Resolution of the Conference
of European Data Protection Authorities

Limassol, 27 – 28 April 2017

Rules and Procedures of the Conference of European Data Protection Authorities

Preamble

At the Spring Conference of Data Protection Authorities hosted in Budapest (Hungary) in May 2016, delegations agreed to "*launch a working group to consider the future membership criteria of the Conference, in view of the fact that the Conference Guidelines for Admission to the Conference of European Data Protection Authorities have become rather outdated and moreover to be able to cut a clearer path for resolving disputes over membership to the Conference in future*"[1]. To this end, a Working Group was set up with appointed representatives of the Cypriot, Hungarian and the United Kingdom Data Protection Authorities (DPAs), with the mandate to propose new draft accreditation rules. Included in this mandate was the invitation to review the lack of clarity surrounding the automatic accreditation of authorities which were already members of the International Conference.

Within the 2004 accreditation rules, Members of the Conference can be either national, sub-national or supra-national authorities with or without voting rights. The 2017 Conference considered it to be of equal importance to additionally propose a set of rules and procedures for the Conference, with the aim to regulate, inter alia, voting rights and to stipulate a mission and a strategic direction of the Conference. As the Conference grows larger, both in members and content, the need for formal rules and procedures becomes more evident to ensure an effective delivery of impactful resolutions and declarations.

It is similarly essential to identify a mission and a strategic direction for the Conference in the arena of international cooperation, to effectively complement the aims and functions of the International Conference, the Article 29 Working Party and those of the Committee of Convention 108.

The Conference has been organised annually since 1991, which in itself is remarkable since it is hosted by members on a voluntary basis and there are no common funds for its organisation. As the cost of the event is covered by the host authority, it is felt that the host should have the ability to proceed with a certain degree of flexibility on the basis of the means available for organising the meeting.

While the original participants were DPAs from EU Member States, other participants have been invited to join the Conference over the years, either as a member or as an observer. To belong

[1] Report of the accreditation Committee on the application for accreditation by the Gibraltar Regulatory Authority (27 May 2016)

to the conference as an accredited member, the applicant has always been expected to be a European supervisory authority with independent status and adequate functions and powers.

The 2017 Conference also acknowledges that the field of data protection has undoubtedly changed since 1991. In the past five years, the most important endeavour of the European privacy and data protection regulatory community has been to contribute to the re-defining of the framework of European data protection legislation – the new EU General Data Protection Regulation and Directive - and the modernisation of the Council of Europe Convention 108.

The new European data protection regime sets out stronger duties and obligations for controllers and rights for individuals. It also fundamentally develops the relationship between the authorities and the rules of their cooperation. Individuals benefit from stronger rights including the right to data portability. It strengthens existing rights, for example, by enhancing the principles of accountability and transparency, reinforcing the right of erasure, and introduces more robust obligations on controllers such as mandatory data breach notification.

Cooperation is being further developed and organised. The European DPAs are already well accustomed to the mechanisms of cross-border cooperation at different levels. Examples include the Article 29 Working Party, the Committee of Convention 108, the Conference case-handling workshops, cross-border networks focussed on common language or culture and enforcement networks such as GPEN. Global cooperation within the International Conference of Data Protection and Privacy Commissioners has developed tools, resources and a dedicated annual event for cooperation on cross-border cases.

The Resolution on the “New frameworks of cooperation” adopted at the 2016 European Conference hosted in Budapest reminded the European Data Protection Authorities of the necessity for a practical and innovative approach, including greater dialogue and information sharing with other regulatory bodies responsible for safeguarding the rights and interests of the individuals in the digital society and economy. The Resolution recommended that future Conferences report on the achievements in the field of cooperation and joint efforts.

Mindful that the cooperation between data protection authorities is essential to enforce data subjects’ rights in cross-border cases, accreditation rules for membership to the Conference remain consistent with the 2004 accreditation guidelines.

In light of the above considerations, the conference adopts the rules and procedures outlined in **Appendix I**.

APPENDIX I

DRAFT RULES AND PROCEDURES

1. TITLE

The official title of the conference is “the Conference of European Data Protection Authorities”, hereafter “the Conference”.

2. PURPOSE OF THE CONFERENCE

a. To address issues of common interest relating to the rights to privacy and data protection,
b. To draft and adopt declarations and resolutions on subjects of common interest by making strong and clear statements to defend individuals’ rights,
c. To exchange best practices enabling Data Protection Authorities (hereafter ‘DPAs’) to better fulfill their mandates,
d. To discuss the activities of its members and important developments of the previous year and define priorities for the year to come and how to achieve them collectively,
e. To strengthen international cooperation by resolving that DPAS collaborate with each other in order to enforce data subjects’ rights in cross-border cases.

