



Working Group on the Future of the Conference

Annex C

*A Proposal for the Creation of the  
ICDPPC Reference Panel*

In accordance with the mandate given to the Working Group on the Future of the Conference by the *Resolution on a Roadmap on the Future of the International Conference* adopted at the 40<sup>th</sup> ICDPPC annual meeting, this paper seeks to outline ‘a detailed proposal on the creation of an ICDPPC contact group with external stakeholders, in particular civil society organisations, to be presented at the 41<sup>st</sup> Conference in 2019’.

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## 1. Background

Following a decision taken at its 2017 Annual Meeting in Hong Kong, the ICDPPC launched a consultation, amongst members and non-members, on its own future. The consultation, to which a total of 76 respondents contributed, pivoted around three main themes: the Conference's objectives and common future; the Conference's identity; and the Conference's format and structure.

As part of the discussion on the Conference's identity, several members highlighted the need for the Conference to strengthen informed exchanges and collaboration with external stakeholders, with a specific focus on civil society organisations, in order to ensure the Conference remains open to its surrounding environment.<sup>1</sup> The public consultation on the future of the conference echoed this view. A key theme that emerged from non-members responses was a call for the Conference to be more inclusive of a diverse range of stakeholders, notably by fostering a constructive dialogue with civil society organisations and non-privacy supervisory authorities on topics of common interest, including enhancing participation in the ICDPPC's working groups' discussions.<sup>2</sup>

This consultation exercise resulted in the adoption at the 40<sup>th</sup> ICDPPC annual meeting of the *Resolution on a Roadmap on the Future of the Conference*, mandating the WG [on the FoC] to 'present a detailed proposal on the creation of an ICDPPC contact group with external stakeholders, in particular civil society organisations, to be presented at the 41<sup>st</sup> Conference in 2019'.<sup>3</sup>

In line with this mandate, the following proposal will first examine the advantages for the ICDPPC to engage with external stakeholders before outlining the proposed approach for engagement and a supporting case study. The proposal concludes with an Annex comprising of a template for a call for expression of interest.

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<sup>1</sup> *Resolution on a Roadmap on the Future of the International Conference*, 40<sup>th</sup> International Conference of Data Protection and Privacy Commissioners, p. 6, [https://icdppc.org/wp-content/uploads/2018/10/20180922\\_ICDPPC-40th\\_Resolution-on-a-roadmap-on-the-future-of-the-Conference\\_Adopted.pdf](https://icdppc.org/wp-content/uploads/2018/10/20180922_ICDPPC-40th_Resolution-on-a-roadmap-on-the-future-of-the-Conference_Adopted.pdf).

<sup>2</sup> *Public Consultation on the Future of the Conference*, p. 2 (available upon request from the Secretariat).

<sup>3</sup> *Resolution on a Roadmap on the Future of the International Conference*, 40<sup>th</sup> International Conference of Data Protection and Privacy Commissioners, p. 7, [https://icdppc.org/wp-content/uploads/2018/10/20180922\\_ICDPPC-40th\\_Resolution-on-a-roadmap-on-the-future-of-the-Conference\\_Adopted.pdf](https://icdppc.org/wp-content/uploads/2018/10/20180922_ICDPPC-40th_Resolution-on-a-roadmap-on-the-future-of-the-Conference_Adopted.pdf).

## 2. Building Synergistic Relationships: the Merit of a Multi-Stakeholder Engagement Approach

Since its first meeting in 1979, the ICDPPC has been committed to be an outstanding international forum where data protection and privacy regulators and enforcers can meet in order to foster the diffusion of knowledge and to support the creation of networks, thereby enabling privacy and data protection authorities to effectively fulfil their mandates.<sup>4</sup>

Within a context of global developments where data protection and privacy are becoming increasingly intertwined with related issues such as consumer protection, digital economy and national security, it becomes key to have an informed conversation and fruitful cooperation on priority cross-cutting issues with all relevant stakeholders in the international arena, ranging from representatives of civil society organisations to academic institutions, think tanks as well as members of the private sector. The strategic importance of having this kind of dialogue has been recognised by the ICDPPC membership which, as previously mentioned, identified the need for the Conference to remain open to its global surroundings as one of the core aspects of its identity.<sup>5</sup>

Whilst recognising the significance of the above, there are at least **three additional ways** in which **the establishment of an external, multi-stakeholder contact group can prove beneficial** for the Conference's objectives.

**Firstly**, broadening the scope of ICDPPC's involvement with a targeted range of representatives in civil society organisations, academia, think tanks and the private sector can enhance the Conference's diversity. The need to increase diversity and representativeness has been a recurring topic raised by members during the consultation on the Future of the Conference, although much of the focus was placed on better regional representation within the Executive Committee and the Working Groups.

