



**GPA**

Global Privacy Assembly

# Rules and Procedures

The Rules and Procedures express the Assembly's purposes and set out its governance arrangements and the processes for its annual meetings and ancillary matters.

The Rules and Procedures as consolidated in the present document took effect on 21 October 2021 at the 43rd Annual Meeting Closed Session.

[globalprivacyassembly.org](https://globalprivacyassembly.org)



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## **RULES AND PROCEDURES**

### **1. Global Privacy Assembly**

#### **1.1 The Status of the Assembly**

The Global Privacy Assembly (the “Assembly”) is an entity in its own right, representing the collective accredited members. For the purposes of this document, the term the Assembly refers to the collective accredited members. There is no compelling need in the short-term to incorporate or otherwise give the Assembly legal status. The legal status of the Assembly can be revisited at a later date.

#### **1.2 The Purposes of the Assembly**

The purposes of the Assembly are:

- a. To promote and enhance internationally personal data protection and privacy rights.
- b. To improve data protection and privacy by providing a forum that encourages dialogue, cooperation and information sharing.
- c. To draft and adopt joint resolutions and declarations on subjects that warrant the common interest or concern of the accredited members, and promote their implementation.
- d. To be a meeting point between accredited members and other international fora or organisations that share common objectives.
- e. To encourage and facilitate cooperation and the exchange of information among accredited members, in particular regarding enforcement actions.
- f. To promote the development of international standards in the field of protection of personal data.

### **1.3 Elements of the Assembly**

The Assembly consists of:

- The Closed Session
- The Executive Committee
- Working Groups

*Note: To improve useability and consistency a new heading for the rule was added with subclauses assigned decimal numbers. This resulted in a renumbering of all three clauses.*

## **2. The Annual Meeting and Closed Session**

### **2.1 The Annual Meeting**

The Assembly shall hold a meeting at least once a year, preferably during the months of September to November.

The annual meeting will be organised by one of its Members (hereinafter, the Hosting Authority), with the advice and support of the Executive Committee. Insofar as possible, the Hosting Authority should alternate between countries representing different cultural, geographic and legal backgrounds.

The annual meetings shall consist of a Closed Session (hereinafter, the Closed Session). At the discretion of the Executive Committee and the Hosting Authority, the annual meeting should seek to include, without prejudice to ordinary business and debates, during the Closed Session, dedicated occasions for members to share and exchange operational and practical experiences. The decision whether to hold an open meeting in conjunction with the Closed Session, with participation from governments, industry, academia and civil society, should be left to the Hosting Authority.

Should it wish to hold an open meeting, the Hosting Authority should be free to decide how to organize such an event. Individuals or organizations with specific expertise could be invited by the Executive Committee to present a specific subject and attend specific parts of the Closed Session.

*Note: Third paragraph was amended by 40th Conference.*

## **2.2 Functions of the Closed Session**

The functions of the Closed Session are:

- a. To adopt the Agenda of the current meeting and the minutes of the previous one.
- b. To elect the Executive Committee and the Chair of the Executive Committee.
- c. To set up the appropriate Working Groups.
- d. [*Revoked*]
- e. To consider and vote on proposed resolutions and declarations.
- f. To adopt the reports delivered by the Executive Committee and the Working Groups.
- g. To decide on the accreditation and on the review of status of Members and Observers, pursuant to [the rules set out at article 5.1 to 5.5].
- h. To decide whether to request observer status to other fora and international organisations whose activity is related to the protection of personal data and/or privacy.
- i. To define the Assembly's strategic direction.
- j. To amend and, where appropriate, implement these Rules of Procedure.

*Note: Paragraph (d) revoked by 36th Conference.*

*Note: Paragraph (g) amended by 37th Conference.*

## **2.3 Closed Session decision-making**

The Closed Session will be co-chaired by the Chair of the Executive Committee and by the Hosting Authority of the Annual Meeting. The Closed Session can be attended by accredited members and observers only.

Insofar as possible, decisions of the Closed Session will be adopted by consensus. When consensus is not possible, decisions will be based on a majority of the votes cast.

Abstentions will not be considered as votes cast for the purposes of determining a majority. Dissenting votes will be noted in the minutes and in adopted resolutions at the request of any member.

Only one vote may be cast on behalf of any country. When more than one member from the same country attends the Closed Session, the vote will be cast by the national authority or by the most representative member according to criteria such as the extent of its supervisory powers. The member casting the vote is expected to consult with the other members from the country in question.

A list of the voting Members shall be adopted at the beginning of each Closed Session, on a proposal of the Executive Committee.

