36th Executive Committee meeting: 19 April 2017

Agenda and

Compilation of meeting papers

Wednesday 19 April 2017

Redacted Version

In-person meeting at 18:00 in University of DC, Level M1 (one level below lobby), Marriott Marquis, Washington, DC

Planning to attend	
New Zealand	John Edwards, Chair
Canada	Daniel Therrien, Andrea Rousseau, Miguel Bernal-Castillero
Morocco	Said Ihrai, Lahoussine Aniss
Hong Kong	Stephen Wong, Ivan Chan
EDPS* (Host of 40th Conference)	Giovanni Buttarelli

EDPS will participate in the meeting as an observer and has been asked to speak to item 6

Apologies: Isabelle Falque-Pierrotin, France

Item 1: **Adopt agenda**, note apologies

36th meeting of ICDPPC Executive Committee

19 April 2017

Meeting scheduled for 60 minutes

Agenda

1. Adopt agenda, apologies

2. Previous meeting (February 2017): Approve minutes of 35th meeting

3. 39th Conference: Selection of closed session topic (Chair)

4. Discussion of project on future size and membership of Conference (Chair/Secretariat)

5. Committee transition (Chair)

6. Update from selected host of 40th Conference (EDPS)

7. 41st Conference in 2019 (Secretariat)

8. ICDPPC recognised enforcement cooperation meeting 2017 (Secretariat)

9. General business

10. Next meeting
    12 June via teleconference

Item 2: Previous meeting (14 February 2017): Approve minutes of 35th meeting

35th Meeting of ICDPPC Executive Committee

14 February 2017

Chair: John Edwards, New Zealand

Secretariat: Blair Stewart, Vanya Vida

Canada: Daniel Therrien, Barbara Bucknell, Brent Homan, Michael Maguire, Miguel Bernal-Castillero

France: Isabelle Falque-Pierrotin*, Florence Raynal**, Sophie Bory

Hong Kong: Stephen Wong, Fanny Wong, Aki Cheung, Ivan Chan

Morocco: Said Ihrai, Lahoussine Aniss

*joined discussion on item 2
** joined discussion on item 7

Meeting opened: 22:55 (NZDT)

1. **Previous meeting** (21/22 December 2016) **and action points**:
   Minutes were approved. Task to develop common tools and approaches deferred to next year.

2. **40th Conference in 2018** (taken out of order)
   The Committee agreed to recommend EDPS/Bulgaria as the host of the 40th Conference. The recommendation will be notified to the Conference members and unless an objection is received the recommendation will become a Conference decision.

   Action: Secretariat to
   - notify the 3 authorities that submitted a hosting proposal of the Committee's recommendation; and
   - notify Conference membership.

3. **39th Conference: closed session topic**
   The Chair updated the Committee on responses to the membership closed session topic survey. Taking the survey responses, the Committee arrived at a short list of preferred topics:
   - How DPAs can multiply resources through cooperation (possible sub-topic - Internet governance and data protection)
   - Safe government information sharing
   - Sensitive data: discrimination and risk management (possible sub-topic - Algorithmic transparency)
   - Smart cities

Action: Secretariat to circulate short list of topics to Committee.

Action: Committee members requested to suggest suitable speakers and sub-topics to Secretariat.

4. **Updates on projects/work already under way:**
   a. **39th Conference**
      HK updated the Committee. A programme committee has been formed and possible topics identified for the open session. A concession attendance fee will be available for lower income economies. HK will consider setting up a fund to bridge the gap. A threat assessment will be conducted closer to the Conference.

   b. **Working group on future size and membership of Conference**
      The Chair updated the Committee and announced membership of the working group is available on the Conference website.

5. **Workplans of tasks allocated at December meeting but yet to get under way**
   a. **Internationally comparable metrics**
      The Chair updated the Committee.

   b. **Tasks arising from International enforcement cooperation (2016) resolution**
      CA updated the Committee.

   c. **Global privacy and data protection awards**
      The Secretariat updated the Committee.

6. **Accreditation: Update on process to be followed in 2017**
   The Secretariat updated the Committee on the draft accreditation assessment checklist form. The suitability of the form is currently being checked by MA which is responsible for accreditation.

7. **General business**
   Letter received in relation to the proposals to host the 2018 Conference
   Chair highlighted correspondence from a member raising an issue concerning action of a Committee member relating to the selection of the 40th host. The matter was to be clarified after the meeting between the Chair, the Committee member and the member concerned.

