolutions in writing?). Such a reflection may not be separated from the organisation of a permanent secretariat."

B.10
73% of respondents would be willing to occasionally attend supplementary small conferences or seminars depending upon the usefulness of the topic to their office. 14% would be likely to send a representative to all such meetings. 13% would be unlikely to attend.

Section C: Subject matter of the conference

Summary
This section focused on the general content of the conference and the degree to which previous conferences have facilitated consideration of the most relevant issues. We were also interested in the best means of identifying the most relevant issues, speakers and content. Opinion was split on how the subject matter of the conference should be determined but there was a plurality in support of the host deciding with advice or input from a group of DPAs appointed by the previous conference. Previous conferences have been quite successful in their selection of speakers, with all four recent conferences scoring 3 (good) in this respect. The majority of respondents (67%) considered that the balance between contributions from delegates and contributions from external sources at recent conferences has been correct. The conference includes discussion of new technological developments and 82% of respondents would like to see these discussions supplemented with practical presentations of the technology.

Detail:
C.1
Determining the subject matter of the conference:
- 18.18% of respondents consider that the host should decide;
- 38.18% of respondents consider that the host should decide with advice / input from a group of DPAs appointed by the previous conference;
- 20% of respondents consider that the host should decide with advice / input from a group of DPAs appointed by the host;
- 20% of respondents consider that the host should decide with advice / input from a standing group of DPAs appointed by the conference;
- 4% opted for another alternative:

"All DPAs would have the opportunity to propose the subject matter."
"The host should decide and should be free to take advice from other members of the conference. Yet it must make sure that the line initiated by previous conferences is followed so that a real pattern takes shape. In particular it should always pay attention to

media coverage to ensure maximum information of the public on the organisation of the conference."

C.2
The degree to which the selection of speakers at each of the last 4 conferences met expectations of a successful international conference (a score of 1 indicates that "significant improvement is needed" and a score of 4 means "excellent"):

The London Conference scored an average of 3.37 (good).
Specific comments:
"A good mix of speakers from different fields representing different opinions. Too many DPA speakers is just preaching to the converted. We need to engage more with the wider world and hear what they have to say."
"Over-representation of one country to the exclusion of most others."
"Practical speakers, non-data protection specialists: fresh air!"

- The Montreux Conference scored an average of 3.05 (good).
- The Wroclaw Conference scored an average of 3.03 (good).
- The Sydney Conference scored an average of 3.33 (good).

C.3
The balance between contributions from delegates and contributions from external sources:
- 67.27% considered that the balance at recent conferences has been correct
- 12.73% considered that there should be more contributions from delegates
- 20% considered that there should be more contributions from external sources

C.4
82% of respondents consider that discussions of new technological developments should be supplemented with practical presentations of the technology.

C.5
Privacy topics that respondents consider have not had sufficient coverage at the International Conference (16 respondents made suggestions):
- Information Technology (X7) (including privacy enhancing technologies, data protection in telecommunications, common set of minimum requirements for personal data and privacy protection of e-government systems and public registers, RFID, biometrics, new principles of privacy protection-friendly access management tools and the challenge posed by emerging technologies);
- Privacy and the media (public interest issues) (X3);
- New technologies (X2) (including new developments in the field of nano-technology and neuroscience);
- Practical aspects of doing the job of a DPA;
- Privacy and business;
- Awareness-raising activities;
- Trends in the balance between privacy / data protection and freedom of information;
- Data retention;
- Privacy Impact Assessments;
- Data protection in police and judicial matters;
- Identity theft;

- Data protection issues for children and young people;
- Data protection as it applies to the public sector, other than security and the fight against terrorism (eGovernment, re-use of public information, cross-checking between public bodies, etc.);
- Government to Government sharing issues;
- Privacy developments outside the EU and North America.

Section D: Interaction with other conferences and meetings

Summary:

For the purposes of this section, a "fringe event" is a seminar or workshop organised by private organisations to accompany the conference. A "regional meeting" is a meeting of a regional grouping of Commissioners held to coincide with the conference. A "working group" is a group of Commissioners tasked by the conference to deal with particular issues. Given the logistical and programme challenges posed for hosts, this section sought to explore whether there is added value in ancillary meetings and events. Opinion was quite evenly split on several of the questions raised in this section of the report, relative to the strength of opinion expressed in other sections. A majority of respondents (58%) do not regard the facilitation of fringe events at the conference as important. A small majority (55%) consider that hosts should facilitate regional meetings. Most respondents (67%) consider that the regional organisation concerned should reimburse the host for any costs associated with a regional meeting. 53% of respondents do not consider that the greater use of Commissioner working groups should be explored. However, 75% of respondents saw advantages in organising meetings of such working groups in conjunction with the conference.