Members that belong to international organisations are not entitled to vote, unless voting rights have been specifically granted to them at the time of accreditation.

*Note: Text in 1st paragraph of Article 2.3 substituted by 36th Conference.*

*Note to rule 2: To improve usability and consistency a new heading for the rule was added and the numbering was adjusted.*

*Note: Text in 1st paragraph of Article 2.3 amended by 40th Conference*

### **3. Governance Structure**

#### **3.1 The Executive Committee**

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. 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.

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.

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 an Assembly member designated by the Committee may represent the Assembly and report back on its representation.

*Note: First paragraph of Article 3.1 amended by 39th Conference.*

*Note: First paragraph of Article 3.1 amended by 40th Conference.*

*Note: First paragraph of Article 3.1 amended by 41st Conference.*

*Note: Text in 2nd paragraph of 3.1 substituted by 40th Conference.*

*Note: Text in 4th paragraph of 3.1 amended by 40th Conference.*

*Note: Text in 4th paragraph of 3.1 amended by 41st Conference.*

*Note: Text in 1st paragraph of 3.1 amended by the 43rd Conference.*

### **3.2 Functions of the Executive Committee**

- a. To implement the decisions of the Closed Session.
- aa. To provide leadership to the Assembly in attaining its strategic goals, including by adopting Executive Committee Statements on time critical emerging global issues, or appointing Rapporteurs to consider an emerging global issue.
- b. To ensure the application of the resolutions of the Closed Session.
- c. To seek proposals from member authorities by a specified deadline to host or co-host the Annual Meeting; to evaluate such proposals; and to recommend a hosting or co-hosting authority to the members of the Assembly with sufficient time to allow the selected hosting or co-hosting authority to execute orderly preparations.
  - i. If no member objects within a period designated by the Executive Committee, the recommendation will become the decision of the Assembly.
  - ii. If any member objects, the Executive Committee will as soon as practicable arrange for a membership electronic vote on the recommendation.
- d. To assist the Hosting Authority in organising the next Annual Meeting.
- e. To draft press releases, statements and any other media resources, including to draft Executive Committee Statements on time critical emerging global issues.
- ee. To propose statements to be made by the Assembly outside of the Closed Session where the Executive Committee judges that timely action by the membership is needed in response to an emerging global issue and/or to appoint a Rapporteur to explore the issue and report back to the membership;
  - i. The preparation of a draft GPA statement shall be communicated to all members, together with a call for a rapporteur(s) where applicable. A draft shall be circulated for comments, with a deadline of no less than 7 days for responses (consultation period). The rapporteur(s) and/or Executive Committee shall make best efforts to integrate the comments received and reach a consensus draft on this basis. Where significant



changes have been proposed, the rapporteur(s) and/or Executive Committee may circulate a revised version with a further period of 7 days for comment. Otherwise, a final draft will be circulated to all members at the end of the consultation period.

- ii. Once a draft is finalised, GPA members will be given a 14 day period to abstain or opt out from the GPA statement. This will be noted in a footnote to the GPA statement with an explanation from the abstaining/opting out member if required by that member. If more than 10% of members opt out or abstain, the statement will not be issued as a GPA branded statement. Interested members may choose to proceed to make a joint statement on their own initiative, but this shall not bear GPA marking.
- iii. In line with section 2.3 on Closed Session decision-making, national and subnational authorities from the same country should make a single response.
- f. To appoint, for renewable two-year terms, representatives of the Assembly to attend and report back from those fora and/or international organisations in which the Assembly has observer status or to which the Assembly may be invited to attend. Insofar as possible, the delegates shall be representing different cultural, geographic and legal backgrounds.
- g. Recommend the accreditation of new Members or Observers.
- h. Consider requests to review the status of Member or Observers.
- i. To maintain a permanent Assembly website as a repository for Assembly documentation.
- j. To keep Members informed of the work of the Executive Committee.
- k. To ensure that processes are in place to support the operation of the Global Cross Border Enforcement Cooperation Arrangement.
- l. To recommend the appointment of the Secretariat to the Closed Session.

Insofar as possible, decisions of the Executive Committee will be adopted by consensus.

When consensus is not possible decisions will be adopted by a majority of the votes

cast. Abstentions will not be considered as votes cast for the purposes of determining a majority.

