Future of the Conference Working Group

Working Group Report – 2020 - 2021

UK Information Commissioner's Office – WG Chair

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Executive Summary

This report sets out the activities of the Future of the Conference Working Group on the last outstanding task of its mandate, which is to finalise an approach to the development of a funded, stable Secretariat, and bring to a close a workstream which was established in the 2018 Resolution on the Roadmap on the Future of the Conference.

This work stream aims to **achieve stability for the future by providing a model which can withstand the test of time**. As the GPA continues to grow and modernise, the Secretariat's ability to **support the Executive Committee and membership** needs to maintain pace. Additionally, we must address the current cost associated with providing the GPA Secretariat service, ensuring that **cost is accounted for in the most fair and transparent way**. Achieving a stable funded Secretariat model will also **allow smaller and less well-resourced authorities in our community to serve as the Chair**, thereby supporting one of the overarching principles of the Conference – **cultural, geographic and legal diversity**.

In 2020-21, the Working Group carried out a number of activities to determine what are possible appropriate sources of funding, both external and internal to the GPA.

An assessment of external funding opportunities concluded that there are **no reliable sources for the GPA Secretariat's purposes**, and that any funding must come from member fees.

To develop an approach to a member-funded model, we explored the data from the GPA 2020 Census but concluded that **the Census data did not go far enough** in exploring membership views on the issue and that additional member consultation would be required.

To support those consultations, the Working Group agreed to **update the previously proposed (in 2019) tiered model**. This included introducing the consideration of GPA Per Capita (in Purchasing Power Parity) alongside budget as factors that determine an authorities' size. The agreed model and its underpinning rationale are explained in the Funded Secretariat Explanatory Note at Annex 1 of the proposed Resolution.

The membership consultations explored agreement from the membership in principle and in practice to the proposed model. The consultations received 55 responses, of which **98% agreed with the model in principle**. The Working Group met to discuss the outcomes of the membership consultations, to address any outstanding matters and agree any further changes to the model as necessary. The group agreed to draft a resolution to establish the approach to a funded Secretariat in principle, and which is supported by:

Annex 1. Funded Secretariat Explanatory Note

Annex 2. The Road Map to Achieve the Funded Secretariat in Practice

Annex 3. Proposed Amendments to the GPA Rules and Procedures

Introduction

The Working Group is chaired by the UK Information Commissioner's Office and comprises the following members: **Albania, Argentina, Burkina Faso, Canada, European Data Protection Supervisor, France, Germany, Gibraltar, Hong Kong, Italy, New Zealand, Philippines, Switzerland, USA**. In addition, the **AFAPDP** Secretariat participates in the Working Group as an observer.

At the 40th International Conference, the membership adopted the [Resolution on a Roadmap on the Future of the Conference](#), which mandated the Working Group on the Future of the Conference to work on five workstreams. Workstreams 1 to 4 have concluded in previous years, and the Working Group has aimed to bring the fifth to conclusion in 2021. The fifth was to: *Establish plans for the development of a funded, stable Secretariat, in place for renewable terms of three years or more, and for the establishment of membership fees and its modalities*.

The Working Group carried out various activities in 2019, and presented the results of its work at the 41st GPA Annual Meeting in Tirana. The Working Group recommended a phased implementation approach, whereby the Secretariat would be initially a funded entity separate from the Chair but serviced by a member authority for renewable terms of four years. During the Closed Session, some members expressed doubts about the suggested model and suggested that the GPA explore the possibility of the GPA being established as a separate legal entity before further progressing with the implementation of the suggested approach.

Work on the benefits and risks of establishing the GPA secretariat as a separate legal entity was completed in 2020 and a paper outlining the implications of this model was presented at the 42nd GPA Annual Meeting, held virtually due to the Covid-19 pandemic.

During the Closed Session discussions, the GPA membership decided that a phased implementation approach remained the most suitable option for the GPA given the varying profile of its membership at the present time. It was also decided that the next GPA Census should gather the necessary data for a tiered membership funding model to be presented at the next Closed Session. Bearing in mind that some members may be unable to disburse funds, the membership also mandated the Working Group to conduct a stakeholder mapping exercise to identify any external sources of funding to cover some or all of the costs of GPA Secretariat.

The 2020 Working Group report and Forward-looking plan concluded that progress was required on three work streams in 2021 to conclude the work on the funded Secretariat:

1. Stakeholder mapping to identify organisations with which to engage to seek funding for the GPA Secretariat (Jan – May 2021);

2. 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);
3. Running member consultations ahead of the 2021 closed session – including via the GPA Regional Networks – to identify what are the issues in specific jurisdictions with regard to the implementation of the Secretariat model presented at the 2019 closed session.

Working Group Activities 2020-2021

Following on from these established aims, the Working Group carried out the following activities in 2021:

1. The stakeholder mapping to identify organisations with which to engage to seek funding for the GPA Secretariat (January – March 2021).

2. The gathering of financial information via the 2020 Census to establish the relevant fee tier for the funding of the GPA Secretariat (March – June 2021).

3. An April Deep Dive Meeting to discuss the outcomes of items 1 and 2, as well as to discuss an updated funding model.

4. Member consultations, building on the knowledge obtained from the Census, to identify support for a model, and any further issues in more detail (June 2021).

5. A Second Working Group Meeting to discuss the outcomes of the member consultations and to determine the Working Group's next steps (July 2021).

1. Results of the Stakeholder mapping analysis

During January and February 2021, the Working Group carried out an analysis of potential funding steams from key international organisations to support the funding of the GPA Secretariat.

Four key external stakeholders were identified, those being **the United Nations (UN), the Organisation for Economic Co-operation and Development (OECD), the European Union (EU) and the Council of Europe (CoE)**. The UN and the OECD had been identified in previous papers as potential sources of funding, whilst the CoE and the EU are widely known for their activities in the promotion of the right to privacy and data protection. Other organisations that were initially considered in the early stages of this work, such as the Asia-Pacific Economic Cooperation (APEC) or philanthropic organisations, were not included in the analysis as initial research concluded that there was no eligible funding.

Overall, it appears that there may be some funding available from the OECD and the EU (which would be in the form of a project grant or potentially the development of a common project), whilst the chances of securing any funding from the UN and the CoE are extremely

limited. **Importantly, any such funding would not be suitable for covering the Secretariat's continued operating expenses and would not achieve the GPA's stability objectives**.

The majority of funding discovered is **project-based and of limited duration**. To access it in a sustainable way would likely necessitate significant staff time to continuously seek additional funding and to ensure identifiable deliverables related to associated GPA projects. Bearing in mind the results of the FOTC consultation, as detailed below, this could significantly increase the costs of the Secretariat.