Details:

D.1
58.18% of respondents do not see the facilitation of fringe events at the conference as important (41.82% disagree).

D.2
54.55% of respondents consider that hosts should facilitate regional meetings when planning for conferences (45.45% disagree).

D.3
67.27% of respondents consider that the costs associated with a regional meeting taking place during the conference should be reimbursed to the host by the regional organisation concerned (32.73% considered that the host should make provision in their budget plans).

D.4
52.73% of respondents do not consider that greater use of Commissioner working groups should be explored. The minority of respondents who favour greater use of Commissioner working groups (47.27%) had the following suggestions for subjects with which the working groups should engage and working models:
- day to day data protection challenges, right of access, public awareness, cross-border enforcement cooperation, best practice and experience exchange;

- large policy issues such as e-government, privacy standards, RFID, anti-money laundering legislation, privacy and business, new technology, privacy enhancing technologies, impact of biometric / genetic data on privacy, police and judicial matters, international transfers, privacy and business, privacy and health;
- international cooperation and building a stronger alliance of DPAs / work on an "International Data Protection Charter" / closer coordination and engagement with initiatives coming from international organisations / improving the operational functionality of the conference during the whole year and the related establishment of a permanent secretariat;
- topics, speakers, agenda and follow-up for the conference;
- organisation of regional meetings during the International Conference;
- engagement with / longer term focus on the issues selected by the conference and reporting back (avoid ad-hoc approach);
- Follow up on the London initiative generally
- Promotion of international activities of DPAs with a view to develop data protection laws and authorities throughout the world (such as the French-speaking DPA network or the Ibero-American network), in the light of the Montreux Declaration

D.5
74.55% of respondents considered that, where convenient, there would be advantages in holding working group meetings in conjunction with the conference.

Section E: Permanent Website for Data Protection Authorities[17]

Summary:

The [Montreux Declaration](#) of 2005 supported creation of a permanent website for the sharing of information and other resources by DPAs accredited to the Conference. The permanent website would act as a base for annual conference information and other resources, but would not replace individual websites set up by hosts from year to year to administer the annual event. The features that respondents would most like to see on the permanent website were a calendar of dates for significant international privacy conferences, meetings and other events; information about or links to the website for each year's Conference; and a list of links to other privacy sites. A small majority of respondents' offices would not be able to contribute to the costs associated with a permanent website. Opinion was split on the issue of who should host the permanent website. The most popular option (supported by 31% of respondents) was a corporate entity set up by member DPAs.

Detail:

E.1
Features that respondents would most like to see on the permanent website (in order of popularity):
- a calendar of dates for significant international privacy conferences, meetings and other events (87% support);
- information about or links to the website for each year's international conference of DPAs (84% support);

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[17] See also Website Subgroup report

- a list of links to other privacy sites (such as government sites, NGO sites, business resources and academic resources) (78% support);
- some portions of the permanent website accessible to the public with other portions restricted to registered users who are accredited DPAs (75% support);
- space for access (by authorized users only) to information and other resources shared by individual DPAs for use by other DPAs (71% support);
- restricted access 'chat room' for sharing of information by DPAs (36% support);
- biographies of the commissioner or other head of each accredited DPA (24% support);
- public access to the permanent website in its entirety (20% support);
- photographs of the commissioner or other head of each accredited DPA (20% support);
- access to the permanent website restricted to accredited DPAs (7% support).

E.2

A small majority of respondents' offices (51%) would not be able to contribute to the start-up costs associated with a permanent website. It must be borne in mind that these responses are only an indication of the kind of financial support that may be available for a website. It is not an accurate estimation of the funds that would be available since, in a number of cases, more than one respondent from an office will have responded to the questionnaire.

- 12 respondents (22%) indicated that their offices would be able to contribute €250;
- 2 respondents (4%) indicated that their offices would be able to contribute €500;
- 1 respondent (2%) indicated that their office would be able to contribute €750;
- 6 respondents (11%) indicated that their offices would be able to contribute €1,000;
- 6 respondents (11%) selected "other" (€50, unsure, can't answer, depends on budget, proportional to size of agency, undetermined but if technically possible will contribute);
- 28 respondents (51%) cannot contribute.

E.3

A small majority of respondents' offices (53%) would not be able to contribute to the on-going website costs associated with a permanent website. It must be borne in mind that these responses are only an indication of the kind of financial support that may be available for a website. It is not an accurate estimation of the funds that would be available since, in a number of cases, more than one respondent from an office will have responded to the questionnaire.

