

18TH
INTERNATIONAL
PRIVACY AND
DATA
PROTECTION
CONFERENCE

**Options paper
concerning future
shape of conference**



Privacy Commissioner
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Auckland, New Zealand
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OPTIONS PAPER CONCERNING FUTURE SHAPE OF CONFERENCE

Prepared by Bruce Slane, Privacy Commissioner of New Zealand

INTRODUCTION

Key points

A questionnaire was circulated to Commissioners this year concerning the future shape of the conference and the responses have been analysed. This options paper makes a number of recommendations drawing upon a consensus emerging from those responses.

Earlier this year I distributed questionnaires to all Privacy and Data Protection Commissioners concerning the future shape of the international conference. I prepared and distributed a written analysis of responses in July. I have been enormously assisted by Commissioners' responses to that questionnaire in bringing forward the recommendations contained in this options paper.

It would be possible in a process such as this to canvass a range of options from doing nothing, through tinkering with the conference to a range of radical variants on what we presently experience. If we discount for the moment doing nothing, as the questionnaire responses show clear support for some change, and also discount the more expensive or radical possibilities, we come down to a few choices which seem capable of acceptance.

I set out in a schedule to this paper how some of the more realistic options might appear (and others could be devised). Although I urge the conference at some appropriate point to consider those options, I have decided in this paper to instead provide modest recommendations which reflect an apparent consensus as expressed through the questionnaire responses. My key recommendation is to lengthen the conference by a half-day to allow for the addition of smaller interactive sessions. This and my other recommendations are intended to be of an "evolutionary" nature building upon what has gone before. It is, of course, open to the conference to take a more adventurous approach.

It has been timely to re-examine the nature of the conference as it has become a larger event without its basic nature being significantly re-evaluated. I am aware from colleagues who attended conferences in earlier years that it used to be a much smaller event and rather collegial in nature. With about 60 Commissioners, and more joining us each year, the challenges of increasing size need to be addressed head on.

At one level these challenges impose limits on individual participation. In a large session that means, for instance, that if each Commissioner were to speak for just one minute the entire group would need to listen for an hour (assuming super-efficient chairing of the session!) And what really can be said in a single minute?

The organisational and financial burdens on hosts are greater than they used to be. There is correspondingly reluctance for small and medium sized offices to host the conference. Unless we face up to change there is a risk that in the future only the very large offices (and only some of those) may be able to host the conference and bear the burden of doing so. This would be an unfortunate outcome.

IDEAS ARISING FROM QUESTIONNAIRE RESPONSES

Key points

Some trends emerged from the questionnaire and some excellent individual suggestions were made. The lessons of this questionnaire should be studied by the hosts of future conferences. Participant evaluations should be carried out with future conferences.

The questionnaire process was extremely valuable and I recommend such an exercise be part of the follow up to conferences in the future. A number of trends emerged and many of the ideas contributed are excellent.

I have been very mindful in this exercise that it would be undesirable for one conference to try to tell the host of future conferences how to do their job. No matter how sensible particular suggestions are, or how widely held the opinions, I have tried to avoid the temptation to make precise recommendations about matters which are best left to the discretion of the host. The continuing success of the conference depends in large measure on the creativity and innovation of hosts and I would not like my recommendations to be seen as stifling initiative.

Accordingly, I have made recommendations that the responses to the questionnaire be studied and be considered for future inclusion in the conference. Of course, some suggestions are contradictory - one Commissioner will suggest that all sessions be held in public with another favouring having the entire conference in closed session. The important thing is that all suggestions be considered since this is an opportunity for new ideas to influence future conferences. It is not to say that there is any one "right answer".

LENGTH AND SHAPE OF CONFERENCE

Key points

Strong support was shown in the questionnaires for a longer closed session, in workshop format, to enable Commissioners to interact more effectively. Extending the closed session from 1 half day to 2 half days will allow this.

Recent conferences have followed a standard format of two full days of public conference followed by a half day closed session. The public conference has been held in a single large plenary session throughout. Similarly, the smaller closed session, this year running to about 78 commissioners and staff, has been held in a single gathering.

A significant consensus emerged from the questionnaire responses to move to a full day closed session. Twenty-seven of 31 respondents found 2.5 to 3 days an appropriate length (with the other 4 supporting a longer conference). Strong support existed for extending the closed session to a full day with 17 of the 20 respondents supporting the proposition. When asked to identify a suitable ratio of time spent in public conference as compared with closed session, the most popular choice was two days for public conference with one day closed session.

However, there would be little merit in simply extending the existing closed session, involving all Commissioners in single conference room, from half to a full day. What is needed, both in my view and as expressed through the questionnaire responses, is an opportunity to interact with other Commissioners in smaller group settings.

I also found significant support for holding small workshops for Commissioners on practical issues such as influencing public opinion, investigating complaints, enhancing registration processes, training privacy officials, conducting public education campaigns and the like. Twenty one of 30 respondents supported such workshops. So long as the workshops are placed at the beginning or end of the conference, any Commissioners who do not wish to participate can, while still fully participating in all other parts of the conference, arrive later or depart earlier, to suit themselves. Further suggestions as to how the additional half day might be accommodated within a conference structure is set out in schedule 2.

It would be difficult to accommodate any significant new element to the conference without either extending the length or reducing some existing element of the conference makeup. Accordingly, to accommodate the workshops, and to meet the desire for smaller group interaction amongst Commissioners, I recommend that the conference be extended by a half day to accommodate the extended closed sessions.

Incidentally, when I speak of a "closed" session this does not have to be absolute with all non-Commissioners excluded. I see a proper role for "outsiders" or participate in the workshops if that can be done in a way that enhances the benefit to Commissioners and still enables them to interact in small groups. For instance, on a session on complaints investigation the participation of ombudsmen or information commissioners may be appropriate.

In schedule 4 I also suggest possible topics of such workshops. I am confident that the list can be improved upon. It is there to illustrate the real practical possibilities of the small group workshops to share information on important areas of our privacy or data protection mandates.

COSTS

Key points

As the conference has become bigger, so have the burdens on hosts. Smaller offices are now deterred from offering to host the conference. The financial burden can be eased through full cost recovery from observers.

On the subject of costs the views of Commissioners diverged particularly widely. However, although the results could not be characterised as a consensus some trends did emerge. In particular, there was a trend showing considerably more support for continuing current arrangements for the subsidy of delegates than there was for offering any subsidy to observers.

A worrying aspect of the responses, from the perspective of the future of the conference, was that the financial cost of the conference was seen as likely to deter 15 out of the 22 offices which responded from offering to host it. Nearly all of the small offices (those with up to 20 staff) said they would be deterred. Medium sized offices (those with 21 to 50 staff) were evenly split between those who would be deterred by the financial cost and those who did not consider they would. Of the two large offices (with 50 or more staff) one considered it would be deterred. Even if the financial issues could be resolved in a way that was neutral in respect of the host country's budget, the organisational burden nonetheless continues to be a factor which would discourage smaller offices from offering to host the conference.

I believe that we must be wary taking positions which lead to financial burdens being imposed on the budget of a host when those costs can be equitably spread across all conference participants. In earlier times, it was expected each office would take a turn in hosting the conference and therefore meeting the costs. However, we may find that only the very large offices will in future be able to take their turn and therefore the costs may fall unfairly.

We should remember also that the registration fee is in fact just a small component of the total cost of attending the conference from another country. Accommodation is likely to be at least as much as the registration fee (and this is one area the host has an advantage). For many Commissioners, certainly in my case, the travel costs will exceed the registration fee and accommodation costs. Accordingly, small adjustments to the registration fee may relieve the host of some problems while being of little concern to participants - certainly not a barrier to participation.

I would not of course wish the conference fee to grow to unreasonable proportions. It is within the power of the host to keep the fee to a reasonable level through innovative use of sponsorships and grants, trade exhibitions, cost sharing and such like.

I should add, that my personal view is that I do not believe the host should have to subsidise anyone, be it participant or observer. At some stage in the future I believe that New Zealand could host the conference so long as it could pay its way. Since our public sector is run on a cost recovery basis, and no extra government grants would be available for a conference, any subsidy would likely have to come from my office's regular operating budget. Therefore on present arrangements I could not extend an invitation to host the conference in my country. I expect other offices face the same constraints. However, on present indications I am in a minority on this point and, like the rest of this paper, I have proceeded on an evolutionary

basis looking towards a consensus. I have not, for that reason advocated a change from the position adopted at Manchester (set out in Schedule 5).

With respect to observers I believe the time has come to suggest a change in practice. I understand that presently some subsidy is extended for observers but that the registration is usually set at a standard level. Accordingly, an observer from a not-for-profit privacy advocacy group will pay the same fee, as a government or business representative. Apparently a lower registration for students and the media for the 18th Conference was available on request but not advertised.

It seems to me that the level of observer subsidy, if any, can safely be left to the host. However, I think it is wrong for the international conference to send a message to hosts that we expect the host to subsidise each and every observer. This imposes a cost on hosts. It might also encourage cash-strapped hosts to discourage participation by more than a minimal number of observers. I think the international conference should signal to hosts that it is happy with the notion of full cost recovery from observers but with a suggestion, which comes from the questionnaire responses, that differential pricing be applied so as to encourage certain non-commercial classes of observer. Essentially, this could be achieved by enabling academics (including appropriate students) and representatives from not-for-profit privacy advocacy groups to attend at a lower fee than other observers. The subsidy involved in providing this would not come from the fees of official delegations but from cross subsidisation from other observers (or from any other fund that the host wishes to put towards subsidising classes of observer). Some other innovative ways to encourage further observer participation at a lower rate, but not obliging subsidy from hosts, is set out in Schedule 3 for the consideration of future hosts.

RECOMMENDATIONS

I recommend that the conference adopt a resolution or a consensus position along the following lines:

The closed session of the 18th International Privacy and Data Protection Conference held in Ottawa, Canada:

- *recognising* the foresight and work of previous Commissioners who established and continued the successful line of conferences which have contributed to the development of privacy and data protection internationally and which have set a high standard for future conferences to follow;
- *acknowledging* the efforts of the Privacy Commissioner of Canada and his staff for hosting the 18th Conference just completed and anticipating the 19th Conference to be held in Belgium in 1997;
- *reaffirming* the value that Commissioners have placed on previous conferences and wishing to retain and enhance the best features;
- *noting* the increasing numbers of Commissioners and of observers and the constraints these put on the full participation of individual Commissioners in large group meetings and the significant organisational and financial burden on hosts;
- *recording* that in responses to a questionnaire Commissioners have shown a willingness to adopt changes to improve on aspects of the conference;

Accordingly resolves as follows:

- (a) that the Belgian delegation study the full analysis of the responses to the questionnaires circulated amongst Commissioners concerning the future shape of the conference, as well as the analysis and recommendations of the Canadian Privacy Commissioner arising out of the 18th Conference, and consider acting upon those suggestions that appear to the Belgian delegation to be both practical and desirable;
- (b) that each conference host consider conducting during, or shortly after, each conference, a participant survey evaluating all relevant aspects of conference organisation and programme and seeking organisational and programme suggestions for future conferences, and for salient points to be reported to Commissioners and to the following conference host in an appropriate manner;
- (c) that the closed session for future conferences be extended to two half days with the additional time being made available for smaller group interaction amongst Commissioners and their delegations with consideration being given to the holding of concurrent workshops on aspects of the day to day work of Commissioners' offices;
- (d) that the conference confirms the decision taken at Manchester that "a charge for observers was appropriate and that a smaller charge for Commissioners and their staff was acceptable" but notes that while full cost recovery from observers is acceptable that hosts be encouraged to adopt a fee structure which encourages the participation of academics (including appropriate students) and representatives from not-for profit privacy advocacy groups, who might otherwise be unable to attend.

SCHEDULE 1: A range of possible options for new shape of conference

1. Status quo

- conference usually opened by brief ceremony on evening before conference;
- two days of large open public conference involving Commissioners and many observers;
- conference concluded with half-day of closed session for Commissioners in one large single group.

2. Recommended option

- variation on status quo with half-day closed session extended to two half-days;
- the additional half-day closed session to be broken into series of smaller interactive sessions (workshops or seminars) held concurrently.

3. Shift ratio in favour of closed sessions

- keep conference at 2½ days, or extend to three days, but reduce public conference to single day;
- the arrangement would then be, say, one day of workshops for Commissioners and invited guests, followed by one day full public conference, concluded by a half- or full-day of closed single group session.

4. Drop public conference altogether (possibly every other year)

- purpose of dropping public conference would be to ease administrative and financial load on host enabling small/medium Commissioners' offices to accept the task;
- arrangement could be alternated with those countries willing to host the public conference;
- when public conference not held the closed sessions would be extended to, say, two days;
- private sector "fringe" privacy conferences expected to fill the void and still ensure a major public privacy conference accompanies Commissioners' meeting.

5. Status quo with public conference reorganised

- keep present arrangement with 2-days public conference followed by a half or full day closed session;
- however, the conference, would be split into two streams giving attendees a choice of sessions (say, retaining plenary sessions at the start and close of each day);
- advantage being a greater choice of topics with some possibility for more interactive debate.

SCHEDULE 2: Possible ratio for use of three full-days in recommended option

Extending the closed session from half-day to a full day does not necessarily mean that the structure must be two days public conference followed by a single day closed session. The following two scenarios are suggested:

(a) The “2:1 option”

- essentially the status quo with extra half-day added at end;
- accordingly, two days public conference followed by, say, half-day workshop sessions finished by half-day full closed plenary session;
- or, a variant on that, two day’s public conference followed by half-day plenary closed session, then half-day workshops (advantage of this option is that it allows Commissioners who do not wish to participate in workshops to return home early).

(b) The “0.5: 2:0.5 option”

- half-day of workshops preceding the 2-day public conference and finishing with a half-day closed session in a single group;
- the advantage of this option is that Commissioners based in nearby countries can plan to arrive on the first day of the conference and to leave on the final day without the need to arrive or leave a day early or a day later;
- those Commissioners who do not wish to participate in the workshops can arrive later still.

SCHEDULE 3: Possible arrangements for flexible observer subsidies

In the open public conference there are a number of non-Commissioner participants referred to in the questionnaire as "observers". Unlike a fully commercial conference members of the public have no "right" to attend as an "observer". Rather, a person is normally invited by the conference host, nominated by a national delegation and thereafter invited by the host. Sometimes observers self-select and ask the host for an invitation and, space allowing and there being no objection, they are in turn invited (in the 18th Conference, where space was not a problem, apparently any person who applied in time and paid the fee was registered). In some past conferences observers have attended the conference for free. In other conferences, a charge for participation is made for observers which is usually higher than for Commissioners (i.e. the host has not subsidised observers to the same extent).

Generally the range of foreign observers has included:

- academic and students of information sciences, law or other privacy related disciplines;
- privacy advocacy groups and privacy law advisers;
- lobbyists;
- government representatives;
- industry groups and business people;
- privacy media.

In addition to observers from other countries there are usually a wider range of local observers coming from government agencies, politicians, dignitaries, community representatives and such like.

The questionnaire specifically sought views on whether observers' attendance should be subsidised. Unlike the support for subsidising attendance of delegates, there was little support for subsidising observers. However, many respondents were in favour of encouraging, through subsidies, the attendance of certain classes of observer who might not otherwise be able to attend. The groups perceived to warrant subsidy were academics and advocates from privacy advocacy groups. Ironically, at present the subsidy may well benefit business groups and lobbyists who can afford to attend anyway while leaving a number of privacy advocacy groups have been unable to be represented on present costs. Encouragement of groups in the host country is a matter for the host and those arrangements can be considered separately from the general conference policy.

The following suggestions are given for consideration of future conference hosts:

1. Day registration (segregated - free or low cost)

Where the venue allows, and other conference arrangements are suitable, it may be possible to have a class of observers who take no active part in the conference but can observe proceedings from a segregated portion of seating (for instance where observers can arrive by a separate entrance and observe proceedings from a balcony). If such arrangements are possible then some form of "day registration" could be provided allowing people to participate at a low cost but taking no formal part in proceedings (either on the conference floor, in meeting with delegates, attending the luncheons or dinners, receiving conference materials or visiting exhibits).

2. Day registration (low cost)

Where the venue does not allow for segregation of different classes of observer it may nonetheless be valuable to have "day registration" for observers who would not otherwise be able to afford to attend the whole conference. The inclusion of day registration can thereby encourage wider participation but without a financial burden on the host. Day registration might, for instance, include attendance at the business sessions on a particular day but not conference registration pack or meals.

3. Observers to opt into social events

Presently, observers participate in the social events such as the opening and conference banquet along with delegates. This is reflected in the observer's fee as presently set. Accordingly, if participation in those social events was made optional it would be possible to lower the observer fee and thereby encourage participation by people who might otherwise be deterred by the fee. Observers would be welcome to attend those functions on payment of an additional charge.

4. Cross subsidisation of different classes of observer

A standard fee for observers could be set with a reduced fee for certain classes of observer which the conference wished to encourage (for instance, representatives from not-for-profit privacy advocacy groups or academics, including post-graduate students, and privacy media representatives).

5. Illustration of application of charging suggestions

Assume that a \$500 fee that would be payable by observers on a full cost recovery basis. The various options suggested above would allow for approaches such as the following:

- (a) an option of day registration for \$275;
- (b) attendance at all business sessions for \$325, with an option to attend certain social events for an additional \$175;
- (c) the observer fee could be set at \$600 with a special rate available for privacy advocacy groups and for academics at \$375 (or \$300 excluding social events).

SCHEDULE 4: Possible workshop topics

The idea of workshops or interactive sessions is to enable Commissioners to split into smaller groups. Working on, say, 60 Commissioners it would be desirable to have at least three workshops operating at once allowing a good choice of topics, and through smaller groups, plenty of interaction and discussion. The more popular sessions could be repeated enabling Commissioners to get their first choices of topic as far as possible.

The workshop format is designed for Commissioners and their staffs (rather than the public). However, it is not essential that a rigid demarcation between Commissioners and non-Commissioners be maintained. The objective is to have small groups and to ensure Commissioners can fully participate. Others knowledgeable in the area could do so as well. Accordingly, the workshop format does not preclude:

- using non-Commissioner expertise to address the group or participate in discussion; or
- opening the session to the public (and interested people) so long as numbers are restricted.

The list that follows is based on areas of operation of a typical Commissioner's office with an emphasis on the sharing of experience on practical skills or projects (an area that the international conference not emphasised for some years). Privacy topics have not been suggested here as they change from year to year. However, undoubtedly a privacy topic, such as encryption technology, could easily be suited to the same format with useful participation of outside experts in small group discussion or training.

Example topics for small workshops:

- input into legislative processes;
- conducting an education campaign;
- publicising the work of a Privacy Commissioner;
- complaints investigation;
- mediating complaints;
- publishing decisions;
- establishing an Internet home page;
- public sector audits;
- cost recovery in Privacy Commissioner's operations;
- dealing with intelligence agencies;
- auditing collection forms;
- appearing before judicial tribunals;
- interviewing witnesses;
- dealing with the news media;
- consulting with freedom of information officials;
- training privacy officers;
- staff training;
- establishing a new office;
- problems of operating a small office/large office;
- law enforcement information sharing;
- reviewing access requests;
- handling correction complaints;
- conducting an enquiry;
- dealing with departments over new laws;
- publishing a directory of personal information;
- overseeing public register issues;
- making public statements;
- co-operating with other official bodies;
- co-ordinating research projects;
- data matching oversight;
- evaluating new data matching programmes;
- approving exemption applications;
- freedom of information interface.

XVth INTERNATIONAL CONFERENCE
OF DATA PROTECTION AND PRIVACY COMMISSIONERS

Manchester 27-30 September 1993

CLOSED SESSION 30 SEPTEMBER 1993

This session of the Conference was restricted to Commissioners and members of their delegations. The notes which follow are not a full report of the session but seek to bring out conclusions and main points of interest.

1. Structure of the Annual International Conference

The division into a number of open sessions, together with a closed session for Commissioners was agreed. The policy of presenting contrasting points of view as in the current conference, was endorsed. However, more time should be made available for debate. It might also be possible to draw out experience through the use of questionnaires.

The distribution of handouts by placing these on delegates seats had been helpful.

2. Charging for Attendance

The numbers attending the Conference were growing. It was agreed that a charge for observers was appropriate and that a smaller charge for Commissioners and their staff was acceptable.

3. Conference Resolutions

The present flexible position with regard to whether the Conference passed resolutions or not should remain.

4. Working Parties

It was open to individual Commissioners to form these if they wished. They would be working parties of Conference members, but not of the Conference itself. If Commissioners responsible for working parties wished to tell the Conference of the results of their work, then they could do so.

5. Exchange of views and experience amongst Commissioners/secretariat requirements

It was important to facilitate the continuous exchange of views and experience between Commissioners. To assist this, and to help with future Conference organisation, it was decided to establish a "semi-secretariat" arrangement.

The country hosting the Conference would provide a "semi-secretariat" service for the following year. This service would not be extensive, but would:

- provide a central information service on reports Commissioners put forward as being of general interest;
- keep an up-to-date address list of Conference members;
- maintain a list of topics of current interest to individual Commissioners;
- assist Commissioners who wished to set up working parties by circulating information to other Commissioners.

6. Relationships with other organisations

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.

Individual Commissioners would make their own decisions on the specific relationships they established with other bodies with continuing data protection/privacy interests.

E.J. HOWE
14 April 1994

SCHEDULE 6: Analysis of responses to questionnaire concerning future shape of conference

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Extract from full analysis prepared by
Privacy Commissioner of New Zealand in July 1996

INTRODUCTION BY BRUCE SLANE, PRIVACY COMMISSIONER OF NEW ZEALAND

Bruce Phillips, Privacy Commissioner of Canada, proposed in a circular to Commissioners that part of the closed session of this year's conference be spent discussing the future of the conference. I offered to prepare a paper to help Commissioners focus on some of the options open to them. To assist me to prepare such a paper I circulated a questionnaire to all Commissioners. This enabled me to find out what Commissioners value in the conference and gauge initial reactions to some issues I had identified. This paper sets out an analysis of the responses.

This analysis was completed on the basis of the return of 34 responses during May, June and the first few days of July. I have decided to release the analysis of responses now to all Commissioners rather than await completion of the options paper which will be presented at the closed session of the conference (although it is my hope that it will be possible for this to be circulated a little in advance of the closed session). The purpose of circulating this material now is to give Commissioners a greater period to ponder upon the responses. I am sure that all who are interested in this international gathering will be impressed by the wealth of thoughtful responses contributed by the Commissioners and staff that participated in the exercise.

I have included some comments with particular questions to explain the analysis I have completed. These notes are solely to assist with reading the analysis and are not intended as recommendations or detailed comment on the substance of the issues which will await my options paper. Commissioners are welcome to get in touch with me if they wish to offer any further thoughts to assist me in the preparation of that options paper.

In respect of presentation of the analysis please note:

- generally only the number of responses has been presented, rather than percentages, given the small numbers available in most cases;
- in most cases, I have omitted reference to the numbers of people who did not answer a question or specifically stated that they had no comment;
- in some cases, the number of responses exceed the total number of respondents as some respondents gave more than one reply to questions.

Attached to the main analysis are some schedules setting out more comprehensive responses to certain questions (especially when comment was sought rather than "yes/no" answers). The full questionnaire set out as an attachment so you can, if you wish, compare the answers to the precise wording of the questions posed.

Bruce Slane
Privacy Commissioner of New Zealand

A note concerning terms used in the questionnaire

I use the term Commissioner for convenience throughout to refer to Privacy or Data Protection Commissioners, Members of Commissions, Registrars or their equivalent in a particular jurisdiction. I refer to Commissioners and their staffs as delegates to distinguish them from other non-Commissioner participants, which I call observers. I have assigned the descriptions very small, small, medium and large to the size of offices, as explained at A4. I also use the terms fringe meetings, regional meetings and working groups which are explained at Part C.

A. Respondent profile

Total responses - 34

A1 Commissioner or a staff member:

- Commissioner - 27 responses
- Staff of a Commissioner's office - 7 responses

A2 Conferences attended in the past 4 years:

- Copenhagen - 28
- Den Haag - 28
- Manchester - 19
- Sydney - 13
- None - 2

A3 Geographical spread

- Europe - 23 responses (9 EU, 2 non-EU countries)
- Canada - 5 (1 country)
- Australasia - 4 (2 countries)

Number of responses per country

- single response - 7 countries
- two responses - 4 countries
- three responses - 1 country
- five responses - 1 country
- 11 responses - 1 country

A4 Number of staff in respondents' offices:

- 1 to 10 (very small) - 4
- 11 to 20 (small) - 8
- 21 to 50 (medium) - 17
- 51 to 100 (large) - 4

A5 Please circle how long your country's law has been in place:

- more than 10 years - 15
- between 4 and 10 years - 12
- 3 years or fewer - 6

Comment:

A good response was obtained ensuring a good spread of views from Commissioners and staff, all geographical regions, small to large offices and jurisdictions having new to well established laws. It is not possible for me to say how representative the response rate was and that was not the purpose of the survey. At some stage it may be worthwhile for a survey of all jurisdictions to be undertaken to obtain a snapshot of where the administration of data protection and privacy rests worldwide in the late 1990s. I was pleased at the good response from one federal jurisdiction but having received 11 of the 34 responses from a single country I must emphasise that the figures are not representative of international opinion, merely indicative.

B. General structure and objectives of conference

Recent conferences have been held in September commencing with two days of public conference, to which government representatives, academics, industry representatives, privacy advocates and others are invited. This is followed by a half day closed session at which only Commissioners and their staff are present. Each year the venue changes as the conference is hosted by a different national Commissioner.

Questions

B1 Is an annual conference ideal?

YES - 31
NO - 1

B2 Is September the best month?

YES - 31
NO - 1
Alternatives suggested included May and October.

B3 Is 2½ - 3 days an appropriate length?

YES - 27
NO - 4
If no should it be longer or shorter? All 4 said longer.

B4(a) Is the ratio of open public conference to closed Commissioner meeting appropriate? (*current ratio is 2 days: 0.5 days*).

Respondents were almost evenly split with 12 being satisfied with current ratio and 14 wanting change - although there is an underlying support for change as the next more specific question shows.

(b) Should the closed session be extended to a full day?

YES - 17
NO - 3

(c) Should the ratio be reversed to a 1 day public conference followed by a 2 day closed session, or should some other ratio be adopted such as 2:2?

The three most popular choices of ratio public: private were:

- 2:1 - 16
- status quo (i.e. 2:0.5) - 8
- 2:2 - 7

B5 Respondents were asked to rank the conference to indicate whether the conference (as structured in recent years) met their expectations of a successful international conference with 10 meaning "excellent", 5 "worthwhile" and 1 indicating that "significant improvements are needed":

- range - 4 to 10
- average ranking - 7.2
- median ranking - 7

B6 Respondents were asked to list the 3 most important reasons why *they* attended the conference. Four popular reasons given were:

- to meet colleagues, cultivate contacts or “network”
- to keep abreast of, or better understand, international developments
- to gather, impart or exchange information and experience
- to learn more about different national ways, issues, problems and approaches

B7 Respondents were asked to name what is the main value to *them* in the public conference and the closed session

Three commonly given reasons for each were:

Public conference:

- to hear expert speakers or to meet expert participants
- to learn of new issues
- to be exposed to other points of views, exchange ideas, obtain fresh inspiration or fresh perspective

Closed session:

- to enable more open, candid or frank discussion through confidential analysis or discussion “off the record”
- to discuss issues with colleagues, to network
- to find out what other Commissioners think and do, coordinate approaches and strategies, reach consensus amongst those working in the same field

B8 Do you see the conference as a suitable opportunity to hold workshops for Commissioners on practical issues such as influencing public opinion, investigating complaints, enhancing registration processes, training privacy officials, conducting public education campaigns and the like?

YES - 21

NO - 9

B9 Would you like to spend more time discussing issues with Commissioners with others excluded?

YES - 21

NO - 10

If yes, would you prefer a single large group or a series of small groups?

SINGLE GROUP - 7

SMALLER GROUPS - 12

BOTH (unprompted) - 3

Comment:

The “both” response in B9 was not included as an option in the questionnaire but was offered by 3 respondents unprompted. Given the choice other respondents may have favoured that option.

C Interaction with other conferences and meetings

The international conference has often been accompanied by seminars and workshops organised by private organisations. These "fringe" events, although officially unconnected with the conference are often attended by many Commissioners. There are regional groupings of Commissioners which have, on occasion, held meetings to coincide with the conference. On occasion the international conference has convened working groups to deal with particular issues (e.g the working group on data protection and telecommunications which holds two meetings each year, one in Berlin and the other moving between locations).

Questions

C1 Do you see the facilitation of fringe meetings as important?

YES - 20

NO - 10

When asked, the most common suggestion to facilitate fringe meetings, was to provide Commissioners with information in advance of the conference as to the other fringe meetings on offer.

C2(a) To what extent should time be set aside for regional meetings?

YES/SOME - 8

NO - 9

NO CHANGE - 2

(b) Should regional meetings be encouraged or facilitated?

YES - 6

NO - 10

NO CHANGE - 1

(c) Should such meetings be officially notified on the conference programme?

YES - 6

NO - 8

Comment:

Question (c) was not sufficiently precisely posed. I intended the question to mean that if a regional meeting were to be held (whether officially organised as part of the conference programme or simply to utilise time available), should this be notified to other Commissioners so that they know what is going on. However the question may have been perceived as meaning should time be set aside on the official programme for regional meetings (which was question (a)). Accordingly, the responses are probably unreliable.

C3(a) Should greater use of Commissioner working groups be explored?

YES - 14

NO - 2

(b) Should such groups report back to the international conference?

YES - 18

NO - 0

Comment:

Unfortunately in (b) the meaning of "report back" was not defined. It might mean reporting back in writing or orally. Oral reporting would take time out of the conference programme. Written reporting would not.

- (c) Where convenient to the working groups, would there be advantages in holding meetings in conjunction with the conference?

YES - 12

NO - 2

D. Conference use of the Internet

Some international conferences now use the Internet to facilitate registration, circulate programme ideas and distribute conference papers.

Questions

- D1 Does your office presently:

- (a) have access to the Internet?

YES - 23

NO - 10

- (b) use email?

YES - 23

NO - 12

- D2 If your answers to D1 are no, do you expect to be "on-line" in the next 12 months?

YES - 9

NO - 2

- D3 Would *you* find it useful to have details of future conferences provided on an Internet site?

YES - 22

NO - 4

- D4 Would *you* find such a web site useful for electronic registration?

YES - 20

NO - 11

- D5 Would *you* find the electronic dissemination of papers (or abstracts of papers) in advance of the conference helpful ?

YES - 28

NO - 4

Comment:

Clearly, a high percentage of respondent Commissioners' offices are now "wired" to the Internet. There is considerable support for some use of electronic communication in respect of the conference.

E. Costs

A charging regime exists which sees part of the financial burden lifted from the host country through registration fees. However, the conference host effectively subsidises some costs of delegates, accompanying persons and observers. The host also has a significant burden in staff time devoted to conference organisation.

Question

E1 The current arrangement involves approximately a 20% subsidy for observers. Is this appropriate?

YES - 13

NO - 10

When asked what direction any changes should go many respondents who offered an opinion said that the subsidy should be reduced or scrapped, or at least reduced for business groups allowing any remaining subsidy to benefit academics, NGOs, non-profit groups and individuals.

E2 The current arrangement involves a 45% subsidy for delegates. Is this appropriate?

YES - 18

NO - 4

E3 Would the financial cost likely deter your office from offering to host the conference?

YES - 15 (including all 4 of the very small offices, 5 of the small offices, 5 medium, 1 large)

NO - 7 (including 1 small, 5 medium and 1 large)

F. Miscellaneous issues**Questions**

F1(a) Have the needs of observers been adequately addressed in previous conferences?

YES - 3

NO - 5

NO COMMENT - 17

(b) Is there a formula by which the number and type of observers might be settled?

YES - 7

NO - 4

F2 Have the needs of accompanying persons been adequately addressed in previous conferences?

YES - 14

NO - 1

In what direction might improvements be made?

F3 Have the needs of the news media been adequately addressed in previous conferences?

YES - 4

NO - 12

When asked to elaborate on their views many respondents pointed out that there would be some advantages for more media coverage although most were quite willing to defer to the conference host as the appropriateness of local media involvement may change from country to country.