With regard to a future funded and stable Secretariat it is therefore appropriate to recommend that **the GPA focuses on developing further a functioning self-funding model based on membership fees**. **However, funding opportunities identified through the analysis presented could potentially be used to support some of the Working Groups' activities.**

The report of the stakeholder mapping analysis is at **Annex 4**.

2. **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);**

The financial information of 70 participating authorities was gathered in the GPA Census. The results provided insightful data such as the mean number of full-time staff (46) amongst respondents and the median budget of participants, which was approximately $2.39 million[1]. Census data also suggested that the majority of Census respondents receive most of their funding from central government (61 out of 70 authorities quote this as their primary source of income; which some authorities supplement with one or more secondary sources, such as licensing fees or fines and penalties[2]).

The data indicated that half (33 out of 70, 47%) of the authorities responding to the Census said they would have some **obstacles in receiving funds** from membership fees in the event the GPA established a funded Secretariat. 37 (53%) said they would not encounter any obstacles.

Similarly, almost half of respondents reported they would have **obstacles in disbursing funds**.

The GPA Census has previously been circulated to members.

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[1] It should be borne in mind that some authorities are responsible for enforcement in other sectors, not only privacy and data protection.
[2] Additional income sources include registration or licensing fees (9%), chargeable services (6%), fines and penalties (10%) and 'other' sources, such as bank interest and funding from international organisations (16%).

3. The April Deep Dive Working Group Meeting

The April deep dive meeting explored the outcomes of work items one and two. In addition, the Working Group discussed a proposed funding model, based on authorities' budgets or authorities' number of full-time staff. The group agreed that:

- The results of the stakeholder mapping analysis indicated that there **are no viable external sources of funding for the GPA Secretariat**.
- The financial model should be further developed to **account for national and sub-national members** and to **explore ideas for adding to the model's ability to provide an overall picture of an Authority's situation,** such as GDP per Capita in Purchasing Power Parity.
- **The Census results did not go far enough** and that further consultations were required with the membership to **seek agreement on the model** and explore any further concerns as reported in the Census.

4. A consultation with the wider GPA membership

Following the results of the April Deep Dive meeting, the Working Group launched a consultation with the wider GPA membership to determine the **feasibility of the proposed funding model in principle and in practice**.

The Consultation comprised of a survey, which was open between 7 June and 2 July 2021, as well as two drop-in sessions held by the Working Group Chair, on 16 and 21 June 2021. Members were invited to read an Explanatory Note, detailing the updated financial model, which was prepared with the assistance of the ICO's Economic Analysis team and to complete a survey.

The survey aimed to capture a detailed range of options for the membership, including:

- to measure the **overall interest of members** in establishing a fee-funded model;
- to measure the **feasibility of the indicative financial model** presented in the Explanatory Note;
- to provide participants with the **opportunity to roughly assess their fee-tie**r; and
- to indicate whether members would be **able to pay their yearly fee** or an alternative.

Overall, **56 members** responded to the survey and representatives from **over 25 members** attended both sessions, highlighting a high interest from the GPA membership on this topic.

The results indicated that the overwhelming majority of responding members (55 out of 56, 98%) **agreed in principle with the presented financial model (focus being on the structure of the model rather than the precise values/prices to pay)**.

A more detailed analysis of the Consultation results can be found in the **Annex 5**, the Analysis of the Funded Secretariat Member Consultation.

5. **A second Working Group Meeting in July to discuss the outcomes of the member consultations and to determine the Working Group's next steps.**

The Working Group met on 15 July to discuss the results of the member consultations and to determine its next steps.

The Working Group was pleased with the results of the consultation, in particular with the fact that **98%** of survey respondents **supported the financial model in principle.** The Working Group further discussed some of the concerns raised by a minority of the survey respondents. These included some authorities' overall inability to pay due to limitations to their budget for a variety of reasons (government lack of decision on budget, COVID-19 public sector cuts, etc) as well as some concerns related to the broad range of budgets in authorities assessed to be in the top tier of the model.

In order to address such concerns, we reassessed Secretariat core costs to what is absolutely necessary to deliver the Secretariat, with no discretionary services included. The resulting effect is to reduce all fee-tiers where possible.

The assessed indicative minimum costs of the Secretariat is set out in **Annex 1**. It should be noted this will, of course, **differ in future years dependent on which authority hosts the Secretariat.**

By consensus, the Working Group **agreed to table a Resolution on the Future of the Conference and the Secretariat for consideration and adoption at the Closed Session 2021**. The Resolution will focus on **providing the future Chair and Secretariat flexibly** by allowing for their **possible separation** as well as **calling on all members to agree with the financial model in principle**.

A timeline to implementation, with decision points along the way, has been provided to support member consideration of the resolution.

Forward looking plan 2021-22

The Future of the Conference Working Group has completed its mandate as outlined in 2018. Any future work in this area will be sponsored (as of now) by the new GPA Chair and Executive Committee and carried out by the next Secretariat.

Conclusion

In summary, the Working Group considers that it has **delivered on its objectives as requested by the Closed Session**.

The Working Group has **carefully reflected on members' views** from all regions of the GPA. Now is the time to **conclude this workstream** and **focus on making a proposed model work for the membership**.

The Working Group has also remarked on the fact that **the structured, tiered approach** of the proposed model has **gained overwhelming support amongst GPA members surveyed**. The Working Group has also endeavoured to ensure Secretariat future tasks and associated costs down are appropriately identified, eliminating discretionary services, while still ensuring provision of the core Secretariat service.

However, the Working Group wishes to underline that **the precise values of payment** for each member will be **subject to confirmation** once a **future Secretariat Host Authority is identified** and **once the costs** it expects to incur **are calculated by that appointed Secretariat Host Authority.**

Moreover, this is evidently a new and significant step for the Assembly to take. The Working Group therefore proposes that **rather than moving forward with a three-year plan**, as was the Closed Session's original recommendation for its solution, instead we **opt for a two-year pilot plan** at the start that can **incrementally develop into a four-year model**. This allows for the membership at the annual Closed Session to **retain flexibility** by making any adaptations necessary in agreement with the Executive Committee and Host Authority.

The Working Group concludes by **recommending the Draft** *"Resolution on the Future of the Conference and the Secretariat"* **to the GPA Membership**. The Working Group has also produced an updated note which details the structure for the proposed membership fee model, and a change to the GPA Rules and Procedures to allow for appropriate developments to take place this year in the GPA's governance. Together these will provide a more stable yet still flexible and fair future for the GPA community.

Revisiting the original objectives, we recall that the model's development intended to give more members the chance to run the Chair and Secretariat, rather than being constrained by their resources. 2021 provides the opportunity for more members of the GPA to contribute to shaping the GPA's collective successes, as the Assembly builds an ever-stronger voice, built and supported by the diversity of its own members.

