Digital Economy Working Group

Report – August 2023

Chair : (CNDP) Commission Nationale de contrôle de la protection des Données à caractère Personnel- Morocco

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1. Mandate and objectives

This section is to explain the context and the historical evolution of the DEWG Work:

i.   Before March 2022

The establishment of the Digital Economy Working Group results from the 2019 Resolution on the Conference's Strategic Direction. This is the Policy Strategy to implement:

➢ The first strategic priority of the Strategic Plan 2021-2023, 'Advancing Global Privacy in a Digital Age', which works towards a global regulatory environment with clear and consistently high standards of data protection.

➢ The second priority 'Maximizing the Conference's voice and influence' will be crucial in taking these priorities out into the outside world.

➢ The policy themes will also inform the areas where the conference will prioritize to deliver against strategic priority 3 'Capacity Building for the Conference and its Members'. This resolution has also assessed the vision of the 2019 Assembly which is: "*An environment in which privacy and data protection authorities around the world are able effectively to act to fulfil their mandates, both individually and in concert, through diffusion of knowledge and supportive connections*".

The 2021-2023 Strategic Plan of the GPA established during the 2021 General Assembly makes the digital economy a priority, as stated:

"*The reality and challenges of the global digital economy continue to highlight the need for mechanisms to ensure that personal data is protected wherever it is processed and flows*".

"*The growing digital economy is driving increasing volumes and scope of data collection. As society increasingly operates online, concerns have persisted about global online platforms, and their breadth of access to, and control of, personal data. These issues should remain high on the GPA's agenda, alongside the recognition that*

data protection and privacy authorities cannot regulate alone and, especially where there may be other overlapping or intersecting regulatory regimes, must cooperate with regulators from other sectors".

As stated in the report of July 2021, the Digital Economy Working Group intends to focus on surveillance technologies as outlined in the GPA Strategic Plan for 2021-2023. In particular, the Working Group intends to identify and consider topics of focus relating to surveillance of citizens and consumers in the digital economy, such as advertising technologies, web scraping, smart cities and connected vehicles, and monitoring of mobile workers. As part of its new mandate, the Working Group will also consider emerging technologies relating to this area of work and any potential privacy or data protection concerns.

Finally, the Working Group aims to deepen engagement with existing stakeholders by actively seeking new activities for more significant impact, voice and influence, in coordination with the Strategic Direction Sub-Committee. There are currently no plans to solicit assistance from the GPA Reference Panel as part of the external engagement activities, yet this may change once the GPA Reference Panel's first workplan has been established during the inaugural year of its activities.

ii.   Since March 2022: The new organization of the working group

The CNDP took over as Chair of the Working Group in March 2022. The CNDP organized its first meeting with the members of the working group in October 2022, in the margins of the 2022 Assembly in Istanbul. During this meeting, it was decided that the frequency of the Digital Economy Working Group meetings will be monthly, therefore they were held on the second Thursday of each month.

Moreover, the topics selected were those set out in the annual report of the working group in July 2021, namely:

- Surveillance technologies
- Advertising technologies
- Web scraping

- Smart cities

- Connected vehicles

- Mobile workplace monitoring

- Data sharing

- Biometric technologies

- Emerging technologies

- Protection of children's privacy online

- Potential risks in terms of personal data protection and privacy

In this sense, the working group members agreed to work on the first three (3) themes as a priority, namely:

- Surveillance technologies

- Advertising technologies

- Web scraping

iii.   The work plan

Accordingly, the 2023 Action Plan addresses the following Strategic Priorities (these priorities are derived from the GPA 2021-2023 Strategic Plan):

➢ Focus on surveillance technologies: identify and address topics of interest related to citizen and consumer surveillance in the digital economy.

➢ Take an interest in the emerging technologies related to the digital economy and the potential risks to data protection and privacy.

➢ Deepen existing stakeholder relationships and interactions by pursuing new high impact opportunities to amplify the GPA's voice and influence, in conjunction with the Strategic Direction Subcommittee.

In that sense, the working group members split into three (3) working sub-groups as shown below:

Activities to be carried out within the framework of the Action Plan	Contributors
Surveillance technologies Focus on surveillance technologies: identify and address topics of interest related to citizen and consumer surveillance in the digital economy.	• QFC Qatar • CIL Burkina Faso • CNIL France • KVKK Türkiye • INAI Mexico • AAIP Argentina • CDP Senegal • CNDP Morocco • CNPDCP Gabon • APDP Benin
Advertising technologies & Web scraping Take an interest in emerging technologies as related to the digital economy and the potential risks to data protection and privacy.	• CIL Burkina Faso • CNPD Luxembourg • NPC Philippines • INAI Mexico • CNDP Morocco • ICO United Kingdom • DPCO Albania
Stakeholder relationships and interactions Deepen existing stakeholder relationships and interactions by pursuing new opportunities for high-impact activities that can amplify the GPA's voice and influence, in conjunction with the Strategic Direction Subcommittee.	• CIL Burkina Faso • GPDP Macao • INAI Mexico • CDP Senegal • CNDP Morocco • BfDI Germany

2. The working group activities & next steps

i. Activities:

After holding its first meeting on the sidelines of the GPA Annual General Meeting, the working group launched its work by organizing a monthly meeting with members to complete its work plan. A total of seven meetings were held between January and June 2023, with the following key outcomes:

a) Methodology stating and item assignment:

The aim was to define the scope and the most optimal methodology of work which can facilitate and enhance the creation of a quality content on strategic subjects in order to be a reference or a sort of open library for the GPA Members, academicians and other stakeholders on these subjects.

During this meeting, the chair presented the methodology of work that was agreed by all members. In this sense, he proposed to work on the three (3) themes in parallel with the sub-groups constituted so that the results could be achieved in June 2023. The chair invited each team to respect the following planning :

- o January and February: examine the orientation of each of the teams
- o First production for March 2023
- o Second production for April 2023
- o Third Production for May 2023
- o Validation of the final report will be in June 2023.

b) Discussion about the first sub-groups iterations of productions & answers to members questions:

The aim was to create a real debate on the subjects between the members and to find the good answers to the good questions.

The CNDP Morocco presented a recapitulation of the distribution of sub-groups according to the choice of topics made by members and stated that they can continue to

join any of the sub-groups. The Chair asked the members to give a feedback on the work plan items shared and suggested the following mechanisms in order to reach the objectives:

- o To collect and consolidate comments and questions from members in order to have a clearer vision about the content that will be produced;
- o The CNDP Morocco will be present in the three sub- groups to ensure their animation, and also to raise any repetition or double work.

The members delivered their feedback on the items presented by addressing -as example- observations about:

- Drilling down from that report into more specifically risks regarding AdTech and web-scraping;
- The definition of digital economy with regard to the AdTech and web-scraping;
- Including new trends, technologies etc.…

c) **Synthesis of principal issues provided by members & validation of the key questions regarding each of the three (3) themes:**

The aim here was to give a holistic view of the subjects treated and to address the issues by different ways. The objective was then to see the main dimensions including the economic one, the social one, the societal one and the technological one. All these elements were to consider in order to improve the content and to give a clear view about the topics in a global way and not just a technical one.

The CNDP Morocco team shared the general view of the key suggestions provided by the members in order to start developing the work on the main topics. The members stated particularly the following points:

- o To clarify the concepts for each topic;
- o To define a general scope of the work;

- To work on some specific elements, especially regarding the topic of surveillance technologies like (for example) infrared cameras, motion detector cameras, WiFi cameras, wired cameras…
- To clarify the link between the main topics and personal data protection/Privacy in terms of risks, ways to mitigate them, recommendations…

d) Discussion about the first iterations of productions:

Taking into consideration the objectives cited above, the CNDP Morocco team produced two (2) propositions and shared them with the members:

- **Proposition 1: A project of report intitled "Surveillance technologies: scope and mapping";**
- **Proposition 2: A project of report intitled "Web Scraping and AdTech: A new face of digital economy".**

The members were invited to give their feedback/observations on the documents presented by the CNDP Morocco team, which they did and the working group was engaged in a development process in order to update and improve the deliverables until obtaining final revised versions of the reports that include:

- A general conceptualization of the subjects;
- The areas of application, mapping & interactions;
- The associated security and privacy risks;
- Recommendations based on some valuable ways to mitigate these risks.

The CNDP Morocco also suggested projects of resolutions that were discussed with members for which the decision is stated in the "Next steps" section.

Colleagues from ICO UK suggested to consider web-scraping and/or Ad-tech topics, separately, in 2024 in order to have more time to explore the subject(s) in depth and discuss the issues (for example, given technological developments in generative AI, and the phase out the use of "third party cookies" and other forms of cross-site tracking, etc. as well as legislative developments). This was to avoid inconsistency with the IEWG data scraping joint statement which solely focuses on steps to prevent unlawful

scraping. As a response, the CNDP Morocco agreed with the position of the ICO, as the work of the DEWG shouldn't be superficial on the topics and suggested to work more on the themes of web scraping and advertising technologies for 2024.

e) The collaboration with the SDSC:

The DEWG continued to regularly update the Strategic Direction Sub-Committee (SDSC) on the progress of its work. In that sense, the DEWG participated to the three (3) meetings organized by the SDSC on the 1st January 2023, the 23rd March 2023 and the 09th June 2023.

ii. Next steps for the 2024 General Assembly:

a) Report and resolution on surveillance technologies:

It was agreed by the members of the DEWG to postpone the communication of the draft resolution to the Secretariat of the GPA to 2024 in order to have more time to explore the subject in depth and to discuss the different issues regarding these technologies. This will allow the working group to produce a more relevant report and draft resolution.

b) Report and resolution on web scraping & advertising technologies:

It was agreed to consider web-scraping and/or Adtech topics, separately, in 2024 in order to have more time to explore the subject(s) in depth and discuss the issues (for example, given technological developments in generative AI, and the phase out the use of "third party cookies" and other forms of cross-site tracking, etc. as well as legislative developments). This will allow the working group to produce a more relevant reports and draft resolutions on the subjects.

c) Take advantage of the 2023 General Assembly:

It was agreed to take advantage of the 2023 General Assembly in Bermuda to hold a face-to-face meeting with the members attending, in order to provide a more effective framework of the work.

d) Develop relations with experts

It is important, in the context of a working group on a particular thematic like digital economy, to create and develop relations with external experts on the different topics related to this field. Involving external experts, with a good geo-representation can improve the contents and make it more social representing of the geographical groups.

3. Collaboration with other GPA working groups

In order to enhance collaboration with other GPA working groups, it was agreed to reinforce cooperation with the (IEWG) International Enforcement Cooperation Working Group by taking concrete actions and joint initiatives to ensure work programs are complementary and to avoid duplication.

The CNDP also contributed to promote the joint statement on "*data scraping and the protection of privacy*" among the members of the DEