**ICDPPC Executive Committee**

**Quarterly Stocktake 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 July 2019*)**

***Second Quarterly Update: May-June 2019***

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| **Working Group** | **Headline Progress** | | **Work Plan**  **2018 – 2019** | **Activities**  **April 2019 – June 2019**  **(incl., milestones complete and achievements)** | **Priorities**  **July 2019 – September 2019** |
| **Future of the Conference**  *Co-Chairs:*  *Canada*  *(Daniel Therrien)*  *UK*  *(Elizabeth Denham CBE)* | A draft on the establishment of an external stakeholder contact group has been finalised and consultation with WG members is ongoing.  Drafts on the proposal on the establishment of a funded Secretariat and on the creation of a secure online platform are being finalised.  Drafts on the membership criteria of independence and  on the format of the annual meeting are underway. | | Work is on track and final versions of papers and documents are expected to be finalised by the end of August as per work plan. | In the present quarter, the WG on the FOC was able to finalise three draft proposals with two more currently in the pipeline. | The priorities for the next quarter of the WG on the FoC are to continue discussions amongst members in order to have consolidated versions of these proposals to be submitted for consideration at the next ICDPPC annual meeting in Tirana in October. |
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| **International Enforcement Cooperation**  *Co-Chairs:*  *Netherlands*  *(Marianne Niessink)*  *UK*  *(James Dipple-Johnstone)* | | The Working Group on International Enforcement Cooperation is finalising its two-year mandate.  Recommendations to be made on practical tools for cooperation and future legaltools. | In accordance with the WGIEC’s letter to the ExCo in April, the WGIEC is currently focussing on finalising its work in Workstreams 1 and 2, and is preparing a final report and a resolution to present at the ICDPPC in Tirana.  In doing so, the WGIEC takes account of the recommendations made by the Future of the Conference and of the draft Policy Strategy circulated by the ExCo in the beginning of June. The current work plan of the WGIEC includes the following Workstreams:  **Workstream 1.1**: Non-confidential information sharing platform (authorities’ database).  **Workstream 1.2:** Confidential information sharing platform.  **Workstream 2.1:** Amendments and Schedule 2 to the Global Cross Border Enforcement Cooperation Arrangement.  **Workstream 2.2:** Other legal tools for cooperation, such as model MOUs and other Arrangements.  **Workstream 2.3:** Mutual Legal Assistance Treaty. | Activities completed in the present quarter:  Feasibility study of proposed amendments to the ICDPPC website, to achieve Workstream 1.1 goals.  Full round of feedback on Workstream 2.1 documents.  Update of the questionnaire on enforcement cooperation in Workstream 2.2, and final analysis thereof.  Conducting interviews and collecting information to complete (and close) Workstream 2.3. | Priorities for the next quarter:  Finalising the WGIEC final report in cooperation with the responsible rapporteurs.  Incorporating cost-benefit study of a confidential information sharing platform into final report of Workstream 1.2.  Drafting a Resolution to present at the ICDPPC in Tirana.  Collecting and incorporating feedback on the Resolution and the final report before sending final version to ExCo. |

