



Working Group on the Future of the Conference  
*The Relationship between the Closed and Open Sessions  
and Proposals to Maximize the Attractiveness  
of the Annual Meeting Agenda*

In accordance with the mandate given 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 serves as the foundation to ‘consult on and assess the articulation between the closed and open sessions of the Annual Meeting and present proposals in order to maximize the attractiveness of the Conference’s Annual meeting agenda’ for consideration at the 41<sup>st</sup> Conference in October 2019.

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## 1. Background

Prior to the 2017 annual meeting in Hong Kong, ICDPPC members were consulted on the importance they give to the Conference's purposes and how well these purposes were being achieved. Answers showed that members valued, and the Conference was achieving, its goal of being "a meeting point between members and international organizations that share common objectives."<sup>1</sup> However, several of the suggestions made by members as part of the survey pointed at how to improve on the Conference – particularly with regard to its role as a meeting point - with some recommendations specifically on the running of the annual meeting. Such proposals included:

- To allow for "more room for practical 'getting to know each other' [opportunities] with the aim of supporting each other and establishing effective and close cooperation";
- To have "more follow up on the adopted resolutions";
- To be "a forum of guided controversial discussions"; and
- To "more closely intertwine the closed session and the open session...keeping the closed session exclusively for DPAs or Conference members" and moving "discussions on matters of general interest to the open session."<sup>2</sup>

Throughout the consultations with members carried out in 2017-18, the format of the Conference and the means to achieve its objectives were the subject of much discussion, with members raising the issue of the closed and open sessions' articulation and specifically the order in which these occur. Further, members expressed a desire to strengthen the closed session – both in content and attendance – as a way to "insist on the Conference's independence."<sup>3</sup> Members rejected the idea of not having the open session noting the importance it held for interacting with stakeholders, in helping offset the cost of organizing the conference, and in helping raise the profile of host authorities.

Following up on the consultations, at its 40<sup>th</sup> meeting in 2018, the ICDPPC adopted the Resolution on a Roadmap on the Future of the International Conference, which mandates the creation of a task force on the Annual Meeting format, to consult and report on its recommendation at the 41<sup>st</sup> conference.<sup>4</sup> The Future of the Conference (FOTC) Working Group has carried out this task.

In line with the mandate, this paper will look at current practices in the organization of the annual meeting – the closed session, the open session and its side events. It will then look at the goals of the annual meeting and present options and recommendations for organizing the conference in light of these goals.

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<sup>1</sup> [Future size and membership of the Conference Discussion Paper](#), OPC-Canada, p. 1.

<sup>2</sup> [Future size and membership of the Conference Discussion Paper](#), OPC-Canada, pp. 2-3.

<sup>3</sup> *Strategic Consultation on the Future of the Conference – Summary of Inputs from the Internal Consultation*, ICDPPC Secretariat, p. 4.

<sup>4</sup> [Resolution on a Roadmap on the Future of the International Conference](#), pp. 8-9.

## 2. Current Practices Related to the Annual Meetings

The ICDPPC Rules and Procedures stipulate that the Hosting Authority, with the advice and support of the Executive Committee, organizes the annual meeting. It further details that:

The annual meetings shall consist of a Closed Session (hereinafter, the Closed Session). At the discretion of the Executive Committee and the Hosting Authority, the annual meeting should seek to include, without prejudice to ordinary business and debates, during the Closed Session, dedicated occasions for members to share and exchange operational and practical experiences. The decision whether to hold an open meeting in conjunction with the Closed Session, with participation from governments, industry, academia and civil society, should be left to the Hosting Authority.

Should it wish to hold an open meeting, the Hosting Authority should be free to decide how to organize such an event. Individuals or organizations with specific expertise could be invited by the Executive Committee to present a specific subject and attend specific parts of the Closed Session.<sup>5</sup>

Consequently, the details of the organization of the annual meeting, and in particular of the open session, vary from year to year. Nevertheless, certain broad parameters and practices have set in over the last few years: that the closed session precedes the open session, that each of the sessions lasts approximately one and a half days, and that there are two half days of side events. In total, the annual meeting spans over four days, plus an additional evening for a welcome reception.

