



**GPA**

Global Privacy Assembly

# Working Group on the Role of Personal Data Protection in International Development Aid, International Humanitarian Aid and Crisis Management

## Report – July 2022

Federal Data Protection and Information Commissioner (FDPIC), Switzerland

Supervisory Commission for Personal Information (CCIN), Monaco

## Table of Contents

Table of Contents.....	1
Executive Summary.....	3
Introduction .....	5
Working Group Activities.....	7
Action Plan 2022-2023.....	11
Conclusion.....	12
Annexes.....	13

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## Executive Summary

In its second year of existence, the Working Group on the Role of Personal Data Protection in International Development Aid, International Humanitarian Aid and Crisis management (WG AID) has focused its energy on adapting its action plan 2021-2022 in line with GPA's strategic priorities - specifically those relating to the advancement of privacy protection worldwide-, disseminating the questionnaire, updating the mapping and the strengthening of relations with other international bodies and networks that advance data protection and privacy issues.

In conformity with the objectives of the Resolution on the Role of Personal Data Protection in International Development Assistance, International Humanitarian Assistance and Crisis Management, the members of the WG AID have pursued the following general goals:

- to respond to the request for cooperation from relevant parties to develop guidelines and share best practices in privacy and data protection relating to international development assistance and international humanitarian action;
- to develop an advocacy and engagement strategy with relevant stakeholders.

In order to achieve these two goals, the WG AID has pursued the following activities:

- Establish sustained contacts with the relevant actors, both at bilateral and multilateral levels and thus maximise the reach of the GPA's voice by strengthening the relations with the actors of international development aid;
- In collaboration with other relevant Working Groups of the GPA, produce documents and advocacy tools for better consideration of data protection and privacy in relevant activities;
- Promote and facilitate, for the recipient countries benefiting from these activities that do not have legislation on data protection and privacy, their integration into the global data protection and privacy community.

This has included various activities such as the updating of the mapping of international development assistance and international humanitarian assistance as well as the identification of the recipient countries benefiting from these activities that do not have legislation on data protection and privacy.

The WG AID focused its efforts on the questionnaire:

- First, the collection of email contacts from the various actors identified in the mapping, allowed the questionnaire and its cover letter to be sent to 72 relevant actors out of more than 100 identified;
- Secondly, several consultation phases took place: the first consultation phase took place from February to April 2022. A second phase was launched from April 21 to May 31 2022;
- Third, in a face-to-face meeting of a small number of the WG AID members in Paris in June 2022, the initial results were analysed. Several preliminary findings could be made:
  - A low response rate (16 responses, 8 of which were usable);

- A flagrant lack of geographical homogeneity;
- Only European and North American organizations responded.

As a result, the members of the WG AID decided to continue disseminating the questionnaire and to promote it during different meetings of the various personal data protection networks ([AFAPDP](#), [RIPD](#) and [CTN](#)) that are to be held in person this fall. These networks include representatives from continents that are under-represented among the respondents.

The WG AID has furthermore strengthened its presence with relevant actors at both the bilateral and multilateral levels and has thus maximized the reach of the GPA's voice by strengthening the relations with the actors of international development aid and humanitarian aid.

All these actions have been undertaken to contribute to building a global privacy community committed to high standards of protection for individuals, particularly for those who are beneficiaries of international development or humanitarian aid programmes and who are particularly vulnerable.

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## Introduction

The Working Group on the Role of Personal Data Protection in International Development Aid, International Humanitarian Aid and Crisis management (hereafter “the WG AID”) was established by the [Resolution on the Role of Personal Data Protection in International Development Aid, International Humanitarian Aid and Crisis management](#) during the 42<sup>nd</sup> GPA. It is consistent with initiatives introduced at the 2011 Conference in Mexico City on [Data Protection and Major Natural Disasters](#); and in 2015 in Amsterdam on [Privacy and International Humanitarian Action](#). This resolution promotes the objectives of the policy strategy of the GPA – specifically those relating to the advancement of privacy protection worldwide, the strengthening of relations with other international bodies and networks that advance data protection and privacy issues, including through agreements with observer bodies, as well as human rights and social protection and democratic rights.

The WG AID is composed of the following members:

- Association francophone des Autorités de protection des données personnelles (**AFAPDP**)
- Burkina Faso, Commission de l’Informatique et des libertés (**CIL**)
- Council of Europe, Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (**T-PD**)
- Council of Europe, **DP Commissioner CoE**
- **EDPS**
- Gabon, Commission Nationale pour la Protection des Données à Caractère Personnel (**CNPDCP**)
- Germany, Bundesbeauftragte für den Datenschutz und die Informationsfreiheit (**BfDI**)
- International Committee of the Red Cross (**ICRC**)
- International Organization for Migration (**IOM**)
- Jersey, Office of the Information Commissioner (**JOIC**)
- Mexico, Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (**INAI**)
- Principauté de Monaco, Commission de contrôle des informations nominatives (**CCIN**) – **Co-chair**
- Portugal, Comissão Nacional de Protecção de Dados (**CNPD**)
- Senegal, Commission de Protection des Données Personnelles (**CDP**)
- Switzerland, Federal Data Protection and Information Commissioner (**FDPIC**) - **Chair**
- New Zealand, Office of the Privacy Commissioner (**OPC**)
- UK, Information Commissioner’s Office (**ICO**)
- United Nations High Commissioner for Refugees (**UNHCR**)

The composition of the WG AID reflects the geographical diversity of the GPA.