*Note: Article 3.2(c) substituted by 36th Conference.*

*Note: Articles 3.2(aa), 3.2(i), 3.2(j) and 3.2(k) inserted by 37th Conference.*

*Note: Articles 3.2(c) and 3.2(f) amended by 40th Conference*

*Note: Articles 3.2(aa) and 3.2(e) amended by 42nd Conference*

*Note: Article 3.2(ee) inserted by 42nd Conference*

*Note: Article 3.2(l) inserted by the 43rd Conference*

### **3.3 Working groups**

Working Groups are composed of members of the Assembly. Observers can be invited to participate in Working Groups on an ad hoc basis. Participation is voluntary. Working Groups are to be chaired by one or more member authority, and can come from the same or different regions. Working Group Chairs shall take steps to encourage participation from all regions. Insofar as possible, a Working Group's members shall represent different cultural, geographic and legal backgrounds.

Working Groups derive their mandate and direction from the Closed Session. They shall report to the Closed Session; however, they should keep the Executive Committee informed of their progress.

Working Groups may be temporary or permanent, as stated at the time of their establishment.

*Note: Text in 1st paragraph of 3.3 amended by 40th Conference.*

### **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 Members and Observers of the Assembly.

- 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 or in its capacity as an Executive Committee member.

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.

*Note: Article 3.4 inserted by 43rd Conference.*

### **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.

*Note: Article 3.5 inserted by the 43rd Conference.*

### **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.

*Note: Article 3.6 inserted by the 43rd Conference.*

## **4. Resolutions**

### **4.1 Submission of proposed Resolutions or Declarations**

Members or Working Groups may submit proposed resolutions or declarations to the Chair of the Executive Committee with a copy to the Hosting Authority for consideration at the Closed Session.

Proposed resolutions or declarations must be submitted at least eight weeks before the next Closed Session, to enable the text to be circulated to all Members of the Assembly and for the proposal of amendments. Where the resolution concerns complex technical or policy issues or relates to a topic that otherwise may require a longer review and comment period prior to the Closed Session, sponsors of resolutions are encouraged to provide such longer time to facilitate consensus resolutions. In exceptional cases, and after approval of the Executive Committee, proposed resolutions or declarations may be submitted less than eight weeks before the Closed Session.

Proposed resolutions or declarations must have at least four other cosponsors, representing, insofar as possible, different cultural, geographic and legal backgrounds.

*Note: Second paragraph of article 4.1 amended by 39th Conference.*

*Note: Article 4.1 amended by 40th Conference.*

## **4.2 Expression and usefulness of resolutions**

Proposed resolutions or declarations should be:

- clearly and concisely expressed;
- address matters that are sufficiently related to the purposes of the Assembly;
- an offer of enduring guidance or contributing to public debate on matters related to data protection of privacy rights; and
- made available in English and the language of other major linguistic communities.

*Note: Text in 4th point of 4.2 inserted by 40th Conference.*

## **4.3 Structure of resolutions**

Proposed resolutions or declarations shall consist of the following parts:

- a. Title
- b. Member or members that submit the proposal – the sponsor(s)
- c. Members that support the proposal – the co-sponsors
- d. Recitals (optional)
- e. Body of the resolution or declaration
- f. Explanatory note (optional)
- g. Annex or annexes (optional)
- h. Suggestions for implementation (optional)

*Note: Article 4.3(h) inserted by 40th Conference.*

## **4.4 Voting on resolutions**

Upon debate and the answering of questions by the member or Working Group that submitted the proposed resolution or declaration, it will be voted on by the accredited members at the Closed Session according to the rules set out above in Article 2.3.

*Note to Article 4.4: To improve useability and consistency the Secretariat has added a new heading for the rule and subheadings for three newly numbered subclauses 4.2, 4.3 and 4.4).*

*Note: Article 4.4 amended by 40th Conference.*

#### **4.5 Implementation resolutions**

The member or Working Group that submits a resolution or declaration that is adopted shall provide a point of contact for the year following its adoption so that members who have questions, seek clarifications or wish to have more information on how to implement the resolution or declaration can do so.

Members are encouraged to share with the Secretariat any domestic or regional actions taken as a result of or in reference to the adoption of an Assembly resolution or declaration.

*Note: Article 4.5 inserted by 40th Conference.*

### **5. Accreditation Rules and Procedures**

#### **5.1 Member status**

Supervisory Authorities that meet the following criteria and successfully complete the application process provided for in the next section of these Rules, shall be deemed Members of the Assembly:

- a. A public entity, created by an appropriate legal instrument based upon legal traditions of the country or international organisation which it belongs to;
- b. Has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates;
- c. The legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy;
- d. Has an appropriate range of legal powers to perform its functions; and
- e. Has appropriate autonomy and independence.



The fact that, according to the principles specified above, a country is represented by more than one Member, shall not affect the principle that only one vote is cast on behalf of any country.

