GPA Annual Report of the Executive Committee 2020–2021





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Foreword from Elizabeth Denham

This year marks the 43rd year of our assembly. The Global Privacy Assembly, and the ICDPPC before it, has a storied history, from our first meeting in Bonn, to the digital event held in very different circumstances last year.

Our story has many chapters, covering our assembly's formation, becoming truly global, and finding its place in the wider world.

The most recent chapter has seen us evolve and modernise to meet the challenges of a data-driven age. We have found the strategy to give the GPA an effective voice, and the focus to make us relevant.

This report particularly demonstrates the latest work to ensure our relevance. The completion of our current policy strategy and the confirmation of the focus for our plan for the next three years show what we can achieve together. As members we may be separated by borders and oceans, but legislation is becoming increasingly converged. Through agreement and delivery of shared objectives, we can maximise our impact and relevance.

That focus also enables us to confidently shape our story in the eyes of the wider community. This year we have completed the establishment of our external Reference Panel, led workshops with international organisations including the OECD and United Nations, and developed our ability to respond with one voice on key issues, including emerging issues in the Digital Economy, AI and children's rights.

We have completed that work in the most difficult circumstances. This chapter of our assembly's story will be forever prefaced by the impact of a global pandemic, one that continues to present so many challenges.

As a community, we have responded to the challenge. Our COVID-19 working group continues to be an invaluable conduit for collaboration and sharing of expertise. Our new joint statements mechanism has enabled us to demonstrate the unity of our community on key issues. And we can be so proud that we successfully came together for our first ever digital conference in October 2020.



As members, you shape our story. Some of you have helped to write the chapters already recorded. Others will be part of future chapters. I step down as chair of the Executive Committee in October enormously proud of the part of our story written under my stewardship. I am grateful for all of your support, and particularly the hard work and expertise of my colleagues on the Executive Committee. I am confident the Committee is well equipped to write our next chapter.

Elizabeth Denham Chair of the Executive Committee, Global Privacy Assembly UK Information Commissioner

Main achievements



Implementing the GPA's 2020 Joint Statements resolution and producing the first ever Joint Statement on the use of health data



Optimising Working Group output to deliver the 2019-21 Strategic Plan, which included providing clearer indicators for success and messaging to international organisations



Ensuring the development and delivery of the new 2021-23 Strategic Plan, providing a set of key shared policy objectives underpinning delivery of the Assembly's aim and mission



Formation of the new COVID-19 working group to act as a rapid response group to emerging issues in the pandemic.



Establishment of GPA's first ever external Reference Panel, ensuring the GPA has access to many diverse regional leading experts in data protection and privacy, technology and cross-sectoral regulation



The delivery of the 2020 Census, the second ever GPA census, giving an insightful snapshot of how GPA member authorities regulate and operate



Participation in external events with international organisations such as the first ever joint GPA, OECD and UNSRP Workshops in June 2021



Developed the GPA's ability to respond with one voice to the UN, the EU, and others e.g. the first ever joint Digital Education Working Group (DEWG) response to the UN on children's rights



Modernising the GPA in the digital age by delivering the first ever online conference and online conference elections



The Launch of the Giovanni Buttarelli award - a celebration of leadership in cooperation and collaboration in privacy and data protection; our first award to be launched in the Open Session.

Statistics

134 data protection and privacy authorities across the globe.



(new activity in the Humanitarian Action WG and the Temporary COVID-19 WG)

26.5% increase in Twitter followers (4,400 total followers)



providing unparalleled insight into the daily work of GPA members

Three editions



of the GPA Newsletter, revamped and refreshed with new content features for changing audience needs in a fast-changing world

More Members participating in Working Groups – up to



80% more in some WGs (IEWG) - more observers

now taking advantage of recent participation possibilities in WGs

12,489 GPA newsletter views





Members of the 2020-21 Executive Committee



Elizabeth Denham GPA Chair and UK Information Commissioner



Marguerite Ouedraogo Bonane President of CIL, Burkina Faso



Angelene Falk Information Commissioner at the Office of the Australian Information Commissioner



Ulrich Kelber Federal Commissioner for Data Protection and Freedom of Information, Germany



Besnik Dervishi Information and Data Protection Commissioner, Albania (Host 2019)



Blanca Lilia Ibarra Cadena President Commissioner of INAI, Mexico (Host 2021)



John Edwards Privacy Commissioner, Office of the Privacy Commissioner, New Zealand (Host 2022 and Observer to the Committee)



The Committee recognised the valuable contribution of **Eduardo Bertoni** who left the GPA Executive Committee in 2020 at the same time as his tenure ended at AAIP, Argentina.

