



GPA

Global Privacy Assembly

Compendium of GPA Working Group Report Executive Summaries and Forward Looking Plans

GPA Closed Session 2020

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Policy Strategy Working Group – Workstream One (PSWG WS1)

Executive Summary

The adoption of the Resolution on the Conference’s strategic direction, including the new Policy Strategy, in Tirana in 2019 was a pivotal moment, setting out a new level of ambition in transforming the GPA into a year-round assembly for regulatory cooperation, adding value to global debates around privacy and data protection.

The Policy Strategy is intended to implement the GPA’s first strategic priority of working towards a global regulatory environment with clear and consistently high standards of data protection, and to strengthen the GPA’s policy role in influencing and advancing privacy and data protection at an international level. The first pillar of the Policy Strategy, Global frameworks and standards, encompasses the theme of evolution towards global policy and standards. Policy Strategy Working Group 1 (PSWG1) was created to deliver the actions around this theme.

PSWG1’s work in 2019-20 has therefore focused on delivering the Policy Strategy action to complete an analysis of current global frameworks for privacy and data protection, including key principles, data subject rights, cross border transfers, and demonstrable accountability standards.

Ten global frameworks from across all GPA regions were analysed:

- Madrid Resolution
- OECD Privacy Guidelines
- APEC Privacy Framework
- Convention 108
- Convention 108+
- Standards for Personal Data Protection for Ibero-American States
- African Union Convention on Cyber Security and Personal Data Protection
- ECOWAS Act on Personal Data Protection
- EU data protection standards (EU General Data Protection Regulation)
- UN Guidelines for the Regulation of Computerized Personal Data Files

The criteria used to analyse the frameworks were selected in order to fulfil the requirements of the mandated action – to include “key principles, data subject rights, cross border transfers and demonstrable accountability standards.” It is the first time all these frameworks have been assessed together by the GPA.

While the nature and scope of the frameworks differed to varying degrees, headline results showed that there were very strong commonalities between the frameworks, particularly around a significant number of core principles and data subject rights, and other requirements such as the role of independent supervisory authorities. These are set out on page 8 of this report. PSWG1 believes that highlighting the strong degree of commonality and convergence between the frameworks, and setting out the common fundamental principles and core elements in a referential document, will assist GPA members by providing an evidence base which emphasises the importance of the common elements found. The referential document can be found in Annex 2.

The referential document would not only suggest a commitment to shared values between the frameworks and the GPA members who work within them, but could also provide a point of reference for GPA members in their conversations with those they regulate, their governments and wider global stakeholders.

PSWG1 will then consider in 2020-21 how to create a narrative or policy statements based on this analysis work, including what the long term value of this output can be to the GPA, both to its own work and to its interaction with external developments and institutions. This will also allow more time to hear member feedback on that aspect of the forward looking plan and what the level of ambition for the GPA should be, building from the platform of evidence now collated. It will also enable PSWG1 to consider further analysis of the key features of independent privacy and data protection authorities, drawing from the GPA census (which has been delayed due to COVID-19).

In one part of the analysis in particular, findings relating to cross border transfers indicated that while there are broadly similar general principles around the need to protect personal data across borders, there are a variety of different mechanisms in use. These mechanisms themselves require further analysis in order to reach any substantive conclusions. PSWG1 has therefore recommended carrying out further analysis work on cross-border transfers in 2020-21.

Other work planned for 2020-21 includes delivery of Policy Strategy Pillar 1, action 2, to consider developing common definitions of key data protection terms.

Forward looking plan 2020-2021: PSWG WS1

The following actions have been identified for PSWG1 to deliver in 2020-21:

- Next steps in the form of further output from the global frameworks analysis: PSWG1 will explore whether a resolution or other policy outputs aimed at external stakeholders highlighting the value of the convergence identified, and the core common elements of data protection and privacy frameworks, will enhance the delivery of the policy strategy. It will also enable PSWG1 to consider further analysis of the key features of independent privacy and data protection authorities, drawing from the GPA census (which has been delayed due to COVID-19). Further analysis of government and public authority access to personal data could also be considered. The completed analysis did not highlight any particular issues around this topic but it complements the other actions and is of current interest to a number of GPA members.
- An analysis of cross border transfer mechanisms, how they enable transfers while protecting personal data across borders, how they are used in practice, and areas of commonality/difference. This could include surveys and interviews with those who use them as well as desk-based research. This could in turn involve engaging outside the GPA, for example with the new GPA Reference Panel representatives. A report on cross border transfers could then be prepared, addressing what value the GPA could add in addressing the findings.

