



GPA

Global Privacy Assembly

Digital Citizen and Consumer Working Group

Report – adopted October 2020

Office of the Privacy Commissioner of Canada (OPC) and Office of the
Australian Information Commissioner (OAIC)

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Executive Summary

The Digital Citizen and Consumer Working Group (“**DCCWG**”) is focussed on considering the intersections and promoting regulatory co-operation between privacy, consumer protection and competition (also referred to as Anti-Trust) regulatory spheres. Our work goes to the heart of the Global Privacy Assembly’s (“**GPA**”) Policy Strategy¹ to facilitate regulatory co-operation and collaboration to create ‘a global regulatory environment with clear and consistently high standards of data protection’. The DCCWG provides a forum that encourages dialogue, co-operation and information sharing on matters of common interest regarding intersection issues; and aims to advance how authorities from all three regulatory spheres may use existing frameworks, or foster new ones, to work together and secure superior data and consumer protection outcomes for citizens and consumers.

The DCCWG was established by the GPA² in 2017. Since its establishment, we have seen an increase in incidents of regulatory overlap – this has often resulted in positive outcomes, and at other times has created new tensions. Over the last few years, we are seeing increasing attention being afforded to these issues from Governments, regulators, civil society and academics. It is clear further awareness and coordination is needed in this area to achieve holistic and efficient regulatory outcomes across the areas of privacy, consumer protection and competition.

As we live in an increasingly connected world where digitisation occurs at a rapid rate, data sits at the centre of our digital economy. Increasingly, regulators are recognising that data does not conform to regulatory boundaries, raising the need for co-operation across regulatory spheres, so that optimal outcomes may be achieved for individuals and society.

The DCCWG’s resolution adopted by the GPA membership in 2019 established a 2-year mandate for the Working Group. We are nearing the half-way point and this Annual Report presents an opportunity to provide an overview of our progress to date, and actions for the coming year.

We are pleased to present this report at the GPA’s Closed Session 2020, and hope that members find our contributions useful. We welcome members of the GPA to join our Working Group for 2021.

Office of the Australian Information
Commissioner

Co-chair

Office of the Privacy Commissioner, Canada

Co-chair

¹ Global Privacy Assembly, ‘Strategic Plan 2019-2021’, page 4-6. See: <http://globalprivacyassembly.org/wp-content/uploads/2019/11/GPA-Strategic-Plan-2019-2021.pdf>.

² It was then known as the International Conference of Data Protection and Privacy Commissioners.

Introduction

The DCCWG studies the intersections between privacy and data protection, consumer protection and competition. This work goes to the heart of the GPA's Policy Strategy³ to facilitate regulatory co-operation and collaboration to create 'a global regulatory environment with clear and consistently high standards of data protection'.

The Working Group was first established at the 39th *International Conference of Data Protection and Privacy Commissioners* (now the GPA).

In 2019, the GPA adopted a resolution⁴ which refreshed the mandate of the Working Group to consider the interaction between the regulatory spheres of privacy/data protection regulation, consumer protection, and competition: See **Annex 1**. This resolution shaped the strategic direction of the Working Group to:

- further our understanding of the privacy and competition intersection;
- continue to explore, understand, and map regulatory intersections, in particular, as it relates to developments across policy, legislation and enforcement activities;
- sensitise authorities and networks to regulatory intersections issues; and
- identify, leverage, and build upon initiatives and networks that consider intersection issues.

The purpose of this report is to inform the GPA of the work undertaken by the DCCWG over the 2019-20 year and outline future work of the Working Group, as it continues its exploration of the intersections between privacy, consumer protection and competition and facilitates co-operation amongst the regulatory spheres. The DCCWG has regularly reported to the Strategic Direction Sub-Committee on the progression of its activities over the course of the year. The co-chairs of the DCCWG also presented at the third meeting of the Strategic Direction Sub-Committee in June 2020. The DCCWG's presentation was well received by the Strategic Direction Sub-Committee who recognised the DCCWG's strong contribution to achieving the regulatory co-operation objectives outlined in the GPA's Policy Strategy.

The current members and/or observers of the DCCWG are as follows:

- Belgian Data Protection Authority, Belgium
- Datatilsynet, Denmark
- Datatilsynet, Norway
- European Data Protection Supervisor, Europe
- Federal Commissioner for Data Protection and Freedom of Information, Germany
- Federal Trade Commission, United States
- Information Commissioner's Office, United Kingdom

³ Global Privacy Assembly, 'Strategic Plan 2019-2021', page 4-6. See: <http://globalprivacyassembly.org/wp-content/uploads/2019/11/GPA-Strategic-Plan-2019-2021.pdf>.

⁴ At the 41st *International Conference of Data Protection and Privacy Commissioners* (now the Global Privacy Assembly) 'Resolution to support and facilitate regulatory co-operation between data protection authorities and consumer protection and competition authorities'.

- National Privacy Commission, Philippines
- The Superintendence of Industry and Commerce, Colombia
- Authority for Consumer & Markets, Netherlands (observer)
- The Personal Data Protection Commission, Singapore (observer)
- Office of the Australian Information Commissioner (co-chair)
- Office of the Privacy Commissioner of Canada (co-chair)

Working Group Activities

The DCCWG's 2020/2021 Workplan sets out four workstreams:

1. Privacy and Competition 'Deep Dive'
2. Continued sensitisation and engagement in other fora
3. Tracking and facilitating actual cross-regulatory co-operation
4. Contribute to the GPA's Enforcement Co-operation Handbook

Throughout 2020, the DCCWG successfully progressed toward meeting its resolution commitments and objectives within its Workplan. This section of the report provides an overview of the work undertaken so far this year.

1. *Privacy and Competition "Deep Dive"*

As part of our 2-year plan, we are furthering our understanding of the intersections between privacy and competition, and under this workstream, the DCCWG will publish a report which considers the complements and tensions between the objectives of these regulatory spheres. The report will be informed by regulator interviews with competition authorities and networks; an academic review; and bilateral meetings and engagement with other cross-regulatory forums such as the Digital Clearing House and the International Competition Network.

To-date we have focussed our efforts toward conducting regulator interviews. The Working Group developed a questionnaire for members to use in interviewing competition counterparts in various jurisdictions. The interviews seek to draw out authorities' learnings and practical experiences with the intersection between privacy and competition. As of the drafting of this Report, interviews have already commenced. Although at a very preliminary stage, the first interview (with the SIC Colombia) illustrated the clear and delicate interplay between the two regulatory spheres. The SIC presented a highly relevant banking example where anti-trust remedies required consultation with the SIC's privacy arm, to ensure that banking clients' were respected in the process. Further interviews will take place, with observations being reported on, in the anticipated side sessions of the GPA virtual conference in October 2020.

2. *Continued Sensitization and Engagement in Other Fora*

Our sensitisation work focuses on increasing the visibility of intersection issues in privacy, consumer protection and competition across international networks and fora. The Working Group developed a slide deck and key messages for members to use at speaking or panel engagements to promote a common set of key messages. Despite the difficulties presented by the global pandemic, the DCCWG has continued to successfully engage in other forums.

A snapshot of engagements in the Spring/Summer of 2020⁵:

⁵ Spring/Summer in the northern hemisphere.