Annexes

Annex 1. The Funded Secretariat Explanatory Note

Annex 2. Roadmap to Achieve a Funded Secretariat

Annex 3. Proposed Amendments to the GPA Rules and Procedures

Annex 4. Assessment of the GPA Secretariat Possible External Funding Sources

Annex 5. Headline results of the Funded Secretariat Member Consultation

Annex 1. The Fee-Funded Secretariat Explanatory Note

1. Background

The GPA has been addressing the possibility of a funded Secretariat for several years. As the Assembly continues to modernise, develop its policy approach, and grow in global influence, a funded and stable Secretariat is needed to support the Executive Committee and membership in keeping pace with this change. The Covid-19 pandemic has demonstrated the extended reach that the GPA is now achieving, from the GPA-OECD workshops in summer 2020 to the recent Joint Statement on the use of health data for travel purposes. In its wider work to deliver the Policy Strategy, the Assembly is now more than ever supporting development of shared positions on global issues and providing capacity building for all. All of this demands a modernised approach to the provision of the Secretariat to support the ambition we all have for this truly global community of Privacy and Data Protection authorities.

The work on a funded Secretariat is rooted in the [Resolution on a Roadmap on the Future of the Conference](#) adopted at the 40th Annual Meeting (2018). The Resolution mandated the FOTC WG to carry out work on five work streams, the fifth being:

> 5. to establish plans for the development of a funded, stable Secretariat, in place for renewable terms of three years or more, and for the establishment of membership fees and its modalities.

A proposal was put forward for consideration by the Working Group at the 41st Annual Meeting. It recommended a **phased implementation approach** towards the establishment of a permanent GPA Secretariat, whereby the **Secretariat** would initially be a **funded** entity separate from the Chair but **serviced by a member authority** for renewable terms of four years. Whilst the fee-funded approach was supported by the majority of members, it was agreed to explore the possibility of the GPA Secretariat being established as a separate legal entity before further progressing with implementation of the suggested approach. That latter work concluded that associated risks meant it was not the right time to move to a separate legal entity model.

2. Why a Funded Secretariat

The Working Group is tasked with developing a funding model that ensures stability of the GPA Secretariat and the continuity of the GPA. Fee-funded models are common across international organisations and reflect both the importance of the organisation and the commitment of members to its activities.

Overall, the membership fee (self-funding) model presents several **strengths**:

- It would allow for a **proportionate distribution of fees**, thus being **fairer to the GPA membership**.
- It would **allow** the Secretariat to **plan ahead** for yearly activities as there would be a known income stream.
- It would allow the GPA to **maintain its independence** and pursue its own activities, driven by its membership rather than tailor its work to producing project-related work.
- Research has indicated that many **similar networks follow a similar funding structure** whereby a large portion of the activities are covered by membership fees.
- Work carried out by the Working Group has indicated that there are **no viable external sources of funding** to support the operating Secretariat costs. Therefore, a fee-funding model is the least risky option for the GPA.

3. The Secretariat's functions

To understand why a funded Secretariat is needed, it is important to understand its tasks and the resources which are allocated to operating it. Importantly, since the member consultations in June we have looked again at the costs and wish to present this model as a **minimum cost model**.

At minimum capacity, the Secretariat's responsibilities are the following:

- **Information Management**: The Secretariat, under the present GPA Rules and Procedures, is tasked with the management and preservation of the documents and files of the Assembly.

- **Support and Liaison Work**:
  - The Secretariat currently acts as an **intermediary between the Chair, the Executive Committee, the Strategic Direction Sub Committee (SDSC) of the ExCo and the GPA membership**, although this is not stipulated in the Rules and Procedures.
  - It supports the Executive Committee's **Accreditation Subcommittee** and the **Host Selection Subcommittee.**
  - It supports the **Hosting Authority** with organising the Annual Meeting.
  - It acts as a liaison point for the **Volunteer Translation Network** and ensures information is appropriately translated into French and Spanish.
  - Since the 41st GPA Annual Meeting, the Secretariat took up the responsibility of coordinating the establishment of the **GPA Reference Panel**. Recruitment of future Reference Panel members, either within or at the end of the two-year term, will likely to be carried out by an Assessment Group but is expected to require Secretariat support.

- **Communication and Promotion Work**:

- The Secretariat, on behalf of the Executive Committee, ensures that GPA activities are promoted via the GPA's main **channels of communication** (ie GPA website, Twitter and online video accounts).
- It also acts as the main point of communication between **the GPA and other networks** (e.g. APPA, GPEN and CTN).

- If the following model is adopted, some liaison to support the Executive Committee oversight of the **GPA's financial affairs** would be added to the Secretariat's duties. This would potentially entail reporting to the Executive Committee and the GPA membership on the yearly budget and expenditures.

4. An indicative Secretariat budget

To carry out the above tasks effectively, the Secretariat will require resources which will make up its budget. To account for the fact that labour and administration costs are relatively higher in the UK (the current Secretariat host) compared to the overall membership of the GPA, we have adjusted the Secretariat budget based on GDP per capita (in Purchasing Power Parity terms).[3]

At **minimum capacity**, this work can be carried out by 2.5 full-time staff (FTEs), equating to approximately **$210,000**.

Table 1. Indicative Secretariat budget at minimum capacity

Cost category	Cost description	Total costs
Human Resources	Salary for 2.5 FTEs Salary oncosts (national insurance, employer pension contribution) Overtime working Reserve cover for sick leave or parental leave Travel and representation at international meetings Legal support (for eg set up of contracts)	**$ 193,400**
Administrative costs	Records Management System Phone account Bank charges Office supplies Services (e.g. document translation) Website and maintenance	**$ 15,200**
Total		**$ 208,600**

5. The Fee-Funded Model

We adopted **three key** principles when developing the model:

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[3] This is done by dividing the average estimated GDP per capita for all members by the GDP per capita for the UK and multiplying by the total budget for 2021. Sources: World Bank (2021) GDP per capita (PPP); CIA (2021) World Factbook.

- **Fairness:** The model should ensure that members are treated fairly and that their fees reflect what each member can afford to pay as well as their rights as members and the services they receive from the Secretariat.
- **Transparency:** Ensuring the model is clear and easy for members to understand is key to widespread acceptance.
- **Robustness:** The model should be rigorously tested and reflect available evidence and learning from financial models for similar organisations.

Work was undertaken by the ICO's Economic Analysis team, in collaboration with the Working Group Chair, to develop a model that implements these principles.

