



RESOLUTION ON THE CONFERENCE'S STRATEGIC DIRECTION (2019-21)

**41st International Conference of Data Protection and Privacy Commissioners
Tirana, 22 October 2019**

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- National Data Protection Commission, Luxembourg
- National Commission for the Control and the Protection of Personal Data, Morocco
- Personal Data Protection Authority, Turkey

The 41st International Conference of Data Protection and Privacy Commissioners:

Recalling that:

- a. The 33rd Conference adopted rules and procedures that anticipated the closed session defining the Conference's 'strategic direction'¹;
- b. The closed session forms the core of the Conference and provides all members with the opportunity to participate in setting the Conference's strategic priorities;
- c. The 40th Conference adopted a Resolution on a roadmap on the future of the international conference², which mandates the Conference to adopt a multi-annual policy strategy as part of the Conference strategic plan 2019-2021, recognising the importance of increasing the ambition of the conference co-ordinating common positions and key messages towards governments and decision-makers on key policy issues identified in the field of privacy and data protection;
- d. Convinced of the real and valuable opportunity for the ICDPPC to realise its potential at a time when privacy is high on public agendas and to transform the ICDPPC into a vehicle for effective regulatory co-operation and influence on the direction of policy on privacy and data protection globally;
- e. Recognising the need for work leading towards the longer-term strategic objective of 'a global regulatory environment with clear and consistent high standards of data protection'.
- f. Recognising the important work completed to date by the Conference Working Groups but at the same time recognising that still more can be done to centrally coordinate these valuable efforts for the attainment of the Conference's strategic goals.

The 41st International Conference of Data Protection and Privacy Commissioners therefore resolves to:

1. Adopt the Conference Strategic Plan (2019 to 2021) set out in the Annex, to commence immediately.
2. Direct the Executive Committee at the appropriate time to review the Conference's strategic priorities and prepare, for consideration at the 43rd Conference, a revised set of strategic priorities and action plan to commence in 2022.
3. Authorise the Executive Committee to convene working groups to assist with implementation of the Strategic Plan or review.

¹ See Conference's [rules and procedures](#), clause 2.2 (i).

² https://icdppc.org/wp-content/uploads/2018/10/20180922_ICDPPC-40th_Resolution-on-a-roadmap-on-the-future-of-the-Conference_Adopted.pdf



Conference Strategic Plan 2019 – 2021

International Conference of Data Protection and Privacy
Commissioners

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Conference Strategic Plan 2019 – 2021

The Vision

An environment in which privacy and data protection authorities around the world are able effectively to act to fulfil their mandates, both individually and in concert, through diffusion of knowledge and supportive connections.

The Mission

The Conference seeks:

- To be an outstanding global forum for privacy and data protection authorities.
- To disseminate knowledge, and provide practical assistance, to help authorities more effectively to perform their mandates.
- To provide leadership at international level in data protection and privacy.
- To connect and support efforts at domestic and regional level, and in other international forums, to enable authorities better to protect and promote privacy and data protection.

Strategic Priorities 2019 – 2021

1. Advancing Global Privacy in a Digital Age

- Work towards a global regulatory environment with clear and consistently high standards of data protection.

2. Maximising the Conference's voice and influence

- Enhance Conference's role and voice in wider digital policy.
- Strengthen relationships with other international bodies and networks advancing data protection and privacy issues, including through observer arrangements.

3. Capacity Building for the Conference and its Members

- Support Members' shared learning from experiences, strategies and best practice from around the world, including cooperation tools.

Policy Strategy

This new section of the ICDPPC Strategic Plan has been included in response to members' mandate to coordinate advice to Governments and global decision-makers on key policy issues. The Resolution on the Roadmap for the Future of the Conference adopted at the 40th Conference in October 2018 was a clear mandate to strengthen the ICDPPC's core policy role and influence in advancing privacy and data protection at the international level.

This is the Policy Strategy to implement the first strategic priority, 'Advancing Global Privacy in a Digital Age', which works towards a global regulatory environment with clear and consistently high standards of data protection. The second priority 'Maximising the Conference's voice and influence' will be crucial in taking these priorities out into the outside world. The policy themes will also inform the areas where the conference will prioritise to deliver against strategic priority 3 'Capacity Building for the Conference and its Members'.