The Executive continue to benefit from Eduardo Bertoni's expertise through his new role on the GPA Reference Panel, now representing the Inter-American Institute for Human Rights (see page 11 for more details on the GPA Reference Panel).

Strategic Direction Sub-Committee (SDSC) Report

Words from the SDSC Chair Angelene Falk OAIC.

2021 has seen individuals, society, and businesses continue to adapt to extraordinary circumstances as we move into new phases of managing the global pandemic. Data protection and privacy authorities must continue to respond with agility to the changing environment as well as embed strong privacy protections in the emerging new 'normal' We have seen this across our GPA community as we move to being a more agile conference, responding to developments throughout the year.

As Chair of the Executive Committee's Strategic Direction Sub-Committee (SDSC), I am honoured to have a role assisting with the practical implementation of the GPA's Strategic Plan 2019-2021 and present key highlights from the SDSC.

I thank my fellow SDSC members from the UK, Germany and Albania and the Executive Committee for their leadership and commitment to our work. It is a privilege to work alongside them to help realize the vision of the GPA.

Ensuring the successful delivery of the Strategic Plan

The SDSC supports Working Groups to implement the Strategic Plan through regular 'deep dive' sessions. These sessions support Working Groups to remain joined up and focused on the delivery of our Strategic Plan. Amidst an ongoing pandemic, the progress made to deliver tangible outcomes by Working Groups shows their commitment and demonstrates the value they bring for all members.

Evaluating the GPA's joint statement mechanism

A key achievement of the GPA last year was the membership's adoption of the Joint Statement mechanism. This was an important milestone in the evolution of the GPA and contributes to the GPA's Strategic Priority to maximise its voice and influence in advancing privacy and data protection internationally. The SDSC congratulates the COVID-19 Working Group in preparing the GPA's



first statement under the mechanism. In line with the commitment made under the Resolution on Joint Statements on Emerging Issues adopted in 2020 to review the effectiveness of the procedure, the SDSC has reviewed early use of the mechanism on behalf of the Executive Committee. Following the SDSC's review, the Executive Committee determined that the membership would benefit from guidance about planning the intended impact of the Joint Statement.

Maximising the GPA's voice and influence

The SDSC has worked to strengthen its relationships with other bodies and networks by ensuring that the GPA undertakes a co-ordinated approach to deliver key messages. It has achieved this through reviewing the GPA slide-deck to reflect the GPA's revised Strategic Direction, and the GPA's observer report template to support members presenting in other fora.

The SDSC has also undertaken important groundwork to consolidate strategies to strengthen engagement with regional and linguistic networks by mapping existing networks and identifying opportunities for closer collaboration. Such work helps to ensure that we maximise the opportunities for the GPA's priorities to be amplified and informed.

Current and Future Strategic Plan

As the GPA approaches the end of the current strategic plan and associated policy strategy period for 2019-21, we can reflect on the progress we have made to evolve and modernise the GPA to reach the place where we are now. The dedication of the GPA's working groups, and the support and coordination of the SDSC, have contributed to the strong progress made in delivering the plan, and provide a firm foundation for what we do next.

But just as the end of the current strategic plan period provides an opportunity for reflecting on our achievements, it is equally important to consider and plan the GPA's priorities for the next two years.

That planning has been taking place in 2021 against the backdrop of a world in various stages of a global pandemic, and with accelerated digitalisation and data-driven innovation featuring highly on the agenda as countries rebuild their economies and societies. The next two years will be important – the GPA needs an influential voice and a constructive approach to enable those innovations that improve the lives of our citizens, while also protecting their rights. The process of planning started back in December, when working group chairs attended meetings to discuss and gather their views on what the GPA's focus should be in 2021-23. The Executive Committee continued the process with detailed discussions at a workshop in March, agreeing that the GPA should continue building on its recent progress, but that it should also take into account the accelerated digitalisation that has taken place and continues to do so.

