

Closed Session Overview
30th International Data Protection and Privacy Commissioners Conference
Strasbourg, France, Friday, October 17, 2008

1. Opening of the meeting

Mr. Peter Schaar, German Federal Commissioner for Data Protection and Freedom of Information, on behalf of both chairing Presidents, Mr. Alex Türk, President of the French Data Protection Authority and himself, opened the session, by welcoming all participants.

2. Adoption of the agenda

The agenda was unanimously adopted.

3. Accreditations

The Accreditation Resolution and the Annual Report of the Credentials Committee (French, Hong Kong and Netherlands DPA) were unanimously approved. The DPAs of Burkina Faso and Croatia officially joined the Conference as accredited national authorities, the DPA of North Rhine-Westphalia (Germany) officially joined the Conference as an accredited sub-national authority.

As Macao SAR's application introduced by the Office for Personal Data protection of Macao SAR, was not granted accreditation this year, the Credential Committee encouraged the Office to continue its work in the area of privacy and data protection in the hope that it may as soon as possible be in a position to join the Conference as an accredited data protection authority.

The Portuguese Data protection authority offered its services to help and cooperate with the data protection authority of Macao.

The Chair indicated that the term of the Dutch and the French Data Protection Authorities expire in 2008 and that the French Data Protection Authority would not be seeking renewal. The Conference unanimously agreed to renew the term of the Netherlands DPA. The Spanish DPA agreed to replace France and will be member of the Committee for a two-year term. The Conference unanimously approved the Spanish Data Protection Authority's nomination so that the new Credentials Committee will consist of the Hong Kong, Netherlands and Spanish DPAs which was elected at the chairmanship of the Committee).

4. Reports/Resolutions

a) London Initiative

Mr. Peter Hustinx, the European Data Protection Supervisor, provided an overview of the state of play of activities arising from the London Initiative including possible perspectives and future steps : in particular, the follow-up of the work done by the communication officers network, and the organization of practical workshops (the first one to be organized would be dedicated to "responses to security breaches").

Mr. Peter Hustinx also mentioned Mr. Türk's suggestion to organize joint hearings and to gather our expertise in the technological and communication areas as a priority.

Among the other future actions suggested, it was designated the objective to move the creation of a permanent international Secretariat of the Conference forward together with the creation of a website platform through the offer made by the OECD.

The report was unanimously adopted by the DPAs.

b) International Privacy Association “IPA” report

Mr. Alex Türk, President of the French Data Protection Authority, presented on behalf of the 2 initiators of the project, CNIL and BfDI, the “Declaration on the IPA project: International Privacy Association”. The Conference took note of this report, had an intensive and fruitful debate on it and approved the suggestion of the French and German Data Protection Authorities to set up a working group under their joint coordination being in charge of establishing the realization and details of an international data protection award and to submit a report at the latest at the 31st International Conference to be held in Madrid next year. Initial members of this working group are France and Germany, (as coordinators) Belgium, Spain, Italy, Australia, and Hong Kong.

c) Resolution concerning the Establishment of a Steering Group on Representation at Meetings of International Organisations

Mr. Blair Stewart, Assistant Privacy Commissioner of New Zealand, provided an overview of the resolution concerning the Establishment of a Steering Group on Representation at Meetings of International Organisations.

Mr. Jean-Philippe Walter, Deputy Data Protection Commissioner of Switzerland, suggested that the steering group should also explore the usefulness of obtaining observer representation at the meetings of the UNESCO and the resolution should, therefore, be amended accordingly.

The amended resolution was adopted unanimously.

d) Website Working Group

Mr. Blair Stewart, Assistant Privacy Commissioner of New Zealand, presented on behalf of Mr David Loukidelis, Chairman of the group, the website working group’s report and provided an overview of the resolution by the website working group.

There was a general recommendation that the international Conference should be clearly visible in the website’s project.

The resolution was adopted unanimously.

e) Montreux Declaration/ Resolution on the urgent need for protecting privacy in a borderless world and for reaching a Joint Proposal for setting international standards on Privacy and Personal Data Protection

Mr. Jean-Philippe Walter, Deputy Data Protection Commissioner of Switzerland, provided an overview of his study on implementation initiatives related to the “Montreux Declaration” (his report is made available to all DPAs) . He presented on behalf of both Swiss and Spanish DPAs, as initiators of the project, the resolution on the urgent need for protecting privacy in a borderless world and for

reaching a Joint Proposal for setting international standards on Privacy and Personal Data Protection.

The Council of Europe expressed support for the project.

Mr. Artemi Rallo, Privacy Commissioner of Spain, informed that Spain will chair the working group that is to be set up in order to draft global standards to be adopted by the 31st International Conference in Madrid next year. Several countries express their interest to join this group.

Mr. Alexander Dix, Berlin Commissioner for Data Protection & Freedom of Information suggested to take Ms Cavoukian's preparatory work on global privacy principles into consideration when drafting the standards.

The resolution was adopted unanimously.

f) Resolution to explore establishing an International Privacy Day

Ms Karen Curtis, Privacy Commissioner of Australia, provided an overview of the resolution to explore establishing an International Privacy Day.

Mr. Richard Thomas, UK Information Commissioner, suggested to replace "day" by "day or week" in order to give the working group the option to choose and have more flexibility. He informed that the UK will join the working group together with other volunteers.

The amended resolution was adopted unanimously.

g) Berlin group/ Resolution on Privacy Protection in Social Network Services

Mr. Alexander Dix, Berlin Commissioner for Data Protection & Freedom of Information and Chairman of the International Working Group on Data Protection in Telecommunications ("Berlin Working Group") reported on the past meetings of the group (Rome March 2008, Strasbourg October 2008). The next meeting of the working group should be held in Sophia in March 2009 on the invitation of the Bulgarian DPA.

Mr. Dix also provided an overview of the resolution on privacy protection in social network services.

Mr. Luís Novais Lingnau da Silveira, President of the Portuguese Data Protection Authority, suggested to specify that educational institutions include schools and that therefore an explicit reference to schools should be added.

The amended resolution was adopted unanimously.

Mr Peter Schaar, German Federal Commissioner for Data Protection and Freedom of Information commented that this Berlin group was created in the early eighties, and had been developing many contributions, most of which having led to the adoption of resolutions ; so he thanked Mr Alexander Dix for his involvement in this working group.

h) Resolutions on Children's Online Privacy

Ms. Jennifer Stoddart, Privacy Commissioner of Canada, provided an overview of the resolution on children's online privacy.

Mr. Luís Novais Lingnau da Silveira, President of the Portuguese Data Protection Authority, suggested to replace "public education activities" by "educational activities towards the public" in order to avoid misunderstandings.

Mr. Giovanni Buttarelli, Secretary General of the Italian Data Protection Authority, suggested to amend the resolution by adding a reference to the declaration on protecting the dignity, security and privacy of children on the Internet adopted on February 20, 2008 by the Committee of Ministers of the Council of Europe.

The amended resolution was adopted unanimously.

5. Draft Conference Press release

The draft conference press release was presented to the DPAs.

6. Next International Conferences in 2009 & in 2010

The Spanish DPA volunteered to hold next year's conference and this proposal was unanimously accepted by the delegations.

In this connection the chair called on all present DPAs to consider the organisation of the 2010 conference as nobody has yet volunteered. The working group in charge of elaborating global standards (see point e) is asked to present its views on the 2010 conference at next year's event in Madrid.

7. Close

The chair thanked the assembled DPAs and closed the session.