



39th International Conference of Data Protection and Privacy Commissioners

Hong Kong

Closed Session Report on Proceedings

In September 2017 the International Conference of Data Protection and Privacy Commissioners met in annual session for the 39th time. Delegations from 62 of the 119 accredited member authorities assembled in Hong Kong and were joined by 25 accredited observers. The meeting was chaired by John Edwards, New Zealand Privacy Commissioner.

Note from the ICDPPC Secretariat: The following report briefly recounts the proceedings of the closed session of the 39th Conference. Fuller information on particular items can be found in the links to reports and documentation available on the permanent Conference [website](#).

Day 1: Tuesday 26 September 2017

In the Chair: John Edwards

Time	Item	Notes	Agreed action (if any)
09.05	Photo	The day began with a group photo .	
09.10	1. Welcome and opening	Stephen Wong (host) delivered opening remarks followed by John Edwards (Chair).	
09.20	2. Executive Committee business: Accreditation and rule changes	<p>The Conference resolved to accredit 5 new members.</p> <p>The meeting adopted a formal voting list including the new members.</p> <p>The Chair introduced 3 rule changes proposed by the Executive Committee to expand the Committee and adjust the deadlines for resolutions and observer applications. The Conference adopted all rule changes.</p>	<p>Adopted: Accreditation resolution adopted.</p> <p>Adopted: Rule changes.</p>
09.27	3. In-depth Discussion: Government Information sharing: protecting sensitive data, preventing discrimination and managing risk	The Chair delivered an opening scene setting presentation.	Reflected: Discussion reflected in the communique .

10.10	<i>Session 3 continued:</i> Drivers and barriers to information sharing and where governments are heading	The Chair introduced the morning's invited experts who gave their presentations, followed by brief Q&A, in the following order: <ul style="list-style-type: none"> • Stephen Curtis; • Eric Applewhite; • Viljar Peep. <p>Following the presentations, the 3 presenters convened as a panel for interactive discussion with delegates.</p>	
12.30	Luncheon break.		
13.30	<i>Session 3 continued:</i> How government shared use of information can trigger public concerns about discrimination and protection of sensitive information	The Chair introduced the afternoon's invited experts who gave their presentations, followed by brief Q&A, in the following order: <ul style="list-style-type: none"> • Liz MacPherson; • Rhema Viathianathan; • John Bacon-Shone. <p>Following the presentations, the 3 presenters convened as a panel for interactive discussion with delegates.</p> <p>A large panel incorporating all 6 experts from the morning and afternoon sessions participated in a final discussion and Q&A with delegates.</p>	
16.30	4. Introduction to next day's discussion on future size and membership of Conference	The Chair, reported back on the findings of the survey conducted of the entire membership on the Conference's future size and membership and described the consensus that had emerged. <p>Daniel Therrien, Executive Committee member, introduced the discussion to be held on Day 2 (item 11) focused upon the following year's work to improve performance on achieving the Conference's objectives and developing a strategic direction for beyond 2018.</p>	Consensus: The Chair summarised the consensus of the year's review of membership and size as being: <ul style="list-style-type: none"> • The Conference should be open to all data protection authorities. • We must expect to get bigger if we are to fulfil a useful global role.
16.55	5. Chair's summary	The Chair offered brief closing remarks reflecting upon the first day's proceedings.	
17.00	Close of formal portion of Day 1		

18:30	Data Protection Authorities' Dinner: ICDPPC Global Privacy and Data Protection Awards 2017	Although principally a social event, this function included presentation of the following ICDPPC Global Privacy and Data Protection Awards: <ul style="list-style-type: none"> • <i>Chair's Grand Award for Innovation:</i> Australian Information Commissioner/ Privacy Commissioner of Canada/ United States Federal Trade Commission • <i>People's Choice Award:</i> Information Commissioner's Office, UK • <i>Research award:</i> Information and Privacy Commissioner, Ontario • <i>Dispute resolution, compliance & enforcement Award:</i> Australian Information Commissioner/Privacy Commissioner Canada/US FTC • <i>Education and advocacy Award:</i> Datatilsynet, Norway • <i>Use of online tools Award:</i> Privacy Commissioner for Personal Data, Hong Kong
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Day 2: Wednesday 26 September 2017

