

# Resolution on enforcement cooperation

## Proposer

- Information Commissioner's Office, United Kingdom
- Office of the Privacy Commissioner of Canada

## Co-sponsors:

- Dutch Data Protection Authority, the Netherlands
- European Data Protection Supervisor, European Union

*Mindful* that cases are increasingly demonstrating how increased transborder data flows and the practices of domestic and multinational organisations relating to these transborder flows can quickly and adversely affect the privacy of vast numbers of individuals across the world and that therefore increased transborder data flows should be accompanied by increased cross-border information sharing and enforcement cooperation between privacy enforcement authorities with such information sharing and enforcement cooperation being essential elements to ensure privacy and data protection compliance, serving an important public interest.

*Recalling* the Resolutions of the 29<sup>th</sup>, 33<sup>rd</sup>, 34<sup>th</sup> and 35<sup>th</sup> Conferences and the Montreux Declaration from the 27<sup>th</sup> Conference that:

- encouraged International Conference members to further develop their efforts to intensify in particular the exchange of information, support international co-operation and coordination of their supervisory activities and to work with international organizations to strengthen data protection worldwide, and
- welcomed the adoption of the Organisation for Economic Co-operation and Development (OECD) Recommendation on Cross-border Co-operation in the Enforcement of Laws Protecting Privacy;

*Recalling* that the 33<sup>rd</sup> Conference set up the International Enforcement Coordination Working Group as a temporary working group to develop a framework to facilitate possible coordination, and to report back to the 34<sup>th</sup> Conference;

*Noting* that the working group reported back with a Framework containing six recommended coordination principles;

*Further recalling* that the 33<sup>rd</sup> Conference resolved to seek to ensure that there is at least one opportunity each year for those interested in issues of privacy enforcement and coordination to meet and noting the subsequent meetings arranged in Montreal, Washington DC and Manchester;

*Recognising* that these meetings have provided a valuable opportunity for enforcement practitioners from conference members to get together to exchange and develop experience and best practice in investigation and enforcement techniques, and that this need is ongoing;

*Recalling* that the 35<sup>th</sup> Conference mandated the International Enforcement Coordination Working Group to work with other networks to develop a common approach to cross border case handling and enforcement coordination, to be expressed in a multilateral framework document addressing the sharing of enforcement-related information, including how such information is to be treated by recipients thereof, and that this work was not intended to replace existing national and regional conditions and mechanisms for sharing information, or to interfere with similar arrangements by other networks;

*Recalling* that the 31<sup>st</sup> Conference membership, approved the Madrid Resolution on International Standards on the Protection of Personal Data and Privacy, which was followed up by the Resolutions adopted at the 32<sup>nd</sup> Conference;

*Building* on significant progress which has been made in recent years at regional and international level to enhance arrangements for cross-border cooperation in the enforcement of laws protecting privacy, including efforts by APEC, the data protection authorities of the Article 29 Working Party, the OECD, the Council of Europe, the network of Francophone authorities, the Ibero-American network and the Global Privacy Enforcement Network (GPEN);

*Recognising*, in particular, the contribution of the work of the GPEN including the organisation of coordinated international enforcement activity such as the GPEN Privacy Sweep and noting that the International Conference is the long established and recognised forum through which data protection and privacy commissioners worldwide come together to develop policy and collective actions;

*Recognising* that the International Conference and GPEN have an increasingly large number of members in common and share a common goal of enhancing the protection of privacy and personal data at a global level and that it is timely to coordinate their efforts to increase international enforcement cooperation, benefitting from efficiencies and avoiding duplication of work which is in the interests of both organisations and their members without precluding the possibility for future discussions on enforcement by either of these two organisations with other networks;

*Concluding* that increased enforcement cooperation would improve the effectiveness of privacy enforcement authorities in cases involving the processing of personal information in multiple jurisdictions.

**The 36<sup>th</sup> International Conference of Data Protection and Privacy Commissioners therefore resolves** to continue to encourage efforts to bring about more effective cooperation in cross-border investigation and enforcement in appropriate cases and:

1. **To accept** the Global Cross Border Enforcement Cooperation Arrangement as a possible basis to facilitate enforcement cooperation between members and further encourage all privacy enforcement authorities to participate in it.
2. **To thank** the temporary International Enforcement Coordination Working Group, for all its work and to end its mandate as it has now fulfilled its mandates from the 33<sup>rd</sup> and 35<sup>th</sup> International Conferences.
3. **To mandate** the Executive Committee of the International Conference of Data Protection and Privacy Commissioners to continue to ensure that there is an annual opportunity for those particularly interested in issues of privacy and data protection enforcement and coordination to meet and that these meetings should focus on the sharing and development of experience and best practice amongst enforcement practitioners from privacy enforcement authorities.
4. **To mandate** the Executive Committee of the International Conference of Data Protection and Privacy Commissioners to fulfill its mandate under the Arrangement once it is accepted, under sections 12-15 of the Arrangement, including how to manage notices of intent from potential Participants to the Arrangement, and to update the Conference's Rules of Procedure to reflect this at the 37<sup>th</sup> Conference.
5. **To further mandate** the Executive Committee to initiate discussions with GPEN and other relevant networks with a view to exploring practical options and opportunities for better coordinating their efforts to improve enforcement cooperation and to report on these options to the 37<sup>th</sup> Conference.
6. **To support** the development of a secure international information platform which offers a 'safe space' for members of the International Conference and their partners to share confidential information and, to facilitate the initiation of coordinated enforcement action and, complement other international enforcement coordination mechanisms, adding value to the international enforcement operational framework.