- The Office of the Australian Information Commissioner and the Office of the Privacy Commissioner of Canada presented the work of the DCCWG at the Asia Pacific Privacy Authorities 53rd Forum.
- The United Kingdom’s Information Commissioner spoke at the Organisation for Economic Co-operation and Development’s Competition Committee Roundtable on privacy and competition. She spoke about the overlap of regimes in the areas of consumer trust, mergers, and data portability, and called on competition and privacy regulators to proactively speak to each other and build their relationships.
- The Office of the Privacy Commissioner of Canada spoke at a combined International Consumer Protection and Enforcement Network (ICPEN) workshop and Organisation for Economic Co-operation and Development (OECD) meeting that discussed the OECD’s draft Implementation Toolkit on Legislative Actions for Consumer Protection Enforcement Co-operation. The DCCWG’s intervention focused on the need to advocate for cross-regulatory co-operation and enabling legislation where it does not currently exist.
- The Office of the Privacy Commissioner of Canada represented the WG at a Digital Clearinghouse Roundtable on regulating market power in the digital era. Given the relevance for participating competition authorities, the Privacy/Competition Deep Dive questionnaire was subsequently circulated for distribution to generate further interview opportunities.

3. Tracking and Facilitating Actual Cross Regulatory Co-operation

This stream builds on previous work undertaken by the DCCWG. The DCCWG continues to identify examples of, and facilitate opportunities for, regulatory co-operation along a continuum from **informal** (engaging in International Consumer Protection and Enforcement Network /Global Privacy Enforcement Network workshops) to **more formal** actions (warning letters, co-ordination/collaboration on investigations, etc.)

The Working Group monitors individual regulator actions (regardless of which regulatory sphere they are responsible for) that demonstrate the intersections between regulatory spheres, and actual collaborative actions taken by regulators across all three regulatory spheres (DCCWG Mapping of regulatory intersections and actual collaborative actions table). See **Annex 2**.

A snapshot of actual cooperative action undertaken by Working Group members:

- The UK Information Commissioner’s Office provided a secondee to the Competition and Markets Authority’s Digital Markets Taskforce to consider and provide input on the privacy aspects of advice to government on pro-competitive initiatives for digital markets and platforms.
- The UK Information Commissioner’s Office joined forces with the UK’s competition and communications regulators in a ‘Digital Regulation Cooperation Forum’ to enhance cross-regulatory working and ensure efficient regulation across the digital landscape.

- The Office of the Privacy Commissioner of Canada facilitated the secondment of staff from the Competition Bureau.
- The United States' Federal Trade Commission issued a joint statement with the Department of Justice on an expedited anti-trust procedure and guidance for COVID-19 public health efforts.
- The Office of the Australian Information Commissioner contributed to a Joint Directory of Online Safety and Security Services with the Australian Competition and Consumer Competition, the e-Safety Commissioner and the Australian Cyber Security Centre.
- The Norwegian Datatilsynet issued guidance for businesses (digital marketers) and consumers of digital services with the Norwegian Competition Authority.

4. *Contribute to the GPA Enforcement Co-operation Handbook*

In coordination with the GPA's Enforcement Co-operation Working Group, the DCCWG has developed a workplan to update the GPA's Enforcement Co-operation Handbook. Among other things, the workplan calls for a high-level survey of GPA members to canvas areas they believe should be updated and to seek new examples of collaborative action for inclusion in the handbook. The DCCWG's contribution will be a chapter/entry on considerations and strategies relating to cross-regulatory co-operation.

Forward looking plan 2020-2021

The DCCWG's future activities for the remainder of 2020 and 2021, are described below:

1. ***Privacy and Competition "Deep Dive":***

The DCCWG will conduct additional competition regulator and network interviews compiling, analysing and distilling the results to inform this stream.

In addition to the regulator interviews, we will carry out academic research of intersection issues between privacy and competition. The academic research will explore the nuances, complexities and issues arising from the publicly announced enforcement actions where privacy and competition considerations collide.

2. ***Continued Sensitization and Engagement in Other Fora:***

The DCCWG will continue to explore opportunities to engage and collaborate with privacy, consumer protection and competition international networks, such as the International Competition Network and the European Competition Network.

3. ***Tracking and Facilitating Actual Cross-Regulatory Co-operation***

The DCCWG will continue to monitor examples of cross regulatory intersection and/or co-operation. Further, the DCCWG will identify and advance opportunities to facilitate an actual collaborative response to cross regulatory intersection issues.

The members of the DCCWG have unique insights and experiences with cross regulatory engagement. The Working Group will consider developing a short report which showcases authorities' experiences of regulatory co-operation through the use of case studies prepared by members of the Working Group.

4. ***Contribution to the GPA's Enforcement Co-operation Handbook***

The DCCWG will continue to work with the GPA's Enforcement Co-operation Working Group to publish the second version of the GPA's Enforcement Co-operation Handbook.

Conclusion

At the centre of the DCCWG's work is a recognition of the importance of regulatory co-operation in the protection of personal information, particularly as we participate in the digital economy. The goal of the DCCWG, as reflected in our Workplan, is to raise awareness and understanding of intersection issues between regulatory spheres and to promote regulatory co-operation between these spheres. Such intersection issues will become more relevant as we respond to the challenges of the digital economy.

On regulatory co-operation, this year, the DCCWG recognises that we are scratching the surface, in relation to our understanding of intersection issues between privacy and competition. As a result, the DCCWG will focus efforts towards further understanding the substantive overlap between privacy and competition, with a focus on strategies to address associated complements and tensions.

We would like to sincerely thank all members of the DCCWG for their strong contributions and sustained support for our important work together. We look forward to our continued partnership and collaboration as we work to advance our mandate.

Annexes

Annex 1. Resolution passed at the 41st International Conference of Data Protection and Privacy Commissioners

[Resolution to support and facilitate regulatory co-operation between data protection authorities and consumer protection and competition authorities to achieve clear and consistently high standards of data protection in the digital economy.](#)

Annex 2. Digital Citizen and Consumer Working Group Mapping of regulatory intersections and actual collaborative actions table

Mapping of intersections and collaborative actions across regulatory spheres

1. Actual collaborative action

This table captures concrete examples of joint regulatory initiatives or actions undertaken by competition and anti-trust authorities, and/or consumer protection authorities, and privacy and data protection authorities to consider or address intersection issues that span the regulatory spheres.