In the Chair: John Edwards

Time	Item	Notes	Agreed action (if any)
09.07	6. Update on previous day's discussions	John Edwards (Chair) dispensed with recapping the previous day's discussions.	
09.10	7. Executive Committee business	The Chair highlighted selected achievements from the Executive Committee's written annual report .	
09.15	8. UN Special Rapporteur on the Right to Privacy	Joe Cannataci, UN Special Rapporteur on Right to Privacy, answered questions from delegates on his report ' Problems and progress on the Global Privacy Trail ' and on other aspects of his mandate and plans for the coming year. Questions were asked in relation to country visits, thematic reports, investigative reports and oversight of intelligence organisations. The Special Rapporteur highlighted forthcoming surveillance stakeholder meetings at which the participation of DPAs would be especially welcomed (January, Rome; February, Malta).	
09.35	9. Reports back from working groups and IWGDPT	<p>FR spoke to the report of the Digital Education Working Group supplemented by CA in relation to a digital education service platforms survey.</p> <p>NZ spoke to the report of the ICDPPC Data Protection Metrics Working Group and noted the milestone of completion of the first ever ICDPPC Census.</p> <p>CH spoke to the report of the Privacy and Humanitarian Action Working Group. With the publication of the <i>Handbook on Data Protection in Humanitarian Action</i> the convenor of the working considered the objectives of the Resolution on Privacy and International Humanitarian Action achieved and the task of the working group complete.</p> <p>UK, NL and CA spoke to the report of the ICDPPC Group of Experts on Legal and Practical Solutions for Cooperation and introduced an enforcement cooperation resolution.</p> <p>The Berlin Commissioner spoke to a report of the work of the International Working Group on Data Protection in Telecommunications. An explanation of the reorganised IWGDPT hosting and organisational arrangements was also given. The new arrangements are intended to reduce the burden on the IWGDPT Secretariat while maintaining or improving productivity. The Chair drew the UN Special Rapporteur's attention to the IWGDPT working paper 'Towards International Instruments or Principles to Govern Intelligence Gathering'.</p>	Further work: Further work is anticipated in the coming year in the areas of digital education, data protection metrics and enforcement cooperation.

10.20	10. Resolutions	<p>The Conference considered and adopted 3 resolutions.</p> <p>The Resolution on Data Protection in Automated and connected vehicles was presented by the German Federal Commissioner. After discussion touching upon timing, the relationship with a paper being developed by the IWGDPT and algorithms, the resolution was adopted by consensus with the abstention of the US FTC noted.</p> <p>The Resolution on Collaboration with Consumer Protection Authorities for better protection of Citizens and Consumers in the Digital Economy was presented by Belgium. Canada (federal), Norway and the US FTC offered to join Belgium in the planned working group. The resolution was adopted by consensus.</p> <p>The Resolution on Exploring Future Options for International Enforcement Cooperation was presented by UK and NL. Some adjustment to the wording of paragraph 5 was agreed and the resolution was adopted by consensus.</p>	<p>Adopted: Resolution on data protection in automated and connected vehicles (US FTC abstaining).</p> <p>Adopted: Resolution on Collaboration with Consumer Protection Authorities for better protection of Citizens and Consumers in the Digital Economy</p> <p>Adopted: Resolution on Exploring Future Options for International Enforcement Cooperation</p>
10.40	Refreshment break		
11.12	11. Discussion on future size and membership of the Conference	<p>FR led off the discussion noting that project work in this area offered opportunities for the Conference to innovate using as starting points:</p> <ul style="list-style-type: none"> • The Working Group; • The results of the Survey on future size and membership of the Conference; and • The discussion paper 'Framework for the discussion on the future size and membership of the Conference' prepared by CA. <p>FR emphasised that the way forward should involve an inclusive and open process. Strategic decisions should be taken only on the basis of a broad consensus and supporting a common way forward.</p> <p>The process that FR had devised, in collaboration with CA, was to have a decentralized and open debate amongst members relying upon existing regional networks (e.g. APPA, WP29, RIPD, AFAPDP, GPEN).</p> <p>The suggested timing for the process:</p> <ul style="list-style-type: none"> • Each network to organize its reflection and deliberations in order to report its contributions to the working group (October 2017 – April 2018). • Public consultation, if needed. • Working group to analyse all contributions and draft recommendations and scenarios (May – 	<p>Consensus: That an open and inclusive process be initiated by the new Executive Committee, in line with the plan outlined at the closed session and comments received, with a view to review and improve performance in achieving the Conference's objectives, innovate by consensus and develop a revised set of strategic priorities and action plan to take the Conference beyond 2018.</p>

