

Communique

Newsletter of the Executive Committee of the International Conference of Data Protection and Privacy Commissioners

Special points of interest:

- New strategic direction of the Conference
- Amendments to rules and procedures
- Conference welcomes UN Special Rapporteur on the Right to Privacy
- Resolutions adopted at 37 Conference

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Volume 2, Issue 1

37 Conference report issue

Message from the Chair

There can be no doubt that Amsterdam is a beautiful and inspiring city, and was an ideal venue for our diverse discussions last month.

The Executive Committee's primary interest is of course in the one and a half day Closed Session, and while I am happy to declare that a success, based on what we heard, and what we achieved, I will suspend that judgement until we have completed the satisfaction survey that will tell us what you thought of the proceedings. I hope you will take the time to complete that, so that the Executive Committee can learn from the experience, and even more closely meet the needs of the Conference community in Marrakesh next year.

We do not need any survey however to know how well supported the Closed Session was by the hosts. The logistics and organisation were flawless, and the Committee once again thanks the Dutch DPA, and particularly recognises the contribution of Paul Breitbarth. The two Closed Session discussions proved to be more topical than we could have anticipated when we conceived them earlier this year, with the rapid commercialisation of genetic technologies, and the ECJ decision in *Schrems* decision illustrating how important it is for DPAs and others concerned with privacy to engage in a public conversation about intelligence and security.

There was also much to learn and share from the events that clustered around our conference, the Amsterdam Privacy Conference, the UN Global Pulse workshop, the GPEN workshop, the Big Data Ethics side meeting and others.

It was wonderful to meet so many of you in Amsterdam, and to see relationships being built and rekindled across all parts of the world. It is those personal connections that mean the most when we look



With those successes fresh in our memories, it is time to turn our minds to supporting the Moroccan DPA to match our achievements in Amsterdam.

An early task will be to select the topic or topics for the Closed Session. What are your thoughts? Please let us have your ideas. This year the Committee also hopes to make progress on the legal status of the Conference and Executive Committee, and a funding arrangement to ensure the Conference remains on a sound footing to meet the increasing demands of all members as we move into a time of greater interdependence and international collaboration.

to finding privacy solutions for our communities in a connected world.

John Edwards - New Zealand Privacy Commissioner and Chair of the ICDPPC Executive Committee

Conference steers a new strategic direction

The Conference took two key strategic decisions at its closed session in October:



Kompasroos, 1825

1. In an [amendment to its rules](#) it expressly gave the

Executive Committee the responsibility “to provide leadership to the Conference in attaining its strategic goals”.

2. It adopted a new outward looking [Strategic Plan](#) to run for 3 years from 2016-18.

The Strategic Direction Working Group, which had been set up two years earlier, delivered its final written [report](#) to the 37th Conference and its strategic work is now subsumed into the Executive Committee’s responsibilities. The working group, in liaison with the Executive Committee, was able to point to two major achievements during the year. The first priority was to “encourage and confirm hosts well in advance” which was achieved with the successful implementation of the process

to select the host of the 37th Conference. The second priority was to develop a new strategic plan to start in 2016, which was duly presented for adoption in Amsterdam.

The new strategic plan includes 4 strategic priorities and an action plan to give effect to them. For 2016 to 2018 the Conference’s Strategic priorities include:

- A. Strengthening Our Connections, Working With Partners.
- B. Advancing Global Privacy in a Digital Age.
- C. Completing Conference Capacity building.
- D. Assessing Our Effectiveness.

These will be further reported upon in future newsletters.