3. ASSEMBLY - ORGANISATION

As a general rule, the Plenary of the Conference should be held once a year, preferably during the months of April or May. It shall be hosted by one of the accredited members on voluntary basis.

A certain amount of flexibility should be given to the host of the Conference in terms of the duration of the meeting, the agenda (the items to be discussed and the speakers) and potential invited guests.

The host of the Conference can, on its own initiative, propose to invite other national DPAs to participate in the Conference or other DPAs with a more specific remit than national or sub-national DPAs, as occasional or one time observers. This would be without prejudice to the possibility of admitting a national DPA as a permanent observer through a formal decision of the Conference. The members of the conference should be consulted by written procedure before the conference on the admission of occasional observers.

The host of the conference may decide to invite other individuals or organisations to attend a specific session, with the status of ad hoc “invited guests”. The members of the conference shall be informed about these invitations and the participation of occasional observers before the conference.

Members may decide that specific items may be discussed in their presence only.

4. FUNCTIONS AND POWERS OF THE CONFERENCE

The functions and powers of the Conference are:

a. To define the Conference's strategic direction,

b. To consider and adopt proposed resolutions and declarations building upon previous Conference commitments, presented via the host according to section 5,

c. To assess applications for accreditation to the Conference as a Member or Observer pursuant to these rules,

d. To consider and adopt the accreditation reports delivered by the Accreditation Committee,

e. To establish appropriate Sub-Groups as per section 6 of these rules and decide on their direction,

f. To implement and, where appropriate, to amend these Rules of Procedure.

5. SUBMISSION OF PROPOSED RESOLUTIONS AND DECLARATIONS

Accredited Member(s) may submit proposals for resolutions or declarations to the host of the Conference for consideration and adoption by the Plenary at least six weeks before the conference.

Draft resolutions should be co-sponsored by at least two other members of the conference.

The host should circulate the draft documents to the members at least one month before the Conference. Members will have a deadline of 15 days for written comments. This does not preclude the possibility for members to provide oral comments during the Conference.

6. SUB-GROUPS

The Conference may decide to establish sub-groups for the exchange of information on specific topics and for enhancing cooperation. Sub-groups will be composed of members of the

Conference and participation is voluntary. Sub-groups derive their mandate and direction from the Conference and they shall report to the Conference[2].

7. ACCREDITATION OF MEMBERS AND OBSERVERS TO THE CONFERENCE

7.1. Accreditation of Members

Entities that wish to be accredited as Members of the conference must submit their application to the Accreditation Committee provided for in section 7.3. Their application will be assessed on basis of the eligibility criteria (section 7.1.1) and the admission criteria (section 7.1.2)

The application for accreditation may take the form of a questionnaire similar to the one applying before the adoption of these rules.

The applications must be submitted at least two months before the annual Conference the applicant wishes to attend.

7.1.1. Eligibility criteria

Entities fulfilling the following criteria are eligible for membership to the Conference: Independent European public authorities with competence to supervise compliance with applicable rules concerning privacy and the processing of personal data under Council of Europe Convention 108 and/or, with regard to the European Union and the European Economic Area, the EU Regulations 2016/679 and 45/2001 and/or Directive 2016/680.

7.1.2 Admission criteria

Applicants that are eligible as per the provisions of section 7.1.1 and meet the following criteria can be accredited as Members of the conference.

The applicant must:

- be a public body established on an appropriate legal basis,
- implement or have competence under Council of Europe Convention 108 and/or the EU Regulation 2016/679 and/or Directive 2016/680, or must operate under a legal framework which applies principles consistent with the Council of Europe Convention 108 and/or with the EU Regulations 2016/679 and 45/2001 and/or Directive 2016/680.
- have an established degree of independence and autonomy,
- have an appropriate array of functions combined with the power to perform these functions and

[2] The case handling workshop is a sub-group established under the mandate of the Conference and will continue to operate after adoption of these rules, as provided in the framework decided in Edinburgh Conference (23-24 April 2009).

- have filed a complete application of membership and submitted it to the Accreditation Committee.

7.1.3 Subsidiary criteria

When assessing the application, in addition to the criteria set out in section 7.1.1 and 7.1.2, the Accreditation Committee should take into account the participation of the applicant as accredited member of the International Conference of Data Protection and Privacy Commissioners.

7.2 Accreditation of Observers

The following entities and organisations can be accredited as permanent observers:

a. Entities/DPAs that meet the eligibility criteria provided for in section 7.1.1 but do not meet the admission criteria provided for in section 7.1.2 and are involved in dealing with the protection of personal data.
b. International bodies whose activity is related to the protection of personal data or privacy.

Entities or International bodies wishing to be accredited for participation in the Conference with observer status must submit to the Accreditation Committee an application to become Observer to the Conference. The application for accreditation of Observers may take the form of a questionnaire similar to the one applying for members.