Whilst not downplaying this key aspect, we argue that effectively engaging with external stakeholders can also significantly enhance the Conference's diversity by opening to, and becoming more inclusive of, different perspectives and alternative approaches to key privacy and data protection challenges and related societal issues. This would not only facilitate the pooling of knowledge by bringing relevant stakeholders expertise and intelligence into the work of the ICDPPC but it would also help the Conference to minimise

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<sup>4</sup> *Conference Strategic Plan 2016 – 2018*. At the time of writing, the Conference is still in the process of refreshing its strategic plan 2019 – 2021 to be adopted at the 41<sup>st</sup> Conference in October 2019.

<sup>5</sup> *Resolution on a Roadmap on the Future of the International Conference*, 40<sup>th</sup> International Conference of Data Protection and Privacy Commissioners, p. 6, [https://icdppc.org/wp-content/uploads/2018/10/20180922\\_ICDPPC-40th\\_Resolution-on-a-roadmap-on-the-future-of-the-Conference\\_Adopted.pdf](https://icdppc.org/wp-content/uploads/2018/10/20180922_ICDPPC-40th_Resolution-on-a-roadmap-on-the-future-of-the-Conference_Adopted.pdf). Likewise, during a survey conducted in 2017 on the Conference's future size and membership, a clear majority of members approved of cooperation as one of the conference's objectives. The results of the survey are available at the following link: <https://icdppc.org/wp-content/uploads/2017/01/Survey-on-future-size-and-membership-of-the-Conference-complete-analysis-7-July.pdf>.

the risk of a disconnect between DPAs on the one hand, and the general public and other key agents in the privacy and data protection field on the other.

**Secondly**, engagement with external stakeholders can lead to an increased visibility and stronger presence for the Conference amongst wider audiences. Representatives of civil society organisations and academic institutions bear the potential to act as a sounding board on the Conference's policy resolutions as well as multipliers of the Conference's activities on social media whilst the involvement of stakeholders from the private sector can enhance the dissemination of good practice in data protection within private organisations. This, in turn, can have the positive effect of strengthening the role of the ICDPPC as a policy leader and influencer.

**Finally**, the creation of a multi-stakeholder contact group can prove beneficial during the preparation phase of the Conference's Annual Meeting as the members of the contact group would be ideally placed to be called upon on an ad hoc basis to provide support in shaping the relevant aspects of the programme of the open session through their expertise on data protection related, cross-cutting issues.<sup>6</sup>

### 3. Proposed Engagement Approach: the ICDPPC's Reference Panel

In the previous section, we have examined the advantages for the ICDPPC to adopt a multi-stakeholder engagement approach with representatives of civil society organisations, academia and private sector organisations and the way this kind of engagement framework can help the ICDPPC in achieving its mission and vision. In order to maximise the benefits of a long-term, strategic collaboration we propose the establishment of a Reference Panel comprising of representatives of relevant civil society organisations, academic institutions, think tanks, non-privacy supervisory authorities, representatives of public authorities such as law enforcement authorities and representatives of the private sector. When selecting representatives of the private sector, priority will be given to representatives of SMEs and small organisations with expertise in emerging digital technologies in order to maximise input from less-represented categories within the private sector. The main task of the Reference Panel will be to provide expert consultation to the ICDPPC and its working groups on an ad hoc basis, upon request.

This section will set out the Terms of Reference of the ICDPPC Reference Panel, outlining the panel's objectives, activities as well as participation and selection criteria. These will be submitted for consultation to the ICDPPC's membership and wider audience before presentation at the 41<sup>st</sup> Conference in 2019.

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<sup>6</sup> This would also be a way for the Conference to respond to recent calls from CSOs to become more integrated as active participants into the ICDPPC's Annual Meeting's programme. Please see the letter sent by Access Now to the ICDPPC's Executive Committee in 2017: <https://www.accessnow.org/cms/assets/uploads/2018/05/ICDPPC-Consultation-Access-Now-.pdf>.

### 3.1. Overall Objective and Tasks of the Reference Panel

As stated in its Rules of Procedure,<sup>7</sup> the purposes of the ICDPPC include the promotion of the development of international standards in the field of the protection of personal data and the improvement of privacy and data protection through the provision of a global forum aimed at encouraging dialogue, cooperation and information sharing amongst privacy regulators and enforcers. In line with these purposes, the overall objectives of the ICDPPC's Reference Panel is to provide expert knowledge and practical expertise on data protection and privacy as well as on data protection related issues and developments in information technology, thereby equipping the Conference with the ability to identify cross-disciplinary policy solutions to privacy and data protection issues.

