



GPA Census 2020

All GPA member authorities are requested to complete this survey which will provide a comprehensive snapshot of Data Protection and Privacy Authorities in 2020.

The Census supports the objectives of the [Resolution on the Conference Census](#) adopted at the 40th Conference in October 2018.

Instructions:

- Please complete the survey by 12 February 2021.
- Only one response per member authority.
- If the authority is a unit within a much larger public body, please answer these questions only in relation to your unit (particularly Part C questions on funding and resources).
- A few questions ask for information relating to 2019, as the most recent complete year. Please answer such questions with information relating either to the calendar year 2019 or, where more convenient, the most recently completed financial year for which you have figures.
- Please attempt to complete all questions. However, if you are not able to answer a question please move on to the following questions and submit the incomplete response.

Further information about publication and release of information gathered in this census is available here: <https://globalprivacyassembly.org/the-assembly-and-executive-committee/gpa-census/>

GPA Secretariat

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A. Authority profile

1. Please provide the following details regarding your data protection or privacy authority:

a) Name of Authority:

b) Country/economy:

c) Please indicate the region in which the authority is located:

- a. Africa and Middle East
- b. Asia
- c. Europe
- d. Oceania
- e. North America
- f. South or Central America
- g. Other

d) Year of establishment:

e) What is (are) the primary language(s) of your authority? If applicable, what is (are) the secondary language(s) of your authority?

2. Does the authority have an official digital presence online? Yes/No

2(a) As relevant, please provide the details for the following social media:

- i. Website link or user name: ...
- ii. Twitter account: @...
- iii. Facebook link or username: ...
- iv. YouTube channel link...
- v. Any other social media account address:...

3. Does the authority publish an annual report? Yes/No

3(a) Is the annual report available online? Yes/No

If Yes, please provide the link:...

4. How is the Head of the authority appointed?

- a. Appointment by the executive branch (e.g. Government/Head of State)
- b. Legislative committee appointment
- c. Election
- d. Civil servant/direct hire
- e. Other



5. What is your nation's legal system?
 - a. Civil? Yes/No
 - b. Common? Yes/No
 - c. Mixed systems? Yes/No
If Yes, please specify.
 - d. Other? Yes/No
If Yes, please specify.

B. Data protection law, jurisdiction and exemptions

1. Does the authority oversee privacy protection practices by:
 - a. Only the public sector?
 - b. Only the private sector?
 - c. Both public and private sectors?
2. Does the authority have extra-territorial jurisdiction? If Yes, please provide brief detail
3. Is your data protection or privacy law available online? Yes/No
If Yes, please provide a link.
4. If relevant, in addition to a data protection or privacy law, does the Constitution of your country include a reference to data protection or privacy? Yes/No

4(a) If yes, please provide the specific reference to the Constitution
5. In addition to roles under a data protection or privacy law, does the authority perform any functions under the following types of information, rights or accountability laws?
 - a. Government information access or Freedom of Information law
 - b. Unsolicited electronic communications or spam law
 - c. Human rights or anti-discrimination law
 - d. public key infrastructure (PKI) or cryptography law
 - e. Cyber-security law
 - f. Data portability law
 - g. Government ethics law
 - h. Competition law
 - i. Telecommunications regulation law



- j. Health information law
6. Does your data protection or privacy law contain:
 - a. A partial exemption for State intelligence and security agencies?
 - b. A complete exemption for State intelligence and security agencies?
 7. Does your data protection or privacy law contain:
 - a. Provisions on civil / administrative infringements? Yes/No
If Yes, provide specific reference to or brief detail on these provisions.
 - b. Provisions on criminal infringements? Yes/No
If Yes, provide specific reference to or brief detail on these provisions.
 8. Has your data protection or privacy law been revised in the last 3 years? Yes/No

C. Authority's funding and resources

1. What was your total budget/ income for 2019 in your national currency? (no decimals, please do not put commas or dots to differentiate thousands)

	Income	Currency
2019		

2. How does the authority's total budget compare to the previous year?
 - a. The budget increased
 - b. The budget remained the same
 - c. The budget decreased

2(a) If the authority's budget increased from the previous year, by what percentage did it increase?

- i. 1-5%
- ii. 6-10%
- iii. 11-20%
- iv. more than 20%

2(b) Were these changes pre-planned or did recent external factors have a bearing on the increase/decrease?

- i. pre-planned
- ii. unplanned



2(c) If unplanned and due to recent external factors please specify reasons.

3. Which sources does the authority's funding come from (select all that apply):
 - a. Budget allocated from the Government Yes/No
 - b. Registration or licensing fees Yes/No
 - c. Chargeable services (e.g. auditing, training, publications) Yes/No
 - d. Fines and penalties Yes/No
 - e. Other Yes/No (please specify):
4. How many staff are employed by the authority (full time equivalent employees)?
5. How does the authority's total number of staff compare to the previous year?
 - a. The number of staff has increased
 - b. The number of staff has remained the same
 - c. The number of staff has decreased
6. If the number has increased/decreased, was this pre-planned or did external factors have a bearing on this?
 - a. Pre-planned
 - b. Unplanned.