Updates to Conference Rules and Procedures

On the [recommendation](#) of the Executive Committee, the Conference resolved to update several of its rules:

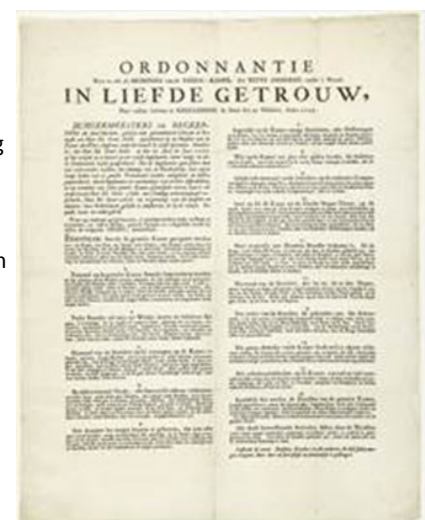
- Various errors were corrected.
- The Executive Committee was given a clearer mandate to provide strategic leadership to the Conference.
- To record several Executive Committee administrative, implementation and accountability functions (e.g. to maintain a permanent Conference website).
- To consolidate into the rules, from an earlier resolution, an Executive Committee responsibility

to ensure that processes are in place to support the operation of Enforcement Cooperation Arrangement.

- To simplify the processes for submitting of applications to become a member or observer and to clarify administration of observer status.
- To show support for linguistic diversity in simultaneous interpretation.

The Secretariat has prepared a [consolidated set of rules](#) containing all the

amendments.



Reglementen, 1709

Declaration released at the 37th Conference in Amsterdam

The 37th Conference at the end of the closed session passed a declaration on the two topics that were discussed during the closed session, Genetics and Health data: Challenges for tomorrow and Data Protection Oversight of Security and Intelligence: The role of DPAs in a changing society.

The Declaration was realised jointly in the names of the Chair of the Conference and the host of the 37th Conference.

The Declaration identifies the challenges arising from society's increasing ability to collect, analyse and use genetic information and provides a few observations:

- Characterisation and identification
- Risks for data protection and privacy
- Necessity for greater communication with the Scientific Community

The discussion on Data protection and oversight of security and intelligence highlights the issue data protection authorities are facing because of the unprecedented level of public discussion of the activities of

intelligence and security agencies worldwide, together with the changing security environment with potential for terrorist activity in all countries.

There is no one solution to overcome this issue. Each data protection authority can find its own way to contribute to the discussion, and to the oversight environment in order to build and maintain public confidence. DPAs discussed some of the elements that their influence could include

- The promotion of proportionality and lawfulness in intelligence and security activities;
- Establishing links and coordination with local and international oversight agencies;
- Providing advice and assistance to specialist oversight agencies while retaining their independence and credibility with their communities;
- Advocating for better transparency, both from the agencies, and from commercial entities that are providing data in response to requests or



demands from intelligence agencies.

- Defending wider use of encryption use as a legitimate means to protect consumer data. involvement in the activities of intelligence and security agencies.

The complete text of the Declaration is available [here](#).

Global Cross Border Enforcement Cooperation Arrangement commences

The Enforcement Cooperation Arrangement commenced on 27 October 2015 with the announcement by the Executive Committee Secretariat that there were at least two verified participants. The honour of being recorded as the first participant went to the Gibraltar Regulatory Authority.

At the date of the closed session eight data protection authorities had given notice of

their intention to participate in the Arrangement and are recorded on the Conference website [list of participants](#).

Privacy enforcement authorities that wish to participate in the Arrangement may do so by completing the online [Notice of Intent](#). More information is available in the Arrangement's [Frequently Asked Questions](#) page.



Aap op de rug van een hond, 1667—1718

Conference adopts Resolutions on transparency, humanitarian and UN topics

At its closed session in Amsterdam in October the Conference adopted three resolutions on international topics.



Congress of Vienna, 1815

The [Resolution on Transparency Reporting](#) was proposed by Canada and encourages the practice of 'transparency reporting' to promote accountability in relation to govern-

ment access to personal information held by organizations. The resolution supports an earlier Berlin Group [working paper](#) and touched upon a topic also explored in the closed session in Ira Rubinstein's [presentation](#).

The [Resolution on Privacy and International Humanitarian Action](#) highlights the issue of humanitarian crises and established a working group to endeavour to help develop data protection guidance to assist international humanitarian actors. The initiative was welcomed by several international organisations present in the closed session discussion.