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
July 2020	United Kingdom The Information Commissioner’s Office (ICO), the Competition and Markets Authority (CMA) and Ofcom (communications regulator)	Competition/ anti-trust, privacy and communications	<p>The U.K. established a Digital Regulation Cooperation Forum which comprises CMA, ICO and Ofcom</p> <ul style="list-style-type: none"> • The U.K. has established a new forum - Digital Regulation Cooperation Forum - to help ensure online services work well for consumers and businesses in the U.K. The Forum comprises the privacy, competition and communications regulators. • The Digital Regulation Cooperation Forum strengthens existing collaboration and coordination between the three regulators. It aims to harness their collective expertise when data, privacy, competition, communications and content interact. Bringing together their collective knowledge, the Forum will help to coordinate action and support the development of informed and responsive regulation. • The Forum has been created in recognition of the “unique challenges posed by digital markets and services” and “an evolving landscape as the EU transition arrangements end.” The three regulators recognise that “regulatory cooperation has never been so important.” The regulators have published a press release to outline how they will work together. 	Forum to promote regulatory cooperation	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
July 2020	Philippines National Privacy Commission	Consumer protection and privacy	NPC issue Public Health Emergency Bulletin as Guidance for Establishments⁶ <ul style="list-style-type: none"> • The NPC issued a Public Health Emergency Bulletin as Guidance for Establishments on the Proper Handling of Customer and Visitor Information for Contact Tracing • Pursuant to the Memorandum Circulars of the Department of Trade and Industry (Circular 20-28 s. 2020 and Circular 20-37, s. 2020) on the Guidelines to Follow on Minimum Health Protocols for Establishments, the NPC issued a bulletin to guide establishments on the proper handling and protection of personal data collected from customers and visitors. • The bulletin reminds businesses to ensure that processing of personal data is proportional to the purpose of contact tracing, and collect only information required under existing government issuances. • The guidance reiterated that establishments should inform their customers and visitors on the reason for the collection and use personal data only for such declared purpose. • All establishments that collect personal information, whether through physical or electronic means have the obligation to implement reasonable and appropriate safeguards to protect customer data against any accidental or unlawful processing, alteration, disclosure and destruction. 	Guidance	New

⁶ While the focus of this matrix is on the intersection between privacy, consumer protection and antitrust, privacy can intersect with various other regulatory sectors that also serve to protect citizens, and maintain public trust, including public health.

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
2020/21, 2018/19, 2017/18	Canada Office of the Privacy Commissioner (OPC) and the Competition Bureau (CB)	Competition/ anti-trust, consumer protection and privacy	OPC facilitated staff secondments from the Competition Bureau <ul style="list-style-type: none"> The OPC has accepted secondees from the Competition Bureau (CB) to enhance cross-regulatory knowledge across all three of the regulatory spheres of privacy and data protection, competition, and consumer protection, and to benefit from the Bureau staffs' professional skills and investigative approach. Three Competition Bureau Officers have participated in this formal staffing arrangement since 2017. 	Secondment	New
June 2020	Australia Office of the Australian Information Commissioner (OAIC) and Australian Competition and Consumer Commission (ACCC) and the e-Safety Commissioner and the Australian Cyber Security Centre	Competition/ anti-trust, consumer protection, and privacy	Joint Directory of Online Safety and Security Services <ul style="list-style-type: none"> The OAIC is contributing to a Joint Directory of Online Safety and Security Services with the ACCC, the e-Safety Commissioner and the Australian Cyber Security Centre. 	Directory	New
May 2020	Australia Office of the Australian Information Commissioner (OAIC) and Australian Competition and	Competition/ anti-trust and privacy	ACCC and OAIC Consumer Data Right Compliance and Enforcement Policy released <ul style="list-style-type: none"> The ACCC and OAIC jointly released the Compliance and Enforcement Policy for Australia's Consumer Data Right scheme. The Policy outlines the approach that the ACCC and the OAIC have adopted to encourage compliance with, and address breaches of, 	Joint Policy	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
	Consumer Commission (ACCC)		the Consumer Data Right regulatory framework. The Policy has been developed following consultation with current and future data holders and recipients. OAIC press release.		
April 2020	United Kingdom The Information Commissioner's Office (ICO) and the Competition and Markets Authority (CMA)	Competition/ anti-trust and privacy	ICO facilitated staff secondment to the U.K. Competition Authority <ul style="list-style-type: none"> The ICO has provided a secondee to the U.K. competition authority's Digital Markets Taskforce to consider and provide input on the privacy aspects of advice to government on pro-competitive initiatives for digital markets and platforms. Staff will be able to enhance cross-regulatory knowledge of the regulatory spheres of privacy and data protection and competition, and enhance their professional skills and experiences. 	Secondment	New
March 2020	United States Federal Trade Commission (FTC)	Competition/ anti-trust and privacy	FTC and U.S. Department of Justice Joint Statement <ul style="list-style-type: none"> The FTC and the U.S. Department of Justice Antitrust Division issued joint statement detailing an expedited antitrust procedure and providing guidance for collaborations of businesses working to protect the health and safety of Americans during the COVID-19 pandemic. FTC press release. 	Joint statement	New
February 2020	Norway The Norwegian Data Protection Authority (Datatilsynet) and the Norwegian Consumer Authority	Consumer protection and privacy	Datatilsynet and Norwegian Consumer Authority's Joint Guidance on Digital services and consumer personal data <ul style="list-style-type: none"> The Datatilsynet and the Norwegian Consumer Authority developed and published, jointly, a guide on digital services and consumer personal data (the Guide). The Guide aims to help business operators, developers, marketers and providers of digital services navigate practical issues where consumer protection and privacy issues overlap. Several areas the Guide addresses includes the marketing of digital services, the legal basis for the processing of personal data, the use 	Joint guidance	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
			of data for targeted marketing purposes, and the protection of children and young consumers. Datatilsynet's press release and the Consumer Authority's press release .		
November 2019	Australia Office of the Australian Information Commissioner (OAIC) and Australian Competition and Consumer Commission (ACCC)	Consumer protection and privacy	ACCC and OAIC joint workshop on cloud computing technology <ul style="list-style-type: none"> The ACCC and the OAIC organised a joint workshop to explore and understand further cloud computing technology. The workshop was facilitated by Amazon Web Services. 	Joint workshop	New
December 2017-July 2019	Australia Australian Competition and Consumer Commission (ACCC)	Competition/ anti-trust, consumer protection and Privacy	ACCC inquiry into Digital Platforms <ul style="list-style-type: none"> In December 2017, the Australian Government tasked the ACCC with undertaking an Inquiry into the practices of Digital Platforms. While the scope of the Inquiry focussed mostly on the impact of Digital Platforms on the media industry, there was significant consideration given to the information handling practices of Digital Platforms. The OAIC collaborated closely with the ACCC on this aspect of the ACCC's Inquiry and final report to Government. The OAIC also provided a public submission to the ACCC's preliminary report. ACCC press release. 	Inquiry and Final Report	Existing ⁷

⁷ This activity was captured in the DCCWG's Final Report p. 15.

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
	<p>Norway</p> <p>The Norwegian Data Protection Authority (Datatilsynet), the Norwegian Consumer Protection Authority (Forbrukertilsynet) and the Norwegian Consumer Council (Forbrukerrådet)</p>	<p>Competition/ anti-trust, consumer protection, and privacy</p>	<p>Common Framework between Norwegian Data Protection authority, Consumer Protection authority and Consumer Council</p> <ul style="list-style-type: none"> The Norwegian Data Protection Authority (Datatilsynet), the Norwegian Consumer Protection Authority (Forbrukertilsynet) and the Norwegian Consumer Council (Forbrukerrådet) have seen the importance of working together to strengthen consumer rights in the digital economy. The authorities have developed close co-operation on policy and enforcement issues. The data and consumer protection authorities have drawn up a common framework that they use as a starting point in evaluating how different issues related to consumer data and data-based business models can be resolved pursuant to data protection and consumer rights legislation. 	<p>Regulatory co-operation</p>	<p>Existing⁸</p>

⁸ This activity was captured in the DCCWG's Final Report, p. 22.

