**ICDPPC Executive Committee**

**Quarterly Stock take from the Conference’s Working Groups**

**(*On the basis of (i) the information enclosed in the reports and resolutions of the 40th Conference and (ii) the information received from the different working groups coordinators as requested for the Quarterly Stocktake for the ICDPPC Executive Committee January 2019*)**

***First Quarterly Update: January-April 2019***

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| **Working Group** | **Members** | **Work Plan**  **2018 – 2019** | **Activities**  **October 2018 – January 2019 (incl., milestones complete and achievements)** | **Priorities**  **January – April 2019** |
| **Future of the Conference**  *Co-Chairs:*  *Canada*  *(Daniel Therrien)*  *UK*  *(Elizabeth Denham)* | *Members include:*  *Albania, Argentina, Canada, EDPS, France, Germany, Gibraltar, Hong Kong, Italy, New Zealand, Philippines, Switzerland, UK, USA.* | Below are the Work Streams to be completed by the 41st Conference:  **Work Stream 1: Secure online platform for ICDPPC members**   * FOTC WG to evaluate the possibilities and modalities, including technical and financial requirements, for the creation of an ICDPPC members’ secure online platform. * This project will require identifying what items would go on the public-facing part of the ICDPPC website, which would be on the secure part of the site and provide options related to the cost-benefit of having a secure site in addition to a public site.   **Work Stream 2: Interpreting the membership Criteria**   * FOTC WG to prepare a background document to explain and clarify membership and independence criteria of the ICDPPC Rules & Procedures.   **Work Stream 3: Articulation between the closed and open sessions**   * FOTC WG to consult on and assess the relationship between the open and closed sessions of the annual meeting and, on that basis, present proposals that maximize the attractiveness of meeting’s agenda.   **Work Stream 4: Establishment of a funded Secretariat**   * FOTC WG to prepare, in close cooperation with, and by regularly reporting to, the Executive Committee, a proposal on the establishment of a stable, funded Secretariat.   The work includes:  (i)Identifying the Secretariat Services:  (i) Scope of Work, accountability;  (ii) drafting related changes to ICDPPC Rules, and  (iii) options for an eventual independent legal entity.  (ii)Proposals on funding:  (i) fee structure;  (ii) modalities for collection of fees;  (iii) penalties for non-payment; and  (iv) identifying alternative sources of funding.  **Work Stream 5: External Stakeholder Group**   * + FOTC WG to present a detailed proposal on the creation of an ICDPPC contact group with external stakeholders, in particular civil society organisations.   + The external contact group is intended to facilitate dialogue and exchanges on ICDPPC activities and the preparation of the annual meetings. |  | **Work Stream 2: Interpreting the membership Criteria**  *By end March*: Reach out directly to members who previously expressed interest.  Collect relevant documents from Secretariat on past ExCo analysis of membership applications.  **Work Stream 3: Articulation between the closed and open sessions**  Reach out to those that responded to the call for expressions of interest.  If no expressions of interest are received, work directly with Future of the Conference WG members. |

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| **International Enforcement Cooperation**  *Co-Chairs:*  *Netherlands*  *(Marianne Niessink)*  *UK*  *(James Dipple-Johnstone)* | *Members include:*  *Albania, Argentina, Belgium, Canada, Catalonia, EDPS, France, Germany, Ghana, Hong Kong, Mexico, Switzerland, Turkey, USA.* | **Workstream 1.1**: develop a finalised repository and draft a resolution for commitment to keep the repository alive and promote it.  **Workstream 1.2:** develop a recommended design for the Authorities Database and research the option for a secure space using the cost-benefit analysis of ICO.  **Workstream 2.1:** finalise the work on draft Schedule 2 and conduct a mapping exercise. Work on report to be presented in Tirana.  **Workstream 2.2:** work on report to be presented in Tirana in which we present the questions that were included in the survey, the results of the consultation, existing agreements and clauses as a starting point and a suggestion a possible way forward.  **Workstream 2.3:** work on report to be presented in Tirana, reflecting on this workstream and indicate to favour a pause for this work on the MLAT. | Face-to-Face meeting of the Working Group in The Hague, 21 & 22 February 2019. | Update Executive Committee in first week of March.  Recommended design for the Authorities Database from ICO to the Executive Committee before 1 May 2019.  Recommendation from ICO on secure space based on the outcome of the cost-benefit analysis to the Executive Committee before 1 May 2019.  Finalise and circulate minutes of the Face-to-Face meeting in The Hague.  Finalise draft Schedule 2 by first week of March. Conduct mapping exercise.  Start working on Working Group Report and Resolution(s) for Tirana. |

