International Enforcement
Cooperation Working Group

Safe Space Framework

Contents

Purpose

Safe space sessions

The 2019-21 GPA Policy Strategy mandated the permanent establishment of the International Enforcement Cooperation Working Group (IEWG) with refreshed aims to actively support enforcement cooperation on live issues.

A key part of the IEWG's strategy to achieve this is the 'safe space'. We use this phrase to describe sessions that facilitate free and frank discussion on live and pressing concerns, policy positions and experiences of regulating global entities and privacy issues.

The safe space aims to support enforcement cooperation in its varied forms, from the sharing of expertise and non-confidential information to driving the initiation of collaborative investigations. But even short of this, the safe space is also a valuable forum to support and inform unilateral policy and enforcement activity of IEWG members.

Safe space framework

This framework puts a structure around the safe space. It documents what the sessions are, and how and why we run them.

The framework makes it more accessible for IEWG members to participate and lead safe space sessions, and formalises improvements and adaptions based on member feedback.

Scope

In scope

This framework focuses primarily on the process for running safe space sessions, supporting IEWG members to propose, arrange and lead safe spaces. In part, it also sets out some steps to instigate further cooperative activity outside of the sessions themselves, but the framework is not guidance on cooperation, or an arrangement that can underpin it.

Out of scope

For guidance on enforcement cooperation, including how to choose the appropriate model, and what steps to take in practice, the IEWG has published the Enforcement Cooperation Handbook.

And to see if you can join, and benefit from, the GPA's multilateral arrangement for enforcement cooperation (the Global Cross Border Enforcement Cooperation Arrangement), visit the GPA website.

Principles
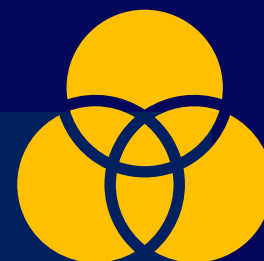
You should consider these principles when designing and running safe space sessions. It may not always be possible to follow each principle. But they should still help as a reference tool when considering the purpose and objectives of a particular session.

Global

Safe space sessions should generally address topics with actual or potential implications for data protection and privacy around the world, or across several jurisdictions. This helps ensure the relevance of safe space sessions across the IEWG membership, and increases the impact of any cooperative activity driven by the safe space. There may also be issues relevant across jurisdictions within a particular global region, giving rise to a region-specific session. Where appropriate, consider focusing on specific privacy issues (rather than organisations) or capacity building topics, in line with preferences indicated by IEWG members in 2020.

Practical

The IEWG has a mandate to be an active enforcement cooperation group. It is important that the safe space is generally focused on live and pressing privacy issues. Members leading or participating in safe spaces should do so with an eye on the type of regulatory activity or action that may be most appropriate and impactful to address or remedy the issue. This may not always be coordinated action or collaborative investigations, but considering cooperative options such as these from the start will ensure the IEWG is well prepared to respond to issues quickly and efficiently.

Inclusive

The IEWG has a regionally and culturally diverse membership. This is an asset to be leveraged in safe space sessions. Consider how a safe space can best engage authorities of limited size, or that are new to the data protection regulatory realm. This could, for example, be through: a focus on capacity building; breaking down language barriers (e.g. translation of documents or holding dedicated sessions in languages other than English); consideration of local / regional issues that impact multiple jurisdictions; or providing insight on, and access to, actions against large organisations not normally within clear 'reach' or jurisdiction of an authority.

Frequency

So that the IEWG maintains momentum as an active enforcement cooperation group, and can efficiently consider and respond to live and pressing issues, the co-chairs aim for four safe space sessions a year, one in each quarter of the annual GPA cycle.

Format

There are pros and cons to remote and face-to-face meetings. The former is easier for all members to attend, and the latter tends to enable more engaged discussion. As such, there should generally be an equal split between video conference and in-person safe space sessions each year. Face-to-face meetings may also be held as 'hybrid' sessions, allowing those that cannot attend in person to join remotely.

Timetable

One face-to-face session will be held as part of the GPA each October. To reduce costs and travel for participation at a second in-person session , this should generally take place in the margins of another key global privacy event, for example the IAPP Global Privacy Summit, held in Washington, USA each April. But sessions may also be proposed in other regions where authorities attend key privacy events.

For the two video conference safe space sessions, the IEWG Secretariat, working with members leading these sessions, will aim to arrange them around January and July each year. But this will be flexible based on the dates of the in-person sessions, and the preferences of the leads and IEWG members.