2. Regulatory intersection:

Enforcement and regulatory activity

This table captures instances where competition or anti-trust authorities, consumer protection authorities, or privacy and data protection authorities have undertaken enforcement and regulatory activity to address an intersection matter or issue, outside their traditional regulatory sphere. The range of activities undertaken includes, but is not limited to, investigations, assessments/audits, civil penalty orders, enforceable undertakings, monetary penalties, remedial directions, legal proceedings or complaints raised.

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
July 2020	Australia Australian Competition and Consumer Commission (ACCC)	Competition/ anti-trust, consumer protection and privacy	<p>ACCC alleges Google misled consumers about the expanded use of personal data</p> <ul style="list-style-type: none"> • The ACCC has launched Federal Court proceedings against Google LLC, alleging Google misled Australian consumers to obtain their consent to expand the scope of personal information that Google could collect and combine about consumers’ internet activity, for use by Google, including for targeted advertising. • The ACCC alleges Google misled consumers when it failed to properly inform consumers, and did not gain their explicit informed consent, about its move in 2016 to start combining personal information in consumers’ Google accounts with information about those individuals’ activities on non-Google sites that used Google technology, formerly DoubleClick technology, to display ads. • This meant this data about users’ non-Google online activity became linked to their names and other identifying information held by Google. Previously, this information had been kept separately from users’ Google accounts, meaning the data was not linked to an individual user. Google then used this newly combined information to improve the commercial performance of its advertising businesses. 	Legal proceedings	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
			<ul style="list-style-type: none"> The ACCC also alleges that Google misled consumers about a related change to its privacy policy. ACCC press release. 		
June 2020	Germany German competition authority (Bundeskartellamt)	Competition/ anti-trust, consumer protection and privacy	<p>German court has ordered Facebook to stop merging data collected through its WhatsApp and Instagram subsidiaries or other websites, unless users explicitly agree</p> <ul style="list-style-type: none"> The German Federal Court of Justice (BGH) ordered Facebook to stop merging data collected through its Whatsapp and Instagram subsidiaries or other websites unless users explicitly agree, in a legal victory for competition authorities. Germany's Bundeskartellamt had told Facebook to rein in the data collecting in a landmark decision in 2019, but the social media giant appealed the order. In a fast-track proceeding on Tuesday, Germany's BGH agreed with the Bundeskartellamt in finding that Facebook was abusing its dominant position to force users to consent to all their data being collected. "Facebook does not allow for any choice," presiding judge Peter Meier-Beck said. Facebook must comply with the order while its appeal is pending in a lower court. The Bundeskartellamt criticised Facebook in February 2019 for making the "unrestricted" data harvesting part of the website's terms of use. That meant people had to tick the box or opt out of being on Facebook altogether. The personal data picked up through Facebook's own platform, Whatsapp, Instagram and third-party websites serve to build up a user's profile for the purposes of targeted advertising, a key income source for the group. Financial Times. 	Legal ruling	New
June 2020	Australia	Competition/	ACCC's preliminary concerns with Google's proposed acquisition of Fitbit	Preliminary concerns	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
	Australian Competition and Consumer Commission (ACCC)	anti-trust and privacy	<ul style="list-style-type: none"> The ACCC has outlined its preliminary concerns with Google’s proposed acquisition of Fitbit, stating that Google’s access to consumer health data may raise entry barriers, further entrench its dominant position and adversely affect competition in several digital advertising and health markets. The ACCC’s Chair Rod Sims stated that “our concerns are that Google buying Fitbit will allow Google to build an even more comprehensive set of user data, further cementing its position and raising barriers to entry to potential rivals.” ACCC press release and Reuters article. 		
May 2020	Canada Competition Bureau (CB)	Consumer protection and privacy	<p>Competition Bureau’s Facebook settlement that saw Facebook pay a CAD\$9.5 million penalty and costs over concerns about misleading privacy claims</p> <ul style="list-style-type: none"> Facebook will pay a \$9 million penalty after the Competition Bureau concluded that the company made false or misleading claims about the privacy of Canadians’ personal information on Facebook and Messenger. Facebook will also pay an additional \$500,000 for the costs of the Bureau’s investigation.” As part of the settlement, Facebook has agreed not to make false or misleading representations about the disclosure of personal information, including representations about the extent to which users can control access to their personal information on Facebook and Messenger. Competition Bureau press release. 	Investigation Monetary penalty Behavioural Remedy	New
March 2020	United States Federal Trade Commission (FTC)	Consumer protection and privacy	<p>FTC’s initiation of proceedings against Retina-X, stalking apps</p> <ul style="list-style-type: none"> The FTC brought an action against a developer of stalking apps software, Retina-X, that allows purchasers to monitor the mobile devices on which they are installed, without users’ knowledge. In its complaint, the FTC alleged that Retina-X sold apps that required circumventing certain security protections implemented by the 	Legal proceedings	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
			mobile device operating system or manufacturer, and do so without taking steps to ensure that the apps would be used only for legitimate and lawful purposes. FTC press release and ZDNet article .		
February 2020 (ongoing)	European Union European Commission (Competition)	Competition/ anti-trust and privacy	<p>EU anti-trust regulators consider Google and Fitbit acquisition</p> <ul style="list-style-type: none"> • EU antitrust regulators will decide by 20 July 2020 whether to clear Alphabet Inc-owned Google’s US\$2.1 billion bid for fitness trackers company Fitbit, a deal that has prompted concerns from consumer groups and privacy advocates. • While privacy concerns are not part of the EU antitrust review, the trove of health data generated from Fitbit devices used to monitor users' daily steps, calories burned and distance travelled and how Google plans to use it is expected to be a focus. European Commission press release and Reuters article. 	Preliminary concerns	New
January 2020	United States Federal Trade Commission (FTC), Consumer Financial Protection Bureau	Consumer protection and privacy	<p>FTC’s Equifax data breach settlement</p> <ul style="list-style-type: none"> • In September of 2017, Equifax announced a data breach that exposed the personal information of 147 million people. • The company has agreed to a global settlement with the FTC, the Consumer Financial Protection Bureau, and 50 U.S. states and territories. • The settlement includes up to US\$425 million to help people affected by the data breach. FTC press release. 	Settlement established	New
January 2020	United States Federal Trade Commission (FTC) and Department of Justice	Consumer protection and privacy	<p>FTC settlement of Mortgage Broker who posted personal information in response to negative reviews</p> <ul style="list-style-type: none"> • A California-based mortgage broker will pay \$120,000 to settle FTC allegations that it violated the Fair Credit Reporting Act and other laws by revealing personal information about consumers in response to negative reviews posted on the review website Yelp. 	Settlement established	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
