

## ICDPPC Executive Committee Minutes

ICDPPC Executive Committee meeting  
6/7 March 2015

### Participants

Chair: John Edwards, New Zealand  
Secretariat: Vanya Vida, New Zealand  
France: Marie H el ene Mitjavile in place of Isabelle Falque-Pierrotin, Florence Raynal  
Netherlands: Jacob Kohnstamm, Dominique Hagenauw  
USA: Julie Brill, Guilherme Roschke, Aaron Burstein

Apologies: Drudeisha Madhub

Meeting opened: 1 pm (EDT)

### 1. Previous meeting

- a. Minutes of the last meeting (2 December 2014) were approved.
- b. All action points from previous meeting complete except the review of Mexico state application.

*Action point: USA to process application.*

### 2. Standing items

- a. Meetings  
Committee agreed to meetings on 13/14 May, 15/16 July and 2/3 September.
- b. Forthcoming conference  
Netherlands updated the Committee of the open session. Day one of the open session will be dedicated exclusively to the "Privacy Building Bridges project". Netherlands assured the Committee that despite the EU/USA focus of the Privacy Building Bridges project, the programme would include sessions to ensure a wide appeal to relevant to the international community of DPAs and Privacy Commissioners. This would include a session on the second day, featuring a "tour du monde".
- d. Conference representation  
CNIL proposed that the Conference should provide comments on relevant issues discussed at other international meetings. The Chair recommended if CNIL can

provide agendas of international meetings then it might be possible for the Committee to form a view on relevant issues.

*Action point: Secretariat to circulate compilation of reports to wider membership.*

### **3. Enforcement cooperation resolution**

- The OPC of Canada is in the process of finalising an agenda for the meeting to be held on 3 – 5 June in Ottawa.
- Secretariat to explore issues to implement the enforcement cooperation arrangement.

### **4. Closed session**

The four topics that had been proposed were discussed. The Committee decided to have two topics for the Amsterdam Conference. The closed session would be divided into two topics –

- Use of medical and genetic data including for commercial purposes;
- Data protection oversight of security and intelligence organisations at domestic and global level.

*Action point: France and USA to frame a programme for Use of medical data for commercial purposes (to include genetic data) and New Zealand and Netherlands to collaborate on a programme which incorporates elements of both members' proposals for addressing intelligence/surveillance, and DPAs role in respect of such activities.*

### **5. Proposals for hosting the Conference in 2016**

A sub-committee of France and the Secretariat to evaluate proposals for hosting 2016 Conference.

*Action point: Sub-committee to provide a report the Committee at the May meeting.*

### **6. Communications**

#### **a. Proposal for a website**

Committee approved the Secretariat to complete the build and launch of a permanent website along the lines of the outline given in the December meeting and the beta version available at <http://icdppc.org/home-page/>

## 7. Conference working group

### b. Strategic Direction WG (NZ)

The strategic direction working group has made progress towards the objectives of the strategic direction resolution, establishing and initiating the process to select the 2016 host out of session and by building the permanent website. Further work will follow.

USA noted that the working group is to develop an updated strategic plan for the Conference.

## 8. Surplus funds from Mauritius Conference

Mauritius was not present at the meeting but the Committee discussed the possibilities of accepting surplus funds from the 36<sup>th</sup> Conference.

USA enquired what assurances are in place to confirm the nature of funds or their re-purposing. The FTC suggested that approval be sought from fund sources.

Chair advised he had sought legal advice and audit advice as to whether the Secretariat would be able to receive the funds based on assurance from the Mauritius DPA that there was no implication to the funds being applied to subsequent conferences of the same type.

USA expressed a preference for a high level of assurance including requiring evidence of express consent of sponsors to apply the funds beyond the event to which they had been supplied.

[Following receipt of the draft minutes the USA elaborated upon its views as follows (extracted and edited from email communication from FTC):

- The ExCo is not a legal entity. USA therefore takes the view that it has no authority to accept funds or pay them out to another entity. If the ExCo wants to become an entity that can accept funds, then this should be examined by the strategic direction working group. Any working group recommendations would presumably propose changes to the rules and procedures, which would be decided by the members of the Conference.
- On the issue of whether the Mauritius government can transfer the surplus funds to the ExCo., USA suggests that ExCo would need a higher level of documentation than so far provided to ensure that any contemplated transfer of funds from the Mauritius DPA is legal e.g., a formal legal assurance from a competent Mauritian authority.

- USA notes that the kind of transfer of funds from the organizer of a completed conference to the ExCo is unprecedented.
- USA has concerns around the effort to involve the ExCo (and its members, including the FTC) in a transfer of funds from Mauritius to the ExCo. If there are other entities that have the desire and appropriate legal authority to accept such funds, such as data protection authorities in New Zealand or the Netherlands, then they can engage with Mauritius directly and not involve the ExCo or its members at all.
- USA suggested that Mauritius might return excess funds on a pro rata basis to sponsors who might thereby be encouraged to sponsor future conferences.]

Netherlands and France supported that the surplus funds and associated issues such as legal status of the ICDPPC ExCo ought to form part of the strategic direction working group.

In case the Committee decides to take surplus funds then a policy needs to be put in place describing how to best use the surplus funds for the Conference.

#### **9. Next meeting 13/14 May 2015**

Meeting ended: 2:10 (EDT)