		<p>July 2018).</p> <ul style="list-style-type: none"> • Outcome to be discussed and finalised at the next closed session (October 2018). <p>The Chair took initial comments from 5 authorities that had asked to intervene: Australia (federal), Germany (federal), Japan, UK and USA. Discussion was then widened to hear from other member authorities including: Morocco, South Africa, Luxembourg, Ghana and Italy. Canada and France intervened to answer questions. The Chair then opened discussion to observers and received an intervention from UNHCR.</p> <p>Comments included:</p> <ul style="list-style-type: none"> • Support of use of regional forums and of the existing working group. • The discussion paper was useful. • A wish that the work look to the future, • A suggestion that a document be prepared to guide engagement with regional forums. • There were additional networks not mentioned in the FR opening comments that might usefully be engaged in the process (e.g. Common Thread, African networks). • The conference's engagement with business might usefully be considered. • A desire to strengthen the Conference's role as a policy leader e.g. by more fully considered resolution-making processes. • How will contradictory positions get resolved? • The discussion paper is a starting point only, further ideas to add value to the conference should be introduced through the process. • Financial burdens must be considered. • How can the conference be made more nurturing and supportive to newly established members e.g. for capacity building in raising public awareness. • Consideration might usefully be given to adding a step where the final recommendations be circulated to each member for validation. • Observers appreciate the current level of participation, is deeper engagement useful? 	
12.05	12. Executive Committee elections	<p>With the earlier adopted rule change there were 3 elected positions on the expanded Committee to be filled. The 3 candidates from Burkina Faso, Canada and UK were declared elected by acclamation.</p> <p>FR was the only candidate for election as Executive Committee Chair and was therefore declared elected by acclamation.</p>	<p>Elected: The authorities from BF, CA and UK were elected to the Executive Committee.</p> <p>Elected: FR was elected as Chair of the Executive Committee.</p>

		FR thanked the current Chair for his work including by establishing tools, such as the website, that support the Conference's mission and growth. FR added that it looked forward to working with the newly elected Committee.	
12.10	13. Designated future conferences	<p>This item began by hearing from EDPS and Bulgaria, joint hosts of the 40th Conference.</p> <p>The EDPS began by acknowledging the work of the current Secretariat and then introduced the next Conference which will focus upon ethics and dignity in a data driven life. Bulgaria explained how events in Sofia will complement the conference in Brussels. A video produced by EDPS and Bulgaria provided an exciting glimpse into the 40th conference's theme.</p> <p>Albania, already selected out of session to host the 41st Conference, was acknowledged by acclamation.</p>	
12.19	14. General business	There was no general business.	
12.20	15. Closing statements	Closing statements were made by hosting authority (Stephen Wong) and Chair (John Edwards).	
12.30	Annual meeting closed		