GPA Quarter 1 (Nov – Jan)	GPA Quarter 2 (Feb – Apr)	GPA Quarter 3 (May – Jul)	GPA Quarter 4 (Aug – Oct)
Video conference safe space	In-person safe space, e.g. at IAPP	Video conference safe space	In-person safe space at GPA

Ad hoc

Recognising there may be a pressing need to discuss rapidly emerging issues, ad hoc safe space sessions may also be arranged at short notice to support prompt consideration by the group.

Process
Preparation

Topic selection

It is important that each safe space has a clear and specific topic. This will help members prepare in advance, and will ensure discussion during sessions is focused.

As safe space lead, you are responsible for choosing a topic for your session. To ensure ongoing coherence, relevance and optimal sequencing of sessions, IEWG co-chairs will also review chosen topics.

When selecting a topic, keep in mind the safe space principles: global (consider topics with multi-jurisdictional impact); practical (think about how discussion of the topic may lead to concrete outputs); and inclusive (be mindful of the topic's relevance and accessibility across the IEWG membership).

Types of topic that safe space sessions could focus on include: a specific privacy issue; capacity building; an organisation; a population or societal group affected by an issue; and non-monetary remedies. You may also select a topic covered previously to follow-up on substantive developments or enforcement activity that has taken place since.

In general, you should consider focusing on a specific privacy issue or a capacity building topic - a preference indicated by IEWG members in 2020. For capacity building, sessions could for instance focus on enforcement strategies; investigation processes; cooperation in practice; and breach assessment.

Topic classification and participation

Consider whether the topic will involve the discussion of sensitive or confidential information. If so, the session will be limited to participation by IEWG members that are also accredited GPA members.

Note that capacity building safe space sessions are unlikely to require the discussion of sensitive information. As such, these sessions are open to participation by all IEWG members (accredited GPA members and observers).

Capacity building sessions may also be used as an outreach tool. The IEWG Secretariat will support safe space leads in inviting GPA members and observers beyond the IEWG membership to these sessions.

Objective setting

Consider how the topic selected is relevant in a regulatory supervision or enforcement cooperation context. Set out your objectives for discussing the topic in the safe space. For instance: to raise awareness of an issue your authority has been considering; to learn more about an issue; to better understand others' policy and enforcement positions; to gauge appetite for cooperative activity.

Again, this is a non-exhaustive list. You may have a combination of several objectives. It is important that these are clearly set out and made explicit to you and other participants in the safe space. This will assist with decision-making in safe space sessions, and progress updates afterwards.

Research and materials

You may need to undertake, or commission, some research to gain a better understanding of the background to the topic (what the issue is, how it impacts privacy, which jurisdictions it affects) and the state of play (any policy or enforcement activity related to the issue from privacy, or other, regulators and bodies). You can carry out this research within your authority, or through external engagement with other authorities, networks and stakeholders. It may be particularly valuable to have a preliminary conversation on the topic with one or two IEWG members to highlight common areas of concern or interest, which may help prompt discussion in the safe space session.

This research will provide the basis for the materials for your safe space. Sessions should generally be accompanied by a PowerPoint presentation and / or additional relevant documents to give the session structure and provide participants with basic reference material to aid their understanding of the topic and contributions to the discussion.

A safe space PowerPoint template in Annex 2 sets out a format for documenting this material in a clear presentation. It is not mandatory to use this. You may wish to replace or append the template with additional background material such as policy papers or news articles.

Generally, materials should be kept as concise as possible to ensure clarity of the topic for discussion. Provide enough detail to allow participants to adequately prepare for the safe space, but not so much that they are unable to review and consider the material.

Scheduling

An hour is the recommended duration for safe space sessions. This allows sufficient time for a presentation and discussion of a topic, and reduces the risk of drift and loss of focus that may occur in longer sessions.

When choosing a date and time for a video conference safe space, consider time zone differences. The IEWG has a geographically diverse membership. Finding a convenient time for everyone can be difficult. The IEWG Secretariat will work with safe space leads to rotate video conference timings and ease the burden on participants that often have to dial-in at inconvenient times.

Where possible, an invitation for safe spaces should be sent a month in advance, giving participants ample notice to arrange attendance, and helping to ensure maximum participation. The safe space agenda, and materials for the session should be circulated to participants at least a week in advance of the session to ensure adequate time for review and preparation. The IEWG Secretariat can support safe space leads with setting up in-person and video conference sessions, and circulating invites and materials.