			<ul style="list-style-type: none"> In a complaint filed by the Department of Justice on behalf of the FTC, the FTC alleges that Mortgage Solutions FCS, Inc. (doing business as Mount Diablo Lending) and its sole owner, Ramon Walker, responded to consumers who posted negative reviews on Yelp by revealing their credit histories, debt-to-income ratios, taxes, health, sources of income, family relationships, and other personal information. Several responses also revealed reviewers' first and last names, according to the complaint. FTC press release. 		
January 2020	United States Federal Trade Commission (FTC)	Consumer protection and privacy	FTC charge Grand Teton Professionals <ul style="list-style-type: none"> The FTC charged Grand Teton Professionals with running a credit repair scheme that collected more than \$6.2 million in illegal upfront fees and falsely claimed to repair consumers' credit. Among other things, the FTC alleged that the operation obtained sensitive consumer data, like Social Security numbers and dates of birth, for bogus credit repair services. FTC press release. 	Injunctive relief	New
January 2020	France Commission nationale de l'informatique et des libertés (CNIL)	Consumer protection and privacy	CNIL impose fine of €50 million under the GDPR upon Google <ul style="list-style-type: none"> On 25 and 28 May 2018, the CNIL received group complaints from the None Of Your Business and La Quadrature du Net against Google for not having a valid legal basis to process the personal data of the users of its services, particularly for ads personalization activities. As a result of CNIL's inspections, the CNIL observed two breaches of the General Data Protection Regulation (GDPR) by Google. The CNIL imposed upon Google a fine of €50 million under the GDPR for a lack of transparency, inadequate information and lack of valid consent regarding the personalization of ads. This fine was upheld by France's administrative court. CNIL press release and Reuters article. 	Monetary penalty	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
2019-2020	United States Federal Trade Commission (FTC)	Consumer protection and privacy	<p>FTC undertakes actions against entities that falsely claimed participation in Privacy Shield</p> <ul style="list-style-type: none"> • In eight separate actions, the FTC charged that 214 Technologies, Click Labs, DCR Workforce, Incentive Services, LotaData, Medable, SecurTest, and Thru falsely claimed participation in Privacy Shield. While the companies initiated Privacy Shield applications with the U.S. Department of Commerce, the companies did not complete the steps necessary to be certified as complying with the Framework. Because they failed to complete certification, they were not certified participants in the Framework, despite representations to the contrary. • In separate actions, the FTC charged that Empiristat, Global Data Vault, and TDARX falsely claimed participation in Privacy Shield. The companies had allowed their certifications to lapse while still claiming participation. Further, the companies failed to affirm that they would continue to apply Privacy Shield protections to personal information collected while participating in the program. • As a part of the FTC’s action against Cambridge Analytica, the FTC determined that the company falsely claimed to participate in Privacy Shield after allowing its certification to lapse. 	Legal proceedings	New
December 2019	United States Federal Trade Commission (FTC)	Consumer protection and privacy	<p>FTC establishes a settlement with Unrollme regarding deceptive consumer practices</p> <ul style="list-style-type: none"> • The FTC settled allegations with Unrollme, an email management company, which deceived consumers about how it accesses and uses their personal emails. According to the FTC’s complaint, Unrollme falsely told consumers that it would not “touch” their personal emails to persuade consumers to provide access to their email accounts. 	Settlement established	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
			<ul style="list-style-type: none"> The complaint allege that Unrollme shared consumers’ email receives, which includes user’s name, billing and shipping addresses and information about products or services purchased by the consumer, with its parent company, Slice Technologies. Slice Technologies used anonymous purchase information from Unrollme users’ e-receipts for the market research analytics products it sells. FTC press release. 		
December 2019	United States Federal Trade Commission (FTC)	Consumer protection and privacy	<p>FTC settlement established with Global Asset Financial Services Group</p> <ul style="list-style-type: none"> The FTC shut down a phantom debt brokering and collection scheme in its case against Global Asset Financial Services Group. The FTC charged the defendants with purchasing and collecting on counterfeit debts fabricated from misappropriated information about consumers’ identities, and finances and debts purportedly owed on bogus “autofunded” payday loans. In numerous instances, defendants also disclosed consumers’ purported debts to third parties. The final orders imposed a combined judgment of more than \$13 million, banned all the defendants from debt collection business and from misleading consumers about debt. They also prohibit the defendants from profiting from customers’ personal information collected as part of the practices, and failing to dispose of such information properly. FTC press release. 	Settlement established	New
December 2019	United States and United Kingdom Federal Trade Commission (FTC) and Information	Consumer protection and privacy	<p>FTC action against Cambridge Analytica for deceptive conduct</p> <ul style="list-style-type: none"> The FTC filed an action against the data analytics company, Cambridge Analytica, its Chief Executive Officer, Alexander Nix, and app developer, Aleksandr Kogan for deceptive conduct. The FTC’s complaint alleged that Cambridge Analytica, Nix and Kogan used false and deceptive tactics to harvest personal information from 	Various settlements established Regulatory cooperation	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
	Commissioner's Office (ICO)		<p>millions of Facebook users for voting profiling and targeting. The complaint alleged that app users were falsely told the app would not collect users' names or other identifiable information.</p> <ul style="list-style-type: none"> • Kogan and Nix agreed to settlements with the FTC that restrict how they conduct any business in the future, and the Commission entered a default judgment against Cambridge Analytica. FTC press release. • The FTC collaborated with the United Kingdom's Information Commissioner's Office in its actions against Cambridge Analytica and Aleksandr Kogan and Alexander Nix, described above. To facilitate international cooperation in these cases, the FTC relied on key provisions of the U.S. SAFE WEB Act, which allows the FTC to share information with foreign counterparts to combat deceptive and unfair practices.⁹ 		
October 2019	Australia Australian Competition and Consumer Commission (ACCC)	Consumer protection and privacy	<p>ACCC proceedings against Google for misleading conduct and false or misleading representations about the collection of personal location data</p> <ul style="list-style-type: none"> • The ACCC instituted proceedings in the Federal Court against Google LLC and Google Australia Pty Ltd (together, Google), alleging that they engaged in misleading conduct and made false or misleading representations to consumers about the personal location data Google collects, keeps and uses. • The ACCC claims that from at least January 2017, Google breached the Australian Consumer Law when it made on-screen representations on Android mobile phones and tablets that the ACCC 	Legal proceedings	New

