



GPA

Global Privacy Assembly

Data Protection and Other Rights and Freedoms Working Group

Working Group Report – July 2022

Chair authority: OPC Canada

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Executive Summary

The work of the Data Protection and Other Rights and Freedoms Working Group (DPORF) first began following the Global Privacy Assembly's (GPA) 41st Annual Conference in 2019, where the [Resolution on privacy as a fundamental human right and precondition for exercising other fundamental rights](#) was adopted. That resolution committed our group and its members to "developing a narrative to highlight the integral relationship of data protection to other rights and freedoms" in 2020-21. Our research of that report, consultation and writing culminated in the publication and adoption of the [narrative](#) at the 2021 GPA conference.

Additionally, at that same event, GPA members adopted the [Resolution on the Conference's Strategic Direction](#) which introduced our Strategic Plan for 2021-23, and set out new roles and responsibilities for the Working Groups. As a result, the DPORF was charged with promoting the narrative and its recommendations on behalf of the GPA. In particular, we recommended strengthened protection of privacy rights at the domestic level, as well as further investment and development of existing international data protection instruments.

In the first year of our renewed mandate, the DPORF has developed promotional materials (based on the narrative) and begun identifying outreach events at which to promote our report. We have also developed presentation materials, infographics, briefings and video content based upon the narrative.

In terms of specific projects to date this past year:

- The working group has also engaged in several promotional events. In April, we presented the narrative report at the Venice Privacy Symposium and gave a presentation at [RightsCon](#) in June. In November, we will be presenting to the Council of Europe Consultative Committee of the Convention for the Protection of Individuals With Regard to the Automatic Processing of Personal Data (T-PD).
- Presentation materials and infographics are being shared with all DPORF Members for their own promotional purposes and will be made available to GPA members soon.
- Beyond this, the DPORF has also continued to develop a pilot project for a Privacy and Human Rights Award, which will recognize outstanding public work done at the intersection of protecting both privacy and other fundamental human rights. This award will build upon the GPA's voice and influence, by working with other global rights organizations and their networks.
- The award's concept note has been finalized and will be presented to the GPA Executive Committee to seek their views and approval.

Introduction

The GPA has noted previously that at an international level, data protection and privacy rights are enshrined in important global instruments such as the [Universal Declaration of Human Rights](#) and the [International Covenant on Civil and Political Rights](#). Furthermore, in many parts of the world, privacy and data protection are recognized as a fundamental right on their own, providing a crucial legal underpinning for the exercise of other rights. This recognition anchors the projects of our working group.

In 2019, at the 41st GPA Annual Conference in Tirana, Albania, the 2019-21 Strategic Plan was adopted. This plan established the Working Group, who were tasked with developing a narrative report highlighting the integral relationship of privacy and data protection to other rights and freedoms. The narrative asserts that privacy and data protection are both fundamental rights, which has been recognized at the international level for decades, but that they are also critically important for the exercise of others human rights, such as freedom of movement or opinion. The report also covers the historical developments of privacy and data protection – as both legal concepts and later as fundamental rights – while also reviewing how emerging technologies affect these rights. This narrative report was finalized and adopted by the GPA membership during the 43rd Annual Conference.

The 43rd Annual Conference also saw the adoption of the GPA's Resolution on the Assembly's Strategic Direction, which established the GPA's 2021-23 Strategic Plan and renamed the PSWG3 to the Data Protection and Other Rights and Freedoms Working Group. The DPORF's mandate is taken from the Plan's "Strategic Priority #3 (Capacity Building) Pillar 3 (Policy Focus Areas)" which is twofold:

- 1) Consider and take forward recommendations from the adopted narrative on the integral relationship of data protection to other rights and freedoms.
- 2) Promote the narrative with relevant stakeholders.

The DPORF drafted a two-year work plan which sets out a four-phased approach to promoting the narrative. The four phases include:

- Phase 1: Conducting a mapping exercise with working group members to identify types of events the DPORF should prioritize its promotional efforts
- Phase 2: Drafting a Communications and Promotional Outreach Plan
- Phase 3: Developing promotional materials
- Phase 4: Engaging in promotional work

Last year the DPORF completed phase one and two, while phases three and four are currently ongoing.