Specifically, members of the reference panel could be tasked to:

- Provide input into the ICDPPC's Policy Strategy whilst giving expert advice on risks the ICDPPC should be aware of in the global arena;
- Help in stimulating a multi-stakeholder dialogue in the area of data protection and privacy as well as related fields (e.g. consumer protection, digital economy) by supporting the Conference in broadening the scope of its engagement and outreach and by promoting the Conference's vision and activities at relevant events and through social media;
- Contributing, upon request, to the work and discussions of the ICDPPC's working groups;
- Providing, upon request, expert knowledge to Host Authorities of the Conference's Annual Meeting in shaping the programme of the open session as well as of the closed session<sup>8</sup>.

The Panel will provide advice to the ICDPPC and its working groups on the above matters upon request. The Panel will meet on a quarterly basis via videoconference. These meetings can be complemented by email consultation on an ad hoc basis, where necessary. Once a year, mirroring the process of the Working Groups, the Panel will produce a short report on its activities to be presented by either the Chair or the Secretariat during the Conference's Closed Session.

### 3.2 Composition and Participation

Given the broad range of topics the Panel could be called upon to give advice on, we recommend the panel to be comprised of up to 15 members – 3 members for each category of stakeholders evenly distributed across regions and sectors.<sup>9</sup> Members of the panel will be nominated by the ICDPPC's Chair, following the consensus of the ExCo, during the closed

<sup>7</sup> [https://icdppc.org/wp-content/uploads/2018/11/20181030\\_Rules-and-Procedures\\_ICDPPC\\_October2018-Consolidated.pdf](https://icdppc.org/wp-content/uploads/2018/11/20181030_Rules-and-Procedures_ICDPPC_October2018-Consolidated.pdf) (2018 amended version), page 3.

<sup>8</sup> This could be achieved for example by involving members of the Reference Panel in the delivery of workshops and practical break-out sessions during the closed session, thereby also responding to the call raised by some members during the consultation on the Future of the Conference to rethink the format of both the open and closed session (*Consultations on the Future of the International Conference*, available upon request from the Secretariat).

<sup>9</sup> See page 11 for a list of the categories of stakeholders which are foreseen to be included.

session of the Annual Meeting following a selection process. Participation in the Panel is voluntary and members shall not be remunerated for the services they offer. Members can be appointed either in a personal capacity (e.g. academics) or as representatives of an organisation. Members shall be appointed for two years (renewable). If a member of the Panel subsequently wishes to withdraw their participation, s/he can do so by giving notice to the Secretariat.

### 3.3 The Selection Process

The proposed selection process would unfold as follows:

- The ICDPPC Executive Committee to formally agree on the Panel's members selection criteria. The WG on the Future of the Conference recommends the following criteria to be taken into consideration at the sifting stage:
  - candidate's demonstrated interest in the vision and mission of the ICDPPC;
  - a proven track record of expertise in the field of data protection and privacy or in a data protection related field such as consumer protection, technology policy and human rights;
  - Applicant's willingness to dedicate time, effort, expert knowledge, and expenses, if necessary, to render assistance to the ICDPPC and its working groups.
  
  - independence and impartiality, i.e. absence of circumstances which would give rise to a conflict of interest and the capacity to represent the common interest and position shared by stakeholders;
  - ability to represent the interests of minority and vulnerable groups;
  - expertise in emerging digital technologies;
  - cultural, geographic and legal diversity, as well as gender balance.
  
- The ICDPPC Secretariat to launch and promote a call for expression of interest, giving a three-month window timeframe to receive nominations.
  
- Regional Networks<sup>10</sup> to nominate candidates deemed suitable according to the Selection Criteria and send them to the ICDPPC Secretariat. This is without prejudice to the possibility for candidates lacking representation in one of the Networks to submit his/her expression of interest directly to the ICDPPC Secretariat.
  
- The ICDPPC Secretariat will review and assess the nominations received and make a recommendation to the Executive Committee which will formally agree on a list of successful nominees. In order to ensure a balanced representation of points of view, the Secretariat will ensure there is an even distribution of representatives of different categories of stakeholders when reviewing nominations.

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<sup>10</sup> For an overview of recognised networks, please visit the ICDPPC's website <https://icdppc.org/> > Other Networks. This is not an exhaustive list and the ICDPPC Secretariat is currently in the process of taking stock of the regional and linguistic networks recognised by the ICDPPC.

As far as possible, the Committee shall strive for consensus when deciding on the appointment of members to the ICDPPC Reference Panel. Further, in order to fulfil the Conference's commitment to transparency, the outcome as well as assessment and review process shall be published on the ICDPPC website. The decision of the Executive Committee shall not be appealable.