Process
Running a session

This section sets out a basic structure for running a safe space. Designing a session that broadly follows this structure may help you make the most of a safe space by supporting productive discussion, while maintaining focus on the topic and objectives at hand. But the structure is flexible. You may choose to adapt it, omit aspects, or introduce others to better suit the safe space session you are leading.

However you choose to run a session, keep the principles in mind (global, practical, inclusive), and consider how the safe space can best meet your objectives for discussing the topic you have chosen. See Annex 2 for a template safe space PowerPoint presentation.

Presentation (recommended timing: 5-10 minutes)

Begin the safe space session with a presentation on the topic you have chosen. This should be short but informative, covering the following.

- **Introduction** - introduce the topic by highlighting the reason for selecting it and explicitly setting out the objectives for discussing it in the safe space session.

- **Background** – put the topic in context by summarising the issue raised, how it impacts on data protection and privacy, and which jurisdictions it affects.

- **State of play** - update on any policy or enforcement action taken by data protection, or other, regulators, to date.

Discussion (recommended timing: 30-40 minutes)

This is the most important part of the safe space. It is where members can learn from and support each other by sharing regulatory experience of the topic, emerging or developed policy positions, and investigatory and enforcement approaches.

To ensure discussion is focused and working towards the session's objectives, the safe space lead, or another nominated authority with experience of the topic, should act as chair.

In line with the 'practical' principle, it is recommended that discussion is broadly structured around three main questions:

- **Concerns** - What do participants think are the key data protection and privacy concerns relating to the topic?

- **Regulatory response** - Do participants think the key concerns identified require a regulatory response?

- **Cooperation** - Would a regulatory response benefit from cooperation between participants; what model of cooperation might be appropriate, and what specific type of action within that model? (see Enforcement Cooperation Handbook for detail on the models of cooperation).

If your safe space involves discussion of confidential or sensitive information, remind participants that they must treat the information as such, and not further disseminate or share with others.

Tips for discussion

- **Lead by example** – As chair you may wish to be the first to update on the activity, position or approach of your authority in relation to the topic, to prompt other participants to compare and contrast with your authority's position. In addition to the questions above, you may also find it beneficial to prepare more specific questions on the topic, to explore particular aspects in more detail.

- **Prior engagement** – You may find it useful to engage with other IEWG members in advance of the session to identify authorities that have some experience or interest in the topic. As well as helping inform the preparation of materials and presentation for the safe space, it enables you to invite updates from specific participants during discussion. Other authorities with less experience of the topic are more likely to feel comfortable joining the discussion following more substantive updates from others.

- **Round-the-table** – You can invite thoughts and comments from each safe space participant in turn. This ensures all authorities have the opportunity to contribute. Discussion using this approach may be less natural, but you can facilitate questions and comments following each participant's contribution to encourage conversation and debate.

Summary (recommended timing: 5-10 minutes)

Following discussion, the chair should summarise the conversation with a particular focus on shared data protection concerns, and any thoughts or agreement on appropriate regulatory response and model of enforcement cooperation.

Note that safe space sessions are more likely to be the beginning of a conversation on a particular topic, and not the end. As such, it's possible, or perhaps even likely, that agreement or consensus on these points is not reached in the session itself. This is fine, and is something the safe space lead will consider as part of their follow-up activity after the session.

The chair should briefly set out next steps, including the circulation of a safe space note within 7 days. See the Follow-up section overleaf for more detail on this.

Update from previous sessions (recommended timing: 5-10 minutes)

To ensure that IEWG members remain sighted and informed of follow-up activity on topics from previous safe space sessions, leads should allocate a short period of time at the beginning or end of their session for relevant updates.

The IEWG Secretariat will support safe space leads by coordinating and scheduling the delivery of updates from leads of previous sessions.

Capacity building sessions

Safe space sessions focused on capacity building will of course have a different focus and set of objectives to those addressing a particular privacy issue or organisation.

However, the broad structure set out above may still provide a helpful foundation from which safe space leads can design a capacity building session, for example:

- A **presentation** on how the authority approaches the capacity building topic (e.g. breach assessment)

- A **discussion / Q & A** for participants to clarify understanding and reflect on their respective approaches.

- A **summary** of the topic and discussion by the safe space lead, noting any relevant follow-up activity.

Process
Follow-up

Review objectives

Following a safe space, as lead you should review the objectives set prior to the session. You should consider whether:

- the presentation and discussion of the topic has met these objectives;

- the objectives should be adjusted in light of the safe space;

- there should be new objectives; and / or

- further activity is required to meet the original, adjusted or new objectives.

