

Report

International Enforcement

Co-ordination Working Group



BACKGROUND

In 2011, at the International Conference in Mexico, a resolution on Privacy Enforcement Co-ordination at the International Level was adopted which established three workstreams. The first was to establish an international enforcement coordination working group (IECWG) to create concrete mechanisms to take international enforcement coordination forward; the second was to hold a global annual event to discuss international enforcement coordination; and the third allowed for all data protection/privacy enforcement authorities (DPAs/PEAs) to undertake some work internally to understand any legal, technical or political barriers they may have to engaging in international enforcement coordination. Christopher Graham and Jennifer Stoddart, the United Kingdom and Canadian Commissioners, respectively, agreed to serve as co-chairs of the IECWG.

In 2012, at the inaugural international enforcement coordination event in Montreal, participants resolved to work on 10 recommendations to help drive forward international enforcement coordination.

A Framework for Privacy Enforcement Co-ordination at the International Level was presented to the Closed Session of the 34th International Conference in Uruguay. The Framework included a Statement of Intent and six Coordination Principles.

RECENT ACTIVITIES

In April 2013, the Federal Trade Commission (FTC) hosted an IECWG meeting on the margins of the International Association of Privacy Professionals (IAPP) event in Washington. The participants agreed that eight of the outstanding Montreal recommendations be built into an action plan.

During the past year the IECWG held several conference calls to discuss a number of issues, including support for and enhancements to the Global Privacy Enforcement Network (GPEN) website and the creation of a more secure platform for sharing confidential information. The IECWG also identified three “threats”/issues that were judged to be of global relevance and common concern: the mobile environment, the Internet of Things and Big Data. The IECWG then identified lead authorities to coordinate work on each of these threats. The Office of the Privacy Commissioner of Canada shared a paper on mobile payments; the ICO will initiate work on Big Data and the Spanish and German data protection authorities will initiate work on the Internet of Things. In addition, the IECWG supported sending a letter to Google concerning its Glass device.

The IECWG also surveyed Article 29 Working Party members and Asia Pacific Privacy Authorities (APPA) members to get a better sense of outstanding concerns and barriers to co-operation.

FUTURE WORK

Building on the Framework that was presented at the Uruguay Conference, the IECWG has proposed a Resolution for adoption at the 35th Conference to develop a common approach to cross-border case handling and enforcement coordination, to be expressed in a multilateral framework document. The Resolution also encourages privacy enforcement authorities to look for concrete opportunities to work together and to support the creation of a secure platform to share confidential information.

The proposed multilateral framework document should also help develop a common understanding of what authorities should do in the event of a cross-border case, making it clearer to the authorities involved how to progress such a case in a coordinated fashion and avoid duplication of effort and confusion.

This work is not intended to replace or interfere with similar arrangements by other networks. Nor does the Resolution preclude any involvement from any particular PEA or DPA in its development. Rather it requests the approval of the Conference to allow the IECWG to initiate this work, consult more widely and draw on expertise beyond its membership as required to develop the document.

International Conference members are invited to adopt the resolution and allow the IECWG to be tasked with moving the multilateral framework document's creation forward in collaboration with other relevant parties, with a view to submitting a final multilateral framework document at the 2014 conference.

The Information Commissioner's Office, United Kingdom
The Office of the Privacy Commissioner of Canada

Warsaw, Poland – September 2013