- Pillar 1, action 2: Reflecting the need for a common global language for data protection and privacy, both within the GPA as a reference point and to enhance capacity building, and externally to influence global debates, commence a rolling programme to develop common definitions of what is meant by key data protection terms, such as accountability. This will involve an analysis of key data protection terms currently defined across different frameworks and in particular any differences and any reasons why these differences might exist. It will also involve identifying those key data protection concepts for which agreed definitions do not currently exist, and considering the value and practicality of developing common definitions for particular terms. The aim would be to start with a core set of terms that could be readily agreed and built on over time, recognising the importance of consensus.

PSWG1 notes the need to be aware of developments in the OECD's review of its Privacy Guidelines, and will engage with OECD in relation to the above actions in order to avoid duplication, and to influence where appropriate.

Policy Strategy Working Group – Workstream Two (PSWG WS2)

Executive Summary

One of the Strategic Priorities of the GPA for 2019-2021 is to enhance Conference's role and voice in wider digital policy and strengthen relationships with other international bodies and networks advancing data protection and privacy issues, including through observer arrangements.

As part of its Policy Strategy, the GPA decided to develop a narrative on how data protection and privacy regulation provides safeguards for the public and supports trust in the digital economy. Specifically, the GPA aims to “develop a clearer and broader narrative for a longer-term and more coherent approach to issues around the data protection aspects of regulation of the digital economy, including through closer engagement with relevant multilateral and international bodies.” (Pillar #3 Action II of the Conference Strategic Direction). Policy Strategy Working Group 2 (PSWG2) was created to deliver the actions around this theme.

Based on this mandate, PSWG2 has developed a **background paper** that explains how data protection and privacy regulation provides safeguards for the public and supports trust in the digital economy. It has also identified **possible next steps to engage more closely with relevant multilateral and international bodies** in order to give the GPA a stronger voice in global debate and initiatives surrounding the digital economy.

PSWG2 seeks the 2020 Closed Session participants' support for

- the **adoption and publication** of the **background paper** entitled “Towards a trustworthy digital economy”;
- the undertaking of **engagement activities** in relation to external stakeholders.

Forward looking plan 2020-2021: PSWG WS2

PSWG2 intends to focus on engagement activities with relevant multilateral and international bodies in order to give the GPA a stronger voice in global debate and initiatives surrounding the digital economy, in line with Pillar #3 Action II of the Conference Strategic Direction.

PSWG2 will seek the 2020 Closed Session participants' support for

- the adoption and publication of the **background paper** entitled “Towards a trustworthy digital economy”;
- undertaking **engagement activities** in relation to external stakeholders.

There are currently no plans to solicit assistance from the GPA Reference panel as part of the external engagement activities, yet this may change once the GPA Reference Panel has been established and becomes operational.

Policy Strategy Working Group – Workstream Three (PSWG WS3)

Executive Summary

In October 2019, the Global Privacy Assembly (“GPA”) conference members adopted the *Resolution on the Conference’s Strategic Direction* and the Conference Strategic Plan for 2019-2021 (“Policy Strategy”). In order to assist with the implementation of the Policy Strategy, three work streams were created.

The GPA Policy Strategy Working Group Work Stream Three (“PSWG3”) is one of the three work streams. The PSWG3’s mandate derives from “Pillar #3 Action IV” of the Policy Strategy, which commits to developing a narrative highlighting the integral relationship of privacy and/or data protection to other rights and freedoms, building on the 2019 *Resolution on Privacy as a Fundamental Human Right and Precondition for Exercising other Fundamental Rights*.

The narrative, in highlighting linkages between data protection and other rights, will aim to encourage global progress in the recognition of privacy as a fundamental human right and help GPA members promote the calls for action as outlined in the *Resolution on Privacy as a Fundamental Human Right and Precondition for Exercising other Fundamental Rights*. This directly aligns with and supports the GPA Policy Strategy, which seeks to leverage the opportunity to reduce inconsistencies across policy positions, develop clearer messages to multi-national actors, while at the same time making the best use of the GPA’s collective resources.

The PSWG3 has developed a work plan that sets out a four-phased approach for developing the narrative over a two-year period. The four phases include: 1. researching and information gathering, culminating in the development of a compendium of resources on which the preparation of the narrative will be based 2. developing a draft narrative, 3. receiving external feedback on the draft narrative, and 4. finalizing the narrative for adoption by the GPA membership at the 2021 annual conference. The work plan also includes parallel actions, such as encouraging members to develop public calls to reform national laws as needed to protect human rights, work with local counterparts on effective regulation of the political ecosystem, and develop a proposal for a GPA privacy and human rights champion award.

For the first year (2020), the PSWG3 has focussed on gathering and collating information from data protection authorities (DPAs) and GPA observer organizations from around the globe. We have also commenced the groundwork for developing the draft narrative based on the information shared to date.

Forward looking plan 2020-2021: PSWG WS3

Next Steps

In 2020-2021, the PSWG3 will revisit and update the work plan to adjust for any COVID-19 related delays. Despite these delays, the PSWG3 intends to commence phases two – four of the work plan, and consider actions that run parallel to the development of the narrative.

Phase Two – Drafting the Narrative

Based on the information compiled and collated during phase one, including the compendium of resources that was prepared, the PSWG3 will begin to prepare a first draft of the narrative.

Phase Three– Receiving External Feedback

During phase three of the work plan, views of stakeholders will be sought. These stakeholders include international and domestic human rights agencies, the [U.N. Special Rapporteur](#) on the Right to Privacy, and civil society groups. We also intend to present the draft narrative to relevant stakeholders, such as at [Rights Con](#) in 2021 and/or to groups such as the Global Alliance of National Human Rights Institutions (GANHRI) and Geneva International.

Phase Four of the Work plan – Final Narrative

Following the conclusion of the first three phases, we intend to present and recommend a final narrative to be considered for adoption at the 2021 GPA annual conference.

Parallel Actions

Three parallel actions are proposed for 2021. Each of these actions will be evaluated and further explored by the PSWG3 following the 2020 annual conference.

The three parallel actions proposed are as follows:

1. Encourage members to develop a public call to their respective legislatures or governments to reform law as needed to protect broader human rights: This could include the distribution of documents developed by DPAs who have issued public calls for legislative reform, such as examples of legislative provisions or policy statements that advocate the recognition of privacy as a human right. In line with the objectives of the GPA's Policy Strategy, members could borrow and adapt these documents as appropriate to suit their respective jurisdiction's legislative regimes.
2. Encouraging GPA members to work with local counterparts and regulators on the effective regulation of political ecosystems: Encouragement could include compiling and sharing examples from DPAs who have issued public calls for legislative reform to protect broader human rights. For example, this could include facilitating the sharing and distribution of text used by DPAs (examples of legislative provisions, policy statements) that explicitly advocate the recognition of privacy as a human right. In line with the objectives of the GPA Policy Strategy, members could leverage individual policy efforts and make best use of the GPA's collective resources for the benefit of citizens around the globe.
3. Develop a proposal for a GPA privacy and human rights champion award: Each Working Group member would identify one local civil society group, media outlet or citizen advocate (i.e. a rights champion) who deserves recognition for their work on privacy and other rights and freedoms.

International Enforcement Working Group (IEWG)

Executive Summary

The International Enforcement Cooperation Working Group (IEWG) is pleased to present this report to the Global Privacy Assembly (GPA) as an update on progress during its first year of operation.

The IEWG is now a permanent Working Group of the GPA. It is co-chaired by the Office of the Privacy Commissioner of Canada, the UK Information Commissioner's Office, and the US Federal Trade Commission, and has a regionally diverse membership of 16 Authorities.

The work of the IEWG is integral to the GPA, supporting its strategic ambitions around leadership, collaboration, and fostering a global regulatory environment of high standards of data protection and privacy. The IEWG also has a key role in helping to advance the Assembly's Strategic Direction and associated [GPA Policy Strategy](#). In particular, it has primary responsibility for leading on delivery of the enforcement cooperation element of the Strategy in Pillar 2 - from which the IEWG derived its mandate to form as a permanent Working Group.

Working from this mandate, in its first year of operation, the co-chairs of the IEWG prioritised activities to rapidly put into action the group's refreshed focus on creating an environment that supports and catalyses proactive, practical enforcement cooperation on current and pressing issues. To this end, in the first half of 2020, the IEWG facilitated two 'safe space' sessions, during which members spoke candidly about their key concerns, policy positions, and regulatory experiences in relation to specific global entities and issues.

These sessions - while valuable in and of themselves in supporting the exchange of knowledge and information on live issues - contributed to the development of two concrete enforcement cooperation initiatives:

- a joint investigation into Clearview AI between the Office of the Australian Information Commissioner and the UK Information Commissioner's Office; and
- an open letter with a joint statement on global privacy expectations of video conferencing companies, signed by six member Authorities of the IEWG.

Looking ahead, the IEWG co-chairs are leading a programme of work that will continue to strengthen the group's ability to facilitate live enforcement cooperation, while also: developing and enhancing tools to guide and support organisations in their collaboration initiatives; and exploring ways to better coordinate and leverage activities across the global landscape of Privacy Enforcement Authority (PEA) networks.

Forward looking plan 2020-2021: IEWG

As set out above (see [Working Group Activities](#)), to date, the IEWG has made good progress on Priority 1 of its Work Plan (Foundations), in establishing the group's ability – through safe space sessions – to support and catalyse enforcement cooperation between its members.