In 2022, the WG as a whole, met two times (January and July) by videoconference.

During these meetings, the WG AID has validated:

- The geographical and thematic mapping of relevant actors and current programmes which has also allowed to identify the recipient countries benefiting from these activities that do not have legislation on data protection and privacy;
- The questionnaire on the personal data protection practices of relevant actors as well as a letter explaining the WG AID's approach.

It also adopted its action plan 2021-2022 (see Annex 1).

Some members of the WG AID also met in Paris in June 2022 to analyse the first usable responses received.

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## Working Group Activities

In conformity with the objectives of the Resolution, the members of the WG AID have set themselves the following general goals:

- to respond to the request for cooperation from relevant parties to develop guidelines and share best practices in privacy and data protection relating to international development assistance and international humanitarian action;
- to develop an advocacy and engagement strategy with relevant stakeholders.

In order to achieve these two goals, the WG AID decided to implement the following activities:

- Refine its understanding of international development aid, international humanitarian aid and crisis management;
- Establish sustained contacts with the relevant actors, both at bilateral and multilateral levels and thus maximise the reach of the GPA's voice by strengthening the relations with the actors of international development aid;
- In collaboration with other relevant Working Groups of the GPA, produce documents and advocacy tools for better consideration of data protection and privacy in relevant activities;
- Promote and facilitate, for the recipient countries benefiting from these activities that do not have legislation on data protection and privacy, their integration into the global data protection and privacy community.

In 2022, the WG AID as a whole, met two times and conducted the following activities:

1. Adoption of its Action Plan 2022-2023 (see Annex 1) on the basis of its three-year work plan
2. Adaptation and validation of the Geographical and Thematic Mapping of Relevant Actors (see Annex 2)

From an operational standpoint, the purpose of this mapping is to identify a series of relevant actors, in terms of development aid and humanitarian aid. This preliminary step was essential in order to prepare the questionnaire (see below).

70 countries that do not yet have data protection legislation in place as of July 1 2021 were identified, one of which, Malawi, has however adopted a draft law. Three states, Mongolia, Rwanda and Sri Lanka, have adopted legislation at the beginning of 2022.

3. Dissemination of the questionnaire on the personal data protection practices of relevant actors and preliminary analysis

The WG AID validated the 16-question survey in order to better assess the practices in terms of personal data protection in the implementation of their programs/projects (see Annex 3) as well as its accompanying letter (see Annex 4) introducing the GPA. The latter stresses the fact that the WG AID wants to help create awareness around data protection and emphasising that it is not a regulatory but an educational initiative. It was also accompanied by an

explanatory notice, which contains definitions of the main terms used in the questionnaire and draws attention to the statements by the GPA Executive Committee.

The WG focused primarily on collecting relevant contacts for the dissemination of the questionnaire. As a first step, WG members collected email contacts from the various stakeholders identified in the mapping, which allowed the questionnaire and its cover letter to be sent to 72 relevant actors out of more than 100 identified. This step was followed by several consultation phases: the first consultation phase took place from February 25 2022 to April 11 2022. A second phase was launched from April 21 to May 31 2022.

In a face-to-face meeting of a small number of WG AID members in Paris in June 2022, the initial results were analysed. Several preliminary findings could be made:

- A low response rate (16 responses, 8 of which were usable out of the 72 questionnaires sent);
- A flagrant lack of geographical homogeneity;
- Only European and North American organizations responded.
- Among the respondents, the vast majority (6 out of 8) would like to talk to the WG AID and three of them would like to obtain support for the implementation of a data protection policy within their organizations.

As a result, the members of the WG AID decided to continue disseminating the questionnaire and to promote it during different meetings of the various personal data protection networks ([AFAPDP](#), [RIPD](#) and [CTN](#)) that are to be held in person this fall. These networks include representatives from continents that are under-represented among the respondents. The questionnaire will thus be sent out one last time, in order to obtain more responses, to refine the analysis of these responses and to allow the identification of urgent issues.

#### 4. Promotion of the work of the GPA and the WG AID

The chair and some members of the WG AID participated in various meetings, conferences and trainings relevant to the objectives of the WG AID with external stakeholders in order to maintain and explore possible synergies (such as [DigitHarium](#), the [Humanitarian Data and Trust Initiative](#), the [World Bank Group](#), the [International Organisation of la Francophonie](#), [United Nations World Data Forum](#)).