- 14 respondents (25%) indicated that their offices would be able to contribute €250;
- 4 respondents (7%) indicated that their offices would be able to contribute €500;
- 0 respondent (0%) indicated that their office would be able to contribute €750;
- 1 respondent (2%) indicated that their office would be able to contribute €1,000;
- 7 respondents (13%) selected "other" (€50, unsure, can't answer, depends on budget, proportional to size of agency, undetermined but if technically possible will contribute);
- 29 respondents (53%) cannot contribute.

E.4

Hosting of the permanent website:

- 31% of respondents consider that the website should be hosted by a corporate entity set up by member DPAs;
- 25% of respondents consider that the website should be hosted by DPAs on a rotational basis (e.g. 5 year cycle), in consultation with a permanent website secretariat;
- 16% of respondents consider that the website should be hosted by a single DPA;
- 13% of respondents consider that the website should be hosted by a single DPA in consultation with a permanent website secretariat;
- 11% of respondents selected "other" (no opinion, such a website gives no added value, should be hosted by an existing organisation like the OECD, depends on a feasibility study and might be a large burden to place on a single DPA – rotation may be better);
- 4% of respondents consider that the website should be hosted by DPAs on a rotational basis (e.g. 5 year cycle).

Section F: Attendance and Cost

Summary:

This section explored attitudes to encouraging wider participation in the Conference and the relative importance of encouraging different types of participant. During the public conference there are a number of participants from government, business and civil society. The business attendees include industry representatives, vendors and internal compliance officials. Civil society participants include privacy NGOs, academics, students and individuals and news media. Privacy NGOs, government bodies and the news media are the groups whose participation respondents most want to encourage. Opinion was split on the options for encouraging civil society participation, but using registration fees of DPAs and business to subsidise attendance by civil society participants was the most popular option. 78% of respondents considered that the financial cost would be likely to deter their offices from offering to host the conference.

Detail:

F.1

The relative importance of encouraging different types of participant to attend the public conference:

	Important	Neutral	Not important
Industry representatives	64%	36%	0%
Internal compliance officials	60%	35%	5%
Vendors	18%	64%	18%
Government bodies	78%	20%	2%
Privacy NGOs	85%	15%	0%
Academics	67%	29%	4%
Students	29%	53%	18%
Individuals	15%	58%	27%
News media	71%	29%	0%

F.2
Options for encouraging civil society participation:

- 32.73% of respondents support using registration fees of DPAs and business to subsidise civil society attendance;
- 29.09% of respondents support using registration fees from business to subsidise civil society attendance;
- 20% of respondents <u>do not</u> support subsidising civil society attendees;
- 9.09% of respondents support using DPA registration fees to subsidise civil society attendance
- 9.09% of respondents support encouraging the host to subsidise civil society attendance from the host's funds

F.3
78% of respondents considered that the financial cost would be likely to deter their offices from offering to host the conference. To break this down further:
- 87% of respondents who work in offices with 20 or less staff consider that the financial cost would be likely to deter their offices from offering to host the conference (15 respondents in this category);
- 79% of respondents who work in offices with between 21 and 50 staff consider that the financial cost would be likely to deter their offices from offering to host the conference (28 respondents in this category);
- 78% of respondents who work in offices with between 51 and 100 staff consider that the financial cost would be likely to deter their offices from offering to host the conference (9 respondents in this category);
- 0% of respondents who work in offices with 100 or more staff consider that the financial cost would be likely to deter their offices from offering to host the conference (2 respondents in this category);
- 1 respondent did not record the size of their office.

Section G: Miscellaneous issues

G.1
Accompanying persons:
Only 2% of respondents felt that the needs of accompanying persons were adequately addressed in previous conferences. 29% of respondents felt that the needs of accompanying spouses were not adequately addressed. 69% of respondents had no opinion on this issue. One respondent commented that though it is traditional to offer a partner programme, it's not a good use of the host's money and time and accompanying persons should organise their own leisure time.

G.2
News media:
Only 4% of respondents felt that the needs of the news media were adequately addressed in previous conferences. 33% felt that the needs of the news media were not adequately addressed. 64% of respondents had no opinion on this issue. Respondents commented that the conferences are treated like local events despite the global nature of the issues; that the London Conference dealt with this issue adequately; and that

treatment of the media varied from one conference to another but in general media coverage is important as an awareness raising tool and should be taken into account when selecting the theme of the conference.

G.3
The purpose of this question was to test attitudes to new initiatives that the conference might explore.

- Holding a conference awards ceremony:

Average response: 2.15 (no opinion)
Comments: "As the DPA community has matured it is now appropriate to recognize outstanding contributions. Also a media opportunity marking our conference as globally significant."
"It could be (for example) awards to businesses that have undertaken very good personal information handling practices."
"Could encourage media attention to privacy issues."
"Awards for what?! We need to use the time wisely (and better than usually happens) to focus on the issues at hand."
"Too informal, possibly contentious."