Moving forward, the IEWG will build on this by substantively progressing other Priorities and Objectives in the Work Plan.

The co-chairs remain sensitive to ongoing disruptions caused by the Covid-19 pandemic, and the breadth of the group's Work Plan, and have therefore prioritised the following items for progression between August 2020 and July 2021.

- *Priority 1 – Foundations* (in line with the mandate provided in Pillar 2 of the [GPA Policy Strategy](#) to become an active group considering live issues):
 - Objective 1 – Safe space framework
 - Based on feedback and experience gained from the IEWG's initial safe space sessions, the group will develop a framework to formalise the approach to, and implementation of, the sessions with a view to more effectively supporting and promoting enforcement cooperation in practice, and capturing, evaluating and feeding back on outcomes achieved outside the sessions.
 - ***Key output for Mexico GPA in 2021 – Completed framework***
 - Objective 2 – Framework use and evaluation
 - The IEWG will test the framework developed under Objective 1 in at least two safe space sessions, seeking feedback in order to evaluate its effectiveness.
 - ***Key output for Mexico GPA in 2021 – Evaluation report***
- *Priority 2 – Tools* (in line with the mandate provided by points 1 and 7 of the previous temporary IEWG's [Resolution](#) adopted at the GPA in Tirana in 2019):
 - Objective 1 – Enforcement Cooperation Handbook
 - The IEWG will amend, update, and enhance the Enforcement Cooperation Handbook, including working with the Digital Citizen and Consumer Working Group on a new chapter covering cross-regulatory cooperation. Internal and external engagement (with privacy networks e.g. the Global Privacy Enforcement Network and Asia Pacific Privacy Authorities Forum, and other regulatory networks e.g. the International Consumer Protection and Enforcement Network and the International Competition Network) via a survey will elicit feedback on lessons learned, experiences of using the Handbook and other cooperation tools to inform the update.
 - ***Key output for Mexico GPA in 2021 – Updated Enforcement Cooperation Handbook***
 - Objective 2 – Enforcement cooperation repository
 - The IEWG will continue to promote use of, and additions to, the Enforcement cooperation repository established by the previous temporary Working Group at the GPA in Tirana in 2019.
 - ***Key output for Mexico GPA in 2021 – Update on additions to the repository***

1. *Priority 3 - Awareness and communication* (in line with the mandate provided in Pillar 2 of the [GPA Policy Strategy](#) to refresh the group's aims and objectives):

- Objective 1 – PEA network analysis
 - Through proactive engagement with other global PEA networks, the IEWG will conduct a mapping exercise to better understand each network's respective purpose, objectives, and work plans. The group will make recommendations on how to coordinate and leverage the respective activities of global PEA networks to amplify overall effectiveness, and socialise these with the networks.
 - ***Key output for Mexico GPA in 2021 – Report on recommendations and feedback from networks***

- Objective 2 – Mutual observation agreements
 - To support Objective 1, the IEWG will continue existing mutual observation agreements with other networks and setup new agreements as appropriate.
 - ***Key output for Mexico GPA in 2021 – New mutual observation agreements as necessary***

Data Protection in Ethics and AI Working Group

Executive Summary

In early 2020, the AI Working Group (the Group) agreed on its objectives for the year and organised itself in teams of rapporteurs and co-rapporteurs for the implementation of its work packages. While the unexpected challenges of the COVID-19 pandemic required reviews of priorities and resource allocation for many organisations, work on a number of work packages proceeded so that deliverables can be made available to the GPA Closed Session 2020. For others, the scheduling of deliverables is under review.

Among the work projects and deliverables of the Working Group, we are pleased to present a quick summary of the key outputs of the Group:

- **A repository of AI related documents accessible by all GPA Members and Observers:** this is regularly updated with new documents, and all members and observers of the GPA are invited to inform the Group's Secretariat at the EDPS with information of new documents to be added to the repository.
- **A repository of AI use cases,** aiming at obtaining a meaningful overview of real life applications of AI technology, which are relevant for ethics and data protection.
- **A proposed draft Resolution on Accountability in the development and use of Artificial Intelligence:** this follows a survey conducted between May and June 2020 to collect the opinions of the members of the GPA on the measures for demonstrating accountability in the development and use of AI. It aims at encouraging organizations that develop or use AI systems to implement accountability measures to address the risks of interference with human rights, by also calling on tighter cooperation between data protection and privacy authorities.
- **A survey on data protection and privacy authorities' capacity in addressing ethical and data protection issues in AI:** this is aimed at having a first overview in terms of GPA members' capacity and expertise in addressing ethical and data protection issues related to the application of AI systems and should be the first step towards the development of a 'gap analysis' in the longer run.
- In terms of outreach activities, the Group's co-chairs have also forwarded their **comments on the European Commission's White Paper "On Artificial Intelligence - A European approach to excellence and trust"** (published in February 2020), laying down its approaches for the European Union to achieve a strong position in AI markets and business, while ensuring that the EU's values and fundamental rights are preserved at the same time.
- The Group has also participated in the **Council of Europe Ad-Hoc Committee on AI (CAHAI):** the CoE invited one of the Group's co-chairs, the EDPS, to participate in the work of its Ad-Hoc Committee on Artificial Intelligence (CAHAI), as a non-voting stakeholder.