The following activities were carried out:

- Continuation of the work initiated in 2015 with the [International Committee of the Red Cross](#) (ICRC) by participating virtually in the [Data Protection Officer in Humanitarian Action certification course with the University of Maastricht](#). A face-to-face participation of some WG AID members is under discussion for the session to be held in Geneva from 12 to 16 December 2022.



- Some members of the WG AID participated in the careful review of the third version of the manual on data protection in humanitarian action, which focuses on new themes such as data protection by design.
- On March 22, 2022 a WG member participated in a workshop on Improving Data Rights for Civilians in War, organised by PUBLIC. The workshop aimed at identifying the key legal, data and technology, and advocacy challenges in this area and the intersections between international humanitarian law and data protection and privacy.
- The WG AID participated in the first edition of the [Privacy Symposium](#) held April 5-7, 2022 in Venice, which aims to promote international dialogue, cooperation and knowledge sharing on data protection regulations, compliance and emerging technologies. During a panel titled "How to protect digital personal data in the humanitarian aid sector?" the chair presented the working group, its actions and its upcoming projects with a focus on the questionnaire. The participation in this conference also allowed us to establish a first contact with the UN Special Rapporteur on the right to privacy (Dr. Ana Brian Nougères) who is willing to grant us an interview in Geneva. The video of the intervention should be published on the GPA website once it has been edited.
- On the 12th and 13th of May, the Working Group was invited to participate to the "workshop on Data Protection within International Organizations" co-organized by the European Data Protection Supervisor and the World Food Programme (WFP) in Rome. During a panel on trends in privacy and data protection, the co-chair presented the working group, its actions and its upcoming projects with a focus on the questionnaire. A participation of the working group at the next edition of this workshop, which is being held each year, is being considered.
- On June 3, 2022, the WG AID participated in the inaugural conference "Humanitarian Actions in Mediterranean Digital Societies" organized by the Jean Monnet Chair of the University of Turin and held online. The chair took part in a roundtable discussion dedicated to data protection in the field.

In the fall of 2022, several events will present the activities of the WG AID e.g. AFAPDP - workshop on civil status; ICRC and the National Commission for Data Protection (CNP) - Symposium on cybersecurity and data protection in Humanitarian Action in Luxembourg, October 12, 2022; a panel at the GPA open session on October 26 entitled "Considering Life and Privacy Together: Common Approaches to Personal Data Protection in Disaster/Crisis Management and Humanitarian Assistance".

N.B All the working documents have been elaborated in English and in French thanks to la Commission de contrôle des informations nominatives monégasque (CCIN) and the Association francophone des autorités de protection des données personnelles (AFAPDP).

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## Action Plan 2022-2023

The work of the WG AID will focus on the advancement of privacy protection worldwide, the promotion of high data protection standards as stated in the GPA strategic priorities 2019-2021 which have been reaffirmed in the [Resolution on the Assembly's Strategic Direction \(2021-23\)](#). It will also work towards maximising the GPA's voice and influence by strengthening relations with other international bodies and networks.

To this end, the WG AID intends to focus essentially on:

- Collecting relevant contacts, in particular to gather responses from actors in the Africa, Asia and South America regions to continue the dissemination of the questionnaire (based on the mapping);
- Continue and refine the analysis of the responses to the questionnaire and the identification of pressing issues and promote the work of the GPA (e.g. promotion of the [Declaration on Ethics and Data Protection in AI](#));
- After a first contact with Dr. Ana Brian Nougères (UN Special Rapporteur on the right to privacy) in the margins of the Venice Symposium, try to organize a first meeting in Geneva;
- Based on the analysis of the responses to the questionnaire, the WG AID will refine its action plan and work program;
- Maintaining and exploring possible synergies with other WGs and external stakeholders;
- Continue to promote the work of the GPA and the WG AID by actively participating in various meetings, conferences, trainings related to the objectives of the WG AID with external stakeholders in order to maintain and continue to explore possible synergies;

Participation in various events is already planned for Fall 2022. E.g. panel at the AFAPDP annual conference; Symposium on Cybersecurity and Data Protection in Humanitarian Action in Luxembourg on October 12 2022; panel at the GPA open session; Protection Officer in Humanitarian Action certification course in Geneva in December 2022.

The action plan 2022-2023 will be discussed and adopted at the first WG AID meeting probably in January 2023.

## Conclusion

The WG AID is pleased with the growing interest in the WG AID activity. This is reflected in the number of invitations to participate in various events (conferences, workshops, etc.) at both national and international levels. He is confident that this will enable him to enrich his contacts and help to further disseminate the questionnaire in order to develop an awareness and engagement strategy with relevant stakeholders from 2023 onwards.

By continuing to pave the way to respond to the request for cooperation from relevant parties to develop guidelines and share best practices in privacy and data protection relating to international development assistance and international humanitarian action, the WG AID is contributing to the implementation of the GPA's strategic priorities and policy.

