30th International Conference of Data Protection and Privacy Commissioners

Strasbourg

October 2008

Report of the Website Working Group

Closed Session Report

SUMMARY

Over the past year, the Website Working Group ("WWG") has held discussions with OECD representatives about possible hosting by the OECD of a permanent website for ongoing use by data protection and privacy authorities ("DPAs") accredited to the international conference ("Conference"). These discussion have been fruitful but further discussion with the OECD is necessary. (This is reflected in proposed resolutions 1 and 2, in Appendix 1.)

If necessary after further discussions, the WWG will explore creation of a permanent website for the Conference, hosted by a DPA and fulfilling the functions described below. (This alternative is reflected in proposed resolution 3, in Appendix 1.)

In either event, the WWG will either (a) seek inter-sessional approval for establishment of a website before the 31st International Conference in 2009; or (b) seek approval at the 31st International Conference. (These approval options are reflected in proposed resolutions 2 and 3, Appendix 1.)

BACKGROUND

The 2007 closed-session report of the Working Group on Conference Organizational Arrangements to the 29th International Conference dealt with the question of a website for the Conference.¹ OECD representatives attended the closed session and indicated the OECD's availability to assist with the development of a Conference web presence as part of a strategic initiative of co-operation in enforcement of data protection and privacy laws. The WWG understands that the OECD's Working Party on Information Security & Privacy ("WPISP"), consistent with the OECD Recommendation on Cross-border Co-operation in the Enforcement of Laws Protecting Privacy, continues its efforts in cross-border enforcement co-operation and information sharing.²

After discussion in Montreal, the Conference directed the WWG³ to explore with the OECD possible provision by the OECD of website design and hosting services for the Conference. In addition to the convergence with WPISP's work and the London Initiative, this mandate furthers the goals of the Montreux Declaration⁴ to establish a

¹ The relevant discussion from the 2007 report of the Working Group on Conference Organizational Arrangements is found at Appendix 2.

² Recommendation on Cross-border Co-operation in the Enforcement of Laws Protecting Privacy (12 June 2007), <u>http://www.oecd.org/dataoecd/43/28/38770483.pdf</u>. The WWG notes here that the WPISP includes a number of national DPAs as members and notes the convergence between the WPISP's efforts and the London Initiative.

³ Before the Montreal meeting, the members of what was then called the Website Subgroup were Australia, Ireland and British Columbia. After discussion in Montreal, the Conference directed that France and Germany be added to the group (now known as the WWG). Neither France nor Germany has, however, been in a position to provide a representative to actively participate in the WWG's work. (A copy of this report and resolutions has been provided to both France and Germany with an opportunity to comment.) It should be noted that New Zealand has participated informally in view of its role in chairing and directing the work of the Working Group on Conference Organizational Arrangements and Canada has also participated informally in view of its having hosted the Montreal conference.

⁴ <u>http://www.privacyconference2005.org/fileadmin/PDF/montreux_declaration_e.pdf</u>.

common base for information and resources management for the Conference. Accordingly, the Conference passed the following resolutions in Montreal:

- S. The conference agrees that: ...
 - 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.

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.

Since Montreal, the WWG has been in discussions with OECD representatives in line with resolution S, above, and those discussions and the WWG's recommendations to the Conference regarding future action are the subject of this report.

DISCUSSIONS WITH OECD DURING 2008

After the 29th International Conference in Montreal, the WWG provided OECD representatives with further details of the Conference's requirements for a website presence, with those requirements reflecting both the Montreux Declaration and the WWG's mandate from the 29th International Conference. After discussing those requirements with the OECD in light of the OECD's preliminary estimate of costs, the WWG provided the following website requirements to the OECD:

Website Requirements Specification

General

- Restricted access section, with robust security and identity management. This need not necessarily allow for single-sign on between applications for authenticated users.
- Multilingual support (option to be considered in light of cost)
- Conference to retain control of content, look and feel, and accreditation of authorised users. Some possibility for federated responsibility for accreditation of users. However, if OECD model can provide central support, without incurring additional costs, akin to OLIS⁵ accreditation this would be more than acceptable.