The applications must be submitted at least two months before the annual Conference the applicant wishes to attend.

The admission of permanent observers will be decided by the Plenary upon the recommendation of the Accreditation Committee.

Non-European DPAs, which belong to a State Party to Convention 108, could participate as observers, on request.

Observers may be admitted for a fixed period or alternatively as a permanent observer until they undergo changes which would affect their status at the conference.

7.3 Accreditation and Support Committee

Each year, an *ad hoc* Accreditation Committee will be set up to assess the applications for membership and for admissions of permanent observers, as well as to support the host of the conference in organisational matters.

The Accreditation Committee will be comprised of the former, current and next host of the Conference. If no authority has been announced to host the following year's Conference by the time the Accreditation Committee starts its proceedings, the antepenultimate host of the Conference will be appointed as the third member of the Accreditation Committee.

The Accreditation Committee will assess the information contained in the application and can request from the DPA making the application any further information which is deemed fit to complete its assessment.

Once it has completed its assessment, the Accreditation Committee will make proposals and recommendations concerning the application and will prepare a report which is to be submitted to the Plenary for adoption.

7.4 Notification of changes

All DPAs accredited as Members of the Conference accept their obligation to promptly notify the Accreditation Committee of any significant legal or procedural changes which may affect the status of their accreditation.

8. VOTING

8.1. Voting procedure

Declarations and Resolutions presented via the host according to section 5, as well as Decisions on the proposals made by the Accreditation Committee will be adopted by vote or by consensus. When consensus is not possible, Declarations, Resolutions and Decisions will be adopted by the majority of the votes cast by the members attending the Conference who are entitled to vote.

8.2. Voting rights

The principle of “one member, one vote” willl apply, other than where there are multiple members from one State. In such a case there will be only one vote per State.

An international or supranational body which is made up of members or representatives of the DPAs will only have the right to vote on issues within their scope of competence. In case of any difficulties in determining if these members are entitled to vote on a specific issue, the decision will be taken by the simple majority of the votes of the member delegations attending the meeting.

Observers are not entitled to vote.

9. AMENDMENTS

Amendments to these rules may be proposed by members where necessary. Proposed amendments will be considered by the Plenary and adopted by means of Resolutions in accordance with the rules set out in section 8.

10. FINAL CLAUSES

Data Protection Authorities which are already members and observers of the Conference at the time of adoption of these rules and procedures, conserve their existing status of members and observers of the Conference in line with the previous accreditation Resolutions adopted by the Conference and do not have to reapply.

The current categorised members and observers of the Conference are listed in **Appendix II**.

APPENDIX II

Conference of European Data Protection Authorities

Limassol, 27 – 28 April 2017

I. European Authorities Accredited as members

Country/Region	Name	Status
Andorra	Andorran Agency for Personal Data Protection (Agència Andorrana de Protecció de Dades Personales)	National
Albania	Information and Data Protection Commissioner (Komisioneri për të Drejtën e Informimit dhe Mbrojtjen e të Dhënave Personale)	National
Armenia	Armenian Personal Data Protection Agency	National
Austria	Data Protection Authority (Datenschutzbehörde)	National
Belgium	Privacy Commission (Commission de la Protection de la Vie Privée)	National
Bosnia and Herzegovina	Personal Data Protection Agency (Agencija za zaštitu ličnih/ osobnih podatka u Bosni I Hercegovini)	National
Bulgaria	Commission for Personal Data Protection	National
Cyprus	Commissioner for Personal Data Protection (Επίτροπος Προστασίας Δεδομένων)	National
Croatia	Croatian Personal Data Protection Agency (Agencija za zaštitu osobnih podataka)	National
Czech Republic	Office for Personal Data Protection (Urad Pro Ochranu Osobnich Udaju)	National
Denmark	Data Protection Agency (Datatilsynet)	National
Estonia	Estonian Data Protection Inspectorate	National
Finland	Office of the Data Protection Ombudsman (Tietosuojavaltuutetun Toimisto)	National
France	Data Protection Commission (Commission Nationale de l'Informatique et des Libertés)	National
Georgia	Office of the Personal Data Protection Inspector (პერსონალურ მონაცემთა დაცვის ინსპექტორის აპარატი)	National
Germany	Federal Commissioner for Data Protection and Freedom of Information (Die Bundesbeauftragte für den Datenschutz und die Informationsfreiheit)	National
Germany / Bavaria	Privacy Commissioner (Bayerische Landesbeauftragte für den Datenschutz)	Sub-National
Germany / Berlin	Data Protection and Freedom of Information Commissioner (Beauftragte für den Datenschutz und Informationsfreiheit)	Sub-National
Germany / Brandenburg	Data Protection and Access to Information Commissioner (Landesbeauftragte für den Datenschutz und für das Recht auf Akteneinsicht)	Sub-National
Germany / Mecklenburg-West Pomerania	Data Protection Commissioner (Landesbeauftragte für den Datenschutz Mecklenburg-Vorpommern)	Sub-National
Germany /	Data Protection and Freedom of Information Commissioner	Sub-National