Additional information on the work and deliverables of the Group will be presented in more detail in the report. In general, the identified priorities appear still valid. The next phase of work of the Group will on the one hand be characterized by the monitoring of concrete legislative initiatives by

some national and regional entities, and by the need to take account of long term challenges to human rights, such as environmental developments and global inequality. At the same time, the effect of the COVID-19 pandemic on the future development of Artificial Intelligence (AI) technologies and applications will require scrutiny.

In addition to its work on substantial policy orientations, the Group will continue its outreach activities with a focus on international organisations and civil society.

Forward looking plan 2020-2021: Data Protection in Ethics and AI WG

The challenges of the pandemic have made some of the issues, which are already addressed in the founding Declaration and in the Work Programme, more visible. They have highlighted some of the ethical questions. The potential conflicts or interferences between various individual rights, or between individual freedoms and societal needs, require a thorough analysis at general level. GPA members should consider what guidance they might be able to provide to organisations and individuals faced with such difficult decisions in concrete situations related to the development of AI and its ethical and data protection aspects. The work packages on the relationship between ethics, human rights and data protection and on the capacity and expertise of data protection and privacy authorities in addressing ethical and data protection issues in cases of application of AI systems will allow to look deeper into this context.

The continuous extension of the repositories on documents and on cases will allow a stocktaking exercise to inform the GPA membership community in 2021 about any new developments in AI that may be relevant for its future work. The Group will work with the Executive Committee to determine whether selected information from the repositories may become accessible to the public, and what an appropriate format could be.

As part of its upcoming activities, and in line with the GPA's strategic direction 2019 – 2021 the Group will also dedicate in the year to come further reflection on how data protection and privacy are essential to sustainable digital growth and AI innovation.

In the light of the GPA's Strategic Direction 2019 - 2021, the Group will conclude the discussion about the challenges on which it had postponed a decision. In particular, in view of the Action on the integral relationship of data protection to other rights and freedoms, the Group will discuss the best way for approaching the analysis of the societal and environmental impact of data intensive technologies and the analysis of the impact of AI technologies on inequality at global and local level. While there seems to be a growing consensus that environmental challenges and social justice need to be taken into account in all fundamental rights contexts, the GPA may consider to address these issues in a broader context than the development of AI technologies and systems.

The Group will further aim to make suggestions to the GPA on a way forward in addressing the future development of AI technologies and their use, considering their impact on data protection and privacy rights.

Digital Education Working Group (DEWG)

Executive Summary

The Digital Education Working Group (DEWG) has been tasked with a number of actions coming out of the Policy Strategy and a number of initial objectives in place for several years deriving from the Resolution on Digital Education for all attributed to the DEWG. As a consequence, the scope of activities is quite large and reflective of the different responsibilities and roles of the stakeholders impacting challenging annual tasks and activities by our DEWG, and including the monitoring of the work of Data Protection and Privacy enforcement authorities as well as of other International organizations to join forces together and reach consistent objectives.

There are four main topics that the DEWG has been working on:

As the first topic, the DEWG produced an overview of successful integration of data protection topics and competencies by age group in the school curriculum. The DEWG has been mapping over recent years progress made in integrating the international Data Protection Competency Framework (adopted in 2016 by the ICDPPC) in curricula. The process of integrating these key data protection competencies into national or regional curriculum may vary according to jurisdictions on the method and timely manner, but following a multidisciplinary approach as recommended. This year's enquiry was aimed at mapping the successful impact of the Competency Framework on data protection knowledge and skills acquisitions in primary and secondary schools, as well as to identify whether any other tools or strategies are needed to enrich the school programmes and in-service and continuous training sessions of educators in the data protection area.

The second topic was awareness raising on the exercise of digital rights by children, noting it is a core part of the DEWG's mandate. The final objective of this work is a future guidance document to inform children of their rights and how to exercise them, but first there was a need to identify legal frameworks.

In brief, the results of the study report on legal frameworks based on 46 responding countries, Section I, show that there are some provisions for children to exercise their privacy rights, but there is not as much clarity around who is able to exercise those rights – for example children, parents on their behalf, bearing in mind notions of digital maturity and the capacity of children.