- Upon recommendation by the ICDPPC Executive Committee, the ICDPPC Closed Session shall formally appoint members during the closed session of the Conference's Annual Meeting.

Proposed Timeline:

- November 2019: ExCo meeting. ExCo to reach a formal decision on Selection Criteria and develop the Terms of Reference and Rules of Procedure for the functioning of the Panel;
- December 2019 – February 2020: ICDPPC Secretariat to launch Call for Expression of Interest;
- March 2020: Regional Networks to send their nominations to the ICDPPC Secretariat, accompanied by the nominee's cover letter and an explanation of how the proposed candidate meet the Selection Criteria;
- April 2020 – June 2020: ICDPPC Secretariat to review and assess the nomination received and make a recommendation to the Executive Committee;
- July 2020: Executive Committee to formally agree on a list of successful nominees;
- August 2020: ICDPPC Secretariat to publish the outcome as well as assessment and review process on the ICDPPC website;
- September/October 2020 (depending on the selected dates for the Annual Meeting): Upon recommendation by the Executive Committee, the ICDPPC Closed Session to formally appoint members to the ICDPPC Reference Panel.



## 4. Case Study: the EDPS Ethics Advisory Panel

The previous sections have explored the rationale for the ICDPPC to broaden the scope of its engagement framework by being more inclusive of a wide range of external stakeholders in its work and discussions as well as annual meetings. An argument was made that this engagement framework should take the shape of a Reference Panel comprising of representatives of civil society organisations, academic institutions and think tanks to be called upon on an ad hoc basis to provide advice and support to the work of the Conference and its working group.

The aim of this section is to analyse the establishment and functioning of the Ethics Advisory Group set up by EDPS in 2016 in order to demonstrate how a strategic approach to engagement with external stakeholders can give rise to a virtuous circle of reflection, research and action in the field of privacy and data protection.

Following a decision of December 2015 to establish an external advisory group on the ethical dimensions of data protection, the EDPS launched a call for expression of interest to select members to the Ethics Advisory Group.

The Ethics Advisory Group was set up with the mandate to explore the relationship between human rights, technology, markets and business models in the 21st century as part of the EDPS 2015-2019 strategy. The group comprises of six members selected amongst experts in the fields of ethics and philosophy, sociology, psychology, technology and economics. The Terms of Reference of the Advisory Group outline the deliverables which include the production of a number of reports<sup>11</sup> as well as the dissemination of the findings of the group amongst a wide audience through workshops and public conferences.

The positive effects of the synergistic relationship between EDPS and the Advisory Group were clearly visible in the successful organisation by the EDPS of the open session of the 40<sup>th</sup> ICDPPC Annual Meeting in Brussel. If we look at the programme of the open session, we can see how the work of the Advisory Group significantly contributed to shaping its content as well as several panels' composition and discussion. The members of the Ethics Advisory Group were active participants to the Conference which saw an unprecedented participation from NGOs as well as representatives of the academic community<sup>12</sup>.

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<sup>11</sup> The Group's final report was published on the 28<sup>th</sup> of January 2018 (Data Protection Day) and is available online at the following link: [https://edps.europa.eu/sites/edp/files/publication/18-01-25\\_eag\\_report\\_en.pdf](https://edps.europa.eu/sites/edp/files/publication/18-01-25_eag_report_en.pdf).

<sup>12</sup> As shown in the EDPS' Conference Report: [https://edps.europa.eu/sites/edp/files/publication/19-01-28\\_icdppc\\_2018\\_report\\_final\\_en.pdf](https://edps.europa.eu/sites/edp/files/publication/19-01-28_icdppc_2018_report_final_en.pdf).

## Annex I

### Call for Expression of Interest

The International Conference of Data Protection and Privacy Commissioners (hereafter ICDPPC) is a global forum for privacy and data protection authorities seeking to provide leadership at international level through diffusion of knowledge and supportive connections amongst authorities, thereby enabling them to effectively fulfil their mandates – both individually and in concert.

Every September or October, the ICDPPC holds an Annual Meeting during which independent regulators on privacy and data protection adopt high level resolutions and recommendations addressed to governments and international organisations.

The ICDPPC consists of a 7 member governance body called the Executive Committee. The Executive Committee comprises five elected members and the host authorities of the previous and next conferences.

