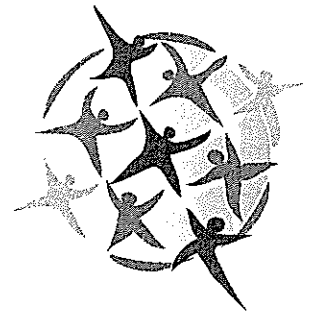


**25th International Conference of Data Protection
and Privacy Commissioners**

10 – 12 September 2003
Sydney Convention & Exhibition Centre
Darling Harbour, Sydney, Australia
www.privacyconference2003.org



Kofi A. Annan
Secretary-General
United Nations Headquarters
New York NY 10017
UNITED STATES OF AMERICA

Dear Mr Annan

DATA PROTECTION AND INTERNATIONAL BODIES

The sharing of personal information across borders is one of the most difficult issues bearing upon protection of privacy, business efficiency and national security. The global fight against terrorism has brought the challenge of ensuring we live in a safe and open society into even greater relief. Moreover, one of the consequences of globalisation and the development of new information and communication technologies has been the increasing transfer of personal information across international borders and its collection, use and disclosure by international and supra-national bodies.

These issues have engaged many national governments and regional trading blocs. They were given particular focus when privacy and data protection commissioners during their most recent annual conference. The international conference, now in its 25th year, primarily consists of national data protection commissioners and, in federal jurisdictions, their sub-national counterparts.

A number of data protection authorities within international and supra-national bodies also participate. The conference recently accredited the Council of Europe Data Protection Commissioner, joint supervisory authorities covering three European Union institutions (EUROPOL, Schengen Information System SIS, Customs Information System CIS) and a data protection authority within Interpol.

In view of these developments, the conference has reached the view that more attention needs to be paid to data protection issues in relation to international and supra-national organisations. There are data protection rules applying to some key institutions, arrangements and databases at that level but many new information sharing arrangements are being initiated through a variety of international bodies. To secure the trust and confidence of constituents or individuals whose interests are safeguarded by the international bodies and to ensure that we live in a safe and open society, data protection issues are best identified and considered early on as they are more difficult to address if left very late in international standard setting processes.

Accordingly, the international conference adopted the following resolution:

That the conference calls upon:

- (a) *international and supra-national bodies to formally commit themselves to abiding by principles that are compatible with the principal international instruments dealing with data protection and privacy;*

- (b) *international and supra-national bodies that hold or process personal data to establish appropriate mechanisms to ensure compliance with applicable data protection principles, such as the establishment of internal but operationally independent supervisory authorities with control powers;*
- (c) *international and supra-national bodies that have a role in promulgating standards, rules or common practices which affect personal data handling within the jurisdictions of their constituent members to develop and adopt suitable mechanisms to ensure that data protection considerations are effectively taken into account, such as the use of privacy impact assessments and consultation with recognised data protection authorities;*

and requests the host of the 25th International Conference to draw this resolution to the attention of the relevant bodies.

Indeed, the UN General Assembly Guidelines for the Regulation of Computerised Personal Data files (14 December 1990) expressly recommended that data protection principles should apply to government international organisations and that each such organisation should designate the authority statutorily competent to supervise compliance. These are important measures for protecting the right of privacy enshrined in the Universal Declaration of Human Rights.

The Conference would be interested to know of any existing or planned processes and institutional arrangements designed to protect personal data handled by UN institutions and build privacy and data protection considerations into the rule making and standard setting initiated by the United Nations. Should you be interested in working with data protection commissioners on such matters, an informal committee of commissioners has been assembled in association with the conference resolution and may be able to offer initial advice or assistance if that is desired or to suggest other sources of expertise.

Commissioners look forward to your views on the issues I have raised in this letter. The convenor of the 26th annual conference is Dr. Ewa Kulesza, Inspector General for the Protection of Personal Data in Poland, to be held there in September 2004. Could I therefore suggest that you address any further correspondence to her, including the name of a suitable contact officer if you consider that appropriate. This arrangement will assist the circulation of any correspondence to Commissioners in a timely and efficient way.

Dr. Kulesza's contact details are as follows:

Dr. Ewa Kulesza
Inspector General for the Protection of Personal Data
ul. Stawki 2;
00-193 Warszawa
Poland

Yours sincerely



Malcolm Crompton
Federal Privacy Commissioner, Australia

14 April 2004