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| **Digital Education**  *Chair:*  *CNIL*  *(Marie-Laure DENIS*  *& Pascale RAULIN-SERRIER)* | *Members include:*  *Albania, Australia, Basel Kanton (CH), BE, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada (OPC), Canada (Ontario), Canada (Québec), Canada (Alberta), Catalonia, Columbia, Council of Europe, Croatia, Cyprus, Czech Republic, EDPS, Estonia, FYROM, Finland, France, DE, Gabon, Georgia, Ghana, Gibraltar, Greece, HUN, Hong Kong, IT, Ireland, Israel, Ivory Coast, Jersey, Korea (tbc), Latvia, Lithuania, Luxembourg, MO, Macao, Macedonia, Mali, Mauritius, Mexico, State of Mexico, Moldova, Monaco, MO, NO, New Zealand Poland, PT, RO, Senegal, Singapore, Rep of Slovakia, SP, Slovenia, Switzerland, Tunisia, UK, Uruguay, USA.* | Circulation of the adopted Working Plan 2018-2019.  1. Adaptation of the data protection Competency Framework with resources by age groups.  2. Awareness-raising on the direct exercise of digital rights by the children themselves.  Present at the 41st International Conference a summary of initiatives and best practices relating to support and/or advice facilitating the exercise of the rights of children on the Internet.  3. Implementing the Resolution on e-learning platforms.  4. Evolution of the CIRCABC online platform. | i) Circulation of the adopted Working Plan 2018-2019:  **Task:** **Completed**.  Circulation conducted in December 2018.  The existing table for reporting about the implementation of the Competency framework is being adjusted to facilitate the DPAs report on progress in relation to integration in schools and in curricula programmes.  As a follow up of a preliminary survey conducted by CNIL in June 2018, it was stated that, in a certain number of countries, minors are recognised as having the option to exercise their right directly, depending on their age and level of maturity.  i) To take stock of initiatives and emerging good practices of related appropriate privacy notices and information systems to raise awareness of children and/ or the legal representatives, according to the age and the level of maturity to get them exercise their privacy rights in practice.  **Task to be completed**  i) Circulation in December 2018 of the Resolution and its recommendations to get it promoted with government, public stakeholders and related industry sectors charged with educational missions and providing educational services.  **Task:** **Completed**  ii) Follow up initiative related to the implementation of the 2018 resolution in national jurisdictions.  OPC of Canada agreed to serve as a point of contact for members that wish to report on their implementation of the e-learning platforms resolution.  **Task : Ongoing**  i) Drafting a revised draft tree diagram of the CIRCABC site to improve its classification and navigation readability.  **Task:** **Completed**  ii) Making the draft table available to DPAs on the CIRCABC platform with information notice about the biggest changes implemented in the new User Dashboard, major graphical updates and a new User Interface implemented on the CIRCABC platform.  **Task : Ongoing with Luxembourg DPA and EU Help Service from a technical point of view**  iii) Activation of an alert/notification system for registered members, aimed at flagging up any new resource availability online.  **Task : Ongoing to be activated with Luxembourg DPA**  iv) posting new and updated educational resources on the CIRCABC platform in relation to axes 1, 2 and 3 of the current work plan.  **Task : Ongoing – new resources have been posted since January 2019 by several DPAs, including Gibraltar and CNIL**  iv) liaising with other educational portals for teachers.  Appropriate contacts with Head of Unit DG CONNECT have been successfully initiated to explore the feasibility of uploading DPAs resources from CIRCABC in  [Better Internet for Kids platform](https://www.betterinternetforkids.eu/) as a suitable repository, making these resources available to the general public and teachers community, as managed by European Schoolnet for a worldwide audience. | Additional regional authorities are welcome to join the group.  Enquiry to be forwarded in Spring to get feedback from the Safer Internet initiatives associated with educational modules made available and brought into line with the key competencies addressed in the Competency framework and with resources adapted by age-groups.  To be launched in March 2019.  As a next step, a survey will be developed to focus on effective information systems, other tools, educational ways or good practices set in place in order to raise awareness of children and/ or the legal representatives to the exercise of their rights online.  Including investigation related to the way to access information and assistance to activate their rights given development of capacity in children’s age ranges.  CNIL is surveying ongoing consultations being conducted on similar issues in several countries (UK, Ireland among others) to feed with preliminary overview of outcomes in education and understanding of children as well as barriers to activate their data protection rights.  Scope of the survey to be settled in line with the work plan and adjusted accordingly to avoid overlapping.  Co-leadership will be offered.  To be launched around April/May 2019.  A draft table to facilitate the DPAs report in compliance with the resolution recommendations is being developed with the DEWG coordinator and OPC to invite members to inform back about any active promotion conducted and to know whether the Resolution has found a very receptive audience among all stakeholders.  Take stock about ongoing Codes of Practice and/or Guidelines based on the resolution specifically adapted to the local context and laws to help develop governing the use of e-learning platforms.  **Task:** **To be launched** **in coordination with OPC of Canada (timetable tbc)**  The revised draft tree diagram will be uploaded on the CIRCABC site and information will be circulated to invite DPA members to upload updated resources in line with the new chart.  **Task:** **To be launched by mid-March 2019**  Discussion and online meetings planned over February 2019:  To clarify about the work and resources and explore some short and longer-term solutions in cooperation to giving some visibility to CIRCABC resources. |