- Holding the conference in conjunction with another conference (e.g. Computers, Freedom & Privacy, International Association of Privacy Professionals):

Average response: 2.20 (no opinion)
Comments: "This is something that international DPAs should keep for themselves – it will become too complex and political otherwise."
"Would need to ensure that one conference didn't 'overshadow' the other."
"On occasion this would allow very small DPAs to run the closed DPA conference with the public event arranged by others."
"The conference should remain a self-standing event, so that the message is not blurred. This does not preclude side events from taking place."

- Arranging field trips to government or business data processing, ICT or surveillance facilities etc:

Average response: 2.51 (some support for the idea)
Comments: "Practical examples are useful and interesting."
"It depends on what it is. If it is useful and relevant to the topic or topics being discussed, then yes."
"Generally speaking it is useful to have practical information available."

- Developing a training programme for DPA staff and running certification examinations at each conference:

Average response: 0.98 (opposed to the idea)
Comments: "A training programme for DPAs is important but first it is necessary to define it."
"Who will run this, and how? Logistically this presents many challenges – we need to get better at organising conferences first."
"Likely to be impractical for distant DPAs."
"The practicalities may be challenging but I think that it may be worth exploring – a recognition of the professionalism of the DPA community."
"Too complicated and models too different from DPA to DPA to compare."

Respondents were asked to identify any other initiatives that they felt the Conference should explore:

"Organised pre- or post-conference visits to sites of privacy interest (e.g. IBM etc.)."

"The conference should narrow its focus and look at one or two current 'hot' topics. We should decide early on what the aims of the next conference are to be, what do we want to get out of it and what do we need to do to make that happen? We should develop discussion and workshop elements and reduce presentation times."

"In general I would like to mention that international obligations already take up too many resources compared with the benefits."

"Sorry – for me, the conference is a place where I study…"

PART B: RESULTS OF THE NON-DPA PARTICIPANTS' SURVEY

Section A: Respondent profile

Summary:

This section of the survey was designed to help us to determine the professional profile of the respondent group and the degree of their experience of the Conference. 28 valid responses to the questionnaire were received. Responses were received from industry representatives, internal compliance officials, Government officials, privacy NGO representatives and academics. Broadly speaking, as was the case with the DPA participants' expectations questionnaire, the more recently the conference took place, the greater the percentage of respondents who had attended that conference. 62% of respondents attended the London Conference and no other. Nevertheless, a quarter of the participants had attended three or more conferences and one respondent had attended every conference in the past 10 years. Overall then the respondent group holds a reasonable amount of experience of the Conference.

Detail:

Total valid responses: 28

A.1
General professional Profile:
Industry representatives   32% (9)
Government officials   25% (7)
Internal compliance officials   21% (6)
Privacy NGO representatives   11% (3)
Academics   7% (2)
Other   4% (1)
Vendors   0%
Students   0%
Journalists   0%
Individuals   0%

A.2
Conferences attended in the past 10 years:
- 96% of the respondents attended the 28th International Conference in London (2006)
- 36% attended the 27th Conference in Montreux (2005)
- 14% attended the 26th Conference in Wroclaw (2004)

- 18% attended the 25th Conference in Sydney (2003)
- 18% attended the 24th Conference in Cardiff (2002)
- 14% attended the 23rd Conference in Paris (2001)
- 11% attended the 22nd Conference in Venice (2000)
- 14% attended the 21st Conference in Hong Kong (1999)
- 7% attended the 20th Conference in Santiago de Compostela (1998)
- 7% attended the 19th Conference in Brussels (1997)

Section B: General structure and procedures of the conference

Summary:

This section explored the respondents' experience of the Conference and the reasons why the respondents attend the conference. Recent conferences have been reasonably successful in meeting respondents' expectations (all of the conferences were awarded a score of "3" or "good" by respondents, but overall the scores were less generous than those awarded by respondents to the DPA participants' expectations questionnaire). 57% of respondents rated the
Conference as "above average" in comparison with other privacy-related conferences that they had attended in recent years. The most important reasons respondents' cited for attending the Conference were "updating my knowledge of developing issues" and "building contacts with other delegates." In contrast to the DPA participants' expectations questionnaire, 79% of respondents to this survey consider the facilitation of fringe events to be important.

Detail:

B.1
The degree to which the previous 4 conferences met expectations of a successful international conference (a score of 1 indicates that "significant improvement is needed" and a score of 4 means "excellent"):
- The London Conference scored an average of 3.48 (good).
- The Montreux Conference scored an average of 2.8 (good)

Comments: "Classically boring."
Too many subjects, no real discussion."