All of this fed into the draft Strategic Plan 2021-23, which the Executive Committee is keen for GPA members to adopt at the October Closed Session. The evolutionary approach and continuation of key items, together with its emphasis on maximising the GPA voice and policy focus on key areas such as data sharing for the public good, should ensure that the GPA and the work we do remains relevant, timely and influential.



The COVID-19 Working Group

As the world continues to attempt to emerge from the COVID-19 pandemic, grappling with new way of working, the GPA community collaborated both as enablers and protectors to help shape and influence the global data protection and privacy agenda.

Recognising the need for a continuing mechanism that will build on the successes of the Covid-19 Taskforce, the Global Privacy Assembly (GPA) established the Working Group on COVID-19 related privacy and data protection issues in 2020 with the National Privacy Commission, Philippines, as Chairperson.

In pursuit of continuing the work of the COVID-19 Taskforce towards **strengthening collaborative action of jurisdictions** in responding to data protection and privacy issues arising from the COVID-19 pandemic, the new Working Group on COVID-19 related privacy and data protection issues retained the same approaches as the Taskforce with its two sub-groups, (1) Subgroup on Emerging Issues; and (2) Sub-group on Capacity building.

With the **primary strategy of strengthening the GPA community's role as enablers and protectors**, the Working Group focused on five strategic issues, namely:

- alternative working arrangements;
- the use of e-learning and online schooling technologies;
- sharing of data between hospitals and health ministries and other relevant government bodies;
- personal data processing for vaccination programmes; and
- the processing and sharing of health data concerning travel and passenger data.

This year, Sub-group 1 conducted the Survey on Emerging Privacy Issues to identify the most pressing privacy issues at that time of the COVID-19 pandemic and the Survey on Experience and Best Practices in Response to COVID-19 to gather information, relevant experiences, and best data protection practices to be compiled into the **Second Edition of the** Compendium of Best Practices in



Raymund Liboro Privacy Commissioner at the NPC, Philippines, Chair of the COVID-19 Working Group

Response to COVID-19.

On 31 March 2021, through the Working Group's efforts, the first GPA Executive Committee Joint Statement was published: Joint Statement on the Use of Health Data for Domestic or International Travel Purposes, encouraging organisations to minimize data collection to only that information that can contribute to the protection of public health while also factoring in reasonable retention periods and privacy by design measures at the outset.

To enhance **capacity building**, and **the importance of building synergistic relationships** our collaborative online workshops with OECD and the UN Special Rapporteur on the Right to Privacy were held in June this year as a follow-up session on the two previous workshops last April 2020 and September 2020. The three-day workshop focused on the approaches of governments in response to the health crisis, data privacy challenges in the workplace, and vaccination programmes.

In fulfilment of the GPA Strategic Direction Plan 2019-2021, our Working Group will continue to promote best practices to set guidance on interfacing with governments, collaborating with the private sector, and addressing risks, threats, and harms. Partnering with other organisations and privacy networks would allow GPA member authorities to foster knowledge and share insights as a global community, paving the way to valuable networking opportunities for potential collaborative work in the future.

Other implications of COVID-19 for the GPA in 2021

Despite the continuing communications challenges raised by the COVID-19 pandemic, The Executive Committee, Working Groups and the GPA membership have continued to come together and progress on key workstreams in the virtual environment.

Maximising the ability of the GPA membership to come together, we facilitated the first Global Privacy Online Conference in 2020, and are going to provide the second in 2021. In another first for the GPA, the GPA Global Privacy and Data Protection Awards 2021 were held as an online video event for members to enjoy both in Conference week and in their own time.

And the historic launch of the Giovanni Buttarelli Award 2021 in the Open Session was able to proceed online at the Conference.

The GPA community has continued to adapt to support each other, build upon our strong connections and move forward in these challenging global circumstances.