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| **Digital Education**  *Chair:*  *CNIL*  *(Marie-Laure Denis*  *&*  *Pascale Raulin-Serrier)* | | As a follow-up of our 2018-2019 roadmap released in December 2018, the DEWG will build upon further exchanges of experiences between data protection authorities on **four priority actions** listed under Work Plan 2018-2019. | **Action 1: Adaptation of the data protection Competency Framework.**  **Action 2 Awareness-raising on the exercise of digital rights by the children themselves.**  **Action 3: Implementing the Resolution on the e-learning platform.**  **Action 4: Evolution of the CIRCABC online platform.** | To keep on exchanging on the experience feedback shared between members in compliance with the 2016 Resolution:  DPA members are invited to complete a **Table for Action (1)** to inform about progress of its effective adaptation by age groups and in complementing resources accordingly at national or regional level, and the way for any integration of the framework and key competences into lesson plans.  To be circulated by 12 June 2019.  The specific objective of this action is to take stock of awareness tools, practical guidance and other ways or existing practices facilitating the exercise of their privacy rights online by children and/ or the legal representatives, according to the age and the level of maturity.  In relation to the implementation of the 2018 Resolution on e-learning platforms, DPA members are invited to complete **Table for Action (3)** to inform the Task Force (Canada and France) about any progress made:  Questions A. B. C. : Collecting any initiatives and feedback on the promotion of the international resolution/Questions D. E.: Identifying Codes of Practice.  To be circulated by 12 June 2019.  The revised draft tree diagram designed on the CIRCABC platform benefiting from improved ergonomics, refaced resource classification spaces will be effective as of June 21, 2019. | | To prepare a Report for the 41st ICDPPC.  For this purpose, the DEWG will launch in early July 2019, a survey questionnaire to member authorities to collect initiatives and good practices identified by DPAs that contribute to the process of information on the rights of children online.  A summary of initiatives and best practices developed will be presented at the 41st International Conference to highlight how the exercise of the rights of children is facilitated and which could be blocking progress.  To draft a preliminary report on the implementation of the resolution.  DPAs will be invited as soon as the new version is available to upload updated material in the various sections to highlight their new educational resources to be shared between DPAs. |
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| **Digital Citizen and Consumer**  *Co-Chairs:*  *Canada*  *(Daniel Therrien*)  Australia  (Angelene Falk) | The Digital Citizen and Consumer Working Group (DCCWG) has been continuing its efforts to consider the interaction of privacy, data protection, consumer protection and competition.  In the last quarter, we have welcomed the OAIC as co-chair of the DCCWG. | | We aim to bring about effective cooperation by sensitizing authorities to the intersection such that competition or consumer authorities can recognize a privacy issue when they see it and vice versa, and understand the opportunity that collaboration presents for the protection of a consumer’s personal data.  To this end, we have been engaging with authorities, such as APPA, CPC, GPEN, and the Digital Clearinghouse, to not only present the DCCWG White Paper (2018) but to further advance awareness of intersecting enforcement cases and the mapping of relevant jurisprudence. | With respect to the identification of collaboration tools, another deliverable for this year, we have recently concluded a cross GPEN-DCCWG workshop at the GPEN Practitioner’s Enforcement Event where we sought to hear from members about their experiences with the intersection and best practices for such cooperation. This was complemented by a session at the Digital Clearinghouse seeking similar information. | Next quarter, we intend to reach out to ICPEN to request working with this network in an effort to hear from consumer and market authorities on the issue. We will also work towards the drafting of a resolution for the 2019/2020 ICDPPC Conference, along with a summary of this year’s WG achievements. | |

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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)* | The Declaration on Ethics and Data Protection in Artificial Intelligence (AI), adopted at the 40th Conference in October 2018, endorsed a set of “guiding principles”, as its core values to safeguard human rights in the development of AI. It calls for common governance principles on AI to be established, fostering concerted international efforts in this field and working with and supporting general and sectoral authorities in other fields, such as competition, market and consumer regulation.  This permanent WG has been established to promote understanding of, and respect for, the guiding principles by all relevant parties involved in the development of AI systems, including governments and public authorities, standardization bodies, AI system designers, providers and researchers, companies, citizens and end users of AI systems.  The objective is to proactively support an active public debate on digital ethics aiming at the creation of a strong ethical culture and personal awareness. | In accordance with the goals and tasks set out in the Declaration, this table\* proposes a work programme for the first two years of activity of the ICDPPC Working Group on Ethics and Data Protection in Artificial Intelligence (WG). It is currently under review and will be amended in accordance with the input of WG members.  \*[See table below in Annex A]. | The ICDPPC WG on AI had a call with all members on 7 June. The WG discussed the outcome of the Public Consultation on the Declaration on Ethics and Data Protection in Artificial Intelligence and the WG's draft work programme, including a potential gap analysis conducted through a survey among WG members over the summer.  Additionally, the WG is currently creating an online repository to share meeting documents and collect information on AI, data protection and ethics. Members were invited to create an EU-login account for access and sending documents for upload to the secretariat: (a) guidance documents on AI, data protection and ethics, (b) real life cases of AI technology applications that are relevant for data protection and ethics.  On 12 June, members of the WG from France and Canada met representatives of civil society in the context of the RightsCon conference in Tunis. The discussion served to improve the participants' understanding of the Declaration and the mandate and scope of the WG. | The secretariat will arrange one further WG conference call in July, to be followed by another one in September.  The WG will continue working on the uploading of documents for the AI repository.  The WG will present a report in Tirana 2019, which will contain a summary of the contributions to the Public Consultation and an assessment of the Declaration’s principles that may require more guidance. |

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| **Data Protection Metrics Working Group**  *Chair:*  *New Zealand*  *(John Edwards)* |  | 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. |  | A Resolution will be put to the Conference on common core questions.  Preparations are underway for a Report which will reveal the findings of our work and recommend common core questions to be included in DPA or national surveys that measure public awareness on privacy/ data protection.  The report, first, will be shared with the sub-group within the working group for comment and then will be submitted to the wider Conference, along with a Resolution. |

**Annex A: ICDPPC Working Group on Ethics and Data Protection in Artificial Intelligence - Proposed Work Programme 2019-2021**

| **ICDPPC Working Group on Ethics and Data Protection in Artificial Intelligence**  **Proposed Work Programme 2019-2021** | | | |
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| **Action** | **Timing** | **Notes** | **Rapporteur** |
| 1. Publish report on the responses to the Public Consultation on the Declaration, including the principles which appear to require more specific guidance. | Launched;  presentation of report at ICDPPC (October) 2019. |  | PCPD Hong Kong. |
| 2. Create common repository of guidelines and principles on AI, data protection and ethics. | Ongoing. |  | EDPS. |
| 3. Assemble and maintain international repository of real life cases of applications of AI technology which are relevant for ethics and data protection. | Launch in June 2019; first overview circulated to ICDPPC members by June 2020. | E.g. school admissions; predictive medicine; workplace recruitment, evaluation and dismissals; (political) ad targeting; video recommendations; chat bots for public services; facial recognition for borders, security, control in public spaces and in schools and retail; ‘testing’ of AI systems in low income countries etc. | EDPS. |

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| **ICDPPC Working Group on Ethics and Data Protection in Artificial Intelligence**  **Proposed Work Programme 2019-2021** | | | |
| **Timing** | **Timing** | **Timing** | **Timing** |
| 4. Prepare statement on relationship between ethics, human rights and data protection in the area of AI. | Draft statement for consultation of ICDPPC (October) 2019. |  | EDPS. |
| 5. Prepare statement on the essential need for accountability and liability of human actors for AI systems. | Draft statement circulated to ICDPPC members by June 2020;  Potential adoption at ICDPPC 2020. |  |  |
| 6. Prepare analysis of the risk to data protection and especially data minimisation of demands to maximise personal data collection on the grounds of ‘eliminating’ bias and discrimination. | Draft analysis for consultation of ICDPPC 2020. |  |  |
| 7. Prepare resolution on how data protection and privacy are essential to sustainable digital growth and AI innovation. | Draft resolution for consultation and adoption at ICDPPC 2020. |  |  |
| 8. Draft ‘gap analysis’ to develop DPAs’ capacity and expertise in addressing ethical and data protection issues in cases of application of AI systems. | Draft analysis for consultation of ICDPPC 2020. |  |  |
| **ICDPPC Working Group on Ethics and Data Protection in Artificial Intelligence**  **Proposed Work Programme 2019-2021** | | | |
| **Timing** | **Timing** | **Timing** | **Timing** |
| 9. Prepare ethical analysis of human and environmental resources used in AI systems, with a view to a resolution in 2021 on the impact of data intensive technologies on the environment. | First analysis circulated to ICDPPC members by June 2021;  Potential resolution for consultation and adoption at ICDPPC 2021. | E.g. mineral extraction; cloud server energy consumption and emissions; human content moderators and data quality management etc. |  |
| 10. Prepare analysis of impact of application of AI technologies on inequality at global and local level with a view to a statement in 2021. | Draft analysis circulated to ICDPPC members by June 2021;  Potential statement for consultation and adoption at ICDPPC 2021. |  |  |