The DPORF is chaired by the Office of the Privacy Commissioner of Canada (OPC Canada) and is comprised of the following members and observers:

- *The National Directorate for Personal Data Protection, Argentina*
- *National Data Protection Authority, Belgium*
- *Catalan Data Protection Authority, Catalonia, Spain*
- *Chilean Transparency Council*
- *Council of Europe*
- *Dubai International Financial Centre*
- *European Data Protection Supervisor*
- *European Union Fundamental Rights Agency (as observer)*
- *State Inspector's Service of Georgia*
- *Federal Commissioner for Data Protection and Freedom of Information, Germany*
- *National Institute for Transparency, Access to Information and Personal Data Protection, Mexico*
- *National Center for Privacy and Data Protection, Moldova*
- *Office of the Information and Privacy Commissioner, Newfoundland, Canada*
- *Personal Data Protection Office, Poland*
- *Data Protection Authority, Republic of San Marino*
- *Personal Data Commission, Senegal*
- *Information Regulator, South Africa*
- *Federal Data Protection and Information Commissioner, Switzerland*
- *Instance nationale de protection des données personnelles (INPDP), Tunisia*
- *Information Commissioner's Office, United Kingdom*
- *Federal Trade Commission, USA (as observer)*
- *Office of the Victorian Information Office, Victoria*

Working Group Activities

Promotional Work

Following a teleconference in February 2021 to discuss our two-year work plan, the DPORF distributed a survey to members to identify outreach events and stakeholder groups to promote our narrative. The responses informed development of the communications and promotional outreach plan, which outlines the events where members could present the narrative report on behalf of the GPA.

The working group has now begun this promotion work. In April, the Swiss Data Protection Authority (DPA) gave a presentation on the working group's behalf at the Venice Privacy Symposium. The OPC Canada also gave a pre-recorded video presentation at RightsCon this past June. We have also been extended the opportunity to brief the staff and members of Council of Europe's T-PD Committee. The DPORF is currently finalizing the plan and identifying promotional activities for 2022-23.

Finally, the DPORF is also developing materials to assist with its promotional work. This past winter the DPORF developed two digital infographics: the first shows a series of maps revealing which countries have adopted the right to privacy through international agreements which illustrates the universality of the right to privacy. The second presents an historical timeline of the right to privacy, beginning in ancient Rome, moving to the Magna Carta, and finally to the UN. Both infographics, along with presentation materials, slides and notes, will be shared with working group members and the wider GPA membership in Fall 2022.

Privacy and Human Rights Award Proposal

In addition to our promotional work, the DPORF is finalizing a proposal for a GPA Privacy and Human Rights Award, which was first introduced in the PSWG3's 2019 work plan and carried over to the DPORF's plan. We are advancing this proposal with a civil society partner, Access Now, the organization responsible for coordinating RightsCon, who has agreed to financially support this initiative. This partnership will secure stable funding, thus ensuring the award's long-term viability. The agreement is currently on a three-year trial basis which will be reviewed and assessed annually.

This past winter, the DPORF drafted a concept note for the award which delineates the eligibility and assessment criteria, the compositions of the selection committee, and the presentation. Following this stage, we contacted the GPA Executive Committee in order to seek their approval for our award proposal. Once approved, we hope to present the inaugural Privacy and Human Rights Award at RightsCon in 2023.

Remaining Parallel Actions

The DPORF has identified three other parallel actions in its work plan. These actions include developing tools to promote ratification of existing rights-based privacy instruments, drafting a shareable opinion-editorial piece on our project and the right to privacy, and giving a presentation at the UN during its Human Rights Day event. Preliminary work on these actions has begun and will continue into 2022-23.

Forward looking plan 2022-2023

In 2022-2023, the DPORF will continue to focus on opportunities for outreach and propagation of the narrative report. Additionally, following the adoption of the GPA's Privacy and Human Rights Award, the working group will work with Access Now to establish the award selection committee. The DPORF will also focus its efforts on completing its parallel actions.

Conclusion

The DPORF Working Group recognizes the significance of the right to privacy and is committed to promoting this right internationally. We look forward to continuing our work on this important issue in 2023. We would also like to thank all working group members for providing vital feedback, time, and efforts in order to finalize our Privacy and Human Rights Award Concept Note as well as the DPORF's two-year work plan.