The [Resolution on Cooperation with the UN Special Rapporteur on the Right to Privacy](#) builds upon last year's [Resolution on Privacy in the digital age](#) and congratulates the

recently appointed UN Special Rapporteur, Joe Cannataci, and calls upon governments and all relevant stakeholders to offer any assistance and support necessary to enable the Special Rapporteur to undertake his work. The Resolution dovetails with the Conference's newly adopted [strategic plan](#) which includes in the action plan the goal of provide assistance to the UN Special Rapporteur. More detailed commentary on individual resolutions will follow in later newsletters.

Closed session welcomes UN Special Rapporteur on the Right to Privacy

The Conference was privileged to hear from the Special Rapporteur on Privacy in one of his first major public engagements. Joe Cannataci graciously acknowledged the Conference Chair as one of the first to congratulate him on behalf of the Conference upon his appointment in July. The Special Rapporteur pro-

vided a lively 20 minute presentation to delegates. While he has only recently embarked upon his mandate he already had sketched out the beginnings of a 10 point plan to guide his work which included (in summary):

- A universal understanding of what is meant by the 'right to privacy'.
- Awareness building amongst citizens.
- A dialogue amongst the different stakeholders.
- Effective safeguards and real remedies.
- Effective technical safeguards (including encryption and overlay software)
- Dialogue with the

corporate world (given business models where personal data have been monetised

- The value of national and regional privacy protection mechanisms.
- Harness the energy and influence of civil society.
- Cyberspace – mass surveillance – cyberwar
- Further development of international law.

A profile of Joe Cannataci was included in the [July news-letter](#). We hope to report on the work of the Special Rapporteur in future newsletters.



Meet the new Executive Committee



John Edwards – Chair, re-elected at the 37th Conference



Isabelle Falque-Pierrotin – Elected at the 36th Conference



Daniel Therrien – Elected at the 37th Conference



Wilbert Tomesen - Netherlands joined the Committee in 2011 and is currently serving in the capacity as previous host



Said Ihrari – Hosting authority of the 38th Conference

Executive Committee: Highlights of its meeting

The Executive Committee met in person for the first time in Amsterdam on 29 October 2015. A few highlights –

- The Chair welcomed new members to the Committee and paid its tribute to the members who had retired from the Committee
- The Chair signalled the importance of identifying suitable themes for the 38th Conference and requested members to discuss possible themes at the next meeting.
- The Committee discussed the mandate of the resolution on Privacy and

Humanitarian International action of creating a working group.

- The Committee agreed that a subcommittee of two committee members would assess hosting proposals submitted for the 2017 Conference.



Night Watch', 1642

Citation for exceptional contribution to International Data Protection: Dr Alexander Dix

At the 37th Conference, the Conference, by acclamation acknowledged Dr Alexander Dix's exceptional contribution to International Data Protection.

Dr Alexander Dix has made a unique and long term contribution to the International

Working Group on Data Protection in Telecommunications over three decades. Alexander contributed to the chairing and organisation of the working group over many years first as the Berlin Deputy Commissioner, later as Brandenburg Commissioner, and more recently leading the

Group as Berlin Data Protection Commissioner. The Data Protection community have been well served by the Working Group's guidance in cutting edge matters of technology, telecommunications and the Internet and the Conference pays tribute to Alexander's insights, hard work and leadership.



Comings and goings

- Ms. Cristina Angela Gulisano was appointed Director of the Danish DPA in August 2015.
- Alexander Dix, Berlin Data Protection Commissioner term is expected at any moment to end.
- David Smith, Deputy Commissioner, ICO, United Kingdom retires this month.
- Jacob Kohnstamm, Chairman of the Dutch DPA retires in December 2015.



Morning: The Fisherman's departure

The Conference in Pictures

This special Conference Report issue of the newsletter has been illustrated by images from the Rijksmuseum's online collection. For a more

contemporary view a few photographs of the closed session follow. More pictures are displayed on the Conference [picture gallery](#). Images

from the public conference are available at the 37th Conference [website](#).



The Conference Chair and Conference host at opening of closed session



The Genetics panel



The intelligence oversight panel



An intervention from the floor.

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