Next meeting:
In person meeting on 19 April 2017, Washington, DC (venue and time to be confirmed)

Meeting closed: 24:14 (NZDT)

Action points from previous meeting intended to be completed by February meeting

Task	Committee Member	Notes
Secretariat to notify the 3 authorities that submitted a hosting proposal of the Committee's recommendation	Secretariat	Complete
Secretariat to notify Conference membership of the Committee's recommendation on the host of the 40th Conference	Secretariat	Complete
Secretariat to circulate short list of possible closed session topics to Committee	Secretariat	Complete
Committee members to suggest suitable speakers and sub-topics to Secretariat	All	

Action points from previous meeting intended to be completed by April meeting

Task	Committee Member	Notes
FR to report on how representation arrangements might be made more effective	FR	
NZ to report on scope of work arising from the resolution on human right defenders	NZ	
CA to report on develop common approaches and tools	CA	Item deferred to next year

Item 3: 39th Conference: Selection of closed session topic (Chair)

Note from the Secretariat, 5 April 2017

Closed session topics and speaker suggestions

4 topics were shortlisted as suitable topics for the 39th Conference closed session:

- How DPAs can multiply resources through cooperation
- Safe government information sharing
- Sensitive data: discrimination and risk management
- Smart cities

Committee members were requested to suggest possible world class speakers; possible sub-topics that will amplify the session and whether the shortlisted topics will benefit from a discussion in a closed session environment.

CA, FR and NZ submitted suggestions to the Secretariat.

Objective of April meeting: Finalise a topic for the closed session and, if possible, identify potential speakers.

The following suggestions for possible sub-topics and speakers have been offered.

Member	Possible sub-topics	Possible speakers
How DPAs can multiply resources through cooperation		
CA	Topic might usefully be renamed 'multiplying effectiveness through cooperation'	
CA	Working with regulators in other sectors	███████████████
CA	Privacy and Internet Governance	███████████████
NZ	DPA cooperation research and recommendations	███████████████
Safe government information sharing		
CA	Role of Privacy Impact Assessments and Information Sharing Agreements	███████████████
CA	Accountability	███████████████
FR	- Financial agencies - Trust building: the challenges of haring information in multiplayers' networks - Big data vs. privacy	███████████████
NZ	- Framework - Safeguards - Operation	███████████████

	• Case studies	

Sensitive data: discrimination and risk management		
CA	Algorithmic accountability and transparency	
NZ	• Algorithmic transparency • Privacy Management Programmes • Health/ sex life/ other categories • Residency/nationalism	

Smart cities		
CA	-	
FR	• From smart cities to smart citizens or how can data subjects control their information from the moment it is collected to the moment it is reused (tools such as dashboard) • Where did the consent go in smart cities or how to deal with new ways of tapping, putting to storage and reusing data • The role of public authorities and public policies in a context of smart cities operated by private companies or how do public authorities deal with the shift of relationship between companies and citizens	
NZ	• Internet of things • Security and Privacy • Privacy by design	

Topics listed in order of preference

CA	FR	NZ
• Sensitive data: discrimination and risk • How DPAs can multiply resources through cooperation • Safe government information sharing • Smart cities	• Smart cities • Safe government information sharing	• How DPAs can multiply resources through cooperation • Safe government information sharing

CA helpfully provided detailed commentary for each topic and possible speakers and is reproduced in full for the benefit of all Committee members.

Email from CA to ICDPPC Secretariat, 25 March 2017

… Our Office has ranked the topics in order of preference and suitability for the closed session. We include some thoughts on each topic, possible sub-topics and suggest speakers for each, as requested.

As noted during the February call, our Office sees the closed session as an opportunity to talk about things we cannot candidly talk about in the public session. We suggest it would be useful to think about these topics with a view to possible outcomes: the identification of best practices and/or the development of common positions.