Section II of the report on international perspectives is monitoring specific national consultations (ICO, DPC, and CNIL) and major international initiatives in relation to the exercise of children's rights.

Further explorations arising from the 2019 questionnaire to DPAs were meant to take stock of initiatives and emerging good practices of related appropriate information systems to raise awareness of children and/ or the legal representatives, according to the age and the level of maturity to get them to exercise or to resort to remedies to access counselling and reporting mechanisms and assistance to activate their rights given development of capacity in children's age ranges. Findings from the DPAs' responses resulted in the obvious absence on DPA websites of any related specific child-friendly guidance released on existing privacy rights granted to them¹. As a consequence, the objective to build on good practices as to information process in place to possibly

¹ As conclusions gathered from the 2019 survey

lead to joint recommendations couldn't be met and should be considered in the 2020-2021 Work plan.

Contributing to this work, CNIL has recently explored and initiated an overview of a sample panel of websites providing content specific to kids and youth with prominently sign-posted information specific to minors and age appropriate children or directed at parents that could be extended at next year's work plan highlights to share good practices among DPA members.

The third focus was developed in furtherance of the adoption of the 2018 [Resolution on e-learning platforms](#) (Brussels). The DEWG produced in Tirana (ICDPPC, 2019) a first Report regarding the Implementation of the Resolution on e-Learning Platforms² which highlighted initial progress by data protection authorities on their engagement with government and school authorities, development of useful resources, and outreach activities and suggested follow up activities. It was decided to continue to track the progress of interactions with relevant stakeholders in the field of education and the industry over a longer period of time –not limited to one single year - to monitor success and impact in the adoption of emerging Codes of Practice, lessons learned, and contribute to an understanding of why some initiatives may not have been adopted in some jurisdictions. Therefore, the questionnaire was reissued in 2019-2020 and rolled out under the specific situation of the COVID 19 crisis which has led to online educational continuity across all the countries. This has been obviously posing technology and privacy-related challenges and reinvigorated the need to produce security and data privacy guidance for schools authorities and other stakeholders, pointing out the most operational and compliant way to implement guidelines as made available in the 2018 [Resolution on e-learning](#).

Due to the abrupt shift to distance learning in response to COVID-19, school closures have accelerated the process dramatically of digitalizing and storing at an unprecedented scale, including data about learning processes (as varied as thinking characteristics, learning trajectory, engagement score, response times, pages read, videos viewed...). This has obviously propelled the much needed dialogue of AI and learning analytics in Education to the top of the agenda of national and international debates for the time to come. No progress was registered this year in coordination with the permanent GPA Working Group on Ethics and Data Protection in Artificial Intelligence which had some flexibility to have this activity carried out at a later stage.

The fourth focus was referring to the update of the CIRCABC e-library with content adapted to the revised classification of key interest of DPA members. The objective was to help maintain the platform in an attractive and informative manner in furtherance of continuous sustainable efforts produced to upload new resources and materials. The CNIL and the CNPD (LU) acting both as coordinators of the CIRCABC platform have been committed over the past year in a comprehensive project to update the CIRCABC platform of online resources which will be achieved by 30 September 2020 with the opening of the new and revised library offering access to updated quality documents. A new governance arrangement has also been discussed to maintain the back up of the interest group established as of 2014 with the EU Commission hosting the Platform for both EU and non-EU DPAs.

Forward looking plan 2020-2021: DEWG

In 2020-2021, the DEWG intends to focus on 3 topics in line with Capacity Building for the Conference and its Members in the GPA Conference Strategic Direction.

Based on the following considerations:

- First, the immediate and anticipated impacts of the Covid-19 crisis and mass online learning on the privacy and security of learners' data at the time when obviously many educators seem to have turned to social media / mainstream video-conferencing platforms to conduct their lessons, without a full understanding of the risks and flaws,
- Second, having teachers lacking awareness and training for quality usage instead of (or in addition to) online tools specifically developed and designed for teaching, learning or the management of education,
- Third, families were not prepared to leapfrog into a remote learning situation with regards to their children.

The DEWG finds that this is a perfect time to suggest within the 2020-2021 DEWG work plan to focus on 3 main priorities:

Priority I- Combine relevant action items with regards to the need related to the use of digital tools and eLearning platforms in a privacy protective manner at schools and the need to support teachers, schools and parents.

- Objective 1 – Actions towards accompanying teachers' training in relay with pedagogical tools online

In terms of effective approaches, to make an effective implementation of all the operational objectives set out in the 2018 resolution on eLearning platforms with regards to educational authorities by:

- highlighting much better preparedness of schools in distance learning at the local or national levels,
- empowering staff with basic data protection and security principles within the framework of digital literacy and privacy education as part of the in-service and continuous teacher training,
- providing teachers with extensive, updated knowledge-building and training opportunities, and curricula and evaluation criteria that enable them to implement a mixed learning approach incorporating face-to-face, and remote learning.