Public site

- Current public information about the Conference, including a list of accredited authorities
- Information about the current year's conference (and links to any other site developed for that conference)
- Archive of public materials from past conferences (resolutions, declarations, presentations and papers)
- Events calendar
- Privacy Information resources (current issues of international scope, contact information for authorities, links to other privacy sites, etc.)

Restricted-access section

- Archive with documentation from closed sessions from past conferences
- Publishing news, updates, and other content
- Discussion forum
- Document and video library to include Wiki function as already included in demo.⁶

The OECD has created a conceptual website design for a privacy enforcement cooperation network and a design for a DPA Conference permanent website home page. Copies of sample web pages from both designs are found at Appendix 3.⁷

The OECD and the WWG have, during our most recent discussions, focussed on the OECD's suggestion that the Conference could have a single website, which would serve as the home for the current annual DPA conference information, an archive of materials from past annual conferences, and a restricted section for information about the closed sessions and ongoing inter-sessional work. Whoever is the host of the annual DPA conference would still have primary webmaster responsibilities, selecting a look and feel

⁵ OLIS is the OECD's own restricted-access website.

⁶ The demonstration website described in Appendix 3 would offer a wiki function.

⁷ It should be emphasized here that appended sample web pages 2 through 5 were prepared to reflect the at present hypothetical privacy enforcement co-operation network. Pages 2 through 5 are included here *solely* to illustrate functionalities that could be achieved for a permanent website for the Conference of DPAs. The WWG and OECD are not discussing an enforcement co-operation website and the DPA Conference website under discussion would be clearly branded as such and would be an independent website.

for the annual conference site and posting the content. However, instead of creating an entirely new site for each annual conference, as is the current practice, the host would simply create a new section on the permanent regular Conference site that is hosted by the OECD.

In addition to making the website development for each annual conference easier and cheaper for the conference host, this arrangement would help ensure that there is some DPA-provided webmaster support for the permanent website, leaving the OECD in more of an administrator role. This arrangement should help keep the OECD costs down as well as leaving clear that the Conference has full control over the content and users of the permanent website.

The OECD has indicated that it believes the following elements are involved in designing and starting up such a website:

- supervision and project management
- consultation with the Conference on precise communications needs;
- design and development of the ,website site;
- assisting in the ongoing running and maintenance of the site during year one;
- providing training and support;
- consulting with and train users;
- purchasing, installing and configuring the basic hardware (server) and software; and
- developing the user management interface;
- running costs.

The OECD has indicated that the following elements are involved in ongoing operation of a website:

- supervision and project management;
- assisting in ongoing running and maintenance of the site;
- providing training and support as needed; and
- maintenance and running costs.

Revised cost estimates from the OECD for such a website are, for start-up costs during the first year, €35,000 to €45,000, with ongoing annual operation and maintenance costs in years two and three being in the range of €20,000 to €25,000.

The WWG emphasizes that these are necessarily rough cost estimates and the WWG has discussed the nature and extent of these estimates with the OECD. More discussions and information are, however, necessary to establish a precise fix of the likely costs for the Conference, notably in view of the functions and design of the permanent website. The WWG also proposes to discuss an OECD the resource commitment in view of the OECD's interest in an enforcement co-operation website as a strategic initiative.

The WWG therefore proposes to continue discussions with OECD representatives in the coming months—as reflected in proposed resolutions 1 and 2, in Appendix 1—in an effort to finalize arrangements for the Conference website described above. If this does not prove feasible, the WWG proposes—in accordance with proposed resolution 3, in

Appendix 1—to explore the possibility of a Conference website that is open to the public with the features set out below:

- Current public information about the Conference, including a list of accredited authorities,
- Information about the current year's conference (and links to any other site developed for that conference),
- Archive of public materials from past conferences (resolutions, declarations, presentations and papers),
- Events calendar,
- Privacy information resources (*e.g.*, current issues of international scope, contact information for authorities, links to other privacy sites).