⁹ <https://www.ftc.gov/system/files/documents/reports/reports-response-senate-appropriations-committee-report-116-111-ftcs-use-its-authorities-resources/p065404reportprivacydatasecurity.pdf>, pg. 18.

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
			<p>alleges misled consumers about the location data Google collected or used when certain Google Account settings were enabled or disabled.</p> <ul style="list-style-type: none"> The representations were made to consumers setting up a Google Account on their Android mobile phones and tablets, and to consumers who later accessed their Google Account settings through their Android mobile phones and tablets. ACCC press release. 		
September 2019	United States Federal Trade Commission (FTC) and the New York Attorney General	Consumer protection and privacy	<p>Google and YouTube Will Pay Record \$170 Million for Alleged Violations of Children’s Privacy Law</p> <ul style="list-style-type: none"> Google LLC and its subsidiary YouTube, LLC will pay a record \$170 million to settle allegations by the FTC and the New York Attorney General that the YouTube video sharing service illegally collected personal information from children without their parents’ consent. The settlement requires Google and YouTube to pay \$136 million to the FTC and \$34 million to New York for allegedly violating the Children’s Online Privacy Protection Act (COPPA) Rule. The \$136 million penalty is by far the largest amount the FTC has ever obtained in a COPPA case since Congress enacted the law in 1998. FTC press release. 	Civil penalty settlement	New
August 2019	United States Federal Trade Commission (FTC)	Consumer protection and privacy	<p>FTC settlement established with Career Education Corporation as a result of deceptive conduct</p> <ul style="list-style-type: none"> The FTC obtained final orders against In the Career Education Corporation, a company that used deceptive lead generators to market their schools. The company’s lead generators used deceptive tactics, such as posing as military recruiting websites, to induce consumers to provide their information online. Those websites 	Civil penalty settlement	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
			<p>promised consumers that the information submitted would not be shared with anyone else, but the lead generators sold that information to the defendants to market their schools. The final order imposes a \$30 million judgment for consumer redress. FTC press release</p>		
August 2019	Australia Australian Competition and Consumer Commission (ACCC)	Consumer protection and privacy	<p>ACCC proceedings against HealthEngine for misleading and deceptive conduct</p> <ul style="list-style-type: none"> • The ACCC has instituted proceedings in the Federal Court against online health booking platform HealthEngine for misleading and deceptive conduct relating to the sharing of consumer information with insurance brokers and the publishing of patient reviews and ratings. • The ACCC has alleged that the online booking platform unlawfully shared patient data, including names, phone numbers, email addresses and date of birth, with insurance brokers. ACCC press release. 	Legal proceedings	New
July 2019	United States Federal Trade Commission (FTC) and U.S. Department of Justice	Competition/ anti-trust and privacy	<p>FTC and U.S. Department of Justice settlement with Facebook for deceptive conduct</p> <ul style="list-style-type: none"> • The FTC and the U.S. Department of Justice finalised a settlement with Facebook. A previous complaint alleged that Facebook violated the FTC's 2012 order against the company by misrepresenting the control users had over their personal information and failing to institute and maintain a reasonable program to ensure consumers' privacy. It also alleged that Facebook deceptively failed to disclose that it would use phone numbers provided by users for two-factor authentication for targeted advertisements to those users. • The Facebook order imposed a \$5 billion penalty, and a host of modifications to the Commission's order designed to change 	Civil penalty	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
			Facebook’s overall approach to privacy. The \$5 billion penalty against Facebook is the largest ever imposed on any company for violating consumers’ privacy. FTC press release .		
July 2019	United States Federal Trade Commission (FTC) and the New York Attorney General’s Office	Consumer protection and privacy	<p>Final orders secured by FTC and New York Attorney General against Hylan Asset Management</p> <ul style="list-style-type: none"> • In Hylan Asset Management, the FTC and the New York Attorney General’s Office charged two operations—Hylan Asset Management, LLC and its related companies and Worldwide Processing Group, and their principals with buying, placing for collection, and selling lists of phantom debts, including debts that were fabricated by the defendants or disputed by consumers. • The Commission alleged that the defendants obtained consumers’ private financial information and then used it to convince consumers they were legitimate collectors calling about legitimate debts. • The FTC also alleged that, in numerous instances, the Worldwide defendants unlawfully communicated with third parties where they already possessed contact information for the consumer. • The FTC secured final orders banning the Hylan defendants from the debt collection industry and prohibiting the Worldwide defendants from unlawful debt collection practices. The orders prohibit all defendants from using customers’ personal information and failing to properly dispose of that information. FTC press release. 	Settlement established	New
April 2019	United States Federal Trade Commission (FTC)	Consumer protection and privacy	<p>FTC initiated complaint against Unixiz, Inc.</p> <ul style="list-style-type: none"> • The FTC’s complaint against Unixiz, Inc., doing business as i-Dressup.com alleged that the company and its principals violated COPPA by failing to obtain verifiable parental consent before collecting personal information from children under 13. 	Complaint	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
			<ul style="list-style-type: none"> To gain access to all the features on the website, including the social networking features, users had to register as members by submitting a username, password, birthdate, and email address. If a user indicated he or she was under 13, the registration field asked for a parent’s consent. If a parent declined to provide consent, the under-13 users were given a “Safe Mode” membership allowing them to login to access i-Dressup’s games and features but not its social features. The FTC alleges, however, that i-Dressup still collected personal information from these children, even if their parents did not provide consent. FTC press release. 		
March 2019	United States Federal Trade Commission (FTC)	Consumer protection and privacy	<p>FTC examined the privacy practices of broadband providers</p> <ul style="list-style-type: none"> The FTC issued orders to seven U.S. Internet broadband providers and related entities seeking information the agency will use to examine how broadband companies collect, retain, use, and disclose information about consumers and their devices. The orders seek information about the companies’ privacy policies, procedures, and practices. The orders were sent to AT&T’s advertising subsidiary, Appnexus Inc.; Verizon Online LLC, Verizon’s wireline advertising subsidiary; another Verizon advertising subsidiary, Oath Americas Inc, and Charter Communications Inc, the U.S.’s second largest cable provider. The FTC is initiating this study to better understand Internet service providers’ privacy practices in light of the evolution of telecommunications companies into vertically integrated platforms that also provide advertising-supported content. Under current law, the FTC has the ability to enforce against unfair and deceptive 	Study	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
			practices involving Internet service providers. FTC press release and update .		
February 2019	United States Federal Trade Commission (FTC)	Consumer protection and privacy	FTC settlement with Musical.ly of \$5.7 million <ul style="list-style-type: none"> In 2019, Musical.ly, now known as TikTok, paid \$5.7 million to settle charges that it violated COPPA by illegally collecting personal information from children. The complaint alleged the app was child-directed, and that many users self-identified as being under 13. FTC press release. 	Settlement finalised	New
July 2018	United States Federal Trade Commission (FTC) and Nevada Attorney General	Consumer protection and privacy	FTC and Nevada Attorney General’s action against MyEx.com for soliciting “revenge porn” from individuals without their knowledge or consent <ul style="list-style-type: none"> A Nevada federal court permanently shut down the revenge porn site MyEx.com and ordered the operators to pay more than \$2 million in an action brought by the FTC and the Nevada Attorney General (AG). The FTC and the Nevada AG charged the site and related individuals with violating federal and state laws by posting intimate pictures of people and their personal information without consent, as well as charging takedown fees to have the items removed. MyEx.com was solely dedicated to revenge porn, the FTC and Nevada AG alleged, and published pictures, videos and information including names, addresses, employers and social media account information. The site also encouraged users to “Add Your Ex” and “Submit Pics and Stories of Your Ex.” To have information or images removed, the defendants charged fees ranging from \$499 to \$2,800. Individuals who were featured on the site suffered real harm, the FTC and Nevada AG told the court, including lost jobs, threats and 	Legal proceedings	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
			<p>harassment, and the financial burden of having the information removed.</p> <ul style="list-style-type: none"> The federal court ordered that the site be permanently shut down, that the images and personal information be destroyed, and that the defendants pay more than \$2 million in damages. The defendants are also banned from posting intimate images and personal information of others on a website without the subjects' notice and consent. FTC press release. 		

3. Regulatory intersection: *Policy initiatives*

This table captures instances where competition or anti-trust authorities, consumer protection authorities, or privacy and data protection authorities have undertaken policy related activity to address an intersection matter or issue, outside their traditional regulatory sphere. The range of policy-related activities undertaken includes, but is not limited to, publications, statements, participation in public consultations, academic studies, projects, and capability building initiatives.