Following a resolution adopted at its 2019 Annual Meeting in Tirana,<sup>13</sup> the ICDPPC intends to set up an external, cross-disciplinary Reference Panel comprising of a maximum of 15 representatives of relevant civil society organisations, academic institutions and research centres, think tanks, non-privacy supervisory authorities as well as representatives of private sector organisations whose main task will be to provide expert consultation to the ICDPPC and its working groups on an ad hoc basis. Members of the ICDPPC Reference Panel shall not be remunerated for the services they provide.

The ICDPPC Reference Panel will work in a transparent manner and in line with the ICDPPC's Vision and Mission (please visit <https://icdppc.org/> for more information). In line with the ICDPPC's commitment to encouraging cultural, geographic and legal diversity, the Conference would particularly welcome nominations from underrepresented regions.<sup>14</sup>

Regional Networks are called to nominate candidates deemed suitable according to the Selection Criteria (Annex II) by sending an email to the ICDPPC's Secretariat ([ExCoSecretariat@icdppc.org](mailto:ExCoSecretariat@icdppc.org)), along with the nominee's cover letter which should clearly explain the candidate's motivation for answering the call and the contribution they can bring to the work of the ICDPPC. Where lacking representation in one of the Networks, a prospective candidate will be given the possibility to submit his/her expression of interest directly to the ICDPPC Secretariat. The closing deadline for nominations is **29 February 2020 at 5pm**. Applications received after this deadline shall not be accepted.

The ICDPPC Secretariat will review and assess received nominations and make a recommendation to the Executive Committee. The Committee will seek to announce the outcome by August 2020.

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<sup>13</sup> Link to resolution and background proposal.

<sup>14</sup> According to the findings of the ICDPPC Census 2017, 64% of the authorities which responded to the census survey were located in Europe. To access the ICDPPC Census 2017, please visit: <https://icdppc.org/wp-content/uploads/2017/09/ICDPPC-Census-Report-1.pdf>.

## **Annex II**

### **Guide for Regional Networks and Prospective Candidates**

Regional Networks are kindly requested to take into consideration the Selection Criteria and Reference Panel's Deliverables before submitting their nominations for the ICDPPC Reference Panel. When submitting your nomination, please ensure to provide the required information as set out in the Nomination Template below.

#### **Selection Criteria:**

The ICDPPC Review Committee shall assess applications on the basis of the following selection criteria:

1. applicant's motivation and demonstrated interest in the vision and mission of the ICDPPC (cover letter);
2. a proven track record of expertise in the field of data protection and privacy or in a DP-related field;
3. cultural, geographic and legal, as well as gender balance;
4. independence and impartiality, i.e. absence of circumstances which would give rise to a conflict of interest and the capacity to represent the common interest and position shared by stakeholders.

#### **Deliverables:**

The overall objectives of the ICDPPC's Reference Panel is to provide expert knowledge and practical expertise on data protection and privacy as well as on DP-related issues, thereby equipping the Conference with the ability to identify cross-disciplinary policy solutions to privacy and data protection issues.

Specifically, members of the reference panel will be tasked to:

- Provide input into the ICDPPC's Policy Strategy whilst giving expert advice on risks the ICDPPC should be aware of in the global arena;
- Help in stimulating a multi-stakeholder dialogue in the area of data protection and privacy as well as related fields (e.g. consumer protection, digital economy) by supporting the Conference in broadening the scope of its engagement and outreach and by promoting the Conference's vision and activities at relevant events and through social media;
- Contributing, upon request, to the work and discussions of the ICDPPC's working groups;
- Providing expert knowledge to Host Authorities of the Conference's Annual Meeting in shaping the programme of the open session as well as of the closed session;

## Nomination Template

### Nominee's Name

### Gender

### Contact Email Address

1) The nominee is (please tick as appropriate):

- An individual to be appointed in a personal capacity
- An individual to be appointed as representative of an organisation

2) If applying to be appointed as representative of an organisation, please select from the list below the category which describes most appropriately the organisation:

- Academic Organisation (e.g. University, Research Institute within university)
- NGOs or Civil Society Organisation (i.e. non-state and non-for profit organisations pursuing a shared goal)
- Think Tank or Research Centre (i.e. research institutes not affiliated with an institution performing academic and educational activities)
- Non-privacy supervisory authority or Sectoral Regulator
- Private Sector Organisation or Industry Groups

3) Policy Area:

- Consumer Protection
- Human Rights
- International Enforcement Cooperation

FINAL

- National Security and the Right to Privacy
- Online Children's Privacy
- Privacy and Data Protection
- Technology Policy (Privacy in the Digital Age, Big Data, IoT, Cloud Computing, AI)

4) Region:

- Africa
- Asia
- Europe (in the broad sense)
- Middle East
- North America
- Oceania
- South America
- Global (please tick this if from an organisation with a global outreach)