To take account of the principle of fairness, each member was assigned into **one of three affordability tiers** to reflect their ability to pay fees. This type of approach is common to other international organisations such as the World Health Organisation or funding for United Nations Peacekeeping Operations where members pay an assessed contribution which partly reflects the wealth of each member and the services they are likely to receive.[4]

To assign affordability tiers, we considered two factors for each member, namely:

- **GDP per Capita (in purchasing power parity):** to account for the wealth of a region/economy in a way that reflects the wealth of individuals that the member represents. Data has been taken from reliable sources such as the World Bank and the CIA World Factbook.
- **Authority Budget:** to reflect the scale of funds an authority is able to spend. Data has been taken from the Census, where available, or modelled as described below. Additional supporting information was provided by some authorities in the June consultation.

In cases where information on Authority Budgets was missing from the Census or was not provided in the June consultation, it was necessary to make some assumptions, as follows:

1. For those that provided an FTE figure but no budget figure, the average Authority Budget per FTE from the Census was applied to estimate their overall budget.
2. For those that did not provide any information, an average Authority Budget: Annual GDP ratio was applied. In the absence of any other information, this was seen as the most appropriate and proportionate approach as annual GDP can be seen as a reasonable indicator of an authority's budget.

To assign the tiers, we split the members into those **above and below average** based on each of the factors (GDP per capita and Authority Budget) as follows:

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[4] See https://www.who.int/about/funding/assessed-contributions and https://undocs.org/A/RES/55/235.

- **High:** where members are in the top 50% for both authority budget and GDP per capita
- **Medium:** where members are in the top 50% for one factor but the bottom 50% for the other factor
- **Low:** where members are in the bottom 50% for both authority budget and GDP per capita

Authority Budget		GDP per Capita	
		Below Average	Above Average
Above Average		**Medium**	**High**
Below Average		**Low**	**Medium**

Figure 1. Allocation to high, medium and low tiers

Some countries/jurisdictions have more than one authority who is a member of the GPA. Where **countries or organisations have multiple authority members**, we propose that the authority with the full voting rights is the member to pay the fee corresponding to their tier. All additional authorities from that country/jurisdiction would then pay a fee equal to the fee paid by the Low Tier.

We believe this approach is fair because **some countries have more than one authority** and would therefore be otherwise required to pay significantly more than others. In line with the principle of fairness, **this approach recognises that all members receive the same level of service by the Secretariat, but some have different membership rights**, and it maintains a proportionate and balanced approach to each authority's contribution. This arrangement is common in other funding models such as that of the United Nations Peacekeeping Operations where fees depend on membership status.

In undertaking further work, we have applied **special considerations for members that represent multiple jurisdictions** (eg international organisations like the Council of Europe or OECD) as they do not receive the same rights to vote and services as other members. As such they have been **placed in the low fee-paying tier**.

6. **Indicative Fee Structure**

Please note that the **model is indicative and does not represent the actual fee to be paid.**

If the GPA membership agree a way forward at the 2021 conference a more definite estimate of the fee structure and allocation of authorities to the tiers would be provided by the **Secretariat Host in 2022**, based on their assessed costs and after consultation with the GPA Executive Committee.

The indicative fee structure is presented below:

Table 2. Indicative Tier Fees.

Tier	Fee	Members	Total Raised
High	$4,850	26	$126,000
Medium	$1,650	29	$48,000
Low	$500	31	$15,500
Additional Authorities	$500	41	$20,500
Total		**127**	**$210,000**

Note: figures may not sum due to rounding.

The fees are calculated iteratively to ensure that the total budget is reached. The order they are set is as follows:

- **Medium:** This is the total budget divided by the total number of members (including all categories and additional authorities) to reflect a baseline fee.

- **Low:** This is a small nominal fee that reflects the fact that these members are unlikely to be able to afford to pay a full fee in accordance with the fairness principle. However, if members that fall in this tier feel they would be unable to pay this nominal (token) fee, they may approach the Secretariat which in turn may consult the Executive Committee to discuss a possibility to be fully or partially exempt from paying a fee.

- **Additional Authorities:** this is set in line with the 'Low' category to reflect the different membership category assigned to these members and the fact that an authority within this member's country or organisation has already paid a membership fee in line with their affordability.

- **High:** this is the balance of fees remaining to be paid and reflects the fact that higher fee payers are essentially subsidising the ability of those in lower affordability categories to pay a fee in accordance with the fairness principle.

Having reviewed the fee structures for comparable organisations, the fees proposed above are deemed to be within an appropriate range offering strong value for money with respect to the services delivered by the Secretariat.

7. Further Considerations

In addition, the Working Group looked at **alternative methods to supplement the income**, including voluntary contributions from members, observers, or from organisations provided that there is no conflict of interest with the Global Privacy Assembly. This would be a method to supplement the Secretariat's operating costs, where any such need arose, bearing in mind that some authorities may have the flexibility to contribute more than their prescribed tier fee amount. The FOTC Consultation results have indicated that **this would not be a viable option**, as the overwhelming majority of authorities reported being unable to make voluntary contributions.

The Working Group also considered that a small number of authorities had indicated, in their responses to the survey, **issues with an ability to pay any kind of fee at all**. It is therefore proposed that, where this may be the case, such an authority could request the Executive Committee, via the Secretariat, for an exemption. Any such exemption would need to be supported by a clearly set out plan for how the authority intended to address the issues that were preventing payment, with an associated timeline.

Annex 2. The Road Map to Achieve the Funded Secretariat in Practice

Background

This document sets out a proposed timeline and necessary actions to achieve a funded stable Secretariat in support of the intent to transform the Assembly following on from the Resolution on the Funded Secretariat proposed at the 43rd Conference.

The term of the current Chair and Secretariat (UK Information Commissioner's Office) ends in October 2021 and a new Chair and Secretariat will be elected. To provide stability during the proposed transformation of the Chair and Secretariat, the newly elected Chair and Secretariat will remain unified and will represent a bridge to the new model.

The Closed Session 2021

Elections to the GPA Executive Committee will take place as normal in 2021. At this point, the next GPA Secretariat and Chair following on from the ICO in October 2021 will remain unified.

At the GPA Closed Session in October 2021, the Resolution on the Future of the Conference and Secretariat will be presented to the membership for adoption. Members will have had the opportunity in advance of the conference to consider the supporting documents, which outline the roles and responsibilities of the next Secretariat; the approach to a fee-funded model; and proposals for amended GPA Rules and Procedures**.** If agreed, these will allow at a minimum for a separate Secretariat and Chair in principle.

If the membership adopts the proposed Resolution, **the Secretariat will remain unified with the Chair for the full two-year term 2021-2023**. During this period the Chair 2021-2023 will direct the Secretariat to make any final preparations to develop the proposed approach and ensure a smooth hand over to a funded Secretariat.