### 2.1 The Closed Session

The closed session includes ordinary and discretionary business. Ordinary business are those items detailed in section 2.2 of the ICDPPC Rules and Procedures, including but not limited to, the accreditation of members and observers, the adoption of working groups, the consideration of resolutions and declarations, and the election of Executive Committee members. As of last year, the closed session should also seek to include operational and practical exchanges between members. This change to the Rules responded to members' desire to benefit from one of the unique features of the ICDPPC: the congregation of fellow data protection and privacy regulators (DPAs) from across the globe and the desire to share and learn from each other's experience.

Discretionary items are the in-depth discussions that occur often on the first day of the closed session. For example, at the 37<sup>th</sup>, 38<sup>th</sup> and 39<sup>th</sup> Conferences one or two topics were identified for in-depth discussion.<sup>6</sup> Experts, from academia mostly, and fellow DPAs were asked to present on emerging issues in an effort to inform and spur debate. At the 40<sup>th</sup> Conference, the in-depth discussion with experts was

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<sup>5</sup> [ICDPPC Rules and Procedures: Consolidated version](#) (October 2018), s 2.1.

<sup>6</sup> At the 37<sup>th</sup> Conference, these were genetic and health data, and DPA oversight of security and intelligence; at the 38<sup>th</sup> Conference these were robotics and artificial intelligence, and encryption; and at the 39<sup>th</sup> Conference it was government information sharing practices.

set aside in favour of debating among members matters related to the future of the Conference and the Declaration on Ethics and Data Protection in Artificial Intelligence.

Both approaches – discussions of topical issues and debates on Conference matters – have their benefits and drawbacks. The main benefit of the topical discussions is that they provide DPAs from diverse legal traditions and regions a similar footing to understand and address these issues. One important drawback, however, has been that these policy discussions do not necessarily result in concerted action by ICDPPC members – via a declaration or resolution – nor do they necessarily respond to an identified strategic or policy priority of the members. They risk being “one-offs” – a valuable discussion in itself without further action or result. There is also the question of the value-added of having these discussions in the closed session as opposed to the open session – does having these discussions in the closed session lead to exchanges that cannot otherwise be held in the open session? If not, why not have these discussions in the open session and benefit from the participation of the wider privacy community?

For its part, the 40<sup>th</sup> Conference closed session focused mainly on internal matters. This had the benefit of allowing Conference members to directly address the Conference’s identity, make changes to its Rules and set forth a roadmap for its future. The critique, however, was that it was too much “housekeeping” and not enough discussion of big ideas. There was a concern, though not universal, that for new members and for observers, the discussion may have been of limited value. That said, to the extent that it was the exception and not the norm, the closed session of the 40<sup>th</sup> Conference allowed for emphasis of the policy role to be played by the ICDPPC and to enhance the operational and practical exchanges amongst DPAs that sets it apart from other privacy conferences.

## **2.2 The Open Session**

As noted in the Background section, members have indicated the benefit and desirability of having an open session – noting the relational, economic and reputational advantages that it brings. Given the discretion Hosting Authorities have when organizing these events, the agenda for the open sessions can vary widely. For the most part, they consist of a number of keynotes and panel discussions, with some interaction with the audience via either question and answer periods or interactive polls. Speakers and panelists are generally from a mix of government, academia, the private sector, civil society and DPAs.

Recent conferences speak to the variety displayed from year to year. At the 37<sup>th</sup> Conference, there were breakout sessions to discuss specific aspects of the Privacy Bridges project commissioned by the host (the Dutch DPA). At the 38<sup>th</sup> and 39<sup>th</sup> Conference, the open session was mostly panels of expert speakers addressing a wide array of topics. At the 40<sup>th</sup> Conference, all panels addressed different aspects of the one theme (Debating Ethics: Dignity and Respect in Data Driven Life).