Safe space note

As safe space lead you should document the session by drafting a brief note summarising the topic, objectives and discussion. See Annexe 3 for a template. This is not a public note. It will only be shared amongst participants in the safe space and IEWG members that were unable to attend. If the safe space involved discussion of confidential information, the note should only be shared with IEWG members that are also accredited GPA members. But you should still be careful to ensure that potentially confidential or sensitive information shared in the safe space is documented only at high level and / or not attributed directly to a particular authority.

You should also summarise your review of the safe space objectives, including whether these have been met, adjusted or new objectives developed. If it was determined that further activity is required to meet the objectives, you should set out your reasoning with one or more options for that activity, and invite participants to comment on this. Where there are multiple options, participants can select one they deem most suitable.

For example, if you determined a topic needed more in depth consideration, you could propose the formation of a sub-group to carry out this activity. Or if you felt that there was strong consensus on the topic and regulatory response, you could propose a coordinated action or a collaborative investigation.

The safe space note should generally be circulated to the participants within 7 days of the session. Should further activity be required, participants should be asked to respond to the option(s) set out within a further 7 days. This will help ensure momentum is maintained in carrying out any further activity. This is particularly important where the issue is time-sensitive and there is a pressing need to address it.

Reporting

Where you have proposed (and participants have agreed on) further activity in relation to a topic, you should retain responsibility for regular reporting on progress against the objectives of undertaking that activity.

While further activity is ongoing or recently completed, you should report to subsequent safe spaces in the 'update' part of each session. This will ensure the IEWG community maintains awareness of the activity which may help inform their own policy and enforcement activity on the same topic.

In addition, you should provide a written report to the IEWG Secretariat on the progress, or completion, of further activity in quarter 3 of the GPA annual cycle (May-Jul). This will allow the activity to be adequately reflected in the IEWG's annual report to the GPA.

Annex 1 Process checklist
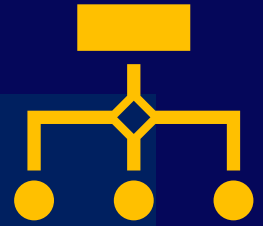
☐ **Volunteer to lead a safe space session**
Send an email to the IEWG Secretariat

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☐ **Select a topic for the safe space session**
Make it clear and specific, send for review by co-chairs,
consider the topic assess classification (confidential?) –
more info on page 7

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☐ **Set objectives for the safe space session**
Set out the reason for discussing the topic in a safe space -
more info on page 7

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☐ **Schedule session and send invites**
Where possible, a month in advance - more info on page 8

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Carry out research on the topic
If needed - more info on page 8

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Draft presentation and collate any other materials
Informative but concise – more info on page 8

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Circulate presentation and materials
A week in advance – more info on page 8

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Chair safe space session
Present topic, moderate discussion and summarise -
more info on pages 9-12

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Review objectives
Assess need for any further activity – more
info on page 13

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Draft and circulate safe space note
Summary and any proposals for further activity. Within one week following safe space – more info on page 14

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If further activity is undertaken – report to future safe space session
More info on page 14

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If further activity is undertaken – report to IEWG Secretariat
More info on page 14

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Continue to progress and report on further activity as necessary.

Annex 2 Template - presentation

The accompanying PowerPoint template is provided to support safe space leads in preparing and developing materials for a session.

The template sets out a basic format and structure for presentation, discussion, and summary of a topic.

This is aligned with the safe space session process set out above. As with that process, this template should be treated flexibly. You can adapt it to better serve the topic and objectives of a session, or you may choose not to use it.

Annex 3 Template - safe space note

The template overleaf is provided to support leads in drafting a safe space note following a session.

The template sets out a basic format for circulating a summary of the safe space and next steps to IEWG members.

This is aligned with the follow-up process set out above. As with that process, this template should be treated flexibly. You can adapt it to better reflect the topic, discussions, objectives and proposed next steps of the safe space, or you may choose not to use it.

Topic

- Summary of the issue.

- Reminder of the original objectives for the safe space session.

Discussion

- Summary of the key shared, or respective, concerns of members.

- Summary of discussion on appropriate regulatory response and models of cooperation.

Objectives review

- Note if the safe space met the objectives, or:

    - Have the objectives been adjusted in light of the safe space discussion?

    - Have you developed new objectives?

Next steps

- If objectives remain, set out an option (or options), and rationale, for further activity

- Set a deadline for consideration and response from the group.