Timeline

January 2022   The Secretariat will launch the process for inviting applications to host the funded Secretariat and a Secretariat Selection Committee would need to be formed to review the applications. This Secretariat Selection Committee would comprise volunteer Executive Committee members, GPA members and Secretariat support.

The candidate(s) seeking to host the future Secretariat will provide an assessment of the tasks and functions to be provided, taking account of any adjustments need to account for specificities of their own jurisdiction, and an estimate of associated running costs for their first financial year in their application. The membership fees to be imposed will be based on these projected running costs and calculated using the financial model developed by the FOTC Working Group. Members will receive this information at the Closed Session. Volunteer authorities applying to host the future Secretariat will need to demonstrate to the Secretariat Selection Committee their commitment to transparent budget reporting on an annual basis, meeting good governance standards.

April 2022   The Secretariat Selection Committee will make a recommendation on which candidate should run the Secretariat from the Closed Session 2023, at the earliest. They will also be responsible for drafting a Memorandum of Understanding between the GPA Executive Committee and the recommended candidate, outline financial reporting rules and address the need for creating a more detailed section in the GPA Rules and Procedures about non-payment penalties.

Members will then be informed of the proposed level of fees.

October 2022   GPA appoints new funded Secretariat to take on the role from the following October; thereby giving the successful candidate one year (Oct 2022 – Oct 2023) to prepare its funding system agreed with the GPA and gather the first fees from the GPA membership. The successful candidate starts work serving the new Chair from the Closed Session in autumn 2023, and once it has set up its funding system. The existing Secretariat appointed in 2021 completes duties supporting the Chair up until transition in autumn 2023.

April 2023   Fees are due to be paid.

October 2023   The newly appointed Secretariat will present its financial report at the Closed Session and evidence that the membership fees have been collected. The Closed Session can agree to start the funded Secretariat with immediate effect if all conditions have been met.

The Secretariat must also assess the process so far and highlight any problems or points to improve.

October 2024	The Closed Session has the opportunity to review the process and outcomes so far and agree to make any adjustments as appropriate. Annual assessments from the Secretariat and progress updates are presented to the Closed Session. The Executive Committee repeats the Secretariat Selection Committee assessment process outlined above if a change in Secretariat is required. The process to appoint a funded Secretariat would repeat at the mid-point of any extant Secretariat's term, following the steps above.
October 2026	This would represent the four-year point of the new model's operation, and the maximum tenure of the first funded secretariat. If not fully reviewed before this point, a full review of the funded Secretariat approach would be helpful to ensure the approach is continuing to meet the GPA's needs.

Annex 3. The Proposed Amendments to the Rules and Procedures

Changes required to achieve the 'Resolution on the Future of the Conference and Secretariat' intent

The following changes to the GPA Rules and Procedures are **for consideration at the 2021 Conference Annual Meeting[5]**:

> ➢ **Proposed Changes to Section 3.1. The Executive Committee (note: <u>proposed changes are in bold and underlined</u>)**

The Assembly shall be managed and represented by an Executive Committee. The Executive Committee will consist of five elected members. These members, representing national authorities, will be elected by the Closed Session for two-year terms. The other two members will be the immediate past Hosting Authority and the next Hosting Authority (in the event of co-Hosting Authorities, these authorities are to share their Executive Committee seat). The members of the Executive Committee may not be elected for more than two consecutive terms. A member of the Executive Committee who does not intend to stand for re-election for a second term should indicate this intention via a notice to the Secretariat at least eight weeks before the Assembly. In order to ensure continuity, the members of the Committee will have offsetting terms**. <u>The Secretariat will support the Executive Committee in carrying out its functions. The Secretariat shall not have a separate right to vote in the Executive Committee</u>**.

To the extent possible and to encourage diversity in the cultural, geographic and legal background of the Executive Committee, at least one member – and no more than two members – will be elected from each of the following four regions: Africa/Middle East, the Americas, Asia/Oceania, and Europe. Identification with a region is at the discretion of each member.

The Executive Committee shall meet at least twice annually – in person or by other means such as videoconference or teleconference. Three members are required to constitute a quorum.

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[5] This reflects the proposed timeline for the establishment of the stable Secretariat.

One of the elected members of the Committee will be elected by the Closed Session to serve as the Chair of the Committee. The Chair can serve for the duration of their Executive Committee term(s). A Chair standing for re-election to the Executive Committee should indicate to the Executive Committee, via a notice to the Secretariat at least eight weeks before the Annual Meeting if they do not intend to renew their position as the Chair of the Executive Committee. Therefore, unless otherwise indicated, the Closed Session decision to renew the two-year term of the existing Executive Committee member who is serving as Chair, also affirms that member's continuation as Chair for the incoming Executive Committee.

The Chair will be responsible for convening and chairing the meetings of the Executive Committee. As required, the Chair, a member of the Committee, or a GPA member designated by the Committee may represent the Conference and report back on its representation. ~~Until such time as a Permanent Secretariat is created, the Chair will provide a Secretariat function.~~

➢ **Proposed Changes to Section 3.2. Functions of the Executive Committee**

Insert new Section 3.2.l. "**l. To recommend the appointment of the Secretariat to the Closed Session**".

➢ **Insertion of new Section 3.4 "The Secretariat"**

The Secretariat function will include:

a. To maintain and preserve the documents and files of the Assembly.

b. To support the Executive Committee in carrying out its functions, as laid down in the Rules and Procedures and as assigned by the Executive Committee.

c. To support and liaise with internal and external stakeholders of the Assembly. The Secretariat will act as the principal intermediary between the Chair, the Executive Committee, the Working Groups, and the Member Authorities and Observers.

d. To communicate and to promote the Assembly's work in other international fora.

e. To collect, hold and disburse the proceeds of the membership fee fund, where applicable. The Secretariat will be accountable for and, on an annual basis, will report on its activities to the Executive Committee

f. To carry out any other functions assigned by the Executive Committee and the Closed Session.

The Secretariat will be elected for a renewable term of four years, and it must serve for a minimum term of at least two years. Where it has served only one four-year term, the current Secretariat Hosting Authority can express their interest to continue their tenure to the Executive Committee and the Closed Session. All Member Authorities, including the Chair Authority, can apply to host the Secretariat.

The Secretariat will be appointed by the Closed Session, upon the recommendation of the Executive Committee. The Secretariat Host Authority may vote in its own right as an Assembly Member and, if it is an Executive Committee member, also in that capacity.

 All Secretariat Host Authority Candidates are required to announce their candidacy at least eight weeks before the Annual Meeting in the year prior to their envisaged start as Secretariat.

If the Secretariat Host Authority wishes to renew its term, it will inform the Executive Committee of its intention at least twelve weeks before the Annual Meeting in the year prior to the end of their term. If the Executive Committee approves the incumbent Secretariat's intention to renew its term, it will inform the Assembly of this when carrying out its call for a new Secretariat.