The Wroclaw Conference scored an average of 2.5 (good)
Comments: "Too many subjects."
The Sydney Conference scored an average of 2.6 (good)
Comments: "Very boring, nice venue."

B.2
Rating the Conference in comparison with other privacy-related conferences that respondents have attended in recent years:
57% of respondents rated the Conference as "above average".
36% of respondents rated the Conference as "average".
7% of respondents rated the Conference as "below average".

B.3

The reasons why respondents attend the conference in descending order of importance:

- To update my knowledge of developing issues (22 respondents selected this reason);
- To build contacts with other delegates (19 respondents);
- To develop my own thinking on the topics under discussion (16 respondents);
- To build contacts with other concerned observers / individuals / groups (7 respondents);
- To share experience (6 respondents);
- To reach consensus on challenging international issues / developments (5 respondents);
- To support a valuable awareness-raising opportunity (2 respondents);
- Other reasons (4 respondents selected this option):
  "Sense the regulator zeitgeist."
  "Career development."
  "Because my organisation was named as a contributor to the surveillance society and I wanted to hear what would be said about us in case a response was required."

B.4

Facilitation of fringe events:

79% of respondents consider that the facilitation of fringe events is important.

Asked why, the respondents commented:

"They are much more interesting in content and the speakers are candid rather than coded. The official panels are often excruciatingly tedious, prepared remarks expressed in heavily qualified bureaucratese."

"Making use of presence of data protection commissioners to discuss specific subjects."

"An opportunity to expand contacts and knowledge in key areas by concentrating discussion."

"If the topic is relevant to the work carried out by an organisation or its thinking may help guide internal organisational policy."

"Facilitates participation by more NGOs and other stakeholders who could probably not justify or afford main event – valuable exchange of ideas opportunity."

"The conference brings a group of individuals together who would not otherwise meet in the year. IAPP does a good job too, but is far more strongly industry focused with muted presence from consumer interests. A fringe event allows specialist discussion on a topic of interest including potentially workshop issues."

"Not particularly for my organisation but important for others."

"More content."

"Sharing experience and best practice."

"It creates a more balanced view on the subjects and those organisations that don't get the chance to voice their views/opinions get an opportunity and attention."

"Such events increase the relevance and value of the main conference. It also provides an important venue for deeper discussions of issues not covered during the main conference."

"Provides an opportunity to focus in depth on a particular issue that is the subject of the fringe event."

"The value depends on the subject matter."

"Fringe events allow interactive discussion of a specific topic in greater detail than is typically afforded during the broader conference. They are an excellent complement to the substantive, public side of the conference."

"Gets people together who rarely have an opportunity."

"Additional learning and opportunities to meet other privacy/data protection leaders."
"It would be useful to have smaller groups of DPAs discuss a particular topic and exchange with industry."

Section C: Subject matter of the conference

Summary:

the questionnaire focused on the general content of the conference and the degree to which previous conferences have facilitated consideration of the most relevant issues. Previous conferences have been quite successful in their selection of speakers, with all four recent conferences scoring 3 (good) or better in this respect (however it must be noted that some of the conferences in question were attended by very few of the respondents). A majority of respondents (64%) considered that the balance between contributions from delegates and contributions from external sources at recent conferences has been correct. 82% of respondents consider that discussions of new technological developments should be supplemented with practical presentations of the technology.

Detail:

C.1
The degree to which the selection of speakers at each of the last 4 conferences met expectations of a successful international conference (a score of 1 indicates that "significant improvement is needed" and a score of 4 means "excellent"):
- The London Conference was attended by 27 respondents and scored an average of 3.63 (excellent).

Specific comments: "Good (but not excellent) speakers on surveillance. Most expert NGOs still excluded, and 'safe' human rights NGOs insufficiently expert in privacy or information technology."
"Excellent speakers also from outside the data protection community."
"I thought the tone of the Surveillance Society report was hysterical and lazy."
"The conclusions of the conference seemed foresworn, and the speakers seemed chosen to back up those conclusions. At times the conference felt more like a pep rally of the believers than a forum for exchanging ideas. The speaker who addressed benefits to government services by sharing information was weak and seemed not to realize that the audience was not partial to his message. The situation was similar to the speaker who addressed security. Had these speakers been stronger and better briefed on the audience (perhaps their own fault), stimulating and useful dialogue may have ensued."
"I enjoyed the different perspectives of and contrasts between the speakers. There were leaders in the privacy field with a public interest / policy perspective, as well as government authorities and major multi-national corporate speakers."

- The Montreux Conference was attended by 10 respondents and scored an average of 2.50 (good).
  Specific comments: "Extremely dull speakers. No technology awareness."

- The Wroclaw Conference was attended by 4 respondents and scored an average of 2.50 (good).

- The Sydney Conference was attended by 5 respondents and scored an average of 2.60 (good).

C.2
The balance between contributions from delegates and contributions from external sources:
- 64.29% considered that the balance at recent conferences has been correct;
- 21.43% considered that there should be more contributions from external sources;
- 14.29% considered that there should be more contributions from delegates.

C.3
82.14% of respondents consider that discussions of new technological developments should be supplemented with practical presentations of the technology.

C.4
Privacy topics that respondents consider have not had sufficient coverage at the Conference (11 respondents made suggestions):
- Data protection regulations and their impact on competitiveness;
- Standardisation and the issues raised by the lack of harmonization between privacy regimes in different jurisdictions;
- Emergence of a privacy profession;
- The link with Freedom of Information;
- Practical compliance, auditing and enforcement trends;
- Technology (particularly privacy enhancing technologies, identity management systems, Web 2.0, Government 2.0 etc.);
- Data protection and the balance with security, impact of data sharing on domestic and international law enforcement.

Section D: Miscellaneous issues

News media:
25% of respondents considered that the needs of the news media were adequately addressed in previous conferences. 14% considered that the needs of the news media were not adequately addressed in previous conferences. 61% had no opinion on the issue.
Specific comments:
"Handled well in London."
"The coverage by the international press is too low…(the) international newspapers should report on these issues presented at the conferences. A strong opinionated press release is needed, like 'we condemn the SWIFT case' and all privacy commissioners will take action in their jurisdictions to stop such events happening again."
"London a success story."
"This aspect was outstanding in London."
"There should be a plan to keep the conference messages in the media between annual events."
"I'm thrilled that…(the London) programme was picked up so well in the media. The media attention helps bring public awareness and discourse to the issues."

4.   Contributors

Contributions from the following DPAs and individuals are gratefully acknowledged.

Working Group

The Working Group includes the following DPAs: Australia, Belgium, British Columbia, EDPS, France, Germany, Hong Kong, Ireland, Italy, New Zealand (chair) and Poland.
Contributors: Marie Shroff, Blair Stewart, Diana Pickard, Rose Collins, Julia Harrison, Linda Williams.

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Others
Although not part of the Working Group, and having no responsibility for the content of the report, the assistance of the following in supplying answers etc. is acknowledged: Sven Moers, Alexander Dix, Michael Donohue, Emma Butler, Ann Goldsmith, Per Sjonell.

5.   Resolution

Resolution of the Working Group on Conference Organisational Arrangements

Proposer: Privacy Commissioner, New Zealand

Co-sponsors:
- Privacy Commissioner, Australia
- Data Protection Commission, Belgium
- Information and Privacy Commissioner, British Columbia
- European Data Protection Supervisor, European Union
- Data Protection Commission, France
- Federal Data Protection Commissioner, Germany
- Privacy Commissioner for Personal Data, Hong Kong
- Data Protection Commissioner, Ireland
- Data Protection Commissioner, Poland

Resolution

The 29th International Conference of Data Protection and Privacy Commissioners

Noting that the conference has annually convened 29 times, most recently in Montreal, and will shortly enter the major milestone of its fourth decade

Receiving with thanks the report by the Working Group requested by the 28th Conference[18]

Grateful for the substantial contributions by the current and all previous hosts for their efforts in arranging a continuous and successful series of international meetings

Recognising that the growth in numbers of data protection authorities has created organisational strains on the conference that need addressing

Aware that governments and business increasingly expect data protection authorities to cooperate but that, while being one of the few truly international forums in which to do so, the conference's organisational underpinnings needed enhancement to rise to such challenges

Concerned that some of the conferences existing practices left its continued viability vulnerable

Wishing to ensure that the conference remains vital and dynamic and continues to meet participant expectations as the premier global forum of data protection authorities

Therefore resolves:

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[18] This resolution summarises recommendations set out in more detail in the report of the Working Group on Conference Organisational Arrangements. It is intended that the resolution be read consistently with that report.

Surveys[19]

A. *The conference agrees* that:

1.   A survey of participant expectations be undertaken every 5 years or so.
2.   The host of every conference should:
(a)   undertake a simple attendee satisfaction survey, and
(b)   report the results to the host of the following conference.

Observers from governmental international organisations

B. *The conference agrees* that its existing practice includes admitting to the closed session observers from governmental international organisations that have an active interest in data protection and that the decision on admitting such observers is a discretion vested in the host.

C. *The conference agrees* to leave the current practice in place for the time being but may revisit this as a non-urgent issue in due course with a view to:
(a)   developing a set of criteria for admitting observers from governmental
         international organisations, and
(b)   adopting a standard list of approved observers for the convenience of hosts and
         governmental international organisations.

Participation of observers in the closed session

D. *The conference agrees* that:

1.   Admission of a person as an observer entitles that person to enter the room in which the closed session is held and to observe proceedings but that a further authorisation from the chair of the session is required to intervene in discussion of any item.
2.   In the event that an observer wishes to intervene, permission must be sought from the chair ideally in advance.   The chair may permit an intervention by an observer where that can be accommodated without disruption to the proceedings but the chair is not obliged to consider or permit such interventions.   The chair may allow DPAs present to object to the intervention but it is expected that the chair's permission will normally be accepted in the interests of the efficient conduct of proceedings.
3.   Within practical constraints of room layout, an endeavour should be made to provide seating for observers sufficient to suitably observe proceedings but observers should not generally be seated in a position superior to DPA delegations.

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[19] Part A-I of the resolution draws upon discussion in Part 2 of the Working Group report.

Language practices

E. *The conference notes* that:

1. Simultaneous interpretation and translation of key closed session documentation are features of the conference.
2. While the Working Group offers no recommendations at this time there may be merit in the conference further examining this issue at some stage in the future to more clearly document its expectations so as to give hosts a clearer basis upon which to budget.

Working Groups

F. *The conference agrees* that:

1. There are increasing demands for cooperative trans-border approaches to data protection regulation and as the only international forum of DPAs the conference may need to be alive to new ways to work cooperatively between annual conferences.
2. The conference is the only truly international forum of DPAs but has a challenging task to provide meaningful and ongoing leadership at international level with a single meeting each year.
3. Ad-hoc working groups have proved useful in the past but in the future the conference may need to further consider the possibility of standing working groups in subject areas and the use of delegates.

G. The conference acknowledges the work of the International Working Group on data protection in telecommunications (IWGDPT) and welcomes its willingness to accept mandates from the conference from time to time to prepare documents on specific problems.

Delegates to international fora

H. *The conference agrees* that if DPAs collectively wish to influence international data protection policy formulation by obtaining observer status at meetings of international organisations that this could be achieved through a process involving:

(a)   agreement in principle by the conference to seek observer statutes from a named international organisation, and
(b)   the establishment by the conference of a steering group consisting of several DPAs to pursue the observer application, select and guide a delegate, and report back to the conference.

Findings from the participant expectations survey

I. *The conference agrees* that hosts should take the results of the participant expectations survey into account and particularly notes that:

1. The expectation is that the conference will be held in September each year. However, with sufficient notice DPAs are willing to consider the conference being held in other months. If a prospective conference host wishes to propose holding the conference other than September this proposition should be included in its conference bid.

2. Hosts are expected to make a sufficient part of the conference programme available in a setting whereby DPAs can interact with each other with non-DPAs excluded.
3. Hosts should encourage wider participation in the public session of the conference.
4. Hosts should take steps to encourage the news media to cover the public portions of the conference and the resolutions adopted.

Conference hosting practices[20]

Existing practice

J. *The conference agrees* that its agreed organisational arrangements include those adopted by resolution at earlier conferences such as:

1. The Guidelines and Procedures for Conference Resolutions adopted at the 22nd conference and amended at the 23rd Conference.
2. The Criteria and Rules for the Credentials Committee and the Accreditation Principles adopted at the 23rd Conference.
3. The resolution on Country Observers adopted at the 27th Conference.

K. *The conference agrees* that its agreed organisational arrangements include many practices adopted by convention but not recorded in writing prior to this resolution including, without limitation, the following:

1. The conference includes a closed session and an open session.
2. The conference typically solicits country reports from DPAs and makes these available in a convenient way, typically in recent years in electronic form.
3. Each host facilitates the task of subsequent hosts by obtaining subject consent in registration processes for passing registrants' details onto the subsequent host.
4. Each conference programme will include a small slot to allow the next host to announce details of the next conference.
5. The Conference seeks to select hosts at least 2 years in advance.

Approach to reform

L. *The conference agrees* that in adopting hosting organisational reforms it wishes to:

1. Address shortcomings that have been identified.
2. Promote better handover and continuity.
3. Encourage continuous improvement, conference to conference.
4. Leave hosts with considerable latitude, thereby promoting innovation and variety.

Recommendations for change

M. *The conference agrees* that in future:

1. Each host should nominate a liaison person to be a point of contact for the previous and next years' hosts.
2. Hosts should make themselves available to the successor host to answer questions and promote a smooth transition.

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[20] This part of the resolution describes hosting practices in outline. Further detail of how the resolution is intended to operate is contained in the Working Group's report, most particularly the report by the Hosting Subgroup.

3. Hosts should make useful organisational documentation available to the successor host to help in preparation of the event.
4. Hosts should solicit and collate country reports that should generally be no more than 3 pages in length (though with flexibility to extend 1 page for each additional DPA in a country).
5. Hosts may usefully encourage structuring of reports by offering a template for DPAs to use that will assist comparability of reports or focus them on conference themes.
6. Country reports should be solicited with the expectation that they will be made public in a means convenient to the conference host, such as publication on a website.
7. Hosts should prepare a Conference Hosting Guide in the form of an electronic document, and perhaps an associated binder of resources, to be adapted and revised and passed from host to host.
8. Hosts should prepare and make accessible an updated list of accredited DPAs.[21]

Conference Host Selection Process[22]

Existing practice

N. *The conference agrees* that its existing practice for selecting future hosts includes the following features that should continue:

1. Any accredited DPA is eligible to offer to host the conference, alone or with another DPA.
2. Selection of future hosts is a standing agenda item at the closed session.
3. Conference hosts should be selected at least two years in advance.

Approach to reform

L. *The conference agrees* that it wishes to keep the relative simplicity and flexibility of the current conference host selection process while adopting new features that enhance transparency and viability of future conferences.

Recommendations for change

O. *The conference agrees* that from the 30th conference onwards the following enhanced procedure for selecting hosts will be followed:

1. The conference host will announce a deadline, the same as for submitting resolutions (being 2-4 weeks before the conference), for DPAs to submit written bids to host a future conference.
2. The bids should include relevant information to enable DPAs to make an informed choice.
3. The host will circulate all bids received to DPAs in advance of the conference.
4. If no bids are received by the deadline the host must make diligent efforts to encourage at least one late bid and may call on other DPAs to assist in this task
5. If multiple bids are received the host should informally explore the best sequencing

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[21] The consolidated list of DPAs can be prepared with assistance, if need be, of the Credentials Committee, and can be posted on each conference's website. In future the task would be undertaken by or in association with the proposed website secretariat and posted on the proposed permanent conference website.
[22] This part of the resolution describes the host selection process in outline. Further detail of how the resolution is intended to operate is contained in the Working Group's report, most particularly the report by the Host Selection Subgroup.

amongst the bidders and, if need be, convene an *ad hoc* committee of 3-5 DPAs to offer the conference a recommendation on sequencing.

P. *The conference agrees* that:

1. Hosts should document their experience with the process.
2. Hosts should share this experience with subsequent hosts.
3. The host of the 33rd Conference should review the process and offer recommendations for change if warranted.

Permanent conference website and host websites[23]

Existing position

Q. *The conference reaffirms* its intention, expressed in the Montreux Declaration, to establish a permanent website presence.

Approach to reform

R. *The conference agrees* that the permanent website:

1. Will not replace the conference websites set up by each host but supplement them by providing a convenient and permanent repository of key documentation.
2. Needs to be planned within funding constraints.
3. Should seek to include the minimum recommended content identified in the website subgroup report if feasible.

Recommendations

S. *The conference agrees* that:[24]

1. [Option 1] *Either:*
   a. The website subgroup continue as a special working group to explore with the OECD the possibility of the conference's website needs being hosted on a website proposed to be developed by the OECD.
   b. The special working group to report the results of that exploratory work back to the 30th conference.
   c. If, in the special working group's opinion, the OECD proposal:
      i. Meets the conference's needs,
      ii. Does not commit the conference to any expenditure, and
      iii. Can be meaningfully progressed towards implementation before the 30th Conference

   The special working group may take all prudent steps to bring the permanent website to a practical reality.

2. [Option 2] *Or:*
   a. The website subgroup continue as a special working group to further explore financing options for the website, which may include exploring firm commitments of assistance or funding from DPAs.
   b. The special working group to develop a business plan for implementing a

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[23] Further detail of how this part of the resolution is intended to operate is contained in the Working Group's report, most particularly the report by the Website Subgroup.
[24] The conference needs to choose either option 1 or 2. Option 1 is recommended by the website subgroup and the working group.

website based upon that exploratory work.
c. The special working group to report the results of that exploratory work to the 30th conference.
d. If, in the special working group's opinion, the business plan:
    i.   Does not commit the conference to any expenditure, and
    ii. Can be meaningfully progressed to implementation prior to the 30th Conference

The special working group may take all prudent steps to bring the permanent website to a practical reality.

T. *The conference agrees* that each host should continue to establish a website in association with each conference and that hosts should:

1. Place all necessary programme, logistic and registration information on the website well in advance of the conference.
2. Include and update useful information and tips about their experience with website content and practice in the proposed Conference Hosting Guide.
3. Keep their website operational for a minimum of 3 years.
4. Once the permanent conference website becomes available, transfer all relevant materials from their website to the permanent website within 3 months of the end of the conference.