The costs to the Conference of such a website would be somewhat lower than the costs of a website with a restricted-access DPA-only portion and a public portion. This is because of the elimination of the security and user-management features that would have to be built for a restricted-access website and would bear administrative costs.

Such a website would achieve many but not all of the objectives of the Montreux Declaration. If the separate OECD initiative for privacy enforcement co-operation were to proceed in future, the WWG would propose that the Conference approach the OECD again and again explore the possibility of a website having the full restricted-access and public access functions described above.

CONCLUSION

The WWG recognizes that it would have been desirable to be in a position to seek the Conference's approval at this time for establishment of a website. For the reasons given above, however, discussions have been more involved and time-consuming that anticipated. The WWG therefore requests the understanding of the Conference and the Conference's support through approval of the resolutions found in Appendix 1.

The WWG is grateful to the OECD, particularly Anne Carblanc, Michael Donohue and Laurent Bernat, for their professional and collegial approach to this initiative. The WWG is also grateful to New Zealand and Canada for their assistance with the WWG's work.

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Office of the Information and Privacy Commissioner for British Columbia document: F:\DATA\PRIVATE\SHARED\DPA Working Group\Website Sub Group\Website Working Group Report (11 Sep 08 Final EN).doc

Appendix 1

Resolutions Proposed by the Website Working Group

Proposer: Information and Privacy Commissioner for British Columbia

Co-sponsors:

- Commission Nationale de l'Informatique et des Libertés
- Privacy Commissioner of Canada
- Privacy Commissioner of Australia
- Privacy Commissioner of New Zealand
- Data Protection Commissioner of Ireland

Resolution

The 30th International Conference of Data Protection and Privacy Commissioners,

Receiving the report of the Website Working Group ("WWG") pursuant to its mandate from the 29th Conference,

Recognizing the London Initiative's willingness to structure the operations of data protection authorities and privacy commissioners ("DPAs") and make them more visible and more effective, and the need to find a way of ensuring that the annual international DPA conferences live throughout the year,

Recognizing that it is desirable to continue to work toward the goals, set out in the Montreux Declaration, of greater exchanges of information among data protection authorities and privacy commissioners ("DPAs") and the establishment of a permanent website as a common base for enforcement co-operation and for information and resources management,

Therefore resolves as follows:

- The WWG is to continue to explore with the OECD the possibility of the conference's permanent website needs being met through a website maintained for the conference with the OECD on a strategic alliance basis, with the design and operation of the website being approved by the WWG consistent with the report of the WWG to the 30th annual conference,
- 2. If the WWG and the OECD determine that such a satisfactory website arrangement can be entered into at an acceptable and prudent cost to participating DPAs and the OECD, the WWG may:
 - a. Before the 31st annual conference, seek inter-sessional approval of the conference for the website and commitment of individual DPAs to pay their shares of the costs of creating and maintaining the website on an ongoing basis, or
 - b. At the 31st annual conference, seek the approval contemplated by resolution 2a, above,

- 3. If the WWG and the OECD determine that such a satisfactory website arrangement cannot be entered into at an acceptable cost, the WWG may identify an alternative website arrangement (including a website created and maintained by one or more volunteer DPAs on a cost-recovery, rotating basis) and may:
 - a. Before the 31st annual conference, seek inter-sessional approval of the conference for the website and commitment of individual DPAs to pay their shares of the costs of creating and maintaining the website on an ongoing basis, or
 - b. At the 31st annual conference, seek the approval contemplated by resolution 3a, above.

Appendix 2

Text of 2007 Report of the WWG to 29th International Conference of Data Protection and Privacy Commissioners (excerpted from the full report of Working Group on Conference Organizational Arrangements)

This report addresses two separate aspects of development of a conference website. The first section looks at options for a permanent website, what that website might contain and how it will be managed on an ongoing basis. The second looks at individual host websites for each year's Conference. The Subgroup recommends that the permanent website should not replace individual websites set up by hosts from year to year.