6(a) If unplanned and due to recent external factors please briefly specify reasons.

7. What is your nation's Gross Domestic Product?
8. Would there be any obstacles for your authority in receiving funds from membership fees in the event the Assembly established a funded Secretariat? Yes/ No

If yes, please select which obstacle(s) from the list below:

- a. Authority's internal constitution or other governance arrangements with Government
 - b. Primary legislation
 - c. Secondary legislation
 - d. Other (please specify)
9. Would there be any obstacle for your authority in disbursing funds for the payment for a membership fee to fund the GPA Secretariat? Yes/ No

9(a) If yes, please specify:

- i. Budgetary constraints
- ii. Authority's internal constitution or other governance arrangements with Government



- iii. Primary legislation
- iv. Secondary legislation
- v. Other (please specify)

D. Authority's enforcement powers, case handling and reporting

1. What are the principal roles performed by the authority under the privacy or data protection law (indicate as many as apply):
 - a. Mediation/ arbitration
 - b. Policy research
 - c. Handle complaints
 - d. Registry activities
 - e. Auditing/ inspections
 - f. Public outreach/ education
 - g. Advocate for privacy rights/ legislation
 - h. Compliance/ investigations/ enforcement
 - i. Other (please specify)
2. How many cases did the authority accept for investigation in 2019?
3. Does the authority have powers to investigate and sanction civil / administrative infringements of your data protection or privacy law? Yes/No
 - If Yes, does the authority have any of the following investigatory powers:
 - a. Compelling the provision of information? Yes/No
 - b. Compelling the provision of testimony? Yes/No
 - c. Conducting off-site investigations or audits? Yes/No
 - d. Conducting mandatory on-site searches? Yes/No
4. Does the authority have any of the following sanctioning powers?
 - a. Ordering compliance? Yes/No
 - b. Banning processing operations? Yes/No
 - c. Imposing fines or penalties? Yes/No
5. Does the authority have powers to investigate and sanction criminal infringements of your data protection or privacy law? Yes/No
 - If Yes, provide brief detail on these powers.
6. Does the authority have the power to bring infringements of your data protection or privacy law to court? Yes/No



7. Does the authority:
- a. Have the power to make binding decisions in individual cases? Yes/No
 - b. Have the power to make recommendations in individual cases? Yes/No
 - c. Have the power to refer to another authority with decision-making powers? Yes/No
8. Are the decisions or recommendations of the authority subject to appeal to another body (agency, court or tribunal)? Yes/No

8.a How many cases were taken on appeal in 2019?

9. Does the authority report publicly on cases it has handled? Yes/No
If YES:

9.a How many case reports were released in the last year?	
9.b In the case reports are posted on the authority's website, please provide the URL	
9.c Are the case reports uploaded to a central repository (such as an online legal information institute)?	Yes/No

Note: Please respond to Q.10b and Q13 in your country's national currency

10. Does the authority impose *finer or penalties* for a breach of the data protection or privacy law?
Yes/No

- 10 (a) If yes, does the authority keep:
- b. all of the fine
 - c. a portion of the fine
 - d. none of the fine.

10 (b) Please provide the amount of the largest fine or penalty imposed by the authority (or an appeal authority, court or tribunal) for a breach in 2019

11. Does your data protection or privacy law provide for the award of compensation caused by breach of the legislation
Yes/No

12. Which body has the power to award such compensation:
- a. The authority
 - b. A separate appeal authority
 - c. The Courts



d. Other. Please specify.

13. What was the largest amount of compensation awarded by the authority (or an appeal authority, court or tribunal) for harm caused by a breach of the privacy or data protection law in the last year?

14. Does the authority ever publicly name organisations that have breached the privacy or data protection law? Yes/No

14 (a) How many organisations were publicly named in 2019 as having breached the law?

E. Cross-border data flows, enforcement and cooperation

1. Does the privacy or data protection law include express provision for any of the following :

- a. Transfer of complaints to privacy enforcement authorities in other jurisdictions? Yes/No
- b. Disclosure to privacy enforcement authorities in other jurisdictions of information obtained in investigations? Yes/No
- c. Assisting other privacy enforcement authorities in cross-border investigations? Yes/No
- d. A prohibition on providing information to other enforcement authorities? Yes/No

2. Does your privacy or data protection law contain provisions that determine when and how confidential information held by a privacy or data protection authority can be disclosed or shared? Yes/No

If Yes, please provide a link to, or the wording of, the relevant provisions.

3. Does your authority have specific legal and / or practical requirements for the gathering and handling of evidence in coordinated or joint investigations? Yes/No

If Yes, provide brief detail on these requirements.