- Objective 2 – Actions towards accompanying parents

To support parents and offer them a broad range of insights and ideas about things they can do with their children to help them understand rights and responsibility in the digital environment.

[in line with Pillar #3 Action III of the GPA Policy Strategy and as provided in the 2016 Resolution for the adoption of the international data protection Competency Framework in Privacy Education]

Rely on the timely revised CIRCABC platform providing opportunities to upload new resources and materials in relation to the above exchange of information

Cf. the revised folder tree of the CIRABC platform of resources

[in line with Pillar #3 Action III of the GPA Policy Strategy]

Priority II- Consider a possible proposal for a resolution on the rights of minors

[in line with Pillar #3 Action III of the GPA Policy Strategy].

i.e. with guidelines and practical recommendations, FAQs in relation to information, special focus on various design approaches to draw the attention of young people in accordance with their age and maturity on the exercise of their privacy rights, facilitation of online counselling and reporting interactions or complaint mechanisms for children directly to DPA services or to other relevant agencies.

- Objective 1:

Pertain suggested work with regards to scanning some sites/ platforms intended for children, young people and parents that could enrich the inventory of approaches or means of communication and illustrate specifically the draft resolution on children's rights

- Objective 2 :

Continue the exchange on national initiatives such as drawing up of codes of Practice and mapping international guidelines concerning data processing and the exercise of children's rights in the digital age to also sustain the project of a draft resolution on this issue

[in line with Pillar #3 Action III of the GPA Policy Strategy].

Priority III- Conduct work merging respective priorities of the DEWG and the Working group on Ethics and Data Protection in Artificial Intelligence in the perspective of the joint development of an international repository of real cases applications, with regards to data in education, the processing of school data and other traces of learning analytics

[in line with Pillar #3 Action III of the GPA Policy Strategy]

Specific short term priority

UN: Adoption of a joint contribution named DEWG and/or GPA members authorities concerning the United Nations General Observation at the stage of final draft text on the digital environment of children online in the UNCRC Convention, *subject to the UN calendar: to be submitted by 15 November 2020.*

<https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx>

i.e. calling for establishing a sub-group of DPA members in this area of expertise within the DEWG to conduct first analysis and drafting work for a proposal to supplement the related UN Convention.

[in line with the GPA Policy Strategy by Supplementing the UN Convention on the Rights of the Child with due protection of digital rights in addition to the existing privacy rights].

The Digital Citizen and Consumer Working Group (DCCWG)

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.

Forward looking plan 2020-2021: DCCWG

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.

Future of the Conference Working Group (FOTC WG)

Executive Summary

The Future of the Conference WG (hereafter FOTC WG) was constituted in 2018 following the adoption, at the 40th Annual Meeting, of the Resolution on a Roadmap on the Future of the Conference. Although the FOTC WG was mandated no action under the 2019 – 2021 Conference Strategic Direction, its work is of key importance as recognised at the 41st conference in Tirana, as it aims to lay firm foundations for the GPA, including through the establishment of plans for the development of a funded and stable GPA Secretariat.

The adopted Resolution mandated the FOTC WG to carry out work on five work streams. Three of these workstreams concluded at the 41st Annual Meeting in Tirana, 2019. The 2019 – 2020 WG workplan focussed on the remaining two workstreams:

1. GPA Permanent Secretariat
2. GPA Secure Online Platform

The **key WG outputs** in relation to these workstreams are as follows:

1. GPA Permanent Secretariat

The WG developed a **new paper** exploring the establishment of the **GPA Secretariat** as a **separate legal entity**. This was a new element of the work stream on the GPA secretariat which originated from the 2019 Annual Meeting following the concerns raised by some member authorities during the closed session over the proposed phased implementation approach presented in Tirana. These concerns were due to a perception that some authorities would be placed at a disadvantage because of the inability to receive the funding via the collection of fees in their jurisdictions.

The new paper – which draws from a combination of literature research and examination of Secretariat models of other networks¹ – highlights a number of **benefits** for the GPA of establishing the Secretariat as a separate legal entity. As outlined in previous work², these include: **enhanced financial transparency and accountability** as well as **better consistency** and **independence** in the delivery of the Secretariat services.

However, in light of this analysis missing from previous work on the subject, the paper also stresses that this option would entail **additional challenges as, by shifting financial accountability to the legal entity, the adoption of this secretariat model would result in less flexibility and resilience to respond to potential funding challenges**. Challenges include: necessity of setting up a Bidding Process, additional administrative burden due to the need to ensure compliance with relevant applicable corporate laws and regulation and a financial uncertainty due to independent financial accountability.