GPA Reference Panel

In March 2021, the Executive Committee endorsed the GPA's first Reference Panel, a contact group of varied external stakeholders intended to support and strengthen the work of the Assembly and its members by providing expert knowledge and practical expertise on data protection and privacy, as well as on data protection-related issues and developments in information technology.

The independent panel of 16 members provides expertise from around the world from relevant civil society organisations, academic institutions and think tanks who have an interest in the vision and mission of the GPA. The Panel was selected in early 2021 by an Assessment Group of GPA Members chaired by the GPA Chair Authority the UK Information Commissioner's Office.

The Reference Panel itself is chaired by Ulrich Kelber, member of the GPA Executive Committee, and Germany's Federal Commissioner for Data Protection and Freedom of Information.

The Reference Panel is already off to a flying start, it has already assisted multiple working groups with queries about their reports, provided advice on key topics.

The Reference Panel has also formed a subcommittee to advise and assist in organising the 2021 GPA Conference's Open Session agenda. It will also present a Work Plan at the 2021 Conference and the Panel looks forward to discussing how their expertise can assist the GPA in its mission and vision.

View the full list of Reference Panel members on <u>the</u> <u>GPA website</u>.



"I am very happy that we could bring together such talented experts from various regions and professional backgrounds. The first meeting of the GPA Reference Panel has already shown that the Panel members can provide a valuable contribution to the work of the GPA as a whole.

I am looking forward to further chairing this new body of the GPA and help to ensure that GPA topics continue to be relevant for all stakeholders."

Ulrich Kelber

Federal Commissioner for Data Protection and Freedom of Information, Germany

Navigating the Global Data Privacy Landscape: The 2020 GPA Census

Every three years the GPA takes stock of the work of the Global Privacy Assembly (GPA) membership through the GPA Census. This work began in 2017, and the 2020 Census marks the second Global Privacy Assembly Census. This year the Executive Committee endorsed the latest Census.

This Census – based on 2019 data – collected information from 70 GPA members to provide a 'point in time' picture of the policies and delivery approaches that currently guide and regulate data protection and privacy globally.

The Census provides a useful reference tool for those whose business and data crosses jurisdictions and to national policy makers considering new legislative approaches. It also supports member authorities' capacity building and collaboration through dissemination of 'how it's done' in other jurisdictions.

Finally, the data in this Census informs the GPA's Working Groups which are charged with delivering activity in support of the GPA 2019-2021 Conference Strategic direction and its successor document (currently under development and to be agreed at the GPA Conference in October 2021). This report bears many similarities to the picture reported in the 2017 census, but there are some noteworthy differences in 2020.

Most notably, the growth in size of data protection authorities around the world in terms of budgets and personnel indicates the increasing importance of ensuring that citizens' personal data and privacy are protected, and seen to be protected, via the oversight of an independent regulator.

The design of the report is founded in the GPA aspiration, which is to: "create an environment in which privacy and data protection authorities around the world are able to act". The words within this aspiration have been translated into binary code, and we wanted to convey that the report is about data protection and privacy authorities across the world by using the image of the globe.



The 2020 GPA Census has been made public ahead of the release of this GPA Annual Report, and Members and Working Groups have received a copy. The Census analysis and report was produced for the GPA with the help of UK market research firm Revealing Reality.

GPA Global Cross-Border Enforcement Cooperation Arrangement (GCBECA)

Arrangement enlarges its participant base in 2021

Three privacy enforcement authorities entered the <u>Global Cross-Border Enforcement Cooperation</u> <u>Arrangement</u> as new participants in the last year 2020-21: Jersey (OIC), Georgia (SIS) and Malta (IDPC). The Executive Committee and GPA Secretariat is responsible for administering the continued operation and promotion of this Arrangement.

At the 36th Conference in 2014 the Assembly adopted a Resolution on Enforcement Cooperation which built upon resolutions adopted at the 29th, 33rd and 35th Conferences and reports in 2013 and 2014 of a temporary working group.

Background to the Arrangement - Capacity building through enforcement cooperation tools

The Assembly's 2014 Resolution accepted the Global Cross Border Enforcement Cooperation Arrangement as a possible basis to facilitate enforcement cooperation. Amongst other things, the Arrangement:

- addresses information sharing, including the treatment by recipients of enforcement-related information;
- promotes common understandings and approaches to cross-border enforcement cooperation; and
- encourages authorities to coordinate crossborder cooperation and to assist other authorities.