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| **Digital Citizen and Consumer**  *Chair:*  *Canada*  *(Daniel Therrien*) | *Members include:*  *Authority for Consumer & Markets – Netherlands.*  *Belgium Data Protection Authority.*  *Denmark.*  *European Data Protection Supervisor.*  *Federal Trade, Commission, U.S.A.*  *Information Commissioner’s Office, United Kingdom.*  *National Privacy Commission, Philippines.*  *Norway.*  *Office of the Australian Information Commissioner.* | 1. To continue the study of the overlap of legislation affecting the rights of digital consumers 2. To utilize and engage in networks that involve privacy, consumer protection or competition, and/or data protection 3. To arrange a workshop/webinar that allows for the identification of best practices when DPAs and Consumer Protection and/or Competition authorities are collaborating | * Presentation at the European Consumer Protection Network Workshop. * Presentation at the Digital Clearing House. * Presentation at APPA * General monitoring of academic articles / cases involving the intersection between privacy and consumer protection. | * Organize Workshop – we aim to spend the next quarter putting together a Workshop to identify and discuss best practices on joint collaboration efforts across regulatory spheres. * The workshop is envisioned as forming part of the next Digital Clearing House meeting, which the Working Group considers an ideal network for such topic, since it brings together agencies internationally from the areas of privacy/data protection, consumer protection and competition. * Continue to monitor and map relevant cases of cross regulatory collaboration. * Leverage opportunities for engagements on other networks (ICPEN, GPEN) in order to advance the mandate of the resolution and sensitize regulatory agencies to intersections with privacy. |