Northrhein-Westphalia	(Beauftragte für den Datenschutz und Informationsfreiheit Nordrhein-Westfalen)	
Germany / Rhineland Palatinate	Data Protection Commissioner (Landesbeauftragte für den Datenschutz Rheinland-Pfalz)	Sub-National
Germany / Schleswig-Holstein	Data Protection Authority (Unabhängiges Landeszentrum für Datenschutz)	Sub-National
Gibraltar	Gibraltar Regulatory Authority	Sub-National
Greece	Hellenic Data Protection Authority (Αρχή Προστασίας Δεδομένων)	National
Guernsey	Data Protection Commissioner	Sub-National
Hungary	National Authority for Data Protection and Freedom of Information (Nemzeti Adatvédelmi és Információszabadság Hatóság)	National
Iceland	Data Protection Authority (Persónuvernd)	National
Ireland	Data Protection Commissioner (An Coimisinéir Cosanta Sonraí)	National
Isle of Man	Isle of Man Information Commissioner	Sub-National
Italy	Data Protection Commission (Garante per la protezione dei dati personali)	National
Jersey	Data Protection Commissioner for Jersey	Sub-National
Latvia	State Data Inspectorate (Datu Valsts Inspekcija)	National
Liechtenstein	Data Protection Commissioner (Stabsstelle für Datenschutz)	National
Lithuania	State Data Protection Inspectorate (Valstybine Duomenu Apsaugos Inspekcija)	National
Luxembourg	National Commission for Data Protection (Commission Nationale pour la Protection des Données)	National
F.Y.R.O.M	Directorate for Personal Data Protection	National
Malta	Information and Data Protection Commissioner	National
Moldova	National Center for Personal Data Protection (Centrul National pentru Protecția Datelor cu Caracter Personal al Republicii Moldova)	National
Monaco	Data Protection Commission (Commission de contrôle des informations nominatives)	National
Montenegro	Agency for Personal Data Protection and Free Access to Information	National
Netherlands	Dutch Data Protection Authority (Autoriteit Persoonsgegevens)	National
Norway	Data Inspectorate (Datatilsynet)	National
Poland	Inspector General for Personal Data Protection (Generalny Inspektor Ochrony Danych Osobowych)	National
Portugal	National Data Protection Commission (Comissão Nacional de Protecção de Dados)	National
Romania	National Supervisory Authority for Personal Data Processing (Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal)	National
Serbia	Commissioner for Information of Public Importance and Personal Data Protection	National
Slovakia	Office for Personal Data Protection (Úrad na ochranu osobných údajov)	National
Slovenia	Information Commissioner (Informacijski pooblaščenec)	National

Spain	Data Protection Agency (Agencia Española de Protección de Datos)	National
Spain / Basque Country	Basque Data Protection Authority (Agencia Vasca de Protección de Datos)	Sub-National
Spain / Catalonia	Catalan Data Protection Authority (Agència Catalana de Protecció de Dades)	Sub-National
Sweden	Data Inspection Board (Datainspektionen)	National
Switzerland	Federal Data Protection Commissioner (Préposé Féderal à la protection des données)	National
Switzerland / Basel Landschaft Canton	Canton Data Protection Commissioner (Datenschutzbeauftragter des Kantons Basel-Landschaft)	Sub-National
Switzerland / Zurich Canton	Canton Data Protection Commissioner (Datenschutzbeauftragter des Kantons Zürich)	Sub-National
Switzerland / Zug Canton	Data Protection Commissioner (Datenschutzbeauftragter des Kantons Zug)	Sub-National
United Kingdom	Information Commissioner's Office	National
European Union	European Data Protection Supervisor (Contrôleur Européen de la Protection des Données)	International or Supranational
European Union	Customs Information System Joint Supervisory Authority	International or Supranational
European Union	Joint Supervisory Body of EUROPOL	International or Supranational
European Union	Joint Supervisory Body of EUROJUST	International or Supranational
Council of Europe	Data Protection Commissioner	International or Supranational

II. European Authorities Accredited as Permanent Observers

Country/Region	Name	Status
Kosovo	National Agency for Personal Data Protection (Agjencia Shtetërore për Mbrojtjen e të Dhënave Personale)	Observer

III. International and European Bodies Accredited as Observers

Country/Region	Name	Status
Council of Europe	Council of Europe	Observer
European Union	European Commission	Observer
European Union	European Parliament	Observer
European Union	Agency for Fundamental Rights	Observer
AFAPDP	Association Francophone des Autorités de Protection des Données Personnelles	Observer