

# INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS

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**2011/EC/GL/001**  
Agenda Item II: (b)

## Rules and Procedures

### *Executive Committee*

**33<sup>rd</sup> International Conference of Data Protection  
and Privacy Commissioners  
November 1, 2011  
Mexico City**



33<sup>rd</sup> International Conference  
Of Data Protection  
and Privacy Commissioners

*Privacy: The Global Age*  
2-3 November 2011 Mexico City

## RULES AND PROCEDURES

### 1. The Status of the Conference

The International Conference of Data Protection and Privacy Commissioners (the “Conference”) is an entity in its own right, representing the collective accredited members. For the purposes of this document, the term the Conference refers to the collective accredited members.

There is no compelling need in the short-term to incorporate or otherwise give the Conference legal status. The legal status of the Conference can be revisited at a later date.

#### 1.1 The Purposes of the Conference

The purposes of the Conference are:

- a. To promote and enhance internationally personal data protection and privacy rights.
- b. To improve data protection and privacy by providing a forum that encourages dialogue, cooperation and information sharing.
- c. To draft and adopt joint resolutions and declarations on subjects that warrant the common interest or concern of the accredited members, and promote their implementation.
- d. To be a meeting point between accredited members and other international fora or organisations that share common objectives.
- e. To encourage and facilitate cooperation and the exchange of information among accredited members, in particular regarding enforcement actions.
- f. To promote the development of international standards in the field of protection of personal data.

## 1.2 Elements of the Conference

The Conference consists of

- The Closed Session
- The Executive Committee
- Working Groups

## 2. The Annual Meeting

The Conference shall hold a meeting at least once a year, preferably during the months of September to November.

The annual meeting will be organised by one of its Members (hereinafter, the Hosting Authority), with the advice and support of the Executive Committee. Insofar as possible, the Hosting Authority should alternate between countries representing different cultural, geographic and legal backgrounds.

The annual meetings shall consist of a Closed Session (hereinafter, the Closed Session). 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.

### 2.1 Functions of the Closed Session

The functions of the Closed Session are:

- a. To adopt the Agenda of the current meeting and the minutes of the previous one.
- b. To elect the Executive Committee and the Chair of the Executive Committee.
- c. To set up the appropriate Working Groups.
- d. To select the venue of the Conference's Annual Meetings, as well as the Hosting Authority.
- e. To consider and vote on proposed resolutions and declarations.

- f. To adopt the reports delivered by the Executive Committee and the Working Groups.
- g. To decide on the accreditation and on the review of status of Members and Observers, pursuant to the rules adopted at the 32<sup>nd</sup> International Conference.
- h. To decide whether to request observer status to other fora and international organisations whose activity is related to the protection of personal data and/or privacy.
- i. To define the Conference's strategic direction.
- j. To amend and, where appropriate, implement these Rules of Procedure.

## **2.2 Closed Session decision-making**

The Closed Session will be chaired by the Hosting Authority of the Annual Meeting.

Insofar as possible, decisions of the Closed Session will be adopted by consensus. When consensus is not possible, decisions will be based on a majority of the votes cast. Abstentions will not be considered as votes cast for the purposes of determining a majority. Dissenting votes will be noted in the minutes and in adopted resolutions at the request of any member.

Only one vote may be cast on behalf of any country. When more than one member from the same country attends the Closed Session, the vote will be cast by the national authority or by the most representative member according to criteria such as the extent of its supervisory powers. The member casting the vote is expected to consult with the other members from the country in question.

A list of the voting Members shall be adopted at the beginning of each Closed Session, on a proposal of the Executive Committee.

Members that belong to international organisations are not entitled to vote, unless voting rights have been specifically granted to them at the time of accreditation.

## **3. Governance Structure**

### **3.1 The Executive Committee**

The Conference shall be managed and represented by an Executive Committee. The Executive Committee will consist of five members. Three of the members, representing national authorities, will be elected by the Closed Session for two year terms. The other two members will be the immediate past Hosting Authority and the next Hosting Authority. The members of the Executive Committee may not be elected for more than two consecutive terms.

In order to ensure continuity, the elected members of the Committee will have offsetting terms.

Insofar as possible, the members of the Committee shall represent different cultural, geographic and legal backgrounds.

The Executive Committee shall meet at least twice annually – in person or by other means such as videoconference or teleconference. Three members are required to constitute a quorum.

One of the elected members of the Committee will be elected by the Closed Session to serve as the Chair of the Committee. The Chair will be responsible for convening and chairing the meetings of the Executive Committee. As required, the Chair or a member of the Committee designated by the Committee may represent the Conference. Until such time as a Permanent Secretariat is created, the Chair will provide a Secretariat function. The Secretariat function would include the management and preservation of the documents and files of the Conference.

### **3.2 Functions of the Executive Committee**

- a. To implement the decisions of the Closed Session.
- b. To ensure the application of the resolutions of the Closed Session.
- c. To identify potential hosts of the Annual Meeting.
- d. To assist the Hosting Authority in organising the next Annual Meeting.
- e. To draft press releases, statements and any other media resources.
- f. To appoint delegates representing the Conference to those fora and/or international organisations in which the Conference has observer status.
- g. Recommend the accreditation of new Members or Observers.
- h. Consider requests to review the status of Member or Observers.

Insofar as possible, decisions of the Executive Committee will be adopted by consensus. When consensus is not possible decisions will be adopted by a majority of the votes cast. Abstentions will not be considered as votes cast for the purposes of determining a majority.