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| **Ethics and Data Protection in Artificial Intelligence (AI)**  *Co-Chairs:*  *Hong Kong*  *(Eric Tse)*  *France*  *(Etienne Maury)*  *EDPS, (EU)*  *(Giovanni Buttarelli)* | *Members include:*  *Argentina, Australia New South Wales IPC, Canada – OIPC British Columbia, OPC and CAI, Council of Europe, Denmark, EDPS, Finland, Germany – Bonn, Mainz, Munich, Greece, Guernsey, Hong Kong, Ireland, Italy, Japan, Jersey, New Zealand, Switzerland, UK.* | The Working Group (WG) discussed the questions in the discussion paper prepared by the Secretariat under 4 baskets. Discussion points and proposals are summarised below.  a) Promoting the Guiding Principles:   * Each DPA should publicise the Declaration within their own country or jurisdiction, with their Governments, Parliaments and with relevant national bodies and decision-makers, using national platforms or networks where these exist; * Individual Commissioners could promote the Principles during their meetings with relevant stakeholders or on visits, particularly with any countries/jurisdictions not currently ICDPPC members or observers; * Working Group members could then report back to the WG on reactions and impact; * The Principles could be promoted through regional networks such as the Ibero-American network e.g. an ICDPPC presentation at an upcoming network meeting; * It was noted that AFAPDP had adopted an AI Resolution in 2017; * EDPS would be promoting the Guidelines with the EU and other European institutions: there was an opportunity to contribute to the public consultation on the EC’s proposed Guidelines (until 1 February); * Some Governments, such as Japan, are developing national AI Guidelines and Principles which could be shared with others; * It could be helpful to develop more practical or operational guidance on one or more of the Principles, aimed at specific groups, such as operators or service providers: transparency, explicable AI, privacy by design and risk management were highlighted; * The Working Group could collate and share details of initiatives being taken in particular areas e.g. ICO is doing a lot of work on explicability; * The Working Group could share examples of best practice; * A potential overlap was noted with the work of the Berlin Group, which is developing technical guidelines on AI; it was important that these were aligned to the Declaration; * It was suggested to liaise with the Digital Consumer Working Group also as their remit involves consumer protection authorities; * Other sectoral authorities (market, competition) could be identified via relevant national contacts; * A question was raised as to whether national military use of AI e.g. for information operations was in scope for the Working Group: one participant noted that this went to the heart of the principle on human dignity, while another suggested this might be an area to consider in the longer-term if the Working Group decided to develop sectoral guidance.   b) Fostering international efforts towards common governance principles   * The Working Group could make contact with bodies with international scope and a horizontal remit e.g. ACM and IEEE who both have a standard-setting role; * Many other bodies, including intergovernmental organisations and interest groups are also looking at AI (Council of Europe, OECD, UNESCO, IGF and RightsCon were mentioned); mapping these would help identify where to reach out to promote the ICDPPC Principles and to develop a dialogue;   c) Public Consultation   * The Working Group agreed that the ICDPPC public consultation should be extended by 2 weeks: Secretariat to action and to tweet to encourage additional contributions; Working Group members to retweet to encourage national partners and stakeholders to have their say; * Co-Chairs will analyse and produce a summary of the input to be published on the ICDPPC website;   Outputs for 41st Conference in Tirana in October 2019   * Co-chairs to consider and make proposals | All participants were content for their names and email addresses to be shared within the Working Group.  Terms of Reference (ToRs) to be drafted by the new co-chairs for adoption by the Group; remit summarised in background part of discussion paper.  Secretariat will produce a summary note.  Co-chairs to lead on follow up and organising future meetings. | Co-chairs to consider and make proposals. |

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| **Data Protection Metrics Working Group**  *Chair:*  *New Zealand*  *(John Edwards)* |  | The work plan includes:   * To develop internationally comparable metrics in relation to data protection and privacy; and * Support the efforts of other international partners to make progress in this area. * To arrange for the ICDPPC Census to be held every three years, with the next Census in 2020. |  |  |