It is expected that any Secretariat Host Authority Candidate will conduct preliminary consultations with the current or known future Chair and/or with the Executive Committee on the expected work programme for the forthcoming years in order to inform their intent to stand as a candidate. Where a Member Authority provides both the Chair and the Secretariat alone, it will not need to undertake preliminary consultations on the expectations of the Chair and Executive Committee ahead of the election.

Where no Member Authority applies to serve as the Secretariat, or if the Member Authority recommended by the Executive Committee is not approved by the Closed Session, the Chair will perform the role of the Secretariat during an interim period until the next Secretariat

Host Authority is approved by the Assembly. In this interim period, a new call for the Secretariat Host Authority will be launched on a yearly basis, until such time that a new Secretariat Host Authority is approved.

> **Insertion of new Section 3.5 The Secretariat Selection Committee**

A Secretariat Selection Committee will be formed to review the applications. This Committee will comprise of two Executive Committee members as well as a number of volunteer Assembly Members, representing the GPA's geographic and linguistic diversity. The number of volunteer Assembly Members will be determined by the Executive Committee. The current Secretariat will support the Secretariat Selection Committee and will develop the application materials, which shall include each candidate authority's estimated running costs for the duration of their term and launch the process for inviting applications from any Assembly Member to host the future Secretariat.

The Secretariat Selection Committee will make a recommendation to the Executive Committee on which candidate should run the Secretariat. Any Member Authorities that join the Secretariat Selection Committee will not be eligible to apply to Host the Secretariat in that round of applications.

The Secretariat Selection Committee will be responsible for drafting a Memorandum of Understanding between the Executive Committee and the recommended Secretariat Host Candidate. The Secretariat Selection Committee should address the need for creating a more detailed section in the Rules and Procedures about what non-payment penalties would comprise.

The Executive Committee, after having received and assessed the Secretariat Selection Committee's recommendation, will make its recommendation of the preferred Secretariat Host Authority Candidate to the Closed Session, together with any adjustments foreseen by the Secretariat Host Authority candidate, to account for specificities for Secretariat provision from their jurisdiction. The recommendation of the Executive Committee must be approved by the Closed Session in order for the candidate authority to take up their role.

The Secretariat Selection Committee will outline required financial reporting rules. Secretariat Host Authority Candidates must demonstrate their commitment to transparent budget reporting on an annual basis, meeting good governance standards. The Closed

Session, upon advice from the Executive Committee, may adjust the membership fee collection model.

> ➤ **Insertion of new Section 3.6 The Imposition of Membership Fees**

a. Where the Secretariat is funded through membership fees, Secretariat Host Authority Candidates will be required to present their full application at least at least eight weeks before the Annual Meeting in the year prior to their envisaged start as Secretariat.

b. The membership fees to be imposed will be based on the Secretariat Host Authority Candidate's projected running costs, and they should remain fixed for the Authority's tenure.

c. A member fee system for funding the Secretariat may apply a tiered system of fees according to criteria set down by the Executive Committee, taking into account the work completed by the Future of the Conference Working Group and any advice from the Secretariat Selection Committee. The fee system can only be applied following consultation between the GPA Closed Session, the Executive Committee and the future Secretariat Host Authority and with any appropriate amendments notified and applied in a timely way.

d. The Executive Committee will designate clear criteria for those authorities who have difficulties in paying fees. Any authority that deems itself unable to pay prescribed Assembly fees for the provision of the Secretariat must inform the Executive Committee without delay, specifying the reason(s) for their inability to pay and any remedial steps that they plan to make to support their future ability to pay.

e. Failure to pay fees may be subject to penalties as prescribed in writing by the Executive Committee. Each case will be examined by the Executive Committee on a case-by-case basis, considering all the conditions surrounding the inability to pay.

Annex 4. Assessment of GPA Secretariat Possible External Funding Sources

1. Executive Summary

The work reported in this paper explored the potential for possible funding streams from the UN, the OECD, the EU and the CoE. Overall, it appears that there may be some funding available from the OECD and the EU (which would be in the form of a project grant or potentially the development of a common project), whilst the chances of securing any funding from the UN and the CoE are extremely limited. **Importantly, any such funding would not be suitable for covering the Secretariat's continued operating expenses**.

The majority of funding discovered is **project-based and of limited duration**. To access it in a sustainable way would likely necessitate significant staff time to continuously seek additional funding and to ensure identifiable deliverables related to associated GPA projects.

With regard to a future funded and stable Secretariat it is therefore appropriate to recommend that the GPA focuses on developing further a functioning self-funding model based on membership fees. However, funding opportunities identified through the analysis presented here could potentially be used to support some of the Working Groups' activities.

2. Background

At the 42nd GPA Annual Closed Session meeting, the Future of the Conference (FOTC) Working Group presented a proposal for the establishment of a funded, stable GPA secretariat. The proposal outlined a funding model based primarily on the annual collection of fees from the GPA membership. Following discussions in the Closed Session, the Working Group was mandated to conduct a stakeholder mapping exercise to identify any additional viable sources of funding, other than the collection of fees, for the establishment and running of a stable GPA Secretariat.

This paper analyses potential funding sources from four key external stakeholders, those being the United Nations (UN), the Organisation for Economic Co-operation and Development (OECD), the European Union (EU) and the Council of Europe (CoE). The UN and the OECD have been identified in previous FOTC papers as potential sources of funding, whilst the CoE and the EU are widely known for their activities in the promotion of the right to privacy and data protection. Other organisations that were initially considered in the early stages of this work, such as the Asia-Pacific Economic Cooperation (APEC) or philanthropic organisations, are not included in the analysis below as initial research concluded that there was no eligible funding.

The analysis below is based primarily on desk research and, to some extent, bilateral conversations with relevant external stakeholders. It focuses principally on the scenario where the Secretariat is hosted by a GPA member authority, but where there is read across to a possible separate legal entity scenario, these are indicated. The issue of the collection of membership fees is not part of this paper, but is considered in detail in the Explanatory Note at Annex 1.

3. Possible sources of external funding

3.1. UN

In previous working group meetings, the **UN** was identified as a key stakeholder which the GPA could approach for exploring funding opportunities. The UN is well known as a leading global organisation actively involved in the promotion of human rights (such as the right to privacy) and democracy. To this end, it provides some funding in strictly limited cases.

Three potential sources of funding were explored asset out below. **However, the conclusion reached is that these do not provide viable sources of funding to cover the operating costs of a future stable GPA Secretariat.**

The **UN Democracy Fund (UNDEF)** provides grants between US$100,000 and $300,000 for projects lasting up to two-years, although most projects receive a sum in the region of $250,000. The UNDEF's aim is to support "civil society projects around the world that strengthen the voice of civil society, promote human rights and encourage the participation of all groups in democratic processes"[6]. All projects must fall under one or more of eight areas, with the most relevant thematic area for the GPA being the Rule of Law and Human Rights[7]. Most of its funding goes to local civil society organisations, although it accepts proposals from a variety of bodies including global inter-government bodies, and associations other than the UN.

Securing a potential sum of $250,000 would cover most of the Secretariat's operating expenses. However, there are several reservations related to this fund, which likely make the UNDEF **a non-sustainable funding option for the GPA secretariat**.

Firstly, following enquiries made with the UN, it appears that most of the budget for projects on privacy within the Rule of Law theme is reserved to hold meetings and consultancies. Secondly, the chances of succeeding in securing such a grant are very limited as the UNDEF selects about 50 proposals from between 2,000 and 3,000 applications received each year, giving a success rate of between 2.5% and 1.6%. Thirdly, the UNDEF does not allocate more than 20% of its resources to global and regional projects. In fact, it has approved only 5 global projects and 18 multi-country (regional) projects in the field of

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[6] https://www.un.org/democracyfund/projects
[7] The other seven areas are: gender equality, community activism, youth engagement, strengthening civil society interaction with government, media and freedom of information, tools for knowledge, electoral processes.

Rule of Law and Human Rights from 2006 to date[8], reducing the likely success rate much further. In addition, the UNDEF primarily aims at funding "action-oriented" projects and it does not prioritise initiatives "filling a funding gap for ongoing activities", projects focusing primarily on research or training activities,[9] or projects that spend more than 20% of their budget on administrative costs (e.g. rent, staff costs).

Similarly, after enquiring with the office of the **UN Special Rapporteur on Privacy (UNSRP)**, it appears that although there may be some funding available with the Office of the High Commissioner for Human Rights, to which the mandate of the UNSRP belongs, it would only be available for the purposes of supporting the production of a thematic report. It is therefore likely that **any monies received would be a one-time event and potentially of an extremely limited scope.**

The FOTC Working Group had previously suggested that the GPA secures UN funding by becoming a UN 'sister' organisation and to become a **'part of' the UN system**. However, the conclusion is that this is **not a viable option** for the GPA following enquiries made by the Secretariat with the UN and the relevant UK government department interacting with the UN. This is for several reasons.

First, the UN does not 'adopt' international organisations. Whilst the UN Charter does have provisions that allow for international organisations to be added in the UN 'family' as specialised agencies, the GPA's scope of work is unlikely to allow for this. According to the UN Charter, specialised agencies are "established by intergovernmental agreement" and have "wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields".[10] Taking the latter point first, as the GPA's work does not fully fall within these categories, it is highly unlikely that this is an option.

A further difficulty relates to the UN system for allowing intergovernmental organisations (IGOs), for example the EU, to become observers to the General Assembly sessions and to participate in its work. This **would require the GPA to first become an intergovernmental organisation**, a process which is not only lengthy, but most importantly **not in line with the GPA's current vision for its future**, most notably due to the independent nature of its members' status to government. Furthermore, whilst the GPA has ties with key stakeholders at the UN[11], being involved with the UN General Assembly's work would be of little use to the GPA at present.

For completeness, this work also considered a third option for the GPA to become 'affiliated' with the UN, that is, to **achieve consultative status with the UN Economic and Social Council (ECOSOC)**. This status is generally open to all organisations with consultative

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[8] http://projects.undemocracyfund.org/
[9] UNDEF, Project Proposal Guidelines, 15th Round of Funding.
[10] UN Charter, Articles 57 and 63. https://www.un.org/en/sections/un-charter/un-charter-full-text/
[11] The UNSRP and the UN Global Pulse are both current observers to the GPA.

status indicates this includes "international, regional, sub-regional, national non-governmental organisations, non-profit organisations, public sector or voluntary organisations". Eligibility criteria include being officially recognised by a government as having existed for at least two years and having an established headquarters. This could potentially be of use to the GPA, if it wishes to further engage with the UN, but **further work would be needed to establish the potential benefits.**

In conclusion, **none of these options to 'join' the UN system would provide the GPA Secretariat with any financial help to meet its operating costs.** On the contrary, the latter two options would most likely require the GPA to submit financial reports to the UN. Overall, none of the options that have been explored in relation the UN would provide the GPA with the type of funding it requires.

3.2.   OECD

The second stakeholder that has been previously suggested as a potential source of funding is the OECD. The OECD has been actively involved in the promotion of data protection and privacy and the free flow of data since the early 1980s. It has also strongly supported enforcement cooperation at an international level and has provided funding in support of such initiatives. Most recently, it has been running a project on the Digital Economy, which looks at topics such as include Artificial Intelligence, digital security and privacy, education, and digital consumers.[12]

Similarly, to conclusions drawn with regard to UN funding streams, the work reported here suggests that **OECD funding could not support the operating costs of a GPA Secretariat**. However, there may be **opportunity for individual GPA projects to receive OECD funding**.

In 2007, the OECD adopted the Recommendation on Cross-border Cooperation in the Enforcement of Laws Protecting Privacy. Following this, the OECD approached the then-ICDPPC to express its willingness to support it with the establishment and running of our website. Indeed, at the 31st International Conference in 2009, the ICDPPC's Website Working Group recommended that the Conference enter into a website service provider arrangement with the OECD for the purposes of hosting the ICDPPC website.[13] The OECD has also previously provided support and funding for the establishment of the Global Privacy Enforcement Network (GPEN) and the running of its website for about seven years after its establishment.

Whilst the OECD states on its website that it does not dispense grants or make loans[14], considering the OECD's previous willingness to support the GPA and other regional networks, GPA could propose the creation of a future joint project, in which both parties

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[12] https://www.oecd.org/going-digital/
[13] http://globalprivacyassembly.org/wp-content/uploads/2015/02/website-working-group-report.pdf
[14] OECD website: https://www.oecd.org/about/budget/

would benefit from activities such as the production of common reports, joint workshops or training programmes. Another alternative could be to propose that the OECD 'commission' and fund the GPA to produce some work for the purposes of this project. Possible areas of collaboration, which the OECD is currently exploring, include Artificial Intelligence, digital security and privacy, education, and digital consumers[15].

The Secretariat has held an initial tentative discussion with the OECD on available funding. However, should any specific GPA project wish to access OECD monies, further discussions will be needed, including to determine who precisely would receive the monies: the authority hosting the Secretariat who would then disburse to others as appropriate or one or several authorities on behalf of the Working Groups. In any case, **it is unlikely that any funding received would cover the Secretariat's operating costs.**

3.3.   EU

The EU has an extensive funding programme, supporting projects and initiatives ranging in topics from fundamental rights to economic and financial affairs, and it allocates about 10% of its budget to external action supporting projects in partner countries and partner organisations[16].