4. Does the jurisdiction have legal provisions (whether in the privacy or data protection law or otherwise) that:

- a. Restrict the cross-border transfer of personal information? Yes/No
If YES, does the authority have a role to enforce this law? Yes/No
- b. Require data processing facilities to be located within the jurisdiction? Yes/No
If YES, does the authority have a role to enforce this law? Yes/No



5. Does the data protection or privacy law establish a process for formally recognising other jurisdictions that have laws establishing comparable data protection standards? Yes/No

5.a Does the authority perform any role in that recognition process? Yes/No

6. In 2019, has the authority participated in a secondment with another privacy enforcement authority? Yes/No

7. Which of these enforcement cooperation networks or arrangements does the authority participate in (select all that apply):

- a. Global Privacy Enforcement Network (GPEN) Yes/No
- b. GPEN Alert Yes/No
- c. APEC Cross-border Privacy Enforcement Arrangement (CPEA) Yes/No
- d. GPA Enforcement Cooperation Arrangement Yes/No
- e. Unsolicited Communications Enforcement Network (UCENet) Yes/No
- f. Other
Please specify

8. Does the authority perform an enforcement role under any of these supra-national arrangements (select all that apply):

- a. EU Binding Corporate Rules Yes/No
- b. APEC Cross-border Privacy Rules system (CBPRs) Yes/No
- c. Other
(please specify)

9. Does the authority have any bilateral arrangements with the privacy enforcement authorities of other countries to co-operate in the enforcement of privacy laws? YES/NO

10. Does the authority have any mechanism for cooperating with other regulatory authorities (e.g. consumer protection authorities)?

Yes/No/Not applicable

11. Which of the following mechanisms can the authority use to cooperate with authorities in other jurisdictions?

- a. Membership of enforcement cooperation networks. Yes/No
- b. Bi-lateral non-binding arrangements. Yes/No
- c. Multi-lateral non-binding arrangements. Yes/No
- d. Bi-lateral binding and enforceable agreements. Yes/No
- e. Multi-lateral binding and enforceable agreements. Yes/No



If you answered NO for any of the above, provide brief detail on the legal and / or practical barriers that your authority faces for each mechanism.

- a. Legal framework does not allow it
- b. Legal framework does not require it
- c. Other

12. In 2019, has your authority been involved with the following coordinated efforts, involving authorities from many countries, to raise awareness of privacy and data protection:

- a. Data Protection Day
- b. Asia Pacific Privacy Awareness Week
- c. GPEN Sweep
- d. Other

13. Which of the following forms of international enforcement cooperation can the authority take part in:

- a. General sharing of non-confidential / non-personal information (e.g. sharing policy/enforcement approaches)? Yes/No
- b. Taking a joint action (e.g. joint letter) with another authority(s), not including the sharing of confidential / personal information. Yes/No
- c. Sharing confidential / personal information for separate but coordinated investigations by each authority(s). Yes/No
- d. Sharing confidential / personal information for joint investigations by both/all authority(s). Yes/No

13a If YES at previous question, provide brief detail on the legal and / or practical requirements and limitations for each form of cooperation (max 100 words)

13b If NO at previous question, provide brief detail on the legal and / or practical barriers that your authority faces for each form of cooperation (max 100 words)

14. In 2019, has the authority (select all that apply):

a. Undertaken a joint investigation with any other enforcement authority or regulator within the same country?	
b. Undertaken a joint investigation with a privacy enforcement authority from another country?	
c. Provided assistance to an investigation being undertaken by a privacy enforcement authority from another country?	
d. Transferred a complaint to a privacy enforcement authority in another country?	
e. Received the transfer of a complaint from a privacy enforcement authority in another country?	



15. Does the authority have a contact point / person for international enforcement cooperation? Yes/No
 If Yes, provide a brief summary of the initial information they require to assess a request for enforcement cooperation from another authority (max 100 words)

F. Breach notification

1. Are there any **voluntary** breach notification guidelines issued by the authority in your jurisdiction? Yes/No

1.a Do they recommend notification to:

- i. the data subject
- ii. the authority
- iii. both the data subject and the authority

2. Are there any **mandatory** breach notification requirements in your jurisdiction? Yes/No

2.a Do the mandatory breach notification requirements apply generally or to particular sectors?

i. Generally	Yes/No
ii. all public sector	Yes/No
iii. all private sector	Yes/No
iv. telecommunications sector	Yes/No
v. health sector	Yes/No
vi. other sector (please specify):	Yes/No

2.b Do mandatory breach notification requirements recommend notification to:

- i. the data subject
- ii. the authority
- iii. both the data subject and the authority?

2.c Do the requirements provide any explicit direction on notification to individuals living in other jurisdictions?

2.c.i If Yes, please briefly describe:



3. How many breach notifications (under voluntary or mandatory arrangements) did the authority receive in 2019?
4. Does the authority publish any information on the breach notifications it receives, for example total number of notifications received, sectoral breakdown, details of those that result in formal action? Yes/No

4.a If yes, where is this information published? Select as appropriate and/or provide other examples

	Select all that apply	URL/Hyperlink/Name
Authority's annual report		
Authority's website		
Other:		
Other:		
Other:		

G. Other matters

1. Does the authority have a formal process for engagement with civil society (e.g. regular scheduled meetings)? Yes/No
2.a If yes, please specify:
2. Did the Authority conduct a public opinion survey in 2019?
3.a If the survey report is available publicly, please provide URL:
3. Does your authority publish its regulatory priorities? Yes/No
If Yes, please provide a link.

END