29ᵗʰ International Conference of Data Protection and Privacy Commissioners
Montreal, Canada, September 25-28, 2007

Resolution of the Working Group on Conference Organisational Arrangements

Resolution

The 29ᵗʰ International Conference of Data Protection and Privacy Commissioners

Noting that the conference has annually convened 29 times, most recently in Montreal, and will shortly enter the major milestone of its fourth decade

Receiving with thanks the report by the Working Group requested by the 28ᵗʰ Conference[1]

Grateful for the substantial contributions by the current and all previous hosts for their efforts in arranging a continuous and successful series of international meetings

Recognising that the growth in numbers of data protection authorities has created organisational strains on the conference that need addressing

Aware that governments and business increasingly expect data protection authorities to cooperate but that, while being one of the few truly international forums in which to do so, the conference's organisational underpinnings needed enhancement to rise to such challenges

Concerned that some of the conferences existing practices left its continued viability vulnerable

Wishing to ensure that the conference remains vital and dynamic and continues to meet participant expectations as the premier global forum of data protection authorities

Therefore resolves:

Surveys[2]

A. *The conference agrees* that:

1. A survey of participant expectations be undertaken every 5 years or so.
2. The host of every conference should:
     (a) undertake a simple attendee satisfaction survey, and
     (b) report the results to the host of the following conference.

Observers from governmental international organisations

B. *The conference agrees* that its existing practice includes admitting to the closed session observers from governmental international organisations that have an active interest in data protection and that the decision on admitting such observers is a discretion vested in the host.

C. *The conference agrees* to leave the current practice in place for the time being but may revisit this as a non-urgent issue in due course with a view to:
     (a) developing a set of criteria for admitting observers from governmental international organisations, and

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[1] This resolution summarises recommendations set out in more detail in the report of the Working Group on Conference Organisational Arrangements. It is intended that the resolution be read consistently with that report.
[2] Part A-I of the resolution draws upon discussion in Part 2 of the Working Group report.

(b) adopting a standard list of approved observers for the convenience of hosts and governmental international organisations.

Participation of observers in the closed session

D. *The conference agrees* that:

1. Admission of a person as an observer entitles that person to enter the room in which the closed session is held and to observe proceedings but that a further authorisation from the chair of the session is required to intervene in discussion of any item.
2. In the event that an observer wishes to intervene, permission must be sought from the chair ideally in advance. The chair may permit an intervention by an observer where that can be accommodated without disruption to the proceedings but the chair is not obliged to consider or permit such interventions. The chair may allow DPAs present to object to the intervention but it is expected that the chair's permission will normally be accepted in the interests of the efficient conduct of proceedings.
3. Within practical constraints of room layout, an endeavour should be made to provide seating for observers sufficient to suitably observe proceedings but observers should not generally be seated in a position superior to DPA delegations.

Language practices

E. *The conference notes* that:

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.

Working Groups

F. *The conference agrees* that:

1. There are increasing demands for cooperative trans-border approaches to data protection regulation and as the only international forum of DPAs the conference may need to be alive to new ways to work cooperatively between annual conferences.
2. The conference is the only truly international forum of DPAs but has a challenging task to provide meaningful and ongoing leadership at international level with a single meeting each year.
3. Ad-hoc working groups have proved useful in the past but in the future the conference may need to further consider the possibility of standing working groups in subject areas and the use of delegates.

G. The conference acknowledges the work of the International Working Group on data protection in telecommunications (IWGDPT) and welcomes its willingness to accept mandates from the conference from time to time to prepare documents on specific problems.

Delegates to international for a

H. *The conference agrees* that if DPAs collectively wish to influence international data protection policy formulation by obtaining observer status at meetings of international organisations that this could be achieved through a process involving:

(a) agreement in principle by the conference to seek observer statutes from a named international organisation, and

(b) the establishment by the conference of a steering group consisting of several DPAs to pursue the observer application, select and guide a delegate, and report back to the conference.

Findings from the participant expectations survey

I. *The conference agrees* that hosts should take the results of the participant expectations survey into account and particularly notes that:

1. The expectation is that the conference will be held in September each year. However, with sufficient notice DPAs are willing to consider the conference being held in other months. If a prospective conference host wishes to propose holding the conference other than September this proposition should be included in its conference bid.
2. Hosts are expected to make a sufficient part of the conference programme available in a setting whereby DPAs can interact with each other with non-DPAs excluded.
3. Hosts should encourage wider participation in the public session of the conference.
4. Hosts should take steps to encourage the news media to cover the public portions of the conference and the resolutions adopted.

Conference hosting practices[3]

Existing practice

J. *The conference agrees* that its agreed organisational arrangements include those adopted by resolution at earlier conferences such as:

1. The Guidelines and Procedures for Conference Resolutions adopted at the 22nd conference and amended at the 23$_{rd}$ Conference.
2. The Criteria and Rules for the Credentials Committee and the Accreditation Principles adopted at the 23$_{rd}$ Conference.
3. The resolution on Country Observers adopted at the 27$_{th}$ Conference.

K. *The conference agrees* that its agreed organisational arrangements include many practices adopted by convention but not recorded in writing prior to this resolution including, without limitation, the following:

1. The conference includes a closed session and an open session.
2. The conference typically solicits country reports from DPAs and makes these available in a convenient way, typically in recent years in electronic form.
3. Each host facilitates the task of subsequent hosts by obtaining subject consent in registration processes for passing registrants' details onto the subsequent host.
4. Each conference programme will include a small slot to allow the next host to announce details of the next conference.
5. The Conference seeks to select hosts at least 2 years in advance.

Approach to reform

L. *The conference agrees* that in adopting hosting organisational reforms it wishes to:

1. Address shortcomings that have been identified.
2. Promote better handover and continuity.
3. Encourage continuous improvement, conference to conference.
4. Leave hosts with considerable latitude, thereby promoting innovation and variety.

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[3] This part of the resolution describes hosting practices in outline. Further detail of how the resolution is intended to operate is contained in the Working Group's report, most particularly the report by the Hosting Subgroup.

Recommendations for change

M. *The conference agrees* that in future:

1. Each host should nominate a liaison person to be a point of contact for the previous and next years' hosts.
2. Hosts should make themselves available to the successor host to answer questions and promote a smooth transition.
3. Hosts should make useful organisational documentation available to the successor host to help in preparation of the event.
4. Hosts should solicit and collate country reports that should generally be no more than 3 pages in length (though with flexibility to extend 1 page for each additional DPA in a country).
5. Hosts may usefully encourage structuring of reports by offering a template for DPAs to use that will assist comparability of reports or focus them on conference themes.
6. Country reports should be solicited with the expectation that they will be made public in a means convenient to the conference host, such as publication on a website.
7. Hosts should prepare a Conference Hosting Guide in the form of an electronic document, and perhaps an associated binder of resources, to be adapted and revised and passed from host to host.
8. Hosts should prepare and make accessible an updated list of accredited DPAs[4]

Conference Host Selection Process[5]

Existing practice

N. *The conference agrees* that its existing practice for selecting future hosts includes the following features that should continue:

1. Any accredited DPA is eligible to offer to host the conference, alone or with another DPA.
2. Selection of future hosts is a standing agenda item at the closed session.
3. Conference hosts should be selected at least two years in advance.

Approach to reform

L. *The conference agrees* that it wishes to keep the relative simplicity and flexibility of the current conference host selection process while adopting new features that enhance transparency and viability of future conferences.

Recommendations for change

O. *The conference agrees* that from the 30th conference onwards the following enhanced procedure for selecting hosts will be followed:

1. The conference host will announce a deadline, the same as for submitting resolutions (being 2-4 weeks before the conference), for DPAs to submit written bids to host a future conference.
2. The bids should include relevant information to enable DPAs to make an informed choice.
3. The host will circulate all bids received to DPAs in advance of the conference.
4. If no bids are received by the deadline the host must make diligent efforts to encourage at least one late bid and may call on other DPAs to assist in this task

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[4] The consolidated list of DPAs can be prepared with assistance, if need be, of the Credentials Committee, and can be posted on each conference's website. In future the task would be undertaken by or in association with the proposed website secretariat and posted on the proposed permanent conference website.

[5] This part of the resolution describes the host selection process in outline. Further detail of how the resolution is intended to operate is contained in the Working Group's report, most particularly the report by the Host Selection Subgroup.

5. If multiple bids are received the host should informally explore the best sequencing amongst the bidders and, if need be, convene an *ad hoc* committee of 3-5 DPAs to offer the conference a recommendation on sequencing.

P. *The conference agrees* that:

1. Hosts should document their experience with the process.
2. Hosts should share this experience with subsequent hosts.
3. The host of the 33rd Conference should review the process and offer recommendations for change if warranted.

Permanent conference website and host websites[6]

Existing position

Q. *The conference reaffirms* its intention, expressed in the Montreux Declaration, to establish a permanent website presence.

Approach to reform

R. *The conference agrees* that the permanent website:

1. Will not replace the conference websites set up by each host but supplement them by providing a convenient and permanent repository of key documentation.
2. Needs to be planned within funding constraints.
3. Should seek to include the minimum recommended content identified in the website subgroup report if feasible.

Recommendations

S. *The conference agrees* that:[7]

1. [Option 1] *Either:*
   a. The website subgroup continue as a special working group to explore with the OECD the possibility of the conference's website needs being hosted on a website proposed to be developed by the OECD.
   b. The special working group to report the results of that exploratory work back to the 30th conference.
   c. If, in the special working group's opinion, the OECD proposal:
      i. Meets the conference's needs,
      ii. Does not commit the conference to any expenditure, and
      iii.Can be meaningfully progressed towards implementation before the 30th Conference

The special working group may take all prudent steps to bring the permanent website to a practical reality.

2. [Option 2] *Or:*
   a. The website subgroup continue as a special working group to further explore financing options for the website, which may include exploring firm commitments of assistance or funding from DPAs.

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[6] Further detail of how this part of the resolution is intended to operate is contained in the Working Group's report, most particularly the report by the Website Subgroup.
[7] The conference needs to choose either option 1 or 2. Option 1 is recommended by the website subgroup and the working group.

b. The special working group to develop a business plan for implementing a website based upon that exploratory work.

c. The special working group to report the results of that exploratory work to the 30th conference.

d. If, in the special working group's opinion, the business plan:

      i. Does not commit the conference to any expenditure, and

      ii. Can be meaningfully progressed to implementation prior to the 30th Conference

The special working group may take all prudent steps to bring the permanent website to a practical reality.

T. *The conference agrees* that each host should continue to establish a website in association with each conference and that hosts should:

1. Place all necessary programme, logistic and registration information on the website well in advance of the conference.
2. Include and update useful information and tips about their experience with website content and practice in the proposed Conference Hosting Guide.
3. Keep their website operational for a minimum of 3 years.
4. Once the permanent conference website becomes available, transfer all relevant materials from their website to the permanent website within 3 months of the end of the conference.