2. GPA Secure Online Platform

The FOTC WG presented a paper at the 41st Annual Meeting on the possibilities and modalities for the creation of a GPA members-only online platform. The paper identified three possible options: a software-based collaboration solution; an enhanced version of the existing GPA website; and a new GPA website including a log in area. As an additional step, at the beginning of

2020, the WG ran a survey to consult the membership on the preferred option for the creation of the GPA Secure Online Platform. The survey delivered no conclusive results as only a minor portion of the membership responded. Within this sample, the preferred option was the creation of a new website including a log-in area.

Next Steps:

The WG convened on 4 and 5 June 2020 to discuss its 2019 – 2020 activities and agree on the next steps ahead of the 2020 virtual closed session. Specifically, the WG agreed:

- in recognition of the current COVID-19 situation and the Executive Committee’s decision of postponing the 2020 physical annual meeting, to recommend to the GPA membership the postponement of the decision on the GPA secretariat to the 2021 Annual Meeting;
- in recognition of the lack of appetite in the membership about pursuing the implementation of the creation of a new GPA virtual space and of the fact that work is continuing in the GPA’s IEWG on a platform to support regulatory cooperation, to conclude its work on the GPA Secure Online Platform;
- focus its 2020 – 2021 workplan on the gathering of the necessary financial information – including exploring external sources of funding – for the funding of the GPA Secretariat. In addition, the workplan foresees the running a consultation with the membership to identify what are the issues in specific jurisdictions with regard to the implementation of the Secretariat model presented at the 2019 closed session.

Forward looking plan 2020-2021: FOTC WG

As agreed at its meeting on 4 and 5 June 2020, the FOTC WG intends to focus its 2020 – 2021 workplan on the following activities:

- Stakeholder mapping to identify organisations with which to engage to seek funding for the GPA Secretariat (Jan – May 2021);
- Gather the necessary financial information via the 2020 Census to establish the relevant fee tier for the funding of the GPA Secretariat (May – June 2021);
- running member consultations ahead of the 2021 closed session – including via the GPA Regional Networks – to identify what are the issues are in specific jurisdictions with regard to the implementation of the Secretariat model presented at the 2019 closed session (Jan – May 2021).

As mentioned, the FOTC WG has no action under the GPA Conference Strategic Direction although its importance has been recognised by the 41st conference Closed Session.

However, the FOTC WG will seek the 2020 (42nd conference) Closed Session participants’ support to renew its mandate under the Resolution on a Roadmap on the Future of the Conference adopted in 2018.

Data Metrics Working Group (DMWG)

Executive Summary

The Data Protection Metrics Working Group was constituted in 2016 following the adoption of the Resolution on Developing New Metrics of Data Protection Regulation at the 38th Conference in Marrakesh, Morocco.

In 2017 the Data Protection Metrics Working Group undertook the first ever census of the Conference membership. The census was designed to give a comprehensive overview of privacy and data protection authorities across the globe.

The first ever Conference Census was a success and contributed to the aims of the Conference.

After reviewing the Census, the working group submitted a resolution specifically on the Conference Census which was adopted at the 40th Conference in Brussels in 2018. The Conference Census resolution resolved to

1. Record its intention to periodically repeat an ICDPPC Census every three years.
2. Direct the Executive Committee to arrange for the next census to be held in 2020 and to centrally receive the results, make them available and calculate benchmarks.
3. Extend the mandate of the ICDPPC Working Group on Data Protection Metrics, and encourage the WG's close engagement with the WPSPDE/WPMADE.

The Working Group had previously reviewed the questionnaire of the 2017 Census and concluded that most of the questions were useful, but some questions did not need to be repeated in the next census.

Additional questions submitted by the other GPA working groups were included in the census questionnaire for 2020.

However, the Conference Census places the responsibility of conducting the census in 2020 on the Executive Committee. But due to the untimely outbreak of COVID-19 the Executive Committee has agreed to conduct the Census after the closed session in October 2020 to be delivered at the next GPA meeting in 2021.

Forward looking plan 2020-2021: DMWG

As specified above the Executive Committee has agreed to launch the census questionnaire after the 2020 Virtual Closed Session. The GPA Secretariat will be tasked with the responsibility to translate the census questionnaire. The Secretariat will also ensure that the GPA analyses the census responses to be reported at the GPA meeting in 2021.

The Data Protection Metrics Working Group will review and prioritise its focus in 2020-21, particularly in relation to the list of [potential projects set out in the group's 2017 report](#), and to how metrics can support the GPA's strategic priorities and planning.