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## Annexes

### Annex 1



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#### Action Plan 2021-2022

Working Group on the Role of Personal Data Protection in International Development Aid, International Humanitarian Aid and Crisis management

The work of the WG AID focuses on the **advancement of privacy protection worldwide**, the promotion of high data protection standards as stated in the GPA strategic priorities 2019-2021 (which can be found in the annex to the [Resolution on the Conference's Strategic Direction 2019-21](#)) adopted in Tirana in October 2019.

It also works towards **maximising the GPA's voice and influence** by strengthening relations with other international bodies and networks.

These priorities have been reaffirmed in the [Resolution on the Assembly's Strategic Direction \(2021-23\)](#).

To this end, the WG AID intends to focus essentially on:

- The collection of relevant contacts for the dissemination of the questionnaire (based on the mapping);
- The analysis of the questionnaire responses and identifying pressing issues and promote the work of the GPA (for instance promoting the Declaration on Ethics and Data Protection in AI),
- If needed, interviewing key players such as the UN special rapporteur on the right to privacy Dr. Ana Brian Nougères);
- On the basis of the analysis of the questionnaire responses, the WG will refine its work plan;
- Maintaining and exploring possible synergies with others WG and external stakeholders, *for example: AFAPDP - workshop on civil registration; ICRC – 3<sup>rd</sup> ; HDTI ; GPA - panel or side event at the closes session*
- Submit reports as per GPA deadlines to GPA Secretariat / Strategic Direction Sub-Committee.

## Annex 2



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Working Group on the Role of Personal Data Protection in International Development Aid, International Humanitarian Aid and Crisis management

### Mapping of International Development Aid and International Humanitarian Aid

July 2022 Version

In accordance with the work plan adopted by the working group on 26 January 2021, this document aims to:

- Refine the understanding of international development aid, international humanitarian aid and crisis management (objective A);
- Identify recipient countries benefiting from these activities that do not have legislation on data protection and privacy (objective D).

From an operational standpoint, the purpose of this mapping is to identify a series of relevant actors, in terms of development aid and humanitarian aid. Indeed, the 2021 work plan of the GT provides for the mailing of a questionnaire to said actors in order to better assess the practices in terms of personal data protection in the implementation of their programs/projects (see questionnaire).

#### 1. A wide range of actors

The research carried out by the working group revealed the complexity for an outsider to develop a concise overview of development assistance and humanitarian aid, as there are so many entities involved. The competencies of those development agencies and humanitarian organisations may furthermore come into collision.

It was decided to separate the main actors in the field of development into broad categories.

On the one hand, the main donors who do not intervene in the field in the implementation of programmes (in blue), and on the other hand the international organisations and operators (in yellow) who ensure this implementation.

N.B.: this distinction may be somewhat superficial, as some actors may have the dual role of "funder" and "operator" through, for example, internal agencies responsible for implementation.

In order to facilitate the reading of the document, bilateral cooperation and the work of civil society organisations (NGOs or other private entities) have not been taken into account.

Finally, the humanitarian actors whose action comprises specific aspects, are the subjects of a different classification (in green).

Development Agencies/DFIs
Argentina - White Helmets Commission (Comisión Cascos Blancos)
Austria - Austrian Development Agency – ADA; The Austrian Development Cooperation; Austria Wirtschaftsservice Gesellschaft (aws)
Azerbaijan - Azerbaijan International Development Agency
Belgium - Belgian Policy Plan for Development Cooperation; Belgian Technical Cooperation - BTC/CTB [nl]
Brazil - Agência Brasileira de Cooperação
Canada - Global Affairs
Chile - Agencia de Cooperación Internacional de Chile (AGCI)
China - China International Development Cooperation Agency (CIDCA)
Czech Republic - Czech Development Agency (CzDA)
Denmark - Danish International Development Agency (DANIDA)
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
Egypt - Egyptian Agency for Partnership for Development
European Union - Directorate-General for International Partnerships
Finland - Department for International Development Cooperation (FINNIDA)
France - Agence française de développement
Iran - Organization for Investment, Economic, and Technical Assistance of Iran
Ireland - Irish Aid
Israel -Israel's Agency for International Development Cooperation
Italy – Italian Development Cooperation
Japan - Japan International Cooperation Agency (JICA)
Korea - Korea International Cooperation Agency (KOICA)
Kuwait - Kuwait Fund for Arab Economic Development
Liechtenstein - Liechtensteinische Entwicklungsdienst
Luxemburg - Lux Development
Mexico – AMEXCID

