

MISSION REPORT: DATA PROTECTION WITHIN INTERNATIONAL ORGANISATIONS WORKSHOP

EDPS Participant(s)	Giovanni Buttarelli (GB), Sophie Louveaux (Slx), Anne-Christine Lacoste [REDACTED]
Type of activity	Workshop
Organisers	EDPS and International Committee of the Red Cross. The organisation on the EDPS side was a team effort of S&E and P&C, which started about 8 months ago.
Where/When	<ul style="list-style-type: none"> • ICRC premises, Geneva, 5 February 2016 • A Reception for the participants was organised by the EDPS at the EU Delegation to the UN in Geneva, on 4 February.
Subject(s) covered	Data protection and international organisations
Objective(s) of the mission + assessment	<p>Supporting a constructive dialogue between international organisations on the topic of data protection, learning about the state of play of data protection within international organisations and providing them with updates on recent developments.</p> <p>The event was a success, with 28 international organisations represented and 49 individual participants. (see follow up for more details)</p>
Case file number	2015-0743

RECEPTION BEFORE THE WORKSHOP (4 FEBRUARY)

The organisation of the Reception preceding the workshop was a challenge (finding a host, identifying a catering service, contracting the catering service), but it was a good exercise for future international events organised in another country, which ended successfully. A number of approximately 40 participants to the workshop attended. The Ambassador of the EU to the UN in Geneva welcomed the guests and attended the first half of the Reception. Giovanni Buttarelli and two high level representatives of the ICRC (Christine Beerli, Vice-President, ICRC and [REDACTED] Director of communication and information management) were present and gave welcome addresses. For the purposes of organising this reception, the liason between the EDPS and the EU Delegation was ensured by the Data Protection Office of the EEAS.

WORKSHOP (5 FEBRUARY)

MAIN ISSUES DISCUSSED

Opening remarks (Christine Beerli, Vice-President, ICRC and Giovanni Buttarelli, European Data Protection Supervisor)

1. State of play of the implementation of privacy and data protection principles within International Organisations

- [REDACTED] Senior Legal Officer, UNHCR
Building on existing frameworks, the UNHCR established a new Data Protection Policy in 2015. Based on the needs that became apparent following the publication of the policy, the UNHCR intends to develop operational tools, put in place procedures to enhance data security and build a culture of accountability.
- [REDACTED] [REDACTED] INTERPOL

In 2012, INTERPOL established Rules on the Processing of Data which cover all data processing operations within the INTERPOL information system. A Data Protection Officer was established to promote and facilitate the effective implementation of the RPD within the organisation and the rules of the Commission for the Control of INTERPOL's Files were revised.

- ██████████ ██████████ ICRC
In June 2015, the Brussels Privacy Hub and the ICRC launched a project to provide guidance to humanitarian organisations in the area of data protection. The ICRC Rules on Personal Data Protection were adopted in February 2015 and the Implementation Action Plan started in January 2016. The rules established the ICRC Data Protection Office and an amendment to the Statutes of the ICRC added the Data Protection Independent Control Commission as a governing body in January 2016.
- ██████████ Legal Advisor, ██████████ European University Institute
Following closely the provisions of Regulation 45/2001 and Directive 95/46, the EUI revised its Data Protection Policy in August 2013 and introduced Implementing Rules concerning the DPO. The first DPO was established and a Data Protection Committee was also created. The first phase focused on awareness raising, giving advice and trainings.

2. Developments in the Privacy/Data Protection Regulatory and Policy Environment

- Anne-Christine Lacoste, Head of International Cooperation, Policy and Consultation Unit, EDPS
The GDPR is likely to become applicable mid-2018, allowing for a 2-year transition period. The scope of application will be broadened and the main changes will concern cooperation and enforcement, the empowerment of the data subjects and controller accountability. In the context of humanitarian activities, the following legal bases will be relevant: explicit consent, vital interest of the data subject and substantial public interest.
- ██████████ Council of Europe
The revised text of Convention 108 was approved at the end of 2014 but the process was frozen until the adoption of the GDPR. The revision aimed at reaffirming the general provisions while ensuring their compatibility with other frameworks, including the EU framework. The new text will be put to a vote in the Committee of Ministers this year.
- ██████████ Senior Legal Adviser, Directorate for Legal Affairs, OECD
In light of the increasing number of digital security threats, the OECD adopted a Recommendation on Digital Security Risk Management for Economic and Social Prosperity in September 2015. The application of this risk management approach to privacy protection will be discussed at the Cancun Ministerial in June 2016.

3. Impact of regulatory developments on International Organisations

- International Organisations as subjects of international law with privileges and immunities in a context involving "fundamental rights": ██████████
INTERPOL
The immunity of international organisation jeopardises the right to an effective remedy, a widely recognised right protected by international, regional and national instruments. However, international organisations can establish internal alternative avenues for redress to minimise the adverse impact of immunity.
- International data transfers - International Organisations as recipients of personal data, the new EU regime: Sophie Louveaux, Head of Policy and Consultation Unit, EDPS

The GDPR expressly covers transfers to international organisations in Chapter V. Such transfers are lawful if the Commission finds that an international organisation ensures an adequate level of protection, if the controller puts in place appropriate safeguards and enforceable rights and effective legal remedies are available, or if one of the derogations applies.

- Convention 108, possibility of accession for International Organisations: [REDACTED], Programme Advisor, Data Protection Unit, Council of Europe

The revised Convention 108 will allow all international organisations to accede through it. The Convention will provide for an evaluation mechanism to ensure that candidates for accession are subject to comprehensive data protection rules, including the establishment of an independent supervisory authority.

4. Intervention by [REDACTED] UN Special Rapporteur on the Right to Privacy

- International organisations are cross-border by nature and can be valuable partners to establish a more coherent understanding of the notion of privacy.
- The first report of the UN Special Rapporteur is expected at the beginning of March.

5. Statement - outcome of the workshop

Moderator: [REDACTED] EUROPOL

The vast majority of participants were in favor of adopting the room document proposed by the organizers as "Conclusions of the workshop". However, because three participants raised some concerns with regard to the perception of their organisation on the binding-ness of this document, the organisers decided to postpone its adoption a couple of weeks (still to be determined) and to have it adopted in a written procedure after concerned participants will ask for feedback from their organisations. The vast majority of participants expressed high interest in having this workshop on a permanent basis, at fixed time intervals (two options were mentioned: one year or one year and a half).

Closing remarks (Giovanni Buttarelli, European Data Protection Supervisor and [REDACTED] Director Communication and Information Management, ICRC)

FOLLOW UP (Conclusions/Ideas to Take Home/Further steps)

Most participating international organisations have expressed that they want a more permanent forum of discussions and exchange of information about data protection rules and we are considering facilitating the *creation of a network of all interested organisations*.

The participants to the workshop will most likely adopt the Statement/Conclusions of the workshop in the following weeks, after consultations within their organisations, acknowledging that there is a convergence of data protection rules globally, that it would be good practice for international organisations to adopt internal policies and rules to process personal data and that there is a need to have a more permanent forum for discussions and exchange of information.

There are 2 international organisations which already showed interest in co-hosting with us the next workshop, subject to internal approval by their organisation (CoE and IOM - International Office of Migration).

TO BE COMPLETED AND POSTED ON THE INTRANET WITHIN 5 WORKING DAYS AFTER END OF THE MISSION.