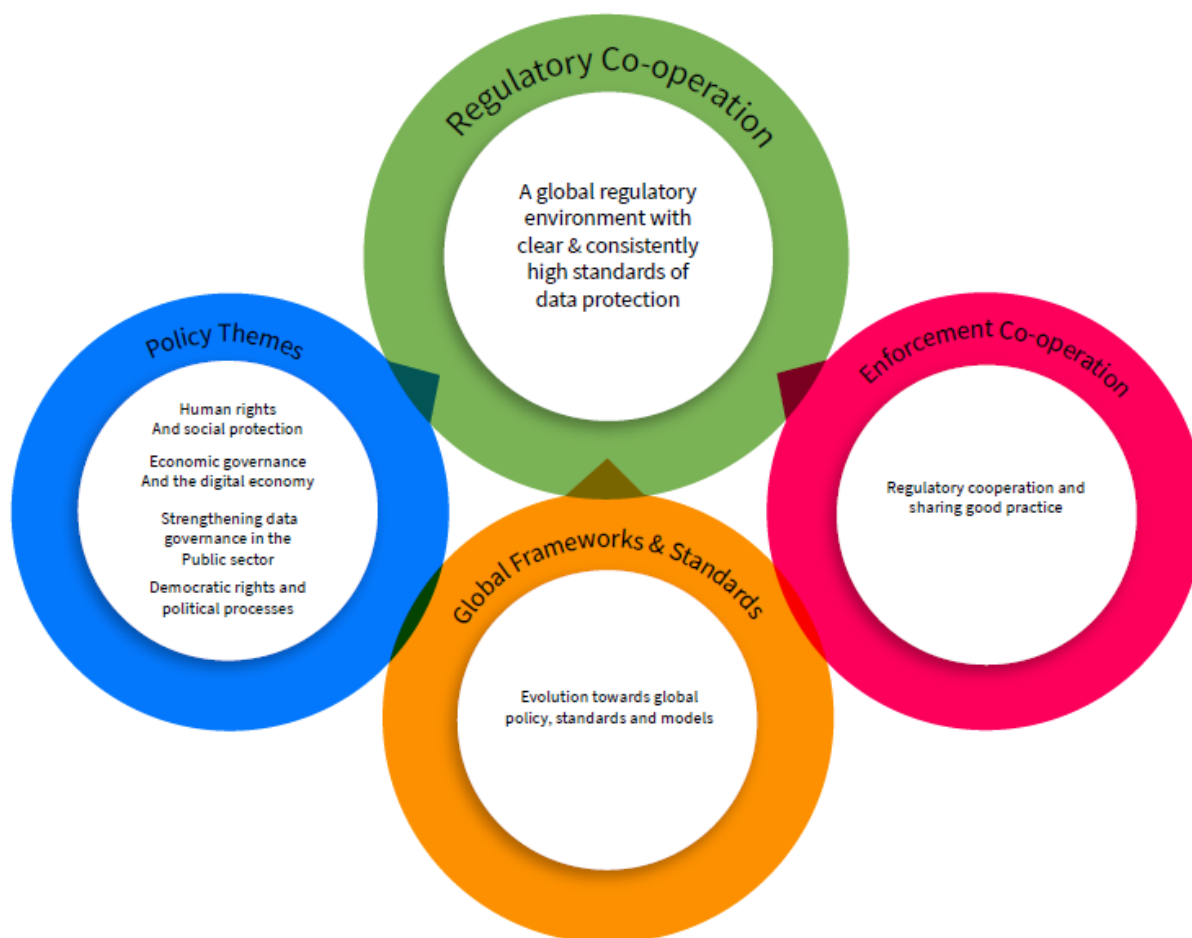
In May 2019 ICDPPC Members were invited to comment on the following six themes as possible areas for the Policy Strategy to focus on:

1. Evolution towards global policy, standards and models
2. Regulatory cooperation and sharing good practice
3. Human rights and social protection
4. Economic governance and the digital economy
5. Democratic rights and political processes
6. Strengthening data governance in the public sector

In further discussions and examination of responses, the Executive Committee has identified that these six themes comprise three pillars of collaborative work, which complement and strengthen the **regulatory co-operation** between members of the ICDPPC. The three pillars are:

- **Pillar #1** Global Frameworks and Standards
- **Pillar #2** Enforcement Co-operation
- **Pillar #3** Policy Themes

Three Pillars of Collaborative Work



Regulatory Co-operation

Regulatory co-operation is at the centre of our work and goes to the heart of the Vision of the ICDPPC in supporting authorities around the world to effectively fulfil their mandates in concert through the diffusion of knowledge and supportive connections. It enhances the efficient prevention, detection, deterrence and remedy of data protection issues, and ensures consistency and predictability in protecting personal information around the globe. The ICDPPC seeks to achieve this Vision through co-operation and collaboration when developing policy positions, guidance, tools and enforcement, to protect individuals wherever their data travels, and to ensure consistency and predictability in the system of oversight as data continues to flow.

Regulatory co-operation relies on the development of interagency and interpersonal relationships which provide the trust, knowledge and communication opportunities to make

co-operation a reality. It is not intended to create uniform guidance or approaches in every jurisdiction but focusses on commonalities rather than differences between members.

Pillar #1 Global frameworks and standards

This pillar encompasses the theme of Evolution towards global policy, standards and models for data protection and privacy.

Global frameworks and standards can support interoperability, which is essential for regulatory co-operation, and promote high standards of data protection and privacy, supporting the secure and smooth flow of data across borders. While not all members of the ICDPPC have a function for advising on the development of laws, this pillar also considers the development of international instruments and standards.

There is now a 'global toolbox' which adds depth to the convergence in principles and standards. Emerging standards and approaches include GDPR in the EU, Convention 108/108+, the OECD Privacy Guidelines, the Ibero American Data Protection Standards and the APEC Privacy Framework principles. There are other tools that support data transfers such as, for example, Binding Corporate Rules, Standard Contractual Clauses, codes of conduct, certification and privacy seals.

In addition, global approaches to accountability are starting to emerge, as multinational companies introduce programmes that enable compliance across multiple jurisdictions. The ICDPPC should also take account of these developments.

The ICDPPC recognises the societal benefits of privacy and data protection standards and principles while acknowledging the economic and human impact of having systems that do not fit together well. In this regard, common standards, relying on a shared set of global privacy and data protection principles, can be used to 'bridge' different legal systems and to facilitate interoperability.

Identifying emerging standards will help to inform the Conference's consideration of common principles and bridges for privacy and data protection, supported by demonstrable accountability, and to build on the earlier work in this area reflected in the ICDPPC's 2009 Madrid Resolution.

An initial exploratory phase of work will enable the ICDPPC to articulate its ambition to become a leading voice in shaping standards internationally and to determine whether this should include outputs from the conference itself.

Pillar #1 Action I: Complete an analysis of current frameworks for privacy and data protection, including key principles, data subject rights, cross border transfers and demonstrable accountability standards.

This has been identified as an important initial action to create a foundation for the goal of a global regulatory environment with clear and consistently high standards of data protection for all. There is no intention at this stage to prejudge the legal or regulatory framework that the ICDPPC might choose to advocate in due course, given the different legal and cultural contexts across the membership. There may be different routes to achieve common standards in the longer term, with improved interoperability a desirable shorter-term goal. The objective here would be to identify, building on existing research, where the ICDPPC could help to bridge gaps in existing regimes and frameworks to promote the secure and free flow of personal data as well as strengthen the trust and confidence of citizens. The analysis will consider the broad range of current frameworks, identify common elements, including key principles, data subject rights, cross border transfers and demonstrable accountability standards.

Pillar #1 Action II: Consider developing common definitions of key data protection terms.

This will inform further discussion as to whether a core set of data protection and privacy rights can be established.

Pillar #2 Enforcement co-operation

This pillar encompasses the theme of Regulatory co-operation and sharing good practice.

The ways in which data transcends borders has made international enforcement co-operation critical to promoting data protection and privacy rights both globally and domestically. The challenging nature of enforcement investigations requires data protection and privacy authorities to find ways to move forward in a co-ordinated and consistent approach, in order to ensure that the personal data of the citizens of the global economy is protected.

Enforcement co-operation envisages that members are able to share lines of inquiry, analysis of issues and tactics both in general and in concrete ongoing investigations. This will minimise duplication of investigatory effort and accelerate inquiries. It also provides, where possible, consistency for businesses in approaches to regulation.