## **5.2 Submission of applications for membership**

- a. Supervisory Authorities that consider they meet the criteria provided for in article 5.1 may apply to the Executive Committee on the form provided by the Secretariat to be a Member of the Assembly.
- b. Applications must be received by the Secretariat at least three months before the next Closed Session to be properly considered.

*Note: Article 5.2 substituted by 37th Conference.*

## **5.3 Observer status**

The following entities and organisations can take part in the Assembly, with an Observer status:

- a. Public entities that do not meet [the criteria provided for in article 5.1], but are involved in dealing with the protection of personal data and/or privacy.
- b. International organisations whose activity is related to the protection of personal data or privacy.
- c. Any other organisation that has granted Observer status to the Assembly, under the principle of reciprocity.

Observer status may be granted for a particular Annual Meeting or for a period of time covering more than one Annual Meeting.

*Note: Article 5.3(a) amended by 37th Conference.*

*Note: Final sentence of Article 5.3 substituted by 37th Conference.*

## **5.4 Submission of applications for accreditation as Observer**

- a. Entities or organisations that meet any of the conditions provided for in article 5.3 may apply to the Executive Committee on the form provided by the Secretariat to be an Observer.

- b. Applications must be received by the Secretariat at least two months before the next Closed Session to be properly considered.
- c. Where the Executive Committee supports an application, the Secretariat will circulate the Committee's recommendation for approval of the proposed new observer to members of the Assembly and invite objections; and:
  - i. If no Member objects within a period designated by the Executive Committee, the recommendation will become the decision of the Assembly; or
  - ii. If any Member objects to the recommendation, the application will be decided at the closed session.

*Note: Article 5.4 (a) and (b) substituted by 37th Conference.*

*Note: Article 5.4 (b) amended by 39th Conference.*

*Note: Article 5.4 (c) inserted by 38th Conference.*

### **5.5 Submission of requests for review**

The Executive Committee may be requested by at least three Members of the Assembly, for a review of the status of a Member or Observer that may no longer meet the criteria provided for in articles 5.1 or 5.3 of these Rules and Procedures respectively. For that purpose, the requesting Members shall:

- a. Draft an application letter asking to review the status of a Member or Observer.
- b. Enclose all the necessary accompanying documents to support the request.
- c. Provide the documentation to the Executive Committee at least three months before the next Closed Session, to enable it to be properly considered.

If a Member or Observer thinks that it no longer meets the aforementioned criteria, it shall notify this fact to the Executive Committee at its earliest convenience, but before the next Closed Session.

*Note: First sentence of Article 5.5 amended by 37th Conference.*

## **6. Language**

### **6.1 Linguistic diversity**

Cultural and linguistic diversity are features of the Assembly. Authorities shall make their best efforts to preserve it by providing simultaneous interpretation for different languages, including but not limited to English [and the language of major linguistic communities]. The different linguistic communities shall contribute, when required, to accomplish that aim.

### **6.2 Assembly documents**

Without prejudice to section 4.2, Assembly documents, including accreditation and observer applications may be submitted in English or in another language. In the latter case, the documents shall be accompanied by an English version. Members with the ability and the resources to do so are encouraged to translate proposed resolutions and other Assembly documents such as the Assembly Rules and Procedures.

*Note: Second sentence of Article 6 amended by 37th Conference.*

*Note to rule 6: To improve usability and consistency subheadings with decimal numbering were added to the rule's two subclauses.*

*Note: Article 6.2 amended by 40th Conference.*

*Administrative note: Issue and amendments*

*2011 – Rules and Procedures adopted*

*2014 – Articles 2.1, 2.2 and 3.2 amended.*

*2015 – Articles 2.1, 3.2, 5.2, 5.3, 5.4, 5.5 and 6 amended.*

*2016 – Article 5.4 amended.*

*2017 – Articles 3.1, 4.1 and 5.4 amended.*

*2018 – Articles 2.1, 2.3, 3.1, 3.2, 3.3, 4.1, 4.2, 4.3, 4.4, 4.5 and 6.2 amended.*

*2019 – Article 3.1 amended.*

*2020 – Article 3.2 amended.*

*2021 – Articles 3.1 and 3.2 amended. Articles 3.4, 3.5 and 3.6 inserted.*

*This consolidation has been prepared by the Secretariat (2021).*

*The table of contents was not in the original and was added by the Secretariat.*

*The rules as initially adopted were inconsistent in their approach to numbering of subclauses and inclusion of subheadings. This made it needlessly difficult to locate and refer to some rules. To improve consistency, in August 2017, the Secretariat administratively added several headings, subheadings and some decimal numbering. Where this has been done it is noted in the text. This affects rules 1, 2, 4 and 6.*