For the purposes of this report, *permanent website* refers to the central conference website agreed to in the Montreux Declaration. *Host website* refers to the conference websites set up from year to year by hosts.

PART A: PERMANENT WEBSITE

The significant question of governance and hosting of the permanent website is addressed below.

Setting up a permanent website

Meeting the costs

Results from the Participants Expectations Questionnaire suggest that many DPAs would be willing to help fund a website but that not all would necessarily be in a position to contribute. Indeed about half of the DPA respondents thought that their offices would be unable to contribute to the start-up costs for a permanent website or for maintenance on an ongoing basis.⁸

It is possible that a modest cost website could be established simply on the contribution of some but not all DPAs. However, the survey results suggest that a proposal entirely dependant upon all DPAs meeting a share of costs might run into difficulties. It is possible that if the costs of a permanent website are significant the conference may need to consider seeking out additional support, 'buy-in' or sponsorship to be feasible or a partnership model as outlined in the next section.

OECD hosting of a permanent website

Discussions between subgroup members and OECD officials suggest that there may be scope for the proposed permanent website to be accommodated within an OECD-hosted website. This option is being explored as part of the practical tools associated with the recent OECD Recommendation on the Cross-border Enforcement of Laws Protecting Privacy.⁹ Considering the possible shortfall of resourcing foreshadowed by

⁸ See Part E of the survey results. The figures should be considered "indicative" only as they do not represent "official" positions of any DPA.

⁹ <u>www.oecd.org/dataoecd/43/28/38770483.pdf</u>

the questionnaire results, the Subgroup suggests that there will be advantages in seriously exploring options for OECD hosting of a permanent website.

Early discussions with OECD representatives suggest that a permanent website hosted by the OECD could entail:

- a public site and a restricted access site
- customised look and branding specific to the Conference
- multiple languages
- decentralised administration whereby the OECD would build and maintain the site while the Conference would manage its own content and users
- a set of facilities including wikis, web logs, calendar of events, and a document library.¹⁰

The Subgroup notes that without the OECD hosting of the permanent website, it is possible that some of these features would be unavailable to the Conference due to funding shortfalls.

The Subgroup stresses that no commitment or agreement has been made with the OECD and further that OECD representatives have only provided initial thoughts on the idea.

The hosting of the permanent website would be undertaken in the context of ongoing OECD efforts to improve privacy enforcement coordination. The OECD has also indicated that the Conference would be one of a number of international forums that they might host on their website. It is recognised that this may give rise to opportunities or difficulties that have not yet been explored. However, if the Conference wishes to move in this direction, such issues can be addressed during more detailed discussions with the OECD.

The Subgroup therefore recommends that the Conference direct the Subgroup or a new working group continuing discussions with OECD representatives.

Other options for establishing and hosting of a permanent website

If Commissioners do not favour further exploring the preferred OECD option, there are other possibilities for the hosting of a permanent website.

Results from the Participant Expectations Questionnaire show that 31% of respondents believe that a permanent website should be hosted by a corporate entity set up by member DPAs; 25% believe it should be hosted by DPAs on a rotational basis in consultation with a permanent website secretariat; and 16% believe it should be hosted by a single DPA.

¹⁰ Such comments are at this stage merely indicative and the OECD has not given any firm indications.

The Subgroup notes that the most popular response for the hosting of the permanent website was for a corporate entity to be set up by member DPAs to manage this task. While this approach has the advantage of sharing the task equally between DPAs, the logistics of establishing a corporate entity may be complicated and would still likely require a smaller representative group of DPAs to develop and manage the permanent website. Also, there would be costs associated with the establishment of a corporate entity that may not be feasible given the number of DPAs that have indicated that they are unable to contribute to the funding of the project.

For these reasons, the Subgroup submits that a combination of approaches may be most effective. If the OECD hosting of the website is not possible or desirable, the Subgroup suggests that the actual domain name and physical website hosting responsibilities be given to one DPA with this responsibility passed onto another DPA (ideally a DPA in another region if possible) after five years.

