



GPA

Global Privacy Assembly

Policy Strategy Working Group 2: Digital Economy

Report – July 2021

Chair: European Data Protection Supervisor

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Executive Summary

The Digital Economy Working Group was established 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.¹ As part of its mandate, the Working Group was also tasked to carry out closer engagement with relevant multilateral and international bodies.²

The Working Group decided to target stakeholders that bring together policymakers who develop policies with data protection and privacy implications, but do not necessarily have privacy and data protection in the focus of their core mandate. The aim of this exercise was twofold:

- to increase visibility and awareness of the work carried out by the GPA, in particular in areas relating to the digital economy;
- to explore possible opportunities for future engagement with a view of establishing increased cooperation and exchanges.

Participants of the Working Group contacted a variety of stakeholders based on a preliminary analysis of their missions and mandates, as well as the perceived relevance of any recent or forthcoming initiatives concerning the digital economy.

In the context of the development of the new GPA strategic plan 2021-2023, due for adoption in October 2021, the participants of the Digital Economy Working Group considered the overall strategic priorities of the GPA and the possible continued relevance of the digital economy in 2021-23. The digital economy continues to remain a highly relevant policy theme. To guide the future work, however, it is recommended to focus on specific developments or issues within the digital economy that illustrate the importance of privacy and data protection and warrant deliberation and/or engagement within the context of the GPA, such as the proposed focus on surveillance technologies in the new GPA strategic plan for 2021-2023.

¹ Pillar #3 Action II of the Conference Strategic Direction for 2019-2021.

² [GPA Resolution on the Conference's Strategic Direction 2019-21](#), Annex p.9.

Introduction

- **Mandate and objectives**

The establishment of the Digital Economy Working Group results from the 2019 Resolution on the Conference’s Strategic Direction. The mandate of the Working Group is 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).³

- **Main activities during 2021**

During the second year of its mandate, the activities of the Digital Economy Working Group were focused primarily on engagement with relevant multilateral and international bodies. The background paper “Towards a trustworthy digital economy”, which was approved at the GPA 2020 Closed session, served as the basis for this engagement. In addition, the Working Group also discussed possible areas of focus in the context of the development of the new GPA Strategic Plan for 2021-2023.

The Digital Economy Working Group met via teleconference four times between November 2020 and June 2021, engaging in addition when required via email.

- **Working group members**

EDPS (Chair)	CNIL France	CNPDCP Gabon	CNPD Luxemburg	NPC Philippines
INAI Mexico	ICO UK	KVKK Turkey	FTC United States	BfDI Germany
AGPDP San Marino	CDP Senegal	ARTCI Ivory Coast		

- **Working group observers**

EDPB	Ministry of Electronics & Information Technology, India	Office of Personal Data Protection Macao		
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³ [GPA Resolution on the Conference’s Strategic Direction 2019-21](#), Annex p.9.

Working Group Activities

1. Stakeholder engagement

The Digital Economy Working Group carried out active stakeholder engagement to help give the GPA a stronger voice in global debate and initiatives surrounding the digital economy. The Working Group decided early on to target stakeholders that bring together policymakers who develop policies with data protection and privacy implications, but do not necessarily have privacy and data protection in the focus of their core mandate. The aim of this exercise was twofold:

- to increase visibility and awareness of the work carried out by the GPA, in particular in areas relating to the digital economy;
- to explore possible opportunities for future engagement with a view of establishing increased cooperation and exchanges.

Participants of the Working Group contacted a variety of stakeholders based on a preliminary analysis of their missions and mandates, as well as the perceived relevance of any recent or forthcoming initiatives concerning the digital economy.

The ICO, UK received invitations to participate in two webinars in order to represent the GPA and to increase the visibility of the work carried out, namely:

- 1) “Different models to facilitate the cross-border exchange of personal data” (webinar organised by the World Trade Organisation (WTO))
- 2) “Data flows, Trade and International Cooperation” (webinar organised by the WTO as part of the 2020 session of the Internet Governance Forum (IGF))

The audience of the first webinar was mainly people from the trade community, and the focus was therefore on how to reduce the impact of data protection laws on the ability of data to flow. The ICO made the argument that data protection law is not something that is in opposition to data flows, but is instead an important step to fostering the trust required for such data flows to take place. The ICO also highlighted the ongoing GPA work on the importance of data protection and privacy law to the Digital Economy and in comparing different data protection and privacy frameworks and the future work it intends to do on comparing international data transfer mechanisms more specifically.

The audience of the second webinar was largely from civil society, focusing more on the protection of privacy and data when transferring data internationally. During the discussion, a number of questions were considered, such as:

- How to reconcile differences between attitudes to privacy in different countries (for example, in countries where people are more culturally inclined to allow their data to be shared compared to those who are not)?
- How data protection laws were actually originally designed to allow the flow of data between countries whilst maintaining adequate protection, and
- How data protection laws can also help to protect competition, by stopping companies from competing unfairly by using data in unethical ways.

2. New GPA strategic plan development

In the context of the development of the new GPA strategic plan 2021-2023, due for adoption in October 2021, the participants of the Digital Economy Working Group considered the overall strategic priorities of the GPA and the possible continued relevance of the digital economy in 2021-23.

Participants considered that the digital economy continues to remain a highly relevant policy theme, in particular in the context of the current global health crisis. The COVID-19 pandemic has elevated the importance of the digital economy, along with the importance of the protection of privacy and personal data. The digital economy also remains high on the agenda of other major international fora. In order to continue to increase the GPA's "global voice" and promote wider recognition, it was recommended to address the digital economy as part of the GPA Strategic Plan for 2021-2023.

That being said, participants also considered that the current description of the mandate of the Working Group has so far been framed in very general terms, without referring to specific developments or issues within the digital economy that illustrate the importance of privacy and data protection and warrant deliberation and/or engagement within the context of the GPA.

Participants therefore considered that the GPA strategy plan for 2021-2023 should not simply duplicate the description of current Pillar #3 Action II of the GPA strategy plan for 2019-2021. Instead, participants considered that more specific issues or developments within the digital economy should be identified with a view of organising future work.

Forward looking plan 2021-2022

The Digital Economy Working Group intends to focus on surveillance technologies as outlined in the new GPA strategic plan for 2021-2023 (subject to its adoption at the 2021 at the Closed Session). In particular, the Working Group intends to identify and consider topics of focus relating to surveillance of citizens and consumers in the digital economy, such as advertising technologies, web scraping, smart cities and connected vehicles, and monitoring of mobile workers.

As part of its new mandate, the Working Group will also consider emerging technologies relating to this area of work and any potential privacy or data protection concerns.

Finally, the Working Group aims to deepen engagement with existing stakeholders by actively seeking new activities for more significant impact, voice and influence, in coordination with the Strategic Direction Sub-Committee.

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's first workplan has been established during the inaugural year of its activities.

Conclusion

The digital economy continues to remain a highly relevant policy theme. In order to guide future work and to increase the GPA's impact, voice and influence, the Working Group agrees with the new GPA Strategic Plan proposed direction of travel that future activities of the Working Group will focus on topics relating to surveillance of citizens and consumers in the digital economy, such as advertising technologies, web scraping, smart cities and connected vehicles, and monitoring of mobile workers.