### **3.3 Working Groups**

- Working Groups are composed of members of the Conference. Participation is voluntary.
- Working Groups derive their mandate and direction from the Closed Session. They shall report to the Closed Session; however, they should keep the Executive Committee informed of their progress.
- Working Groups may be temporary or permanent, as stated at the time of their establishment.

### **4. Submission of Proposed Resolutions or Declarations**

- Members may submit proposed resolutions or declarations to the Chair of the Executive Committee with a copy to the Hosting Authority for consideration at the Closed Session.

- Proposed resolutions or declarations must be submitted at least one month before the next Closed Session, to enable the text to be circulated to all Members of the Conference. Where the resolution concerns complex technical or policy issues or relates to a topic that otherwise may require a longer review and comment period prior to the Closed Session, sponsors of resolutions are encouraged to provide such longer time to facilitate consensus resolutions.
- Proposed resolutions or declarations must have at least three other co-sponsors, representing, insofar as possible, different cultural, geographic and legal backgrounds.
- Proposed resolutions or declarations should be
  - clearly and concisely expressed;
  - address matters that are sufficiently related to the purposes of the Conference; and
  - offer enduring guidance or contribute to public debate on matters related to data protection of privacy rights.

Proposed resolutions or declarations shall consist of the following parts:

- a. Title
- b. Member or members that submit the proposal – the sponsor(s)
- c. Members that support the proposal – the co-sponsors
- d. Recitals (optional)
- e. Body of the resolution or declaration
- f. Explanatory note (optional)
- g. Annex or annexes (optional)

Proposed resolutions or declarations will be voted on by the accredited members at the Closed Session according to the rules set out above in 2.2.



## **5. Accreditation Rules and Procedures**

### **5.1 Member status**

Supervisory Authorities that meet the following criteria and successfully complete the application process provided for in the next section of these Rules, shall be deemed Members of the Conference:

- a. A public entity, created by an appropriate legal instrument based upon legal traditions of the country or international organisation which it belongs to;
- b. Has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates;
- c. The legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy;
- d. Has an appropriate range of legal powers to perform its functions; and
- e. Has appropriate autonomy and independence.

The fact that, according to the principles specified above, a country is represented by more than one Member, shall not affect the principle that only one vote is cast on behalf of any country.

### **5.2 Submission of applications for membership**

Supervisory Authorities that consider they meet the criteria provided for in the previous section of these Rules may submit, to the Conference's Executive Committee, an application for becoming a Member to the Conference. For that purpose, they shall:

- a. Draft an application letter to become a Member to the Conference.
- b. Fill in the appropriate application form, by answering all the questions.
- c. Enclose all the necessary accompanying documents to support their application.
- d. Provide the documentation to the Executive Committee at least three months before the next Closed Session, to enable it to be properly considered.

### **5.3 Observer status**

The following entities and organisations can take part in the Conference, with an

Observer status:

- a. Public entities that do not meet the criteria provided for in the first article, but are involved in dealing with the protection of personal data and/or privacy.
- b. International organisations whose activity is related to the protection of personal data or privacy.
- c. Any other organisation that has granted Observer status to the Conference, under the principle of reciprocity.

Observer status is granted once an entity or organisation has successfully completed the application process provided for in the next section of these Rules.

#### **5.4 Submission of applications for accreditation as Observer**

Entities or organisations that meet any of the conditions provided for in the previous section of these Rules may submit, to the Executive Committee, an application for becoming Observer to the Conference. For that purpose, they shall:

- a. Draft an application letter to become an Observer to the Conference.
- b. Fill in the application form, by answering all the questions.
- c. Enclose all the necessary accompanying documents to support their application.
- d. Provide the documentation to the Executive Committee at least three months before the next Closed Session, to enable it to be properly considered.

#### **5.5 Submission of requests for review**

The Executive Committee may be requested by at least three Members of the Conference, for a review of the status of a Member or Observer that may no longer meet the criteria provided for in sections 1 or 3 of these Rules of Procedure, respectively. For that purpose, the requesting Members shall:

- a. Draft an application letter asking to review the status of a Member or Observer.
- b. Enclose all the necessary accompanying documents to support the request.
- c. Provide the documentation to the Executive Committee at least three months before the next Closed Session, to enable it to be properly considered.

If a Member or Observer thinks that it no longer meets the aforementioned criteria, it shall notify this fact to the Executive Committee at its earliest convenience, but before the next Closed Session.

## 6. Language

Cultural and linguistic diversity are features of the conference<sup>1</sup>. Authorities shall make their best efforts to preserve it by providing simultaneous interpretation for different languages, including but not limited to English and the language of the hosting Authority. The different linguistic communities shall contribute, when required, to accomplish that aim.

All conference documents, including proposed resolutions and accreditation and observer applications may be submitted in English or in another language. In the latter case, the documents shall be accompanied by an English version. Members with the ability and the resources to do so are encouraged to translate proposed resolutions and other conference documents such as the Conference Rules and Procedures.

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<sup>1</sup>The Report of the Working Group on Conference Organisational Arrangements delivered to the 29th Conference in Montreal noted with respect to language practices:

1. Simultaneous interpretation and translation of key closed session documentation are features of the conference.
2. While the Working Group offers no recommendations at this time there may be merit in the conference further examining this issue at some stage in the future to more clearly document its expectations so as to give hosts a clearer basis upon which to budget.