A Group of Experts met in 2016-2017 to present a final report on how to proceed on legal and practical solutions to cooperation. This was accompanied by the Enforcement Cooperation Resolution 2017 and the updated Global Cross Border Enforcement Cooperation Arrangement adopted at the 2017 Hong Kong ICDPPC 39th conference.

The Arrangement continues to welcome individual authorities as participants and the Executive Committee holds the responsibility for assessing new applications for participation. Members of the GPA as well as members of the Council of Europe Convention 108/Convention 108+ Consultative Committee T-PD; Global Privacy Enforcement Network (GPEN); the APEC Crossborder Privacy Enforcement Arrangement (CPEA); or the EU's European Data Protection Board (EDPB) can participate in this Arrangement and the Executive Committee continues to encourage other GPA members to participate.

Full details about participation are available on <u>the</u> <u>GPA website</u>.

GPA Communications

Maximising the Voice and Influence of the GPA

At this pivotal time for data protection and privacy, the GPA has once again risen to the challenge of helping to make our community one that is supportive, practical and relevant. Our strategy of collaboration across the Assembly has helped to maximise the voice and influence of the GPA to ensure that the GPA is an influential forum yearround.

Strong communication both within the membership and externally to the wider data protection and privacy community has contributed to further cementing the global reputation and significance of the work of the GPA.

This is reflected in the development of the GPA website into a valuable resource for the international data protection and privacy community now featuring new sections on the GPA Reference Panel, our contact group of external stakeholders providing expert knowledge and practical expertise, COVID-19 and Enforcement resource repositories and regular blogs/videos from key members of the GPA community.

The GPA Newsletter has also become increasingly outward facing, now including regular articles from privacy and data protection experts external to the GPA community, together with its articles on innovative data protection and privacy initiatives undertaken globally. It has gained international recognition as a unique resource for those interested in this field.

This can be seen in the increased engagement with the website, newsletter and social media in the last year:

- 12,489 GPA newsletter views
- 40,870 visits to GPA website
- **26.5%** increase in Twitter followers (4,400 total followers)

Cultural and linguistic diversity are important features of the GPA, and the ability to provide translation of core content for different languages is key to the success and collaborative engagement process for the GPA. This year, members came together to volunteer as part of the newly formed GPA Translation Network, providing a valuable means of extending the reach of our communications across our membership community.

Accreditation

The Assembly's influence internationally can only be impactful thanks to the diversity and ever-increasing number of authorities and organisations that join it. As our network expands, so does our international voice and the GPA's efforts to be an outstanding privacy and data protection forum.

Each year, the Executive Committee's Accreditation Subcommittee assesses new membership and observer applications with the aim of expanding our international community. At the 42nd Annual Meeting, the GPA welcomed four new member authorities from Bermuda, the Cayman Islands, the Canton of Bern (Switzerland) and Dubai International Financial Centre, bringing the total of members to over 130. We also welcomed the European Consumer Organisation (BEUC) as an Observer.

We are also looking forward to continuing this growth by welcoming more new members and observers in the upcoming year 2021-22. The Executive Committee's Accreditation Sub-Committee has been working all year-round to further expand our community by holding meetings with authorities interested in joining the GPA as well as assessing new membership applications. We received a number of interesting membership applications by the conference deadline in July. Announcements of new members and observers, will be made at the 2021 Closed Session.

Many GPA Observers have sought to renew their Observer Status this year. This is testament to the value that the wider community sees in the GPA's work. Several GPA Observers have also taken advantage of their relatively new opportunities to join GPA Working Group work during the past year. This has also enriched the work of the Working Groups.

The Executive Committee recognises the work of the Albanian and New Zealand members alongside the Secretariat who together comprise the Accreditation sub-committee this year.

GPA Executive Committee acknowledgements

The Executive Committee wishes to thank the following individuals for their work:

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GPA conference contacts for more information

The GPA is active across several digital platforms. Sign up to our newsletter by contacting the Secretariat at:

