

Report

Executive Committee



During the 33rd International Conference, held in 2011 in Mexico City, it was decided to install an Executive Committee. According to the Rules of Procedure, the International Conference consists of the Closed Session, the Executive Committee and the Working Groups. The Hosting Authority is free to organize in addition to the Closed Session an open meeting as well. Such an open meeting is however not a formal part of the International Conference.

It is the task of the Executive Committee to manage and represent the International Conference. Therefore the Committee shall ensure that the decisions taken and that resolutions adopted during the Closed Session are implemented. Furthermore, the Committee shall assist the Hosting Authority in organising the Annual Meeting (i.e. the Closed Session).

The report in front of you contains the results of the second year's work of the Executive Committee. Four meetings have been held: two face-to-face (in Punta del Este and Washington) and two telephone conferences. During these meetings, the Committee discussed the preparations for the 2013 Closed Session, including the identification of a suitable topic to be discussed and relevant speakers. Furthermore, attention was paid to the accreditation of new members and the representation of the Conference to international organisations and other fora.

Membership & Division of tasks

The Executive Committee comprises five members, as required by the Rules of Procedure. The membership and their current division of rotating tasks is as follows:

Elected Members

Dutch Data Protection Authority (NL)	Chair
Federal Trade Commission (USA)	Accreditations
Office of the Australian Information Commissioner (AUS)	Representation

Rotating Members

Regulatory and Control Unit for Data Protection (UY)	Host 2012
Inspector General for the Protection of Personal Data (PL)	Host 2013

The Rules of Procedure provide for 2-year terms for the permanent members, which means that at the 2013 Closed Session, an election will be held.

Preparations of the Closed Session

At the 33rd International Conference's Closed Session, it was decided that the Closed Session should be the heart of the International Conference again, in order to allow more thorough discussions on topics that all data protection authorities will have to deal with in the (near) future. The Executive Committee therefore decided to extend the Closed Session to one day and a half, reserving one full day for discussions on a chosen topic and another half day on the internal issues. At the 2012 Closed Session the data protection authorities have discussed the issue of profiling, at the end of which the Uruguay declaration was published.

Considering the success of the format the Executive Committee decided to use it again for this year's closed session and directly after the 34th International Conference started to identify a topic that could be discussed at the Closed Session of the 35th International Conference. You will read more on the background of this choice in the next section. Several expert speakers have again been invited to provide their perspective on the topic chosen. Especially thanks to the Berlin DPA and the FTC, we have been able to find three speakers who will join us in Warsaw.

Selection of this year's topic: "The app-ification of society"

The topic that has been selected for the 2013 Closed Session is "The app-ification of society". Almost everything nowadays has an IP address and ever so more parts of our lives are taken care of by applications (hereinafter apps), including in a growing number of cases our relations with the government.

Apps are no longer only the hub into our digital lives, but have also become the hub in our offline lives. The use of apps also allows for a continuous digital monitor of our lives, including behind our own front door. Even though some app builders purposely collect different kinds of personal data, many app builders are often hardly aware of the privacy implications of their work and unfamiliar with concepts like privacy by design and default.

Given the discussions in Mexico City about big data and the subsequent discussions at the last Closed Session in Punta del Este on profiling, the Executive Committee considers the app-ification of society to be a perfectly fit topic for discussions between data protection and privacy commissioners.

Societal risks

The app-ification of society presents risks to the protection of personal data and privacy. Especially the principles of transparency, user control and data minimisation play an important role in this regard, as well as the need for intergrating privacy by design and by default in the business models.

Considering apps are mostly used on smartphones and tablets, there are inherently limitations to the possibilities on how to provide the relevant information on what personal information the app would like to collect and how the information will subsequently be used. Nonetheless, in order to ensure individuals can make an informed choice regarding their personal data, both by allowing some information to be accessed

and other not and by choosing whether or not to agree to the subsequent processing, the information must be given at an appropriate time and in an appropriate way.

Potential Benefits

Apps can be very useful to consumers in their daily lives, finding the nearest supermarket, keeping in touch with family and friends, checking your bank account and looking when the next train home goes is all made possible by apps with just one click or slide with your finger away.

In addition, the use of apps can also be very beneficial for example for the local authorities during big festivities to both provide information to the public where the different parties are and at the same time to keep track where it is crowded to advise the public going there and to station enough police in the area to ensure everybody's safety.

Data Protection and Data Minimisation Risks

The app-ification of society leads to risks regarding data minimisation and purpose limitation, because apps may collect more information (p.e. location data or address book data) than is essential for the functioning of the app. Furthermore, information collected for the purpose of providing the requested service, may be used for a different, incompatible, purpose at a later stage.

Accreditation

Within the Executive Committee, the Federal Trade Commission has assumed the responsibility to lead the accreditation process of new members and observers. Following modifications made to the Rules of Procedure during the 2011 Closed Session, the application forms for both membership and observer status were updated in 2012.

In the course of the year ten applications for membership and/or observer status were received from authorities from around the world. Upon review of the applications received and consideration of the legislative instruments and other documents provided as background information, the Executive Committee agreed to recommend that the Data Protection Office of Mauritius, the Agjencia Shtetërore për Mbrojtjen e të Dhënave Personale (National Agency for Personal Data Protection, AMDP) of Kosovo and the Ombudsman's office of the City of Buenos Aires be granted Member status to the Conference. The Executive Committee is satisfied that each of these authorities meets the requisite conditions for accreditation; notably that they:

- are public entities, created by an appropriate legal instrument based upon legal traditions of the country or international organization which they belong to;
- have the supervision of the implementation of the legislation on the protection of personal data or privacy as one of their principal regulatory mandates;
- operate under a legislation that is compatible with the principal international instruments dealing with data protection or privacy;
- have an appropriate range of legal powers to perform their functions; and
- have appropriate autonomy and independence.

The Executive Committee furthermore agreed to recommend that the National Information Security Agency (NIA) of South Korea, the Federal Service for the

Supervision of Telecommunications, Information Technology and Mass Communications (ROSKOMNADZOR) of Russia, the Canadian International Industrial Security Directorate, the Personal Data Protection Commission of the Republic of Singapore, Die Landesbeauftragte für Datenschutz und Informationsfreiheit of Bremen, the Dirección Nacional de Registro de Datos Públicos (DINARDAP) and the Superintendencia de Telecomunicaciones (SUPERTEL) of Ecuador be granted Observer status to the conference, insofar as they are public entities involved in dealing with the protection of personal data.

Detailed information on this year's applicants for membership and observer status is available in the Accreditation Resolution.

Representation to International Organisations

The Office of the Australian Information Commissioner has taken up the task to coordinate the representation of the International Conference to several international organisations

During the reporting period (October 2012 to September 2013), the Executive Committee maintained the former Steering Group's focus upon four principal international organisations:

- APEC —the Conference has guest status in APEC Electronic Commerce Steering Group (APEC ECSG) until 31 December 2014.
- Council of Europe — the Conference has observer status before the Consultative Committee on Convention No. 108 (T-PD)
- International Organisation for Standardisation — there has been an exchange of liaison officers between ISO and the Conference. Please note that the ISO Technical Management Board decided to disband the Privacy Steering Committee in February 2012. The Office of the Australian Information Commissioner (OAIC) has been advised that some of the recommendations made by the Privacy Steering Committee have been transferred to ISO Working Group 5 for consideration or have become numbered projects.
- Organisation for Economic Cooperation and Development – the Conference has observer status before the Working Group on Information Security and Privacy (WPISP).

Meetings attended during the reporting period included:

- T-PD meeting, 28–30 May 2013, Strasbourg Switzerland
- APEC ECSG Data Privacy Subgroup meeting, 23–26 June 2013, Medan Indonesia
- WPISP meeting, 9–10 April 2013, Paris France
- APEC ESCG Data Privacy Subgroup meeting, 30 January–2 February 2013, Jakarta Indonesia
- T-PD meeting, 27–30 November 2012, Strasbourg Switzerland
- WPISP meeting, 18–19 November 2012, Paris France

- ISO Technical Management Board Privacy Steering Committee, 22–26 October 2012.

Conference delegates generally provide reports on meetings attended. These reports are then circulated to Executive Committee members and the former Steering Committee. In the absence of a permanent Conference website, the Executive Committee recommends that options for the wider distribution of these reports are considered, including circulation of reports via email to Conference delegates and uploading meeting reports to existing websites.

The Executive Committee considered, but did not pursue, observer representation at the following forums during the reporting period:

- APEC ECSG Data Privacy Subgroup meeting – Japan
- 53rd meeting of the International Working Group on Data Protection in Telecommunications
- 54th meeting of the International Working Group on Data Protection in Telecommunications

For the time being, the Executive Committee does not propose to seek further observer status unless a suitable person, from among the staff of member authorities, has first been identified as available to perform the duties of a delegate. If any data protection authority (DPA) has an interest in providing a delegate to any of the international bodies mentioned, they should contact the secretariat of Executive Committee so that the processes for seeking observer status can be initiated.

The Executive Committee acknowledges the valuable work that was undertaken by Steven Johnston (Office of the Privacy Commissioner of Canada), ISO Liaison Officer, Markus Heyder (Federal Trade Commission, United States), APEC ECSG Liaison Officer, and Laurent Lim, (Commission nationale de l'informatique et des libertés (CNIL)), delegate to T-PD and WPISP.

On behalf of the Executive Committee,
Jacob Kohnstamm
Chairman

The Hague, The Netherlands – September 2013