The design and set up of the permanent website should be undertaken by a website secretariat established by the Conference and including as a member the DPA hosting the permanent website. This secretariat should include members from a variety of regions and should take input and guidance from the Conference. The Subgroup recommends that the Conference establishes a website secretariat with five DPAs (drawn from fund DPAs including the DPA hosting the permanent website), with the ability to co-opt between Conferences if necessary.

This website secretariat would be responsible for exploring options for the design and structure of the website and undertaking a tendering process for website designers (where appropriate¹¹) within the available budget.

It is important to note that if the conference proceeds with the OECD option, something like a small website secretariat or committee will be needed for coordinating the Conference's use of the OECD facility. Although there would be less work of a technical and operational nature, there will still be content issues and probably the need to administer an accreditation system (for access to any restricted areas developed).

Start up and ongoing costs of a permanent website

The cost of establishing a website will depend on the nature of the website. A static website (a library of documents, for example, or even something as basic as a list of links to all past conference sites¹²) might be very cost effective while a fully interactive site is likely to be quite expensive.

As earlier noted the participants' expectations survey indicated that many DPAs may be unable or unwilling to contribute towards the establishment and ongoing maintenance of a permanent website.

The cost issue, and the sophistication of what might be on offer, are two reasons why the Subgroup sees exploration of the OECD option as especially attractive.

¹¹ It may be that participating DPAs already have adequate 'in-house' website design capabilities and can reduce the overall costs of the website by drawing on these.

¹² An example of such a simple site associated with the well know CFP privacy conference can be seen at <u>www.cfp.org</u>.

If the conference decides to fund the website maintenance work by contributions from DPAs (as a levy or as a voluntary contribution), it is recommended that it be done through the process of registration for each attendee at the annual conference.

A website secretariat (see above) could advise the Conference of what they consider to be an appropriate figure for this levy.

Ongoing management of a permanent website

Once a permanent website has been established, there will need to be a framework for managing its upkeep and new uploads.

The Subgroup suggests that the earlier established website secretariat, perhaps reduced in size, could continue to manage the content and upkeep of the permanent website. Conference hosts would then pass on core documents (such as resolutions, minutes of the closed session and so on) from the conference to this committee for uploading to the permanent website.

Moreover, DPAs with information or resources they wish to share with other DPAs could approach the website secretariat to request that these documents be uploaded to the website.

Content

Results from the participants expectations questionnaire show that the top five features that respondents wanted to see on the permanent website were (in order):

- 1. A calendar of dates for significant international privacy conferences, meetings and other events
- 2. Information about or links to the website for each year's conference
- 3. A list of links to other privacy sites (such as government sites, NGO sites, business resources and academic resources)
- 4. Some portions of the permanent website accessible to the public with other portions restricted to registered users from DPAs
- 5. Space for access (by authorised users only) to information and other resources shared by individual DPAs for use by other DPAs.

Unless funding constraints limit the conference to a very simple static repository or list of links, the Subgroup recommends that the above features be included in a permanent website.

The Subgroup also recommends including the following cotent:

 A repository of the work product of each annual DPA meeting, including minutes of DPA closed sessions, DPA resolutions and papers submitted by speakers.¹³ Minutes of closed sessions and other material so designated would be accessible only by DPAs.

¹³ This would not prevent the host of each annual meeting from maintaining this material on the host website. The intention is to ensure ongoing availability of these materials.

- 2. A complete list of accredited DPAs that is updated annually.
- 3. Resources available to the public, including:
 - a. an archive of DPA meeting resolutions and declarations, as well as papers submitted for each DPA meeting by speakers,
 - b. general information about data protection and privacy,
 - c. information about current issues of international scope,
 - d. information about individual DPAs, including:
 - i. links to DPA websites, and
 - ii. contact information.

PART B: CONFERENCE HOST WEBSITES

The subgroup believes the permanent website should be separate from the web presence that each host provides.

