



34th Executive Committee meeting: 21/22 December 2016

Agenda and Compilation of meeting papers¹

16 December 2016

Note: The Secretariat is trialling a system whereby all meeting papers are compiled into a single document. We trust that this is more convenient to meeting participants than the previous practice of an individual agenda and meeting papers.

Full dialling instructions etc. are, as usual, on the agenda but in summary are:

Dialling Instructions

Canada	France	Morocco	Hong Kong	New Zealand
+649 379 4086	+649 379 4086	+649 379 4086	+649 379 4086	+649 379 4086

Once connected enter Conference call code: 859 701 8468 followed by #

¹ The compilation of meeting papers was updated at item 8 after it was circulated to the Committee.

Item 1: Formalities: Apologies/ adopt agenda

ICDPPC Executive Committee Agenda

34th meeting of ICDPPC Executive Committee

21/22 December 2015

Meeting scheduled for 60 minutes

Attending via teleconference:

	21 December	22 December
New Zealand		11:00 (NZDT)
Canada	17:00 (EST)	
France	23:00 (CET)	
Morocco	22:00 (WET)	
Hong Kong		6:00 (HKT)

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Agenda

1. Formalities: Apologies/ adopt agenda
2. Previous meeting (18 October 2016): Approve minutes of 33rd meeting and review action points

Task	Committee Member	Notes
1. Secretariat to bring a paper to December meeting to provide Committee with a complete view of Committee's workload and enable allocation of tasks	Secretariat	Complete See agenda item 3.
2. Secretariat to devise improved arrangements for processing accreditation applications to overcome problems encountered with previous Committees	Secretariat	In progress
3. Secretariat and CA to form a host selection subcommittee with a view to offering a recommendation to the Committee at its December meeting on the hosting proposals that have already been received	CA and Secretariat	In progress
4. Secretariat to develop a schedule of planned meeting dates	Secretariat	Complete

3. Committee tasks 2017 (Secretariat)
 - a. General allocation ([Secretariat note paper below](#))
 - b. Future size and membership of Conference ([Secretariat note below](#))
4. 39th Conference closed session theme: initial brainstorm and discussion of process
5. Conference in 2018 (Secretariat/ evaluation subcommittee)
6. Transparency of Committee proceedings (Secretariat) ([Secretariat note below, earlier circulated](#))
7. Annual cycle for host selection ([Secretariat note below, earlier circulated](#))
8. ICDPPC recognised enforcement cooperation meetings (Secretariat) ([Secretariat note paper below](#))
9. General business
10. Next meeting
Week of 14 February 2017 proposed ([Secretariat note below suggesting 2017 schedule of meetings](#))

Item 2: Previous meeting (18 October 2016):
Minutes of 33rd meeting + Action points

ICDPPC Executive Committee Minutes

33rd Meeting of ICDPPC Executive Committee

18 October 2016

Meeting in person at Palmeraie Palace Hotel, Marrakesh

Chair: John Edwards, New Zealand

Secretariat: Blair Stewart, New Zealand

Canada: Daniel Therrien, Brent Homan, Daniele Chatelois, Patricia Kosseim

France: Isabelle Falque-Pierrotin, Florance Raynal, Nicolas De Bouville

Hong Kong: Stephen Wong, Aki Cheung, Ivan Chan

Morocco: Said Ihrai, Lahoussine Aniss

Meeting opened: 18:40

The meeting began slightly late due to a room change and members were due at a function at 19:00 so the meeting was kept short. The Chair paid tribute to the efforts of MO in hosting the closed session, just completed, and to the service of NL, which has completed 5 years of service on the Committee. The Chair welcomed HK to the Committee.

Task allocation

The Secretariat noted that while it was usual to use the 1st meeting to allocate a number of tasks amongst Committee members on this occasion it would be preferred to postpone that exercise to the 2nd meeting in December. This was because the Secretariat would like to review all the tasks on the Committee's remit 'in the round', including the substantial burdens added by decisions of the annual meeting just completed. Postponement would also allow time for members to consider the tasks in which they wish to engage. The Secretariat was also of the view that improved arrangements for processing accreditation applications were needed and these should be agreed before that task was allocated.

However, the task of assessing 2018 hosting proposals needed immediate allocation if the timeline set by the previous Committee were to be achieved. It was agreed that the Secretariat and CA will form a host selection subcommittee.

Action: Secretariat to bring a paper to 2nd meeting to provide Committee with a complete view of Committee's workload and enable allocation of tasks.

Action: Secretariat to devise improved arrangements for processing accreditation applications to overcome problems encountered with previous Committees.

Action: The Secretariat and CA will form a host selection subcommittee with a view to offering a recommendation to the Committee at its December meeting on the hosting proposals that have already been received.

Future meetings:

It was agreed that the Committee meet every two months and if feasible to hold at least two meetings in person. Tentatively it was agreed that the second meeting would be in December and the third in February. It was agreed to try to arrange an in person meeting on the fringes of the IAPP Global Privacy Summit in Washington DC (19-20 April). Traditionally a final in person meeting would be held in the host city the evening before the annual meeting.

Action: Secretariat to develop a schedule of planned meeting dates.

Other business:

It was acknowledged that CA had requested a discussion on transparency practices including how the decisions of the committee are reflected in publicly available documents, particularly where no consensus is achieved, but given the limited time that discussion was held over to a future meeting with CA's agreement.

A Committee photograph was taken by the Secretariat.



6th Executive Committee, Inaugural Meeting, 18 October 2016

Photo credit: Blair Stewart

Meeting closed: 19:00

Item 3: Committee tasks 2017

Item 3a: General allocation

Task allocation: Note by the Secretariat

One of the principal tasks for the December meeting is to allocate tasks amongst the Committee. It is also an opportunity for a high level discussion on the planned direction for some of the tasks. In this note the Secretariat lists the principal tasks that it has identified, in a number of cases offers recommendations as to which Committee member might lead work on the item and, in relation to mission critical tasks, tentatively suggests some proposed milestones.

Identified tasks

The list below captures principal discreet tasks that are anticipated in the rules or strategic plan (specifically the action plan), were identified and carried over from the previous Committee, are mandated in resolutions recently adopted or, in one case, arise from discussion at the closed session.

Members who take on tasks are responsible for the completion of those tasks and to keep the Committee informed. The tasks themselves may in some cases be performed in conjunction with a working group or be delegated to another ExCo member.

The Secretariat suggestions for allocation are based upon several factors including known areas of interest, roles performed on previous Committees and compatibility with other roles or perceived ExCo workload. Members are invited to indicate willingness or unwillingness to perform tasks and ideally, with volunteers, all tasks will be allocated at December meeting.

Not included: The list does not include tasks already assigned that are shortly to be completed (i.e. Secretariat and CA to offer recommendation on host of 40th Conference; Secretariat and CA to offer recommendation on designation of Enforcement cooperation meetings in 2018). Two lower priority tasks taken from the 2016-18 action plan are shown as 'deferred' but could be reinstated if the ExCo was confident there was capacity to progress them this year. In addition to the listed tasks, New Zealand and Hong Kong also carry the substantial tasks of Secretariat and host.

Tasks	Suggested member	Brief notes (more substantial notes follow below)
Standard tasks (principally arising from the rules, earlier resolutions)		
1. Accreditation [NOTE 1]	MO	See NOTE 1 below
2. Assessing proposals to host 41 st Conference	Secretariat/Hong Kong	See additional paper to December meeting on 'annual cycle for host selection'
3. Representation at meetings of International Organisations: Coordination [NOTE 2]	FR	See NOTE 2
4. Representation at meetings of International Organisations: OECD, Council of Europe delegates	FR	
Tasks from the strategic plan		
5. Making resolutions more effective	CA and Secretariat	This is a carry over task from the last Committee for which some preliminary work has commenced
6. Collaboration to share research efforts	FR	
Tasks from resolutions adopted at the 38th Conference		
7. Internationally comparable metrics	NZ	Secretariat has received an informal request by OECD Secretariat to cooperate on privacy metrics work with a

		view to a joint workshop in 2017
8. Human Rights Defenders	NZ	
9. International Enforcement Cooperation (2016)	CA	Including residual tasks from 2014 resolution
Tasks from discussions at 38th Conference		
10. Future membership and size of the Conference	Chair	
Miscellaneous		
11. Global Privacy and Data Protection Awards	Chair	

Tasks from 2015-18 action plan deferred to 2017:

- Develop common approaches and tools
- Develop workable plan to fund the Secretariat

Notes:

1. Accreditation: the principal responsibilities include assessing or coordinating the assessment of membership and observer applications, formulating recommendations to the Committee and drafting an accreditation resolution. The Secretariat will assist in performing the function and will handle the notification of observer recommendations to the Conference membership. The Secretariat recommends a revised process for handling accreditation applications through the Committee this year which, following initial assessment, will involve circulation of a template to be circulated sequentially through each Committee members so that a written record is created of each Committee's views on the application of the membership criteria. This is similar to the process formerly operated by the Credentials Committee from 2002-11. A template is in preparation by the Secretariat that will be shared with the member taking on this task.
2. The Secretariat suggests that the task of 'Representation at meetings of International Organisations' be more clearly separated out as a coordination role and, separately, a role of providing a delegate to observe particular meetings. To enable the ExCo to perform a meaningful governance role the Secretariat suggests that the coordinator be asked to submit a report on how the representation role is currently managed and how arrangements might be made more effective for the mutual benefit of both the membership and the international organisations concerned. The report would have three objectives. First to further the ExCo's process of documenting processes for the benefit of future Committees. Second, to provide accountability in the representation role (regarding appointment of delegates, mandates to delegates, reporting back, information sharing). Third, to deliver value to the membership through meaningful interaction with international organisations that furthers the Conference's mission.

Suggested milestones and deliverables

For the more substantial projects, the Secretariat offers some suggestions for initial milestones and final deliverables. The deliverables are for the most part in very general terms at this stage.

Task	First milestone	Final deliverable
2. Assessing proposals to host 41st Conference	Notification in December of a March deadline for a call for proposals	Approved selection of a host 2 clear years before the event
3. Representation at meetings of International Organisations: Coordination	Report to April ExCo meeting on how arrangements might be made more effective	Implementation by time of 39 th Conference of any recommended improvements

5. Making resolutions more effective	Report to February meeting (reporting progress to date and a plan for the work)	Recommendations to 39 th Conference
7. Internationally comparable metrics	Report to February meeting (scoping work)	Joint workshop with OECD alongside 39 th Conference
8. Human Rights Defenders	Report to April meeting	Session in public part of 39 th Conference
9. International Enforcement Cooperation (2016)	Report to February meeting (scoping work)	Recommendations to 39th Conference
10. Future membership and size of the Conference	Report to February meeting	Recommendations in advance of 39th Conference
11. Global Privacy and Data Protection Awards	Report to February meeting outlining a process and timeline	Awards ceremony
9, and 10 anticipate establishment of working groups	Call in December for working groups to be established by February	Working group reports

Item 3b: Future size and membership of Conference

Chair's Proposal regarding the process for 'Future size and membership of Conference' reference
 (updated: 7 December 2016)

Summary of task: To manage a conversation regarding the desired long term Conference membership and size with a view to enabling the Executive Committee to report back to the 39th Conference with findings and, if warranted, recommendations.

Anticipated steps and timeline

Approximate timing	Action
At December ExCo meeting	ExCo agree process
December, after ExCo meeting	Secretariat to call for volunteers for working group (all members who volunteer will be added to the WG, widespread and diverse participation will be sought)
February ExCo meeting	Working group to be set up, to commence active work on settling methodology for soliciting member input (i.e. survey or surveys e.g. perhaps initial survey on conceptual bounds of membership with later survey or surveys on practicality of change if a consensus is clear)
February/ March	Survey questions to be settled, opened for responses, other research, etc.
April (incl. ExCo meeting)/May	Survey results analysed, follow up survey if warranted, other research, preliminary discussion at in-person ExCo meeting
May/June (incl. ExCo June meeting)/July	Consideration of results, development of a report to be released to membership in July to study in August and September
25/26 September	39 th Conference

Scope: To keep the project of manageable size and to ensure the concrete goals can be achieved it is essential to keep the project focused. Tasks kept out of the scope of this project may, if warranted, nonetheless be separately undertaken as part of the ExCo's regular or ad hoc work.

In scope	Out of scope
Matters bearing upon eligibility to become a Conference member, including, for example: <ul style="list-style-type: none"> • Adequacy of current rules • Purpose of membership 	Processes to become a Conference member or observer Applications received under current rules to become a Conference member or observer
Matters bearing upon eligibility to become a Conference observer including, for example: <ul style="list-style-type: none"> • Adequacy of current rules • Purpose of observers 	Matters bearing upon adoption or effectiveness of Conference resolutions The legal or corporate status of the Conference
Matters bearing upon size of Conference including, for example: <ul style="list-style-type: none"> • the consequences of broadening eligibility criteria • the consequences of narrowing eligibility criteria 	The establishment or funding of a permanent Secretariat

Roles and responsibilities

Chair	Oversees the project
Secretariat	Coordinates and implements project in a neutral manner
Executive Committee	Reports back to 39 th Conference on findings of project
Working Group	Advisory body to assist the ExCo to discharge its mandate
Wider membership	Participates in the conversation and take any resultant decisions

**Item 4: 39th Conference closed session theme: initial
brainstorm and discussion of process**

This is the first opportunity for the Committee to brainstorm an approach or particular topics for the closed session at the 39th Conference. It is not expected that any final decisions would be taken at this meeting but the Committee will probably wish to firm up on a choice at the February meeting.

The Secretariat has not yet solicited suggestions from the wider membership but could arrange a survey if desired by the Committee by the time of the February meeting.

Committee members might wish to have regard to the [satisfaction survey results](#) from the 38th Conference.

Item 5: Conference in 2018

Note by Secretariat

The sub-committee (Canada and the Secretariat) is making progress on the evaluation but is not yet ready to offer a recommendation to the Committee. Hopefully, it may be possible to settle upon a recommendation in time to circulate a late paper for the December meeting.

8 December 2016

Item 6: Transparency of Committee proceedings

ICDPPC Secretariat practices regarding transparency of Executive Committee proceedings including how the decisions of the Committee are reflected in the minutes where votes are split

The Secretariat strives for a high measure of transparency and accountability in performing its responsibilities for the management and preservation of the documents and files of the Conference.²

With respect to the proceedings of Executive Committee meetings this involves producing written minutes usually within 2 weeks of each meeting. The minutes are circulated in draft form to Committee members and are approved, sometimes in amended form, at the following meeting. An audio recording is made of teleconferences to assist the Secretariat. After approval the minutes are uploaded to the website for the information of members and to form a permanent accessible record. The audio recordings are not retained. A brief account of each Committee meeting is usually included in newsletter following the meeting.

The agenda and associated meeting papers are uploaded to the website, occasionally with redactions, after each meeting.

The minutes generally only record decisions and do not record discussion. As required by the Conference rules, as far as possible, decisions of the Executive Committee are adopted by consensus.³ Where consensus is reached the minutes do not record opening or dissenting positions of Committee members. However, when consensus is not possible decisions are adopted by a majority of the votes cast.⁴ Where a vote is held the Secretariat will record in the minutes, and publicise, the actual votes cast. From the date of adoption of this practice note, the Secretariat will arrange to allow each Committee member, if they wish, to add a sentence to the minutes to explain their vote.

ICDPPC Secretariat

Practice note: 16 November 2016

² The Secretariat's function to manage and preserve the Committee's documents and files is recorded in Rule 3.1.

³ See rule 3.2.

⁴ See rule 3.2.

Item 7: Annual cycle for host selection

Note from Secretariat: Placing Host Selection onto an Annual Cycle

The Secretariat recommends that the Committee:

- 1. NOTE** the substantial progress in achieving the strategic goal of encouraging and confirming hosts well in advance.
- 2. AGREE** to place host selection onto an annual cycle with an annual deadline for proposals to be set each year by the Secretariat in early-March.
- 3. ACCORDINGLY NOTE** that the Secretariat will implement a call for proposals for the 2019 Conference with a deadline in March 2017.

Progress in reaching strategic objectives

The current strategic plan includes the goal to build upon earlier work of the Strategic Direction Working Group to implement arrangements “to encourage and confirm hosts well in advance”.

We have now operated the current arrangement for inviting, assessing, recommending and confirming hosts 3 times. The earlier practice that gave hosts a maximum 12 months preparation time. The new process has gradually increased that by 3 - 10 months.

	Deadline for proposals	Confirmed host	Preparation time
38 th Conference	April 2015	July 2015	15 months
39 th Conference	November 2015	April 2016	17 months
40 th Conference	July 2016	February 2017 (estm.)	20 months (approx.)

The process has now been fully tested and refined. It has proved its worth in several respects:

- Hosts have been confirmed well in advance (allowing longer to prepare for a major undertaking, reducing risk to the Conference, and creating a cross-over between designated hosts allowing better knowledge transfer).
- Member authorities have been encouraged to come forward to offer to host the annual event (previously the Conference struggled to get even one volunteer).
- The Executive Committee has been able to set some expectations for hosts and exercise some choice with the longer term objectives of continuous improvement, geographical diversity and delivery on strategic objectives.

Placing host selection onto an annual cycle

The process has been run three times on an ad hoc basis with different deadlines and targets for the taking of decisions. It is now time to place host selection onto an annual cycle which will simplify the administrative burden for the Secretariat, create greater certainty for forward planning and enable a timetable that will give selected hosts a full 2 year planning period.

Assuming an annual Conference is held in September or October, the Secretariat has identified early-March as an optimum annual deadline for proposals which would allow time for Executive Committee evaluation prior to the Committee's busy period in the months running up to the annual meeting.

An approximate annual timeline would be:



The Secretariat seeks the Committee's approval to implement a system whereby host selection is placed onto an annual cycle. The Secretariat would plan to:

- Following the Committee's December meeting, to make a call for proposals to host the 2019 Conference with a deadline in early March 2017.
- The Secretariat has updated the guidance for proposals (set out below) so that it is generic and can be used for any future call for proposals (rather than being year-specific).
- Publicise the new annual cycle to members and record it on the website.

[The proposed guidance document for use in 2019 and beyond has been circulated to ExCo but is omitted from these papers]

Item 8: ICDPPC recognised enforcement cooperation meetings

Designation of ICDPPC-recognised enforcement cooperation meetings in 2017

The subcommittee established to implement the Committee mandate to ensure that there is an opportunity for member authorities to meet to share enforcement experience and best practice RECOMMENDS THAT the proposed events to be held in Sydney, Australia (13 July 2017) and Montevideo (9-10 August 2017) be designated as an ICDPPC-recognised Enforcement Cooperation Meetings.

Background to the mandate and process

The Resolution on Enforcement Cooperation (2014) adopted at the 36th Conference mandated the Executive Committee to:

... continue to ensure that there is an annual opportunity for those particularly interested in issues of privacy and data protection enforcement and coordination to meet and that these meetings should focus on the sharing and development of experience and best practice amongst enforcement practitioners from privacy enforcement authorities.

For the purposes of delivering an event in 2016 ExCo accepted an unsolicited offer by the UK. However, a subcommittee of the Secretariat and Canada was formed to establish a process to give effect to the mandate for future years. A transparent process was devised to give all member authorities the opportunity to seek to have relevant events designated as an ICDPPC-recognised Enforcement Cooperation Meeting.

Call for proposals for 2017

In August 2016 the ICDPPC Secretariat invited any accredited authority that wishes to have an event designated by the ExCo as an ICDPPC-recognised Enforcement Cooperation Meeting to submit a written proposal in accordance with published [guidance](#). The Secretariat later released a set of [suggestions](#) for organising a successful ICDPPC-recognised enforcement cooperation meeting.

The guidance made clear that the ExCo was willing to designate more than one meeting in a year. The goal is to ensure that the opportunity to meet and discuss enforcement issues and share experiences extends to our global membership. This objective may effectively be achieved by holding multiple events in a year, especially if they are complementary and will not detract from each other.

Two proposals were received. One would be held in South America and the other in Australia.

Dates	Organiser(s)	Location
13 July 2017	Office of the Australian Information Commissioner, Office of the Privacy Commissioner, New Zealand (joint organisers)	Sydney, Australia
9-10 August 2017	Regulatory and Control Unit of Personal Data, Uruguay	Montevideo, Uruguay

Both proposals are by accredited members of the Conference. The two events are complementary as the dates do not clash and taken together they provide both geographical and linguistic diversity. In addition both events have been planned to take advantage of other privacy events likely to attract international participation in mind. The OAIC/OPC meeting is being arranged alongside an APPA Forum while the event in Montevideo will be part of a series of events in Uruguay's second National Week on Data Protection.

Both events therefore seem likely to be successful and merit being designated as ICDPPC-recognised Enforcement Cooperation Meetings.

9 December 2016

Item 9: General business

10. Next meeting

Note from the Secretariat suggesting a schedule of Committee meetings for 2017

This note sets out the tentative schedule of meetings in 2017. The Committee usually meets via teleconference and wherever practical meets in person.

Committee members are requested to confirm their availability/unavailability in the nominated weeks directly to ExCoSecretariat@icdppc.org as soon as possible.

Week starting	Expected key meeting outcomes
14 February	<ul style="list-style-type: none">• Short list or settle closed session topics• Receive Working group work plans
April 19/20	<ul style="list-style-type: none">• Finalise closed session topic (if not finalised in February) and identify potential speakers• Initial discussion of 2017/18 Committee transition
June 14/15	<ul style="list-style-type: none">• Closed session speakers confirmed• Take position on membership review
August 15/16	
September 24	Eve of 39 th Conference

The Secretariat will notify a firmer schedule of dates when sufficient members have responded.