<b>NEPAD (African Union)</b>
Netherlands - The Netherlands Foreign Trade and Development Agency(NFTDA)
New Zealand - New Zealand Agency for International Development (NZAid)
Norway - Norwegian Agency for Development Cooperation (NORAD)
Pakistan - Pakistan Technical Assistance Programme
Palestine - Palestinian International Cooperation Agency (PICA)
Poland - The Development Co-operation Department
Portugal – IPAD
Portugal - Camões - Instituto da Cooperação e da Língua
Republic of China (Taiwan) - International Cooperation and Development Fund(ICDF)
Romania - Assistance for Development (AOD)
Russia - Rossotrudnichestvo (RU)
Saudi Arabia - Saudi Fund for Development (SFD)
Slovakia - Slovak Aid
South Africa - Development Bank of Southern Africa (DBSA)
Spain - Spanish Agency for International Development Cooperation (AECID)
Sweden - Swedish International Development Cooperation Agency (Sida)
Switzerland - Swiss Agency for Development and Cooperation (SDC)
Taiwan - International Cooperation and Development Fund (Taiwan ICDF)
Thailand - Thailand International Cooperation Agency (TICA)
Turkey - Turkish Cooperation and Coordination Agency (TİKA)
United Kingdom - Foreign, Commonwealth and Development Office (FCDO)
United States - United States Agency for International Development (USAID), the Inter-American Foundation (IAF), Millennium Challenge Corporation (MCC), and the African Development Foundation (ADF)

<b>Financial Institutions</b>
ADB Asian Development Bank
AFDB African Development Bank
Black Sea Development Bank



CEB Council of Europe Development Bank
Central African Central Banks Association
EBRD European Bank for Reconstruction and Development
EDFI (European network of DFIs)
EIB European Investment Bank
IDB Inter-American Development
International Bank for Reconstruction and Development (World bank)
Islamic Development Bank
West African Development Bank
World Bank (Group)

<b>International Organisations</b>
African Union
Commonwealth
Council of Europe
European Union
ICRC
Organisation internationale de la Francophonie
Organization of American States
UN System (cf. <a href="#">un system chart.pdf</a> )

<b>Humanitarian</b>
CICR
UN system (HCR, IOM, WHO, WFP, OCHA, UNICEF...)
MSF
MDM
Première urgence

Secours populaire
Action contre la faim
Danish refugee Council
Norwegian refugee Council
OXFAM
ECHO (UE)
Save the Children
Plan International
Handicap International
Secours Islamique
Care
Solidarités International
ACTED
PRM (US)
International Medical Corps
International Rescue Committe
GAVI
Terre des Hommes
Global Fund

## 2. A wide range of topics

The main lines of action in terms of development aid (non-exhaustive):

- Education
- Health
- Nutrition, agriculture and access to drinking water
- Governance (including e-governance) and rule of law
- Infrastructures (including digital infrastructures)
- Migrations
- Environment/Ecology/Climate change
- Gender equality
- Economic development/Growth/Private sector
- 

The main lines of action in terms of humanitarian aid (non-exhaustive):

- Shelter/habitat
- Health/Hygiene
- Food assistance
- Forced displacements of population/Migrations
- Restoration of family links
- Education
- Victim support (sexual abuses, tortures...)
- Other ?

Nota Bene: The importance of digital technology in the development agenda has been identified and recognised since the early 2000s. The objective is to encourage the use of technology to improve the living conditions of all and to achieve the goals in question. In this sense, the projects implemented as part of international development aid and humanitarian aid can potentially rely on digital technologies requiring the use of personal data.

### 3. Regional Distribution of official development assistance by Individual Donors (States) and Multilateral Agencies

Region	Percentage
Sub-Saharan Africa	38,83
South and Central Asia	19,94
Other Asia and Oceania	10,15
Middle East and North Africa	16,37
Europe	6,59
Latin America and Caribbean	8,12
<b>Total</b>	<b>100,00</b>

Source : OECD

### 4. Indicative list of countries that do not yet have data protection legislation (as of July 1 2022) = 70

Name of the country	Level of protection
Afghanistan	No law
Bangladesh	No law

Belize	No law
Belarus	Project
Bolivia	No law
Brunei	No law
Burma	No law
Burundi	No law
Cambodia	No law
Cameroon	No law
Central African Republic	No law
Comoros	No law
Cuba	No law
Democratic Republic of the Congo	No law
Djibouti	No law
Dominica	No law
Ecuador	No law
El Salvador	No law
Eritrea	No law
Ethiopia	No law
Fiji	No law
Gambia	No law
Grenada	No law
Guatemala	No law
Guinea-Bissau	No law
Haiti	No law
Honduras	No law
Iran	Project
Iraq	No law
Jordan	No law
Kiribati	No law
Kuwait	No law

Liberia	No law
Libya	No law
<b>Malawi</b>	<b>Project (1.1.22)</b>
Maldives	No law
Marshall Islands	No law
Micronesia	No law
Mozambique	No law
Namibia	No law
Nauru	No law
North Korea	No law
Oman	Project
Pakistan	Project
Palau	No law
Palestine	No law
Papua New Guinea	No law
Peru	No law
Puerto Rico	No law
Saint Kitts and Nevis	No law
Solomon Islands	No law
Samoa	No law
Saudi Arabia	Project
Sierra Leone	No law
Somalia	No law
South Sudan	No law
Sudan	No law
Suriname	Project
Swaziland	No law
Syria	No law
Tanzania	No law
Timor Leste	No law