The Subgroup recommends that the DPA hosting the annual conference have control over the appearance and content of the host website. The subgroup also recommends that host websites should always include, in addition to all the usual details of theme, dates, venue, programme and speakers, the following:

- 1. Information about travel and accommodation arrangements, and
- 2. Registration information, with facility for online registration.

The subgroup recommends that guidance on what individual conference websites should address be included in the 'Conference Hosting Guide' outlined in the Hosting Subgroup's report.

The Subgroup also recommends that hosts be encouraged to keep their websites operational for a minimum of three years after their conference as a resource. The permanent website could then contain links to these host websites while they are active.

The subgroup also recommends that each year's host should agree to transfer all relevant materials for posting to the permanent DPA website within 3 months of the end of the annual meeting.

Appendix 3

Demonstration Website (Designed by OECD)

The following pages of this appendix are prints from the demonstration website design prepared by the OECD. As indicated in the above report, the design was prepared for a hypothetical privacy enforcement network website, but functions reflected in the dsign could be adapted to the Conference's requirements as described in the main report.

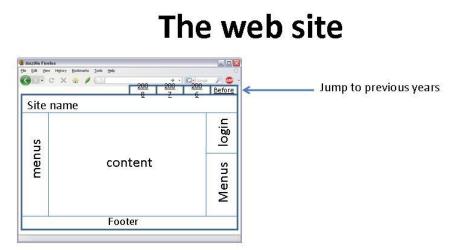
Those interested in viewing the demonstration website online can do so by following these instructions:

- 1. To visit and test the demonstration website, click on the following link: www.privacyenforcement.net.
- 2. Enter the user name [spiredemo] and the password [spiredemo].
- 3. To view restricted-access content you need to create an account and log in.
- 4. Click on the "create new account" link in the upper right-hand corner of the homepage. Choose a username and provide a valid email address. A password will be immediately emailed to you at the address you provide. Then use your new password to log-in and explore the "members only" tools.

The demonstration website pages follow in this order:

- 1. Concept for permanent website home page
- 2. Public Access Home Page
- 3. Public Access Events Calendar Page
- 4. Private Access Discussion Page
- 5. Private Access Wiki Page

As noted in the above report, it must be emphasized that sample web pages 2 through 5 were prepared to reflect a hypothetical privacy enforcement co-operation network. Those four pages are included here *solely* to illustrate functionalities that could be achieved for a permanent website for the Conference of DPAs. The WWG and OECD are *not* discussing an enforcement co-operation website and the DPA Conference website under discussion would be clearly branded as such and would be an independent website.



- 1 single web site for the Conference
- Home page is the current year conference
- Top horizontal tabs to navigate to past conferences
- Each year is treated as a section with its own visual scheme

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	joint contact list Submitted by Lois Lane on Fri, 02/15/2008 - 11:29.	Log in
	Today representatives of the OECD, APEC, and the Council of Europe announced concrete steps to improve cross-border cooperation to protect the personal information of individuals through the preparation of a joint contact list of responsible privacy authorities.	Create new account Request new password
	The joint contact list will be maintained on Privacy Enforcement Network website, both in a restricted- access format, and in a public version.	
	Network releases model MOU Submitted by admin on Wed, 02/13/2008 - 15:32.	
	At its last meeting the network agreed to the text for a model MOU to enchance co-operation. Thalassius vero ea tempestate praefectus praetorio praesens ipse quoque adrogantis ingenii, considerans incitationem eius ad multorum augeri discrimina, non maturitate vel consiliis mitigabddat,	
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	Privacy Awareness week launched Submitted by admin on Wed, 02/13/2008 - 15:15.	
	A joint project between the network and the Council of Europe, Privacy awareness week was kicked off yesterday in a joint press conference featuring the privacy commissioners of Australia, Canada, and President of the French CNIL.	

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Privacy Enforcement Network An International Platform to Foster Cross-Border Co-operation	About the Network • Our mission • Activities • Members • FAQ	Member Tools News Discussions Workspace 	 Country Pages Video library Events User list 				