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status
July 2020	United States House Judiciary Committee (Subcommittee on Antitrust, Commercial, and Administrative Law)	Competition/anti-trust, consumer protection and privacy	<p>Public hearings on anti-trust, online platforms and market power</p> <ul style="list-style-type: none"> The House Judiciary Committee's Subcommittee on Antitrust, Commercial, and Administrative Law held public hearings on online platforms, market power and competition. This hearing involved examining the dominance and business practices of Amazon, Apple, Facebook and Google. Aspects of the hearing intersected with privacy and explored the data handling practices by the online platforms (Hearing – Online Platforms and Market Power, Part 6). 	Public hearings	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status
September 2020	United States Federal Trade Commission (FTC)	Competition/ anti-trust and privacy	FTC to hold workshop on data portability <ul style="list-style-type: none"> The FTC will host a public workshop in September 2020 to examine the potential benefits and challenges to consumers and competition raised by data portability. FTC press release. 	Public workshop	New
July 2020	Germany German competition authority (Bundeskartellamt)	Competition/ anti-trust, consumer protection and privacy	Bundeskartellamt published its final report into its inquiry into smart TVs <ul style="list-style-type: none"> The Bundeskartellamt has published the final report (in German) on its sector inquiry into smart TVs. The sector inquiry shows that smart TVs can collect personal data in many forms. The Bundeskartellamt established that almost all smart TV manufacturers active on the German market use privacy policies that have serious shortcomings in terms of transparency and violate GDPR. Bundeskartellamt. 	Inquiry and Report	New
July 2019- July 2020	United Kingdom Competition and Markets Authority (CMA)	Competition/ anti-trust and privacy	CMA publish a market study on online platforms and digital advertising <ul style="list-style-type: none"> On July 2019, the CMA launched a market study into online platforms and the digital advertising market in the U.K. The CMA assessed three broad potential sources of harm to consumers in connection with the market for digital advertising: <ul style="list-style-type: none"> to what extent online platforms have market power in user-facing markets, and what impact this has on consumers whether consumers are able and willing to control how data about them is used and collected by online platforms whether competition in the digital advertising market may be distorted by any market power held by platforms. Following the study, the CMA published its final report on online platforms and digital advertising. The scope of the study includes an assessment of potential sources of consumer harm in digital advertising, including privacy aspects, such as whether consumers are able and willing to control how data about them is used and collected by online platforms. 	Market study and Report	Updated ¹⁰

¹⁰ This activity was captured in the DCCWG's Final Report, pp. 23-24. Updates concerning this activity have since occurred.

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status
			<ul style="list-style-type: none"> The study found that Google and Facebook's large user base and access to user data was a source of market power. Privacy aspects are considered in the report. Amongst other things, the report recommends the introduction of a new pro-competitive regulatory regime for online platforms, including an enforceable code of conduct and the establishment of a new body with powers to make formal interventions such as increasing consumer control over data. The ICO engaged with the CMA on this market study on issues related to the intersection of data protection and competition law. 		
July 2020	United States Federal Trade Commission (FTC)	Consumer protection and privacy	FTC to host its fifth annual PrivacyCon 2020 <ul style="list-style-type: none"> The FTC announced its fifth PrivacyCon, which will take place on July 21, 2020, an annual event that explores topics related to consumer privacy and security. FTC press release. 	Public workshop	New
June 2020 – In progress	Organisations and International Networks Organisation for Economic Co-operation and Development (OECD) and International Consumer Protection and Enforcement Network (ICPEN)	Consumer protection and privacy	OECD Consumer Policy Toolkit <ul style="list-style-type: none"> The OECD's Committee on Consumer Policy has developed a Consumer Policy Toolkit. The Toolkit is a practical guide designed to aid policy makers in using a systematic approach to identify and evaluate consumer problems and to develop, implement and review effective consumer policies. OECD press release. 	Policy guidance	New
March 2020	Australia Australian Competition and Consumer	Competition/ anti-trust, consumer	ACCC Digital Advertising Services Inquiry <ul style="list-style-type: none"> The ACCC is conducting an inquiry into markets for the supply of digital advertising technology services and digital advertising agency services. An interim report is due by December 2020. 	Inquiry	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status
	Commission (ACCC)	protection, and privacy	<ul style="list-style-type: none"> A final report will be completed by August 2021. ACCC's press release. 		
2020	International networks International Competition Network (ICN)	Competition/ anti-trust and privacy	ICN's Project on Competition Law Enforcement at the Intersection of Competition, Consumer Protection and Privacy <ul style="list-style-type: none"> The ICN is a global body committed exclusively to competition law enforcement. Its members represent national and multinational competition authorities. In its scoping paper, the ICN recognise that competitive markets help achieve the goals of consumer and privacy policies, and enforcing consumer and privacy laws may help make markets become more competitive by enabling consumers to make well-informed decisions about their choices. The ICN observed complexities and tensions that result from the intersection of regulatory spheres. This includes: <ul style="list-style-type: none"> competition and privacy regimes having similar goals to the other, when applying different regimes, the outcomes may produce tension issues that present as a competition problem may, on investigation, present consumer or privacy issues, or vice versa two or more regimes may apply with equivalent, or different results a finding from one regime may be relevant in another, or the analysis required by another The ICN observe that the development of data collection/processing practices changes the dynamics of markets, and raises competition law enforcement issues. Recognising the global nature of these issues, the ICN will establish a project that explores the intersection between competition/anti-trust and privacy. ICN Scoping Paper. 	Study	New
January 2020	Norway Norwegian Consumer Council	Consumer protection and privacy	Norwegian Consumer Council publishes report on ad-tech <ul style="list-style-type: none"> The Norwegian Consumer Council published a report, '<i>Out of Control: How consumers are exploited by the online advertising industry</i>' on the 	Report	New

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status
			<p>current practices of the advertising tech industry, including systematic privacy breaches and unlawful behavioural profiling.</p> <ul style="list-style-type: none"> The report focuses on the analysis of data traffic from ten popular apps, such as dating or period tracker apps. It exposes how a large number of mostly unknown third parties receive sensitive and personal data without the knowledge of individuals. Norwegian Consumer Council press release. 		
December 2019	United States Federal Trade Commission (FTC) and Consumer Financial Protection Bureau	Consumer protection and privacy	<p>FTC Workshop on Accuracy in Consumer Reporting Workshop</p> <ul style="list-style-type: none"> The FTC, along with the Consumer Financial Protection Bureau, hosted a workshop on accuracy in consumer reporting. The workshop brought together stakeholders—including industry representatives, consumer advocates, and regulators—for a wide-ranging public discussion on the many issues that affect the accuracy of consumer reports. FTC press release. 	Joint workshop	New
October 2019	European Union European Commission	Competition/ anti-trust and privacy	<p>European Commission targeted consultation</p> <ul style="list-style-type: none"> The European Commission undertook a targeted consultation on a draft Communication on the protection of confidential information for the privacy enforcement of EU competition law by national courts. European Commission press release. 	Consultation	Existing ¹¹
October 2019	United States Federal Trade Commission (FTC)	Consumer protection and privacy	<p>FTC Staff Offers Comment on NIST’s Proposed Privacy Framework</p> <p>The FTC filed a comment on National Institute of Standards and Technology (NIST) proposed privacy framework, which attempts to provide guidance to organizations seeking to manage privacy risks. In the comment, staff of the FTC’s Bureau of Consumer Protection commended NIST for proposing a voluntary tool aimed at helping organizations start a dialogue about managing privacy risks within their organizations. The comment suggested certain changes to the proposed framework. FTC press release.</p>	Consultation	
June 2019	Organisations and international networks	Competition/ anti-trust, consumer	<p>OECD discussions</p> <ul style="list-style-type: none"> The OECD has hosted numerous discussions on the intersection of privacy and competition, including: 	Conference	Existing ¹²

¹¹ This activity was captured in the DCCWG’s Final Report p. 15.