Tonga	No law
Turkmenistan	No law
Tuvalu	No law
United Arab Emirates	No law
Vanuatu	No law
Venezuela	No law
Zambia	Project

5. Indicative list of countries which have recently adopted a data protection legislation (as of July 2022) = 3

Mongolia	Law (January 22)
Rwanda	Law (October 2021)
Sri Lanka	Law (March 2022)

6. Examples of potentially data-intensive projects

**Agence française de développement :**

Digital Identity Nigeria (€100,000,000)

PAAMG: Support project for the implementation of generalized health insurance Comoros (€16,000,000)

New technologies and digital innovation for health and epidemiological surveillance (€300,000)

**World Bank :**

Mexico National Digital Identity System to Facilitate Inclusion (US\$225,000,000)

Haiti Digital Acceleration Project (US\$60 000 000)

Madagascar Digital Governance and Identification Management System Project- PRODIGY (US\$140 000 000)

**Swiss Agency for Development and Cooperation :**

Civil Registry System Reform Project in Tajikistan (CRR) (4 040 000 CHF)

### Annex 3



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#### **Questionnaire on the Role of Personal Data Protection in International Development Aid, International Humanitarian Aid and Crisis management**

1. Voluntary nature of this questionnaire
2. This questionnaire does not concern personal data relevant to the functioning of your organisation (such as employee data)
3. For definitions see explanatory note
4. For questions please contact: [catherine.lennman@edoeb.admin.ch](mailto:catherine.lennman@edoeb.admin.ch) and/or [fdubosc@ccin.mc](mailto:fdubosc@ccin.mc)

Please provide the name of your authority/organisation:

Please provide a contact person (name, title/role or function/ email):

1. Do you collect/process/store personal data of individuals receiving aid?
  - Yes
  - No
  - Do not know
2. Do you collect personal data directly from the individuals themselves?
  - Yes
  - No
3. What categories of personal data do you collect/process/store? (check all appropriate boxes that apply)
  - Basic information about the individuals (identity, date of birth, addresses, information about their families...)
  - Financial information
  - Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs;
  - Health-related data;
  - Data concerning a person's sex life or sexual orientation.

- Others : .....

4. For which purposes do you collect the personal data/process/store? (check all appropriate boxes that apply)

- To identify those in need
- To provide financial aid
- Other purposes: .....

4bis. Could you briefly explain why each category of personal data is necessary for the purpose (s)?

5. Do you provide aid directly to individuals or through other organisations or as part of a group/consortium?

- Directly to individuals
- Through other organizations
- As part of a group/consortium

6. Do you provide individuals any information about the collection, the processing and the retention of personal data?

- Yes
- No
- Do not know

7. Are you aware of any data protection regulation applying to your organisation?

- Fully aware. If so, which one and if possible a link to a document:

- Somewhat aware
- Not at all

8. As part of the implementation of your programs, do you have any internal data protection procedure in place?

- Yes. If yes, could you give use a brief description or a link?

- Not yet
- No

9. Do you provide the following rights (check all appropriate boxes that apply):



- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.
- Means of remedy

10. If relevant, by which means do you provide the above-mentioned rights (check all appropriate boxes that apply)?

- DPO
- Oral information
- Contract or other legal document, e.g. Privacy policy
- Leaflet
- Video clip
- Others:...

11. How long do you retain the personal data you collect?

- It is immediately destroyed when it is no longer needed
- We keep it indefinitely
- Do not know
- Other: .....

12. Has your organization put into place some security measures to protect the personal data?

- Yes
- No
- Do not know

13. Do any third parties have access to this data?

- Yes
- No

14. If you answered yes to Q 13:

a. Can you specify the purpose of this sharing and in which context?

...

- b. Who are those third parties (“recipients”)?
- Other agencies
  - The national government where you are based
  - The national government in the jurisdiction where you deliver aid
  - The national police where you are based
  - The national police in the jurisdiction where you deliver aid
  - Other:.....

15. As part of the implementation of the programs, do you use processors or service providers likely to have access to personal data? :

- Yes
- No

16. Would you be interested in getting in touch with the Working Group for:

- A general discussion
- Obtaining documentation of good practices
- Support
- Other: ...

Please specify any other comments:...

Thank you for completing this survey.

## Draft – Explanatory note

In order to assist you in completing the questionnaire, this note contains definitions of the main terms used in the questionnaire.

Please note, however, that these definitions may vary from country to country, from one legal framework to another.

Most of the definitions come from the Modernised Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, the so-called Convention 108+, which is the first binding international legal instrument in the field of data protection.

Other definitions specify concepts introduced by the General Data Protection Regulation (GDPR), which governs the processing and circulation of personal data within the European Union.

**“Personal data”** (article 2 Convention 108+) means any information relating to an **identified or identifiable individual (“data subject”)**.

A person can thus be identified:

- Directly (e.g. surname and first name);
- Indirectly (e.g. an identifier (customer number, a telephone number).

This identification can be carried out on the basis of a single piece of data (e.g. DNA) or on the basis of a combination of data (e.g. address).

Examples of personal data:

- Name
- Telephone number
- IP address
- E-mail address
- Postal address
- Bank account number
- Date of birth
- Genetic heritage
- Identifiers
- Photos

- License plate
- Patient number
- CCTV images
- Fingerprints

**“data processing”** (article 2 Convention 108+) means any operation or set of operations performed on personal data, such as the collection, storage, preservation, alteration, retrieval, disclosure, making available, erasure, or destruction of, or the carrying out of logical and/or arithmetical operations on such data.

Where automated processing is not used (article 2 Convention 108+) **“data processing”** means an operation or set of operations performed upon personal data within a structured set of such data which are accessible or retrievable according to specific criteria;

**“controller”** (article 2 Convention 108+) means the natural or legal person, public authority, service, agency or any other body which, alone or jointly with others, has decision-making power with respect to data processing;

**“Purpose of processing”**: This is the main purpose for which personal data is used. Personal data are collected for a specific and legitimate purpose and are not further processed in a way that is incompatible with that initial purpose. This purpose principle limits the way in which the controller may use or re-use the data in the future.

**“Right to be informed”** (article 8 Convention 108+, art 12 GDPR): According to Council of Europe and European Union law, controllers are obliged to inform the data subject about the envisaged processing at the time of collection of his/her personal data. This obligation is not conditional on a request from the data subject, but the controller must proactively comply with this obligation, regardless of whether the data subject expresses an interest in the information.

**“Right of access”** (article 9 Convention 108+) : Any person shall have the right to obtain, on request, at reasonable intervals and without excessive delay or expense, confirmation as to whether data relating to him or her are being processed, communication in an intelligible form of the data being processed, and any available information as to their source, the length of time they are to be kept, and any other information which the controller is required to provide in the interests of transparency of processing.

**“Right of rectification”** and **“Right of erasure”** (article 9 Convention 108+) : Every individual shall have a right to obtain, on request, free of charge and without excessive delay, rectification or erasure, as the case may be, of such data if these are being, or have been, processed contrary to the provisions of this Convention

**“Right to restriction of processing” (art 18 GDPR):** the right to obtain from the controller restriction of processing. But it can keep the.

This is an alternative to requests for erasure of data and is likely to be used where data subjects dispute the accuracy of their data, the way in which it is being processed or wish to have their data deleted but the organisation has a legal obligation to retain it.

**“Right to data portability” (art 20 GDPR) :** The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided.

**“Right to object” (art 9 Convention 108+) :** Every individual shall have a right to object at any time, on grounds relating to his or her situation, to the processing of personal data concerning him or her unless the controller demonstrates legitimate grounds for the processing which override his or her interests or rights and fundamental freedoms.

**“Automated individual decision-making” (art 22 GDPR)**

It is a decision made about a person, through algorithms applied to their personal data, without any human being intervening in the process.

**“Profiling” (art 22 GDPR)**

It is a processing that uses an individual's personal data to **analyse and predict** his or her behaviour, e.g. to determine his or her work performance, financial situation, health, preferences, lifestyle, etc. Profiling is individualised processing: it does not include purely statistical processing aimed at acquiring an overview of a group.

**“Data Protection Officer” (art 37 - 39 GDPR)** This person has the key function in a company/organisation to coordinate all matters relating to the security and protection of personal data.

**“Recipient” (article 2 Convention 108+)** This person has the key function in a company/organisation to coordinate all matters relating to the security and protection of personal data.

**“Processor” (article 2 Convention 108+)** means a natural or legal person, public authority, service, agency or any other body which processes personal data on behalf of the controller.

*Examples: IT service providers in charge of hosting or maintenance, IT security companies but not hardware manufacturers (e.g. software, biometric hardware) who do not access or process personal data.*

### **Executive Committee statements on contact tracing and the use of health data for travel purposes**

We would also like to draw your attention to the importance of privacy by design in the sharing of health data for national or international travel purposes during the COVID-19 pandemic and the following statements from the GPA Executive Committee, particularly in relation to the COVID-19 crisis.

Governments around the world are implementing measures to stop the spread of COVID-19 whilst also planning for a return to full economic and social activity across borders. For many domestic or international passengers, this has meant sharing health information such as a negative COVID-19 test result or vaccination status as a prerequisite of travel. Digital 'health passports' and 'health codes' have also been proposed.

The potential sharing of these elements of health data, on a mass scale across borders, and across a range of entities, is unprecedented. Digital technology provides the opportunity to do this at speed and scale. Whilst such steps may potentially be justifiable on public health grounds, the sharing of this sensitive information can and should be done in a privacy protective manner. Technology will offer both risks and opportunities to build protections for individuals. Innovation can go hand in hand with privacy.