As with UN and OECD funding, the work to date suggests that **EU funding would also be limited to specific projects**, rather than supporting any future Secretariat operating costs.

There have been very few new calls for proposals under the new EU Funding Programme 2021-2027 so it is difficult to say currently and with certainty what funding could be available to the GPA. However, based on the research conducted so far, one area under which the GPA might be eligible to apply for funding in the form of a **grant**, would be in the field of international development and cooperation. Most grants are allocated following a call for proposals, which can be open or restricted, in line with the EU's strategic priorities.

It is also possible to apply for a financial **framework partnership agreement** with the EU. Under this scheme, agreements can be signed between the European Commission and a third party, allowing the Commission to disburse grants for a period of up to 4 years, though in exceptional cases this can be extended. The eligibility criteria and the amounts available (with low value grants amounting up to €60,000) vary dependent on the project and the call. If such a partnership agreement were achievable between the GPA and the EU Commissioner securing such a grant could possibly finance a portion of the GPA's expenses. However, the EU "rarely finances projects up to 100%", which would require the GPA to "also put up a percentage"[17], necessitating a funding stream from within the GPA. In

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[15] All these topics are covered in the OECD's project *Going Digital*. Running since 2017, the Project is currently in in Phase III (2021-2022) focusing on data governance and its economic and societal impact. https://www.oecd.org/going-digital/
[16] https://ec.europa.eu/international-partnerships/funding_en
[17] https://ec.europa.eu/info/funding-tenders/how-eu-funding-works/types-funding_en

addition, these partnership agreements aim to support the achievement of EU policy objectives, which would require the GPA to align its objectives with those of the EU in order to secure funding, thus restricting its ability to choose its own objectives. It is highly unlikely that the wider GPA membership could agree to approaches that explicitly aligned with EU policy objectives. Finally, the research conducted so far was unable to identify any previous calls in areas of interest to the GPA. That is not to say that there may never be one, however the GPA would likely need to wait for a suitable call to be launched. In light of these drawbacks, this is unlikely to be a suitable option for funding the Secretariat in the foreseeable future.

For completeness, it is noted the EU has additional funding opportunities available exclusively to its Member States. Therefore, some grants provided by the EU may only be available to the GPA were the future secretariat to be based in an EU Member State. For example, the Ibero-American Network, whose secretariat is serviced by the Spanish Data Protection Authority (AEPD) appears to be receiving some funding from the EU Regional Development Fund.

To conclude, research so far indicates that **EU funding would not be suitable** for the establishment of a stable GPA secretariat, but there may be opportunities for funding potentially Working Groups' activities.

3.4.   Council of Europe

Another stakeholder that appears to provide some funding is the Council of Europe. The Council of Europe is widely known for its work in the promotion of human rights and it is actively involved in the field of data protection. Not unlike the above, it is **unlikely that the Council of Europe offers any suitable options to receive funding for the GPA secretariat**.

The Council of Europe does provide **grants** either for specific projects or for operational expenditures, the latter's duration being up to 12 months. The purpose of these grants must be to "assist the grantee achieve its goals or objectives" and to "promote the values or policies of the Council of Europe"[18].

However, these grants appear to be provided to bodies in targeted countries which are CoE members or neighbouring countries and our research did not find any grants offered to regional or international bodies. It is therefore considered **unlikely that such a grant could be awarded to the GPA directly** – although this requires more formal verification with the Council of Europe. Furthermore, to date, there have been only two grants that have been awarded for data protection-related projects, both at a country-level.

Nevertheless, there may be some room for cooperation. One possibility could be the implementation of a **joint project or programme** with the Council of Europe. In the field of data protection, for example, the Council of Europe is implementing a joint EU/CoE

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[18] Rule No. 1374 of 16 December 2015 on the grant award procedure of the Council of Europe, Article 1.2.

programme through which it is running monthly thematic data protection workshops for the African Network of Data Protection Authorities[19]. Whilst it is unclear whether the running of the workshops involves actual disbursement of funds or whether the CoE provides the human resource to run these workshops, there may be scope to propose the establishment of a similar programme between GPA and CoE where this may support delivery of the GPA policy agenda.

4. Conclusions

This paper summarises the initial findings of the stakeholder funding options analysis conducted between January 2021 and March 2021 for the purpose of finding reliable alternative sources of funding for the GPA Secretariat.

As highlighted above, overall, **it appears that there is little scope for any contribution to the operating costs of a future stable Secretariat.** However, there may be some funding available from the OECD and the EU for possible future joint projects. Further enquiries would have to be made either by the Secretariat, or members of working groups, should possible projects be identified. Bearing in mind, as pointed out, that many of the grants would be of a limited duration, which would likely necessitate significant resources to make funding applications.

Based on this analysis it is therefore appropriate to recommend that the GPA focuses on developing further a functioning self-funding model based on membership fees. The funding opportunities identified through the analysis set out here could be used to support some of the Working Groups' future activities.

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[19] https://www.coe.int/en/web/data-protection/monthly-thematic-data-protection-workshops-november-2020-march-2021-online

Annex 5. Results of the Funded Secretariat Member Consultation

Background

In order to progress the Funded Secretariat workstream, member consultations were held to measure member willingness to adopt and identify any concerns with the three-tier Funded Secretariat model.

Survey Results

The survey received 55 responses, which represents 42% of the membership; and achieved good regional representation.

Geography of responses

- 30 were from Europe
- 6 from North America
- 6 from South & Latin America
- 4 from Asia
- 7 from Africa & Middle East
- 2 from Oceania

Headlines

98% of respondents said they agreed with the funded model in principle, and the only objection regarded the fact that authorities do not all have the same budgets.

80% (44) of respondents agreed with the tier they were placed in, and 11 disagreed.

16% (9) of the total respondents said they would not be able to pay the fee they have been allocated. Out of those, 5 said they cannot pay a fee at all; and 3 said they could pay a smaller fee.

96% (53) of respondents said they would be unable or unwilling to pay a voluntary contribution.

Further work to address the issues raised

The Working Group undertook further work to address the concerns raised which has resulted in:

- Confirmation that the indicative model remains the best approach to achieve a fair, transparent and robust model.
- An approach to potential deferment of fees for those unable to pay for any defined short term period; this will be supported by a requirement for any authority that is exempted in this way to set out a clear plan for achieving a future ability to pay with an associated timescale.
- Reassessment of the Secretariat costs and a therefore a lowering of the fees overalls, noting that these remain indicative.