



## **ICDPPC Working Group**

### **Working Group on the Future of the Conference**

#### **Draft Report on 2018-2019 Activities / 2019-2020 Forward Looking Plan**

## **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 pivoted around three main themes: the Conference's objectives and common future; the Conference's identity; and the Conference's format and structure.

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* which mandated the Working Group on the Future of the Conference with the following tasks to be completed and presented at the 41<sup>st</sup> conference in 2019:

- completing a paper serving as the foundation to consult on and assess the articulation between the closed and open sessions of the Annual Meeting;
- developing a background document on the interpretation of the membership and independence criteria;
- writing a detailed proposal on the creation of an ICDPPC contact group with external stakeholders, in particular civil society organisations;
- evaluating the possibilities and modalities, including technical and financial requirements, for the creation of an ICDPPC members' secure online platform;
- establishing plans for the development of a funded, stable Secretariat, in place for renewable terms of three years or more, and for the establishment of membership fees and its modalities.

The Membership of the Working Group on the Future of the Conference was refreshed in May 2019 and currently consists of 14 delegations. The Co-Chairs of the Working Group are the Office of the Privacy Commissioner of Canada (OPC) and the Information Commissioner's Office of the UK (ICO).

## 2) Executive Summary

As highlighted above, the Working Group was mandated by the Conference with the completion of five papers. These are enclosed as Annexes to the current report. A short executive summary for each is presented below.

### a. **The Relationship between the Closed and Open Sessions and Proposals to Maximize the Attractiveness of the Annual Meeting Agenda**

As part of the consultations in 2017-18, members raised the issue of the closed and open sessions' articulation and specifically the order in which these occur. The paper presents **options and recommendations** for organizing the annual meeting in a way that can maximize its effectiveness and advance the Conference's purpose of becoming an effective platform for cooperation and influence. The recommendations include: scheduling the **open session first** before the closed session; putting selected **topics on a multi-year cycle** for output and implementation; allocating more time in the closed session for **operational exchanges and discussions on Conference priorities; canvassing for topics** to cover during the operational exchanges; and holding **regional network side events** prior to the Welcome reception.

### b. **A Background Document on the Interpretation of the Autonomy and Independence Criteria**

Following members' request that current membership criteria be maintained and, in particular, that the criteria for **appropriate autonomy and independence** be guaranteed, this paper serves as a background for interpretation of this criteria. The paper suggests a **contextual approach** to underpin the evaluation of ICDPPC membership applications and provides a **list of elements** that can help demonstrate appropriate autonomy and independence.

### c. **A Proposal for the Creation of the ICDPPC Reference Panel**

As part of the 2017 discussion on the Conference's identity, several ICDPPC members highlighted the need for the Conference to **strengthen** informed **exchanges** and collaboration with **external stakeholders**. For the achievement of this objective, this paper proposes the establishment of an **ICDPPC Reference Panel** comprising of representatives of relevant civil society organisations, academic institutions, think tanks, non-privacy supervisory authorities and representatives of the private sector **whose main task will be to provide expert consultation** to the ICDPPC and its working groups on an ad hoc basis **upon request**.

### d. **A Paper on the Creation of an ICDPPC Secure Online Platform Options and Financial Requirements**

This paper outlines **three options**, including an overview of the costs for each, **for the creation of a secure, password-protected virtual space** that would act as a platform **for ICDPPC members** to share good practice and exchange practical information on cases. These options are: a software-based solution (e.g. Office 365 or open source software), an enhanced version

of the existing ICDPPC website and the creation of a new ICDPPC website including a log-in area accessible to Conference's members only. The paper concludes by suggesting to further test members' preferences in relation to the need for the creation of an ICDPPC secure virtual space or for a continuation of the *status quo*.

**e. A Paper on the Proposed Plans for the Establishment of an ICDPPC Stable Secretariat**

During the 2017 strategic consultation on the future of the conference, a significant proportion of the membership stressed the desire for the Conference to evolve towards a more structured organisation, including through **the establishment of a funded and stable Secretariat** which could provide a more institutionally structured support to the work of the ICDPPC. This paper aims at mapping out plans for the achievement of this objective, including practical means to collect membership fees and proposed changes to the Rules and Procedures. Specifically, the **paper proposes** a model whereby **the Secretariat will initially be a funded entity separate from the Chair** but serviced by a member authority for renewable terms of four years, to be introduced **starting from 2021**.

### **3) Working Group Activity 2018-2019**

The Working Group has successfully completed all the tasks mandated to it by the Conference. By July 2019, all draft papers were completed. Three written consultations of the papers were conducted in May, June and July 2019. The members of the Working Group convened via Teleconference two times in July and August. In order to ensure consensus on the final version of the papers within the Working Group, the Co-Chairs requested the Executive Committee for a short extension of the 26 August deadline. Following this extension being granted from the Executive Committee, a third call with the members of the Working Group will take place on 5<sup>th</sup> September.

### **4) Forward Plan for the Working Group 2019-2020**

Subject to Conference's approval at the 2019 Annual Meeting in Tirana, the following actions have been identified for 2019 – 2020:

**Secure Online Platform:**

- **November – December 2019:** Launch a short survey amongst the member authorities to test members' views on the need for the secure virtual space as well as for further scoping out the requirements and functionalities members would like to see on the platform; further explore the availability and scope of use of open source software or institutional collaboration solutions before taking steps towards the implementation of an entirely new ICDPPC website;

- **January – March 2020:** On the basis of the results, engage in a soft market testing to acquire more accurate figures required for the development of the secure online platform, as well as for carrying out a thorough risk assessment of the proposed approach;
- **April – May 2020:** explore funding options to cover the costs of the creation of the secure online platform to present at the 2020 Annual Meeting;

#### **Proposed Plans for the Establishment of a stable and funded Secretariat:**

- **November 2019 – March 2020:** gather the necessary census data from all member authorities in order to establish the relevant fee tier and conduct a survey amongst member authorities to identify legal obstacles for some authorities to accept funds for running the Secretariat;
- **April 2020 – May 2020:** analyse survey results; reach out to those authorities which provided a Secretariat function in the past to collect information over costs incurred and tasks undertaken; explore options for alternative sources of funding which could complement the income sourced through the collection of the Secretariat fees; draft report to be circulated to the Conference at the 2020 Annual Meeting;
- **June – July 2020:** consultation period.

### **5) Annexes**

- a. **The Relationship between the Closed and Open Sessions and Proposals to Maximize the Attractiveness of the Annual Meeting Agenda;**
- b. **A Background Document on the Interpretation of the Autonomy and Independence Criteria;**
- c. **A Proposal for the Creation of the ICDPPC Reference Panel;**
- d. **A Paper on the Creation of an ICDPPC Secure Online Platform Options and Financial Requirements;**
- e. **A Paper on the Proposed Plans for the Establishment of an ICDPPC Stable Secretariat.**