Since the start of the pandemic, members of the Global Privacy Assembly have advised governments, private enterprises, charities and non-governmental organisations on the design and development of systems that allow the processing of personal health data in a manner that best protects privacy. This statement seeks to complement efforts made at a national or regional level, and contribute to a positive, co-ordinated privacy outcome internationally, reflecting common global principles of data protection and privacy, including privacy by design and default.

In order to build trust and confidence in the way in which health data is processed for travel purposes, individuals need to be assured that: their data is handled securely; the data demanded of them is not excessive; they have clear and accessible information to understand how their data will be used; there is a specific purpose for the processing; their data will be retained for no longer than is necessary.

The GPA Executive Committee recalls that while data and technology can be important tools to help fight the COVID-19 pandemic, they have intrinsic limitations and can merely leverage the effectiveness of other public health measures and need to be part of a comprehensive public health strategy to fight the pandemic. The principles of effectiveness, necessity, and proportionality must guide any measure adopted by government and authorities that involve processing of personal data to fight COVID-19.

In the meantime, you might find the links to the statements helpful:

- [Statement by the GPA Executive Committee on the use of health data for domestic or international travel purposes](#)
- [Statement by the GPA Executive Committee on achieving privacy by design in contact tracing measures](#)
- [Statement by the GPA Executive Committee on the Coronavirus \(COVID-19\) pandemic](#)

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## Annex 4



# Call for input

Survey on the Role of Personal Data Protection in International Development Aid, International Humanitarian Aid and Crisis Management

Reply by **April 11<sup>th</sup> 2022**

Dear Madam or Dear Sir,

### **Who we are?**

Founded in 1979, the [Global Privacy Assembly](#) (“GPA”) is the premier global forum for data protection and privacy authorities. It seeks to provide leadership at an international level in data protection and privacy by connecting the efforts of more than 130 data protection and privacy authorities from across the globe.

In October 2020, the GPA adopted a [Resolution on the Role of Personal Data Protection in International Development Aid, International Humanitarian Aid and crisis Management](#) and set up to this end a dedicated group<sup>1</sup>

At the beginning of the year, this working group adopted an action plan that should enable it to refine its understanding of international development aid, international humanitarian aid and crisis management and to establish lasting contact with the relevant actors, both at the bilateral and multilateral levels, and thus maximize the scope of the voice of the GPA by strengthening relations with international humanitarian development aid actors.

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<sup>1</sup> In the context of the implementation of the United Nations' Agenda 2030 (known as “**Agenda 2030**”) for sustainable development, the members of the GPA have noted in the Resolution that “*there have been increases in international development assistance and international humanitarian aid, the number of stakeholders, and the complexity of the implementation of these programmes*”; that there is a need for “*greater accountability, transparency and effectiveness from development assistance agencies*”; and the increase of “*the processing of personal data [which] takes place in the context of the implementation of numerous international development aid programmes, in international humanitarian aid and in crisis management*”.

The GPA there resolved to “contribute, at its level, to the achievement of the Agenda 2030, by **identifying and engaging relevant stakeholders in international development aid in order to achieve its longer-term strategic goal of a “global regulatory environment with high, clear and consistent standards of data protection”**”.



### ***How can you help?***

The questionnaire sent to you aims to help the working group better understand the practices of organizations in terms of personal data protection in the implementation of their projects and programmes.

We would therefore be grateful if you could complete this questionnaire by following this link: <https://form.dragnsurvey.com/survey/r/4621bb94>. The deadline for your response is **Monday 11 April 2022**.

**Please note that the questionnaire only concerns the personal data collected during the implementation of your aid programs and not the personal data relevant to the functioning of your organisation (such as employee data).**

We would also like to draw your attention to the **voluntary nature of this questionnaire** and stress that we are fully aware of the privileges and immunities enjoyed by some of the organisations to which this document is addressed.

### ***How your answers will be used?***

Our approach is not binding on your organisation and the answers provided will not be used for any other purpose than those described below.

The answers collected will be analysed by the working group to understand the issues relating to the processing of personal data by organisations in the context of the implementation of their projects and programmes, to better understand current practices in order to:

- develop tools for managing personal data in a way that respects the rights and freedoms of beneficiaries; and
- help development and humanitarian actors to fulfil their mission in accordance with these principles.
- For example, the data could be used anonymously as part of an awareness-raising event for the actors concerned.

We thank you in advance for your attention to this request and remain at your disposal if you have any questions concerning our approach. You can contact [catherine.lennman@edoeb.admin.ch](mailto:catherine.lennman@edoeb.admin.ch) for this purpose.

Yours sincerely,

**Catherine LENNMAN**

Delegate for International Affairs and Francophonie

Federal Data Protection and Information Commissioner (Switzerland)

Chair of the Working Group on the Role of Personal Data Protection in International Development Aid, International Humanitarian Aid and Crisis management