



To the Executive Committee of the International Conference of Data Protection and Privacy Commissioners:

Access Now welcomes the opportunity to submit comments on the future of the ICDPPC, the premier global forum for data protection authorities. Access Now is an international not-for-profit organisation whose mission is to extend and defend the digital rights of users at risk around the world. By combining direct technical support, comprehensive policy engagement, global advocacy, grassroots grantmaking, and convenings such as RightsCon, we fight for human rights in the digital age. Access Now has engaged with and participated to several editions of the ICDPPC, we have helped coordinate a side event at the Hong Kong conference and we are member of the Advisory Committee of the 40th ICDPPC in Brussels.

Our comments to the consultation below include recommendations from a civil society joint letter seeking the ICDPPC's commitment to increase the role for civil society at the annual conference that Access Now helped coordinate.¹ We have also incorporated suggestions made by civil society during a private meeting on the future of the conference that we held during RightsCon Toronto, the global summit on human rights and technology organised yearly by Access Now.

- **In your view, what should be the main objective of the ICDPPC as an international network of data protection authorities? What are your main expectations regarding the ICDPPC activities and outcomes in the field of privacy and data protection for the years to come?**
- **Which key privacy and data protection challenges should the ICDPPC address as a priority in the future? Do you consider that organisational or structural changes are needed for the Conference to succeed in delivering on such challenges?**
- **As an external stakeholder, do you foresee the need for an increased role and visibility of the ICDPPC at the international level? If yes, which tools and activities should the ICDPPC develop for this purpose?**

The ICDPPC is a unique meeting point for data protection authorities (DPAs) from all around the world. Since its creation, the conference has slowly expanded to become a policy influencing body which discusses and adopts resolutions, declarations and recommendations on important privacy and data protection matters. As an international network of data protection authorities, we believe that the ICDPPC should be a place for knowledge sharing, where DPAs can share experience, expertise and raise awareness on the need to develop comprehensive data protection frameworks around the world. The conference could help advance the protection of personal data globally by including countries lacking data protection laws. This could be done by inviting representatives from other authorities from such countries such as telecoms or competition authorities, as well as civil society, which can operate as a contact point.

¹ <https://www.accessnow.org/cms/assets/uploads/2017/09/Joint-letter-to-the-ICDPPC.pdf>

Furthermore, the ICDPPC has the potential to become a forum to facilitate global enforcement and thus gain increased visibility and weight at international level. Closed sessions strictly limited to DPAs could be organised to discuss common violation of laws as well as cross-border matters to share experience and discuss possible joint actions. This could lead to establish principles and best practices on global standards in terms of enforcement and cooperation.

As the format, and in a way the nature of the ICDPPC, has evolved across the last 40 years, it is important to acknowledge and address the significant power imbalance between private entities and civil society organisation at the conference. Far too often in the past few years, large tech companies have used the event as a place to lobby data protection authorities publicly and privately, often to the detriment of the independence and credibility of the event.

As stated in our joint letter sent during the Hong Kong conference, we believe that civil society has an essential role to play in representing the diversity of public interest views on privacy and data protection-related issues, including the voices of underrepresented stakeholder groups. What is more, in many regions, civil society is working closely with data protection authorities in the awareness raising and enforcement of data protection laws by bringing cases or providing expert inputs. We therefore recommend to formalise the relationship of the ICDPPC with civil society by ensuring that NGOs participate to working groups, are involved in programming and in the advisory committee every year, lead on the organisation of the Public Voice event and are represented in every public sessions of the event. We must make sure that civil society participation is taking place through a formal and accountable mechanism that includes feedback on accepted or rejected suggestions and that is based on a transparent decision making process.

Regarding key privacy and data protection challenges to be addressed, the ICDPPC should be a forum to discuss emerging technology issues and address their impact on the right to data protection. We would welcome human-rights centric declarations and resolutions from the ICDPPC on emerging tech, such as artificial intelligence or the internet of things; the role of big tech; cross-border issues, including law enforcement access to data; encryption; surveillance measures, including passenger name records agreements and more.

As more authorities become members to the ICDPPC, there is an inherent risk for the content of resolutions and declarations to be watered down as these documents are the results of a consensus. The tension between the need to include as many regions as possible and the potential for the ICDPPC to become a global policy influencing body should be resolved. To guarantee the relevance of documents adopted by the ICDPPC, we suggest that documents are prepared in small working groups, that include participation of non-member experts in a transparent manner as well. The documents shall then be presented to all members who can suggest small changes. Members should be able to oppose the adoption of a text if its content contracts local or regional data protection law or if the quality of the document is not sufficient. All adopted documents should be made available on the (updated) ICDPPC website rather than on the local page of the yearly event to ensure that it is easily accessible by the public and that is always available, even after the yearly event page closes.

Finally, we recommend the continuity and development of regional data protection ICDPPC, such as the conference of the francophone data protection authorities and more. These meetings are important to dive into regional matters and develop relationship with local civil society groups which can help raise awareness for data protection and privacy. Ideally, discussions at these regional conferences would feed into discussion taking place at the ICDPPC.

Access Now would like to thank the Executive Committee of the ICDPPC for its important initiative in organising a public consultation on the future of the conference. We look forward to actively engaging at the ICDPPC, in a formalised manner, and to contributing to greater civil society participation at the event.

We remain at your disposal for any questions you may have.

Sincerely,

Fanny Hidvegi and Estelle Massé, for Access Now.

Other questions:

- What interest group do you belong to? (select)
 - ~~Observer of the ICDPPC~~
 - NGO**
 - ~~Business /industry~~
 - ~~Academic /think tank~~
 - ~~Public authority~~
 - ~~Government~~
 - ~~Other (please specify)~~

- Have you participated in the ICDPPC as a delegate or a speaker in the past five years? **Yes/No:**

- If yes, what was your main objective to achieve at the conference? (please select all that apply).
 - Networking with privacy enforcement authorities**
 - Understanding the latest developments in privacy/data protection**
 - Networking with other non-privacy enforcement authority delegates
 - Speaking on a specific topic (keynote, panel etc) or exhibiting**
 - Other (please specify)