29th International Conference of Data Protection and Privacy Commissioners

Report of the Working Group on Conference Organisational Arrangement

Summary of Report

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

(c) and to offer recommendations to the 29th conference

The conference elected the following Data Protection Authorities (DPAs) to the Working Group:

- Privacy Commissioner, New Zealand (Chair)
- 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

In August 2007 the Working Group provided its report to the host of the 29th conference. The entire 50 page report is available on the conference website. This summary highlights the report's main features.

Work of the subgroups

Given the size of the task, the Working Group split the work between four subgroups:

- Host selection: Hong Kong, Netherlands, New Zealand
- Hosting: Australia, Germany, Italy, Poland
- Participant expectations: Ireland, Belgium, EDPS, France, Germany, New Zealand
- Website: Australia, British Columbia, Ireland.

Each subgroup undertook some research. In some cases this involved obtaining relevant documentation about past conference practice. Sometimes people not on the Working Group were consulted such as the IWGDPT and OECD. One subgroup undertook a major piece of original research, the participant expectations survey, which informed the work of all subgroups. After debating the issues four subgroup reports were prepared. These are incorporated into the Working Group's report.

In addition to the subgroup reports, a few additional issues were identified and addressed in the Working Group report itself. Some of these did not fit neatly into the assigned mandate of a particular subgroup

Hosting subgroup report

The hosting subgroup had the task of looking closely at the role of hosts and exploring how their work could be facilitated. The hosting subgroup report deals with the issues in two parts:

- existing organisational arrangements
- options for enhancing arrangements

Recording existing arrangements in a document is important groundwork since the conference has no written constitution. Documenting existing practices was an important step to assist with continual improvement. This part of the subgroup's report touches upon such matters as:

- previous conference resolutions
- conventional arrangements for the closed session and handover to the next host.

The report identifies the strengths of the current system, which include flexibility, and the weaknesses, which include difficulties in handover support from host to host. The subgroup explores options for reform and makes suggestions for:

- greater liaison between current and future hosts
- a consistent approach to managing country reports
- the establishment and maintenance of a hosting guide
- maintaining an updated and accessible list of accredited DPAs.

Host selection subgroup

In the last seven years one conference ended without any arrangements settled to host the next and on two occasions hosts had withdrawn their invitations. The host selection subgroup's task was to identify the strengths and weaknesses of the current arrangements for selecting conference hosts and to devise options for improving current practices. The task was an important one for the conference's viability.

The subgroup noted that there has been no formal protocol for selecting hosts. Instead the matter has been simply dealt with as a standard item at the end of the closed session. This approach has advantages of flexibility and has worked well for many years. However, there are weaknesses in terms of consistently, transparency and certainty.

The subgroup explored ideas for reform and concluded that it was not essential to have an elaborate procedure. It favoured a simple, transparent and flexible process.

The subgroup recommended a process whereby DPAs who wished to offer to host the conference would submit a simple written 'bid' to be circulated before the conference. As with the current process, the conference would seek to select hosts at least two years in advance. In the event that more than one bidder offered to host the conference in a particular year, a simple process would enable such issues to be efficiently sorted out for the benefit of the conference.

Website subgroup report

In the Montreux Declaration recorded the conference decision in principle to establish a website. The website subgroup identifying practical options to bring this to a reality.

Through its own work, and by using the results of the participant expectations survey, the website subgroup explored such issues as:

- meeting the costs of a website
- the practicalities of hosting and maintaining a website
- the content of a website
- the control and management of a website
- the relationship between a permanent conference website and the websites established for each year's conference.

The results from the participant expectations survey that suggested, while many would be willing to help fund a website, not all DPAs would necessarily be in a position to contribute. Indeed, about half of the DPA respondents thought that they would be unable to contribute to the start up costs and maintenance of a permanent website.

The subgroup observed that it is possible that a modest cost website could be established simply on the contribution of some but not all DPAs. However, if something more ambitious was wanted, it might be necessary to consider options that secured additional support or involved partnership with another organisation.

The Working Group was fortunate that, at the same time as the subgroup was exploring these issues, the issue of developing a website for authorities involved in privacy law enforcement was also being examined by the OECD. This happy coincidence led to discussions between subgroup members and OECD officials which suggested there might be scope for meeting the conference's needs through a cooperative arrangement with the OECD. It was not possible to take this idea beyond some initial exploratory work. However, the indications were sufficiently positive that the subgroup was able to recommend as its preferred option that the conference work with the OECD on this question. It is understood that a briefing by the OECD will be given to the closed session of the conference. The website subgroup provides an alternative option for moving forward if the OECD initiative does not proceed or does not find favour amongst DPAs generally.

The subgroup also looked at questions of website content. Features that seemed useful included:

- a calendar of dates for significant international privacy events
- links to the conference's other websites
- links to other privacy and data protection information sources
- portions of the website accessible only to registered users from DPAs.

The subgroup also provided guidance on the transfer of content from websites maintained by hosts for particular conferences and the permanent repository website.

Participant expectations subgroup
The participant expectations subgroup released an on-line questionnaire to DPAs and invited responses. A pleasing and broad range of indicative responses were received. Some 55 responses were received from 39 different DPA offices. The respondents covered all sizes of offices and drew upon experience of all of the last ten conferences.

The responses to the questionnaire indicated clear consensus on some issues and a range of views in others. In all cases the responses assisted the work of the subgroups and the Working Group as a whole. The survey will also give helpful indications for the consideration of future hosts.

The Working Group picked up on several issues arising from the survey and included proposals in its resolution. In addition to others, the Working Group recommended:
- that a survey of participant expectations be repeated every five years or so
- a process to apply in the event that a host proposes to hold the conference in a month other than September
- that a sufficient part of the programme should be provided for DPAs to interact with each other with non-DPAs excluded, and
- encouragement of participation by the news media.

Additional Working Group topics
In addition to the four subgroups and their reports, a few items remained to be captured in the report. These touched on issues such as:
- observers from governmental international organisations
- participation of observers in the closed session
- language practices
- working groups
- mechanisms for empowering delegates to represent the conference in other international meetings.

The Working Group has not proposed substantial changes in practice in those matters but rather has principally attempted to record current conference practice. For example, the Working Group recorded the practice of admitting international observers to the closed session has changed since 1993.

One issue discussed is the question of whether the conference wishes to be more active in collective DPA work in the international sphere. In the event that the conference does wish to do this, the Working Group report offers some suggestions of an organisational nature. For instance, while the Working Group is not itself proposing that the conference seek observer status at meetings of relevant international organisations, it suggests a way forward if the conference thought that were to be useful.   The Working Group notes that if the conference wished to seek observer status before, say, the OECD and ISO, it could mandate a small steering group of DPAs to pursue an observer application on the conference's behalf. If successful, the steering group would have an ongoing role to select and guide a delegate and to report back to the conference.

Resolution
The conference's report finishes with a six page resolution. This provides a convenient summary of the substantive recommendations. The resolution, unlike the main report, will be translated so that copies are available in English, French, German and Spanish.

In relation to a number of issues, the resolution records findings in respect of current conference practice and recommends a proposed approach to reform.   This reflects the Working Group's approach to its task. In nearly all cases, the Working Group reflected first on the conference's current practices and tried to record those for the benefit of future hosts and participants. The Working Group was careful about how it approached reform. It is important that the features of the current conference, such as the extensive discretion vested in hosts, is only changed if warranted after careful thought as to the consequences.   It is hoped that a better understanding of past practice and a better understanding of the expectations of participants will lead to a continuously improving conference.