¹² This activity was captured in the DCCWG’s Final Report, p. 27.

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status
	Organisation for Economic Co-operation and Development (OECD)	protection and privacy	<ul style="list-style-type: none"> In June 2019, the OECD hosted the Conference on Competition and the Digital Economy. Discussions were dedicated to Data and competition; digital innovation and competition; and regulatory challenges for competition policy. In November 2018, the OECD Consumer Protection and Competition committees jointly discussed the ambiguous and multi-dimensional effects of personalised pricing. 		
May 2019	Organisations and International networks Global Privacy Enforcement Network (GPEN)	Competition/ anti-trust, consumer protection and privacy	Enforcement Practitioner’s Workshop <ul style="list-style-type: none"> The Global Privacy Enforcement Network conducted an Enforcement Practitioner’s Workshop in Macau. Representatives from OPC, OAIC, FTC, NPC and the ICO attended. 	Workshop	Existing ¹³
September 2018- June 2019	United States Federal Trade Commission (FTC)	Competition/ anti-trust, consumer protection and privacy	Public Hearings on issues related to Competition and Consumer Protection in the 21st Century <ul style="list-style-type: none"> The FTC held a series of public hearings during the fall 2018 - spring 2019 examining whether broad-based changes in the economy, evolving business practices, new technologies, or international developments might require adjustments to competition and consumer protection law, enforcement priorities, and policy. Many of the hearings intersected with privacy (Hearing 6 – Privacy, Big Data and Competition; Hearing 9 – Data Security; Hearing 12 – The FTC’s Approach to Consumer Privacy). 	Public hearing	Existing ¹⁴
March 2019	United Kingdom U.K. Digital Competition Expert Panel	Competition/ anti-trust and privacy	Unlocking digital competition, Report of the Digital Competition Expert Panel <ul style="list-style-type: none"> An independent report on the state of competition in digital markets, with proposals to boost competition and innovation for the benefit of consumers and businesses. 	Report	Existing ¹⁵

¹³ This activity was captured in the DCCWG’s Final Report, p. 15.

¹⁴ This activity was captured in the DCCWG’s Final Report, p. 18.

¹⁵ This activity was captured in the DCCWG’s Final Report, p. 29.

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status
			<ul style="list-style-type: none"> Appointed by the Chancellor in 2018, and chaired by former Chief Economist to President Obama, Professor Jason Furman, the Panel makes recommendations for changes to the U.K.'s competition framework that are needed to face the economic challenges posed by digital markets, in the U.K. and internationally. Their report recommends updating the rules governing merger and antitrust enforcement, as well as proposing a bold set of pro-competition measures to open up digital markets. U.K. Government press release. 		
October 2018	International Network Global Privacy Assembly (GPA)	Consumer protection and privacy	Global Privacy Assembly¹⁶ adopts Digital Citizen and Consumer Working Group White Paper <ul style="list-style-type: none"> The DCCWG developed a White Paper which explores the intersection between consumer protection, privacy and data protection as well as other related areas. Specifically, this report focusses on the procedural and substantive overlaps of these regulatory spheres. This White Paper was adopted by the Global Privacy Assembly (previously known as the International Conference of Data Protection and Privacy Commissioners).¹⁷ The White Paper generated further interest and discussions amongst member authorities to explore the intersection of regulatory spheres in further depth and detail, and continue sensitisation in this area. 	Paper	Existing
2017-2019	Canada Competition Bureau (CB)	Competition/ anti-trust, consumer protection and privacy	Discussion paper considering Big Data and Competition Policy <ul style="list-style-type: none"> In 2017, the Competition Bureau (CB) released its discussion paper 'Big Data and Innovation: Implications for Competition Policy in Canada'. The OPC provided a submission and welcomed the opportunity to engage in a meaningful dialogue with the CB on the challenges relating to the collection, use, and disclosure of personal information in Big Data. In 2018, the CB released a summary of key themes revealed in its consultation process. In respect of privacy, the CB notes that there are 	Consultation	Existing ¹⁸

¹⁶ The Global Privacy Assembly was known as the International Conference of Data Protection and Privacy Commissioners at this time.

¹⁷ <http://globalprivacyassembly.org/wp-content/uploads/2018/11/ICDPPC-DCCWG-Report-Final.pdf>.

¹⁸ This activity was captured in the DCCWG's Final Report, p. 18.

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status
			<p>potential overlapping enforcement activities under Canada’s competition and privacy law.</p> <ul style="list-style-type: none"> In 2019, the CB hosted the Data Forum: Discussing Competition Policy in the Digital Era. Data Portability and the intersection between Privacy and Competition Law were key topics for discussion. 		

4. Regulatory intersection:

Law and legislative instruments

This table captures instances where laws and legislative instruments address or consider intersection matters or issues. This includes Acts of Parliament, rules and regulations, authorisations, determinations, codes, specifications, orders, notices, and other legislative instruments.

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
N/A	United States Federal Trade Commission (FTC)	Competition/anti-trust, consumer protection and privacy	Federal Trade Commission Regulatory model <ul style="list-style-type: none"> The Federal Trade Commission (FTC) has a unique dual mission to protect consumers and promote competition. The FTC considers privacy through the lens of consumer protection and is an example of where all three regulatory issues intersect. 	Co-regulatory model	Existing ¹⁹
2020	Australia Office of the Australian Information Commissioner (OAIC) and Australian Competition and Consumer Commission (ACCC)	Competition/anti-trust, consumer protection and privacy	ACCC and OAIC Co-regulatory model for data portability scheme in Australia <ul style="list-style-type: none"> Australia is currently developing a national Consumer Data Right (CDR) scheme. This initiative aims to give consumers greater control over how their data is used and disclosed to create more choice and competition. It is a right to allow consumers to access data in a readily usable form, and to direct a business to securely transfer that data to an accredited third-party data recipient. The CDR will be rolled out across one sector of the Australian economy at a time. It will commence in the banking sector and will then be implemented in the energy and telecommunication sectors, and finally be rolled out to other sectors over time upon designation by the Treasurer. Under the legislation, both the OAIC and the ACCC will oversee the CDR under a co-regulator model. The OAIC will regulate the privacy aspects of the scheme, provide advice to the ACCC and the Data Standards Body (Data61), and be the 	Co-regulatory Data Portability Scheme	Existing ²⁰

¹⁹ This activity was captured in the DCCWG's Final Report, p. 19.

²⁰ This activity was captured in the DCCWG's Final Report p. 19-20.

Date	Jurisdiction/s or organisation/s	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
			primary complaints handler. The ACCC is developing rules and an accreditation scheme to govern the implementation of the CDR and will maintain an “address book” of accredited parties. The OAIC and ACCC will also work closely together to address any systemic breaches of the CDR framework.		