1. **Sensitive Data: discrimination and risk**
    *   There is an extensive body of research suggesting that the use of personal data, particularly in a Big Data context, can result in discriminatory practices and other harms. Many ways to mitigate these potential harms have been proposed including the use of explicit risk management methodologies, a more rigorous emphasis on the ethical use of personal data and algorithmic accountability and transparency. The session could discuss the risk of discrimination and other infringements and possible ways to address these infringements.
    *   The topic also presents an opportunity to build upon the work of past Conferences, including most recently the in-depth discussion on AI/Robotics in Marrakech (2016), the Resolution on Big Data from the Mauritius conference (2014) and the Resolution on Profiling from Warsaw (2013), all of which directly or indirectly dealt with data discrimination.
    *   As a sub-topic, we support a discussion on Algorithmic accountability and transparency – that is, how greater openness about the purposes, structure and the underlying logic of the algorithms used to process and analyze data would help individuals and policy makers better understand the logic and fairness of the outputs of the algorithms. We find that this discussion could build on some of the concepts and concerns raised by Mireille Hildebrand at last year's closed session.
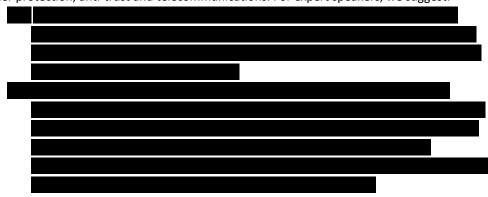   *   As for suggested experts, we recommend the following individuals or groups:
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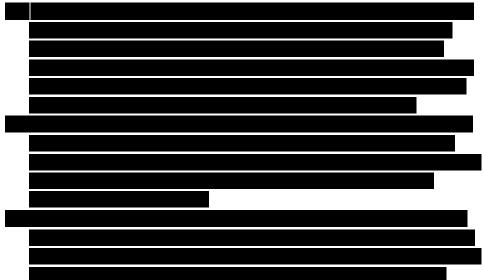   ██
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2. How DPAs can multiply resources through cooperation

- In light of the discussion on the future size and membership of the Conference, our Office is concerned that this discussion could conflict with or colour that discussion. We would suggest this topic be re-branded as "Multiplying effectiveness through cooperation" and that its focus be on cooperation between DPAs and other regulators, thereby giving it a focus that goes beyond cooperation between DPAs and towards being more effective in discussing privacy with others. We would not expect a declaration or specific outcome from this topic, but see value in its fomenting discussion.

- Insofar as sub-topics and suggested speakers we would suggest the following:

    - Working with regulators in other sectors: The goal here would be to improve privacy protections by knowing where and how privacy intersects with other sectors – including, for example, consumer protection, anti-trust and telecommunications. For expert speakers, we suggest:

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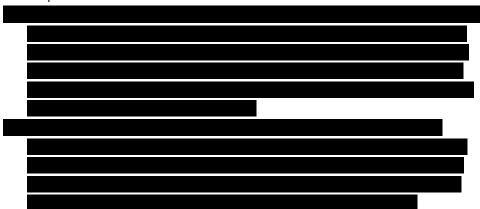   █████████████████████████████████

    - Privacy and Internet Governance: This discussion can focus on how DPAs can work with governance agencies on internet security, how to cooperate on developing shared principles and norms that respect the internet's evolution and individual's privacy and data protection rights. This would align well with the [Conference's Strategic Priorities](#) of "strengthening our connections, working with partners" as well as that of "advancing global privacy in a digital age." For expert speakers we suggest the following individual and organizations:

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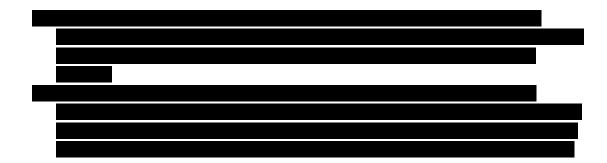[REDACTED]

3. **Safe government information sharing**
   - Our Office envisions this topic as looking beyond information sharing for national security and intelligence purposes, but rather focusing on the sharing of information between public authorities for the delivery of services – for example for health or tax purposes, or as part of a federated identification management arrangement. Though we are open to this in-depth discussion, we do see it as having limited value or potential practical outcomes, as compared to the others.
   - Possible sub-topics and expert speakers include:
     - Role of Privacy Impact Assessments and Information Sharing Agreements: a discussion on the purposes and differences between PIAs and ISAs, along with a sharing of best practices and challenges for implementation.

       [REDACTED]

     - Accountability: a discussion on the need for authority and transparency (for example the New Zealand model of requiring parliamentary approval of data matching agreements, public registry of ISAs) and on clarity around use of caveats and secondary uses.
       - We would defer to the NZ OPC for suggested experts.