Having a single “formula” for the annual meeting is not a desired outcome since it would curtail the discretion of the Hosting Authority under the Rules. Nevertheless, greater coordination between the open and closed session can serve to address two issues members have brought up during the FOTC consultations: the first, to create more of a link between the lessons and discussions of the open session and the actions or resolutions of the closed session. The second, to have these sessions advance issues of

strategic interest to the Conference. The likely adoption at the 41<sup>st</sup> Conference of a strategic plan, including its Policy Strategy, can provide added clarity to this coordination.<sup>7</sup>

While not formally established under the ICDPPC Rules & Procedures, another link between the closed and open session has so far been ensured by having the Chair of the Conference address the open session and report on the outcomes of the closed session.

## 2.3 Side Events

The two half-days of side events are an important opportunity to interact with other DPAs and open session attendees in smaller groups. Side event organizers include regional networks<sup>8</sup>, observers, international organisations, private companies and civil society organizations, all in an effort to present and debate in more depth important initiatives, to conduct consultations and to highlight issues of general interest. In the case of regional networks, the annual meeting represents a cost-effective way for its members to meet face-to-face.

The main constraint surrounding side events – albeit a ‘good’ problem – is that there are too many in the few times slots allocated, making it difficult for DPAs to attend (or send staff to) all the sessions of interest. Side events are by their nature not part of the Conference’s core program, and so present important opportunities for practical exchanges and direct interactions with different stakeholders.

## 3. Proposals to Maximize the Annual Meeting Agenda

In surveys and consultations, members have repeated the desire for the annual meeting to allow for important exchanges between DPAs on topical and operational issues of importance. They also value the opportunity to hear from experts. These goals – to maximize the opportunity of being in the same room with colleagues from around the world, to learn and debate with each other – must be read in conjunction with the Conference’s objective to become a more effective platform for international cooperation and policy influence. In line with the mandate received in the Resolution on a Roadmap on the Future of the International Conference, the Executive Committee is working on a policy strategy to be adopted as part of the 41<sup>st</sup> Conference’s strategic plan 2019-2021 at the 41<sup>st</sup> Conference. Consequently, the proposals below seek to capitalize on the uniqueness of the ICDPPC – its membership and position as the premiere event of the privacy and data protection global community – while using the annual meeting to advance, discuss and perfect the progress of its strategic priorities.

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<sup>7</sup> The [Resolution on a Roadmap on the Future of the International Conference](#), pp. 4-5 mandates “the Executive Committee to adopt a policy strategy, as part of the next Conference strategic plan 2019-2021, to be adopted at the 41<sup>st</sup> Conference in 2019.”

<sup>8</sup> Regional networks include privacy networks organized by geographic, linguistic or cultural commonalities.

### 3.1 Sequencing

The highest-level decision is whether to have the closed session precede or succeed the open session. As noted above, the status quo is for the annual meeting to start with the closed session and end with the open session. Having the closed session first allows members to hold the Conference discussions while still fresh, and use the remaining days of the Conference to present any outcomes (resolutions or declarations) to the wider privacy community during the open session. The main limitation, however, is that whatever is learned or debated during the in-depth discussions from the open session cannot be used to inform any debates, resolutions or work plans during the closed session.

Having the open session first would open the possibility of linking the theme or themes from the open session to the work expected during the closed session (and these themes, in turn, to the Conference priorities as discussed below). This would require some coordination between the Hosting Authority and the Executive Committee when it comes to deciding at least one of the themes or sessions of the open session – something that occurs under the current format in any case. A risk to consider with this change is that having the open session first takes a toll on members, possibly resulting in loss of momentum during the closed session. On the other hand, an important benefit from this change is that the Conference outputs decided during the closed session can be informed by the expertise from the wide array of stakeholders present in the open session. While it is true that influential in-depth discussions can also be held during the closed session, linking the open session topics to what will be decided in the closed session provides added time and opportunities for reflection and discussion amongst members for their immediate application. The recommendation is to **have the open session precede the closed session**. Due consideration was given to whether the closed session should be extended to cover a full two days, instead of the usual one-and-a-half days but it was considered prudent to retain the current length of the closed session so as not to shorten the time allotted to either the open session or to side events.

### 3.2 Focus of the Sessions

An important part of member feedback has been the desire to ensure there is no loss of momentum between the open session and the closed session, and from one annual meeting to the next. While the ongoing ICDPPC Policy Strategy exercise will help identify what topics membership wants to focus on over the next few years, ensuring the theme or themes of the open session feed into the plans of the closed session – the resolutions, work plans, in-depth discussions – can add value to each session and the annual meeting as a whole.

One recommendation to facilitate the year-to-year connection is to **put selected, prioritized topics on a multi-year cycle**. To illustrate:

- At Conference 1, Topic A is the subject of an in-depth discussion in the open session, allowing members to deepen their knowledge and understanding of the issue.
- During the closed session, members discuss the parameters and modality (e.g. striking a new working group or mandating an existing one) by which to continue work on Topic A. In the year between Conference 1 and 2, the position on Topic A is prepared and consulted.

- At Conference 2, the output (e.g. a resolution or report) on Topic A is presented, debated and, if consensus is achieved, endorsed. Topic B is the subject of an in-depth discussion in the open session.
- Between Conference 2 and 3, members implement and promote the output on Topic A in their respective jurisdictions and networks. The position on Topic B is prepared and consulted.
- At Conference 3, if warranted, report on the impact of the ICDPPC output on Topic A. The output on Topic B is presented and debated. Topic C is the subject of an in-depth discussion in the open session.
- And so forth.

Such a cycle has the benefit of maintaining momentum from conference to conference, in line with the decisions made in Brussels in 2018 to confirm the evolution of the Conference from an annual meeting to an effective and permanent network of privacy and data protection authorities, thereby strengthening its role as an effective platform for international cooperation and policy influence. Further, it creates some predictability for at least one of the items on the closed session agenda. The selection of the topic would be a decision of the Hosting Authority in consultation with the Executive Committee and in accordance with the Policy Strategy due for adoption at the 41<sup>st</sup> Annual Meeting.

The suggestion above would not be to the exclusion of other in-depth discussions or panels during either the open or closed sessions. It should be stressed that this proposal does not intend to curtail the Host Authority's discretion for the organisation of the open session, which would remain. Rather, this document seeks to offer constructive suggestions to enhance and reinforce the continuity between Annual Meetings as well as between the closed and open session, which was one of the key themes which emerged from the 2017 strategic consultations with the Conference's membership.

A further recommendation would be for the **closed session to provide more time both for operational exchanges and for comprehensive discussions** – of draft declarations and resolutions, and of Executive Committee and Working Group reports as they relate to the progress of strategic priorities (and validation or updating of these strategies). In the case of the operational exchanges, this includes the inclusion of working lunches devoted to member's sharing of operational innovations and issues. The closed session being the main opportunity for members to interact and to steer the activities of the Conference, the focus of the closed session should be on member interactions. To be clear, this is not to the exclusion of expert-led discussions altogether, but to ensure members take full advantage of their time together.

### 3.3 Enhancing Networking Opportunities

The construction of the annual meeting agenda can play a pivotal role in achieving members' desire to facilitate networking and operational exchanges. During the 40<sup>th</sup> Conference, members agreed to change the Conference Rules and Procedures to reflect the desire for the closed session to include dedicated times for members to share and exchange operational and practical experiences. There are several strategies for members, working groups or networks to present important projects (e.g. on policy initiatives, regional trends, enforcement strategies et cetera). These include breakout sessions, working



lunches, panels, in-depth discussions and side events. The intent here is not to be prescriptive but to employ these alternatives on a case-by-case basis since different matters lend themselves to different modalities of presentation. That said, what is important is for the Executive Committee **to canvass and for members, working groups and networks to propose suggestions for operational and practical exchanges** in the closed session.

As mentioned above, side events remain an important way to network, especially beyond the DPA community. The challenge, however, is in limiting the conflicts created by having a growing number of side events in a finite amount of time. One solution would be to **have regional and other networks have their meetings prior to the Welcome reception** (the day prior to the official start to the Conference). This would allow members added interaction without limiting their ability to attend other side events organized by the wider privacy community. Moreover, it would open more timeslots for such side events. Lastly, as the Conference continues to enhance its diversity and representativeness, such pre-Conference meetings by networks can allow for regional discussions on Conference-related matters (e.g. the election of Executive Committee members) prior to the closed session.

The constraint here would be adding to the already long schedule of the annual meeting, extending it to a full four and a half days, without accounting for travel time. This adds to the expense to DPAs that attend the Conference – both in time and money – and on the Hosting Authority. That said, considering these meetings would only add a few hours to the schedule prior to the Welcome reception and remain optional, the trade-off in additional side events and networking opportunities may well be worthwhile.

The foreseen establishment of an ICDPPC Stakeholder panel at the 41<sup>st</sup> ICDPPC may also assist in facilitating the preparation and scheduling of side events.

#### **4. Recommendations**

In considering different options to maximize the annual meeting, the guiding principles have been to promote exchanges between members and to advance the Conference's purpose of becoming an effective platform for cooperation and policy influence. It is in this spirit that this paper presents the following recommendations:

- 1- **Scheduling the open session first before the closed session.**
- 2- **Allocating longer timeslots in the closed session to provide for operational exchanges and for comprehensive discussions related to Conference priorities.**
- 3- **Canvassing members, working groups and networks for suggestions and initiatives to highlight as part of the operational exchanges.**

## 5. Discussion at the 41<sup>st</sup> Conference

The proposal originally submitted for consideration at the 2019 Closed Session included the following recommendations:

- Selecting a topic in the Open Session that is then discussed in the closed session, and subsequently put on a multi-year cycle for output and implementation.
- Holding regional networks side events prior to the Welcome Reception.

However, during the discussion at the 41<sup>st</sup> Conference in Tirana, some members raised concerns over the flexibility afforded to the Hosting Authority in terms of planning the open session. In order to address these concerns, we have re-framed the original recommendations as follows:

- 1- Having the Host, on consultation with the Executive Committee, select a topic for the open session that is then discussed in the closed session, and subsequently put on a multi-year cycle for output and implementation.
- 2- Holding regional network side events prior to the Welcome reception.

These are desirable proposals which, however, would prove effective in maintaining momentum between annual meetings as well as for maximising members’ opportunities for participation, while remaining consistent with the desire from membership that the Conference be a permanent forum for cooperation and policy influence.

Table A offers the broad strokes of the Conference agenda applying the recommendations above.

**Table A – Overview of Suggested Annual Meeting Agenda**

	Day 0	Day 1	Day 2	Day 3	Day 4
Morning		Open Session	Open Session	Side Events Part 2	Closed Session
Afternoon	Meetings of Regional Networks	Open Session	Side Events Part 1	Closed Session	Closed Session
Evening	Welcome Reception	Social Event(s) (optional)	Social Event(s) (optional)	Members’ Gala	

Notes:

- **Regional network meetings** are scheduled for before the Welcome Reception.
- The **Open Session** is scheduled for 1.5 days (as is current practice).
- **Side Events** have two half days (as is current practice), but are fully organized between the end of the open session and the closed session, to maximize participation from non-DPA stakeholders.
- The **Closed Session** is scheduled for 1.5 days (as is current practice).
- Evenings remain free for social events.

Table B provides a sample closed session agenda following the recommendations. All time allocations and items are to be flexible and represent a general suggestion.

**Table B – Sample Closed Session Agenda**

<b>CONFERENCE DAY THREE – CLOSED SESSION (1<sup>st</sup> half day)</b>	
<b>Morning</b>	<b>Side Events</b>
<b>12.00 – 13.30</b>	<b>Lunch</b>
<b>13.30 – 14.00</b>	<b>Start of the Closed Session</b> <ul style="list-style-type: none"> <li>• Welcome remarks by ICDPPC Chair and Hosting Authority</li> <li>• Governance matters (e.g. resolution on new members and observers)</li> </ul>
<b>14.00 – 15.00</b>	<b>Report by the Executive Committee</b> <ul style="list-style-type: none"> <li>• Update on Activities and Strategic Priorities</li> <li>• Steer for upcoming year</li> </ul>
<b>15.00 – 16.00</b>	<b>In-depth discussion 1 – Follow up to open session discussion</b> <ul style="list-style-type: none"> <li>• Purpose: ensuring connection between open and closed session</li> <li>• Optionally: invite external expert speaker(s)</li> <li>• Discussion on follow-up actions and modalities</li> </ul>
<b>16.00 – 17.30</b>	<b>In-depth discussion 2 – Discussion on priority theme</b> <ul style="list-style-type: none"> <li>• Purpose: educational discussion on one of the Conference priorities</li> <li>• Optionally: invite external expert speaker(s)</li> <li>• Discussion on follow-up actions and modalities</li> </ul>
<b>Evening</b>	<b>Members’ Gala</b>
<b>CONFERENCE DAY FOUR – CLOSED SESSION (2<sup>nd</sup> day)</b>	
<b>08.15 – 09.30</b>	<b>Presentations by Working Groups</b> <ul style="list-style-type: none"> <li>• Working Groups to report and present work plans for upcoming year.</li> <li>• Discussion on follow-up actions</li> </ul>
<b>09.30 – 10.30</b>	<b>Presentations from Stakeholders</b> <ul style="list-style-type: none"> <li>• UN Special Rapporteur</li> <li>• ICDPPC Observers</li> <li>• Berlin Group</li> <li>• Regional and other Networks</li> </ul>
<b>10.30 – 11.15</b>	<b>Networking Break</b>
<b>11.15 – 12.45</b>	<b>Discussion on Conference Priorities and/or Update on priority themes</b> <ul style="list-style-type: none"> <li>• Purpose: update on status of priority strategies or presentation from experts on a priority theme</li> <li>• Steer from members – validation, tweaking of priorities</li> </ul>
<b>12.45 – 14.15</b>	<b>Working Lunch</b> <ul style="list-style-type: none"> <li>• Parallel Sessions based on suggestions from members, working groups or networks on items they would like to showcase.</li> </ul>
<b>14.15 – 15.45</b>	<b>Presentation of Resolutions</b> <ul style="list-style-type: none"> <li>• Purpose: for members to discuss and adopt resolutions</li> </ul>
<b>15.45 – 16.30</b>	Networking break
<b>16.30 – 17.00</b>	Executive Committee Elections
<b>17.00 – 17.15</b>	Presentation by next Hosting Authority
<b>17.15 – 17.30</b>	Announcement of Hosting Authority for following annual meeting
<b>17.30 – 17.45</b>	Chair and Hosting Authority Closing Remarks

## **6. Next Steps**

Following endorsement by the Closed Session at the 41<sup>st</sup> Annual Meeting, the following steps should be taken for implementation by the 42<sup>nd</sup> Conference and thereafter:

1. Request the Hosting Authority to organize the open session to take place prior to the closed session;
2. Mandate the Executive Committee, when preparing the agenda of the closed session, to allocate sufficient time for in-depth discussions on Conference-related matters and operational exchanges between members;
3. Mandate the Secretariat to consult members, working groups and networks for suggestions and initiatives that they would like to present during the closed session;

In addition to the above, the below suggestions are deemed desirable and should be taken for implementation by the Hosting Authority for the 2020 Conference and future Hosting Authorities:

- 1- Preferably in consultation with the Executive Committee, select and communicate to members an in-depth topic preferably from amongst identified priorities in the Policy Strategy for debate at the open session;
- 2- Allocate meeting rooms for regional network side events available prior to the Welcome reception.