

MEMORANDUM

TO : **Core Group on International Bodies Resolution**
cc **Conference Host +++++**

FROM : **BLAIR STEWART**

DATE : **26 January 2005**

SUBJECT :

This message is being sent to the members of the informal working group established to implement resolution on data protection and international organisations adopted at the 25th International Conference of Privacy and Data Protection Commissioners. It is also being sent to all accredited authorities established within international or supranational bodies and copied to the hosts of the 25th, 26th and 27th conferences.

Background documentation

I attach an extract from the minutes of the 26th Conference. For convenience, I have extracted the relevant item including attachment E, the written report filed by the Working Group. That report itself has several annexes including the resolution itself.

Proposed workshop with international bodies to be held in conjunction with 27th conference in Montreux

The resolution adopted at the 25th conference anticipated active steps being taken to draw the matter to the attention of relevant bodies. The objective was to spur international bodies to institute appropriate institutional mechanisms to ensure appropriate data protection supervision (in case of bodies having administrative functions) or to ensure data protection considerations are taken into account in developing instruments (for bodies having policy functions).

The Working Group tried to initiate a dialogue with a select pilot group of international bodies but was not successful. Simply writing letters was ineffective. Ulrich Dammann made the very valuable suggestion of a workshop to which representatives from international bodies could be invited. This idea was incorporated in the written report and in oral report presented by Joe Meade on behalf of the Working Group to the 26th Conference. Although there was no resolution taken, my impression was that participants implicitly endorsed the Working Group's suggested workshop.

Outline of the workshop proposal

The Working Group has not taken any steps in relation to the proposed workshop beyond collectively endorsing the idea as the most promising and practical way forward. The following are some preliminary thoughts that I have had.

1. The workshop will provide a focus to any communications with international bodies. Our previous letters to international bodies promoting the resolution were easy to ignore. An invitation to a workshop might elicit more response since it represents a valuable opportunity to recipients.
2. Holding the workshop in conjunction with the 27th Conference provides benefits to both the invitees and the conference. For the invitees, the workshop is an opportunity to learn about the institutional protection of personal data in the international setting which is specialised information tailored to their needs. There is also the opportunity to attend the main conference to learn more broadly about data protection issues and to meet key players from around the world. The conference will benefit because the workshop will ensure that a wider range of representatives from international bodies participate than is normally the case. This may enrich the experience and enhance the conference's global importance. Networks between commissioners and international bodies may be strengthened.
3. The workshop should draw upon the experience of those data protection authorities established within international and supranational bodies already accredited to the conference. There are 7 such authorities and they represent several of the models that might be discussed during the day. They will bring a very practical perspective so that discussions are not merely theoretical.
4. The workshop ought to cover both parts of the resolution. The programme should include information about appropriate mechanisms to ensure compliance with applicable data protection principles as well as suitable mechanisms to ensure that data protection considerations are effectively taken into account in promulgation of standards, rules or common practices.

One outcome of the workshop by representatives from international bodies will be a greater understanding of data protection issues and the need to have institutional mechanisms to ensure they are addressed. If we are successful some practical action should result. It may be a slow and gradual process but suitable supranational arrangements should be a key strategic objective for our conference.

Workshop organisation

Workshops do not organise themselves. A number of steps need to be taken if we are to ensure that the workshop is held and that it is a success. Thus far no one has stepped forward to take on the task of organising the workshop. This is now becoming urgent.

Since the conference is to be held in Switzerland, I suggest that the only practicable option is for the principal organiser to be based in Europe. Of the initial working group, this would essentially rule out New Zealand and Hong Kong. The organiser need not be from the initial working group and offers to take on the task are also welcomed from representatives from our existing international or supranational bodies colleagues.

I should add that although I have copied this message to our Swiss hosts for the 27th Conference, I do not suggest that they offer to take on the task of organising this workshop. They will be very busy organising the principal conference and they should not be further burdened. However, we will want to liaise closely and their help will be invaluable on some questions like providing a venue.

Although there needs to be one office taking primary responsibility for the conference organisation, I do of course anticipate that the rest of us may be able to assist and share the burden in many ways. These may include tasks such as:

- contributing to the programme development
- assembling target lists of potential invitees (this work was commenced in 2004 as part of the initial implementation work)
- approaching speakers
- giving presentations or chairing sessions etc.

I would be grateful if everyone who receives this message could give some consideration as to whether they wish to be involved in the organisation of the workshop, and, if so, in what capacity. Obviously, any other observations on this note are to be welcomed but it is an offer to lead the organisation of this workshop that is most critical in the first instance. I would ask that if possible responses could be provided by **25 February 2005** if possible. For convenience, I suggest that people simply reply to the entire group.

Yours sincerely,

Blair Stewart
Assistant Privacy Commissioner, New Zealand