4. **Smart Cities**
   - Given the interest it could garner from other stakeholders, and the contributions private sector participants could make to follow-up discussions generated by the expert presentations, our Office finds that this topic seems more suitable for the broad, public discussion. We would kindly ask that the host consider Smart Cities as part of its open session planning.
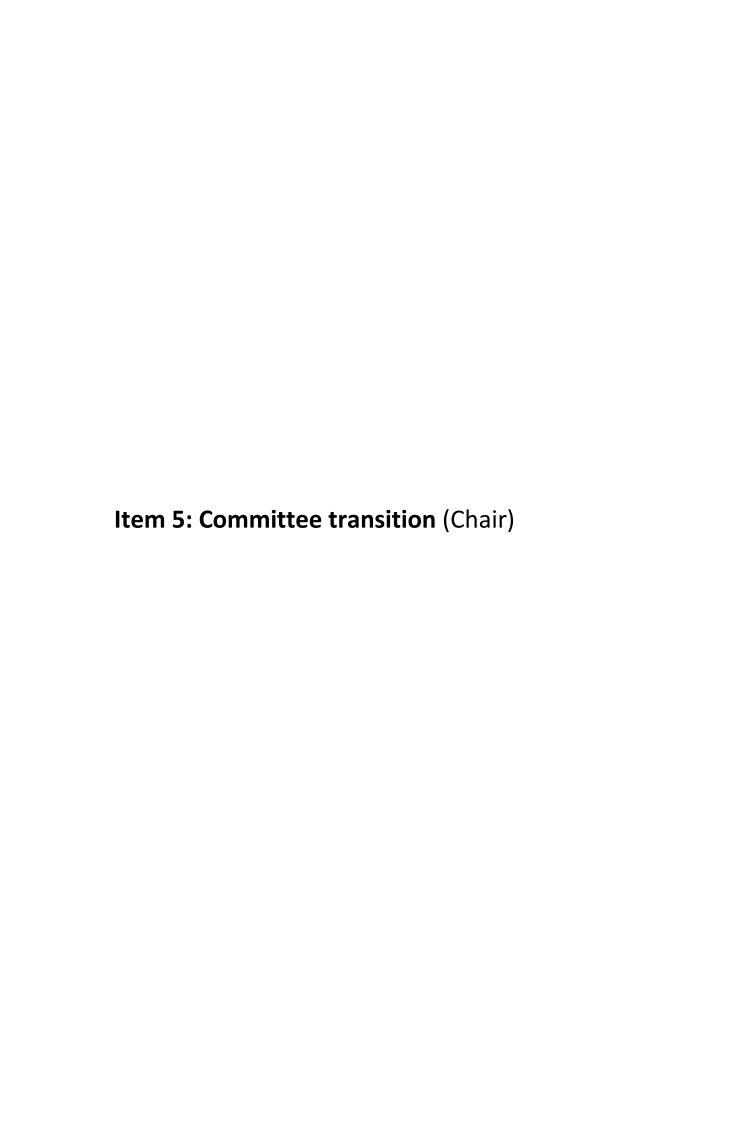   - Suggested experts include:
     - [REDACTED]

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Item 4: Discussion of project on future size and membership of Conference (Chair)

Note by Secretariat 4 April 2017

Since the last meeting:

- The [working group membership](#) was finalised on 3 March (eventually 23 members, including all Executive Committee members).
- The Secretariat circulated a draft survey to the working group for comment on 30 March.

The working group – which includes all Executive Committee members – was invited to offer comment on the draft survey by 7 April. A very tight deadline was set in an effort to seek to regain time lost through earlier delay. However, it appears that the time allowed was unrealistically short and as at 6 April no feedback had been received. Accordingly the Secretariat has extended the deadline by nearly 2 weeks to 20 April, a few days after Easter (which is a public holiday in many member countries).

Item 5: Committee transition (Chair)

Planning for Executive Committee Transition beyond 2017

Note from the Secretariat to the Executive Committee, 4 April 2017

Each year the Secretariat has encouraged the Committee mid-way through its term to consider its composition going forward to the next year and factor that into medium term planning. As was the case in 2014, the transition is especially significant this year as the Chair will be stepping down and New Zealand will cease to provide the Secretariat.

The following table sets out the terms of the current Committee members as we look forward to 2018 and beyond.

ICDPPC Executive Committee Composition 2016 and 2017 (actual) to 2018-20 (projected)					
	Last year	**This year**	**Next year**	**Year after that**	**Long range**
Committee Position (region)	2016	2017	2018	2019	2020
Elected 1 (Asia & Pacific)	New Zealand 2nd term Chair		*Authority A*		*Authority A*
Elected 2 (Americas)	Canada 1st term		*Canada 2nd term*		*Authority B*
Elected 3 (Europe/Middle East/Africa)	France 1st term	France 2nd term		*Authority C*	
Current host	Morocco	Hong Kong	EDPS	*Host X*	*Host Y*
Former host	Netherlands	Morocco	Hong Kong	EDPS	*Host X*
Notes: • The descriptions of regions given for the elected position are indicative, not official. • The year refers to the principal year of operation of the Committee – members are elected late in the previous calendar year. • 'Unknowns' are shown in grey. • EDPS is shown as current host for 2018 and former host for 2019. Whether co-host Bulgaria should be a supernumerary Committee member in those years is a question yet to be answered.					

It will be helpful if existing elected Committee members (France/Canada) can signal their intentions for 2018 – as far as they may yet be known - at the April meeting.

The rules provide that New Zealand must then drop off the Committee in September. A new Chair will need to be elected at the 2017 Conference.

At the 2017 Conference the following events should take place:

- A new Asia-Pacific member will be elected.
- Canada will seek re-election for a second 2-year term (TBC).
- A new Chair will be elected.
- The new Chair will provide the new Secretariat (to take over after the Conference).

The next/former host members of the Committee take effect automatically by operation of the rules but two unusual features may arise for the first time this year:

- There are co-hosts for the 2018 Conference and thus the possibility of having two 'next host' members of the Committee.
- The host of the 2019 Conference ('host X' in the table) will be known two years in advance and thus the possibility exists of involving that authority in some way in the work of the Committee.

New Zealand is planning proactively for a smooth handover to the next Secretariat and will develop a resource to assist its successor. Handover of all Secretariat functions is expected to be completed during October.

Item 6:   Update from selected host of 40th Conference
(EDPS)

EDPS to give an oral update at the meeting.

Item 7:   41st Conference in 2019 (Secretariat)

Note from Secretariat, 5 April 2017

Multiple proposals to host the Conference in 2019 were received by the closing date of 31 March 2017. The subcommittee (Secretariat and HK) will develop a recommendation to present to the Executive Committee at the June meeting.

Item 8: ICDPPC recognised enforcement cooperation meeting 2017 (Secretariat)

Note from the Secretariat, 5 April 2017

ICDPPC recognised enforcement cooperation meeting 2017

> **The Secretariat recommends that a proposed ICO/GPEN Manchester event in June 2017 be designated as an ICDPPC-recognised enforcement cooperation meeting.**

The resolution on enforcement cooperation (2014) adopted at the 36th Conference mandated the Executive Committee to ensure that there is an annual opportunity for interested members to meet and that these meetings should focus on the sharing and development of experience and best practice amongst enforcement practitioners from privacy enforcement authorities. In 2016 it was decided that in 2017 the mandate would be most effectively met through formal endorsement of multiple meetings held in the various regions.

First call for proposals for 2017

The Secretariat issued the first call of proposals in 2016 and two meetings were endorsed by the Executive Committee to be held in:

- Sydney, Australia on 13 July 2017, and
- Montevideo, Uruguay on 9-10 August 2017.

Second call for proposals for 2017

The Secretariat issued a second invitation for any member authority to have a 2017 meeting designated as "ICDPPC-recognised" with the proviso that any new proposals must not clash with or undermine the two existing designated events.

The call was issued on 27 February with a closing date of 20 March. Proposers were asked to submit a proposal in accordance to the existing guidance and consider the suggestions for organising a successful ICDPPC-recognised enforcement cooperation meeting.

One proposal was received from a member authority, the UK Information Commissioner's Office, for a GPEN event to be held on 21-22 June in Manchester, UK. Another expression of interest was received from a member in an African country. That authority was seeking internal approvals from their governing Ministry before they could submit a proposal. The Secretariat had delayed finalising this recommendation to the Committee while seeking clarification on this matter but finally had not received a written proposal at the time that papers for the April Committee meeting needed to be finalised (6 April 2017).

The Manchester proposal meets the requirements and does not clash with or undermine the existing designated events (being in different months and regions). The proposed event is planned to be held after the European Case Handling Workshop.

It is recommended that the Manchester event be designated as ICDPPC-recognised Enforcement Cooperation Meeting.

Item 9: General business

Next meeting: 12/13 June via teleconference

	12 June	13 June
New Zealand		11:00 NZST
France		01:00 CEST
Canada	19:00 EDT	
Morocco	23:00 WET	
Hong Kong		07:00 HKT