

## Annex A

# Report by the Secretariat on the mandates of the Enforcement Cooperation resolution

### ACTION POINT FROM 16 OCTOBER 2014 MEETING

4. Prepare a proposal for handling administrative tasks anticipated in the 'International Cooperation' resolution	Secretariat
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### ENFORCEMENT COOPERATION RESOLUTION

The 36<sup>th</sup> Conference's Resolution on Enforcement Cooperation mandated the Executive Committee to –

1. 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 authorities;
2. manage notices of intent from potential Participants to the Arrangement, and to update the Conference's Rules and Procedures to reflect this at the 37<sup>th</sup> Conference;
3. initiate discussions with GPEN and other relevant networks with a view to exploring practical options and opportunities for better coordinating their efforts to improve enforcement cooperation and to report on these options to the 37<sup>th</sup> Conference.

The Secretariat reports on the mandates as follows –

#### 1. ANNUAL OPPORTUNITY TO MEET AND DISCUSS PRIVACY ENFORCEMENT

This mandate does not require the Executive Committee to organise a meeting. Rather it anticipates the Executive Committee identify a suitable meeting that is being arranged by others or, where no such opportunity exists, to encourage someone to arrange such a meeting. Only as a last resort need the Committee actually consider organising such a meeting itself.

The Secretariat has become aware that the Office of the Privacy Commissioner of Canada would like to organise an event in May/June 2015 that will provide the type of opportunity anticipated by the resolution. The OPCC plans to present a formal proposal to the Executive Committee but at this stage tentatively anticipates the event would:

- i. seek to draft guidance and “administrative instructions” (e.g., forms etc.) with a view to operationalizing the Arrangement, and
- ii. explore other practical enforcement cooperation matters.

While the prospective event should meet the requirements of this mandate for 2015, the Secretariat mentions a development that might assist to fulfil the resolution’s objectives for future years. Please see annex which describes the GPEN Training Exchange proposal which, it is understood, may be implemented during 2015.

The secretariat expects that firmer details of the prospective event will be available by the time of the December meeting.

## **2. GLOBAL CROSS BORDER ENFORCEMENT COOPERATION ARRANGEMENT**

The Secretariat understands that the event proposed by the OPCC mentioned above will explicitly seek to develop draft templates, supporting documentation and processes that would be relevant to this mandate. If that eventuates, it will go a long way towards fulfilling this mandate although since this task remains an Executive Committee responsibility the Committee will need to satisfy itself as to the deliverables. We expect that at least one Committee delegate should participate in the planned OPCC event.

The Secretariat recommends postponing taking decisions in relation to implementing this mandate until firmer details of the prospective event are available. The OPCC has indicated that they would welcome Executive Committee feedback to work into their proposal.

## **3. INITIATE DISCUSSIONS WITH GPEN AND OTHER RELEVANT NETWORKS**

To implement this mandate some initial work will be needed to identify the privacy networks in prospect and to firm up a planned approach.

The Chair offers to identify relevant privacy networks and report to the March meeting with a proposal to take this mandate forward.

**Executive Committee Secretariat**

**6 November 2014**

## ANNEX

### ***GPEN Training Exchange***<sup>1</sup> (This is a proposal that is planned to be implemented in 2015.)

To support GPEN's mission to promote cooperation by 'encouraging training opportunities', it is proposed to create a framework to open new training opportunities to staff at GPEN member authorities. These opportunities would be publicised on a part of the GPEN website called the 'GPEN Training Exchange' or 'GPEN Education and Training Clearinghouse'.) This summarises a more detailed proposal of 19 May.

The idea is to open up opportunities to GPEN members to access training delivered by GPEN members, other enforcement networks and other third party providers.

The principal opportunities that might be available to open up to GPEN members are those training opportunities that are delivered by GPEN members through other networks that they're involved in. Three examples are:

- The European Conference of Data Protection Commissioners holds an annual 'Case Handling Workshop'.
- The Office of the Privacy Commissioner of Canada for many years held an annual 'Investigators' Conference' open to federal and provincial privacy investigators.
- The New Zealand Office of the Privacy Commissioner hosted an ad hoc 'APEC Privacy Enforcement Workshop' in 2013.

In each case, these events are held on behalf of closed groups. However, with this new framework in place each might be willing to open their event on some basis to GPEN authorities. Conditions might be placed in some cases e.g. to limit participation to a manageable number or to impose a fee.

It is possible that particularly useful commercial training opportunities could be brought within the arrangement, perhaps with negotiated GPEN member discounts.

There may also be scope to encourage the training providers to consider offering assistance for authorities from other countries to attend. Extending free places would be a good start. In others a discount on fees might be feasible. Occasionally, organisers may have funds to assist attendees e.g. from developing countries.

In the long term it might be possible to establish funds or scholarships to assist meet training goals and developing a sponsorship policy might be a precursor. This is not a part of this proposal. There may also be existing funds that can be drawn upon that could be publicised on the GPEN site.

Secondments would fall squarely within training opportunities along with workshops, seminars and courses. It is suggested that as a complementary piece of work GPEN could create a secondment framework to facilitate secondments. Where offices offer secondments they would also be publicised on the site.

In essence the GPEN Training Exchange would look like a calendar of past and future training opportunities. As with other comparable features on the website (e.g. the calendar) listings would generate an automated notification.

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<sup>1</sup> This material is extracted from a summary of GPEN Projects for 2015 available at the GPEN website.