Pillar #2 Action: Review and refresh the objectives of the International Enforcement Co-operation Working Group (WGIEC) and make it permanent.

International enforcement co-operation is a core element of the ICDPPC's mandate and has been a major focus in recent years. The aims of the WGIEC should be refreshed to make it an active group considering live issues and concerns related to enforcement, with a focus on sharing experience, tactics and approaches to tackling specific aspects, including common experience in investigating multinational companies. Given the ongoing requirement for Authorities to cooperate with each other, and in order to maintain the current momentum, the ICDPPC will make the WGIEC a permanent body. In addition, time will be allocated during the Closed Session of the annual meeting for sharing of experience, knowledge and best practice, including on co-operation tools, with case studies as appropriate.

Pillar #3 Policy themes

This pillar encompasses the themes of human rights and social protection; economic governance and the digital economy; democratic rights and political processes and strengthening data governance in the public sector.

Authorities around the globe are developing policy positions on shared societal risks. This sphere of work looks to leverage individual policy efforts by creating opportunities to borrow and adapt each other's work for the benefit of citizens across the world. It will allow us to reduce inconsistency across our policy positions, develop clearer messages to multi-national actors while at the same time making the best use of all our limited resources.

Pillar #3 Action I: Promote implementation of the 2018 Declaration on Ethics and Data Protection in AI.

As an area of current and widespread interest, ICDPPC will maintain its focus on AI, including exploring ways to translate the 2018 Declaration on Ethics and Data Protection in AI into Authorities' day-to-day working practices. This work will be taken forward by the permanent Working Group on Ethics and Data Protection in Artificial Intelligence established at the 40th conference in 2018. This will take account of the input from the public consultation on the Declaration which concluded earlier this year as well as following up on the practical in-depth AI session organised as part of the Closed Session of the 2019 Conference.

Pillar #3 Action II: Develop a narrative on how data protection and privacy regulation provides safeguards for the public and supports trust in the digital economy.

The digital economy has been an area of sustained interest for international data protection, especially in relation to international data transfers, but the ICDPPC has yet to develop a strong voice in global debates and initiatives surrounding the digital economy. The ICDPPC will develop a clearer and broader narrative for a longer-term and more coherent approach to issues around the data protection aspects of regulation of the digital economy, including through closer engagement with relevant multilateral and international bodies.

Pillar #3 Action III: Share information and experiences from national initiatives focussed on children's privacy online and map the related data protection issues.

Children's online privacy has been identified as a key area of focus for ICDPPC members, as well as the challenge of developing the competence and skills children need as they grow into responsible digital citizens. As a first step, members are interested to share information and experiences, including ideas and success stories, from the national initiatives that a number of countries are pursuing. This will also help to inform a subsequent mapping of data protection issues related to children online, including, for example, children's rights in relation to learning analytics technologies in the school environment, and the relationship to parental rights such as access to a child's health-related data and with reference to the UN Convention on the Rights of the Child. The ICDPPC notes that children's privacy is also currently an area of focus for the UN Special Rapporteur on the Right to Privacy, the OECD and the Council of Europe, and looks forward to collaborating, as appropriate.

Pillar #3 Action IV: Develop a narrative to highlight the integral relationship of data protection to other rights and freedoms.

At a global level, data protection and privacy rights are enshrined in important global instruments such as the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights. The ICDPPC has taken a keen interest in data protection and privacy as these relate to rights and social protection. It is important for the ICDPPC to highlight and clarify linkages between data protection and other rights, such as freedom of expression and right to free and fair elections, liberty and security, noting that in many areas of the world data protection is both a fundamental right in itself and a crucial underpinning of other rights. The narrative will build on the Resolution on Privacy and

Human Rights presented to the 41st Conference. This will include an examination of the issues around data protection and political rights and freedoms.

Pillar #3 Action V: Public sector: Conduct a survey of members to identify common issues around data governance in the public sector.

In many ICDPPC member countries challenges around data governance in the public sector are as challenging as regulating the private sector. Whilst different legal and constitutional approaches exist, the ICDPPC can add value by collectively assessing common themes and challenges, to identify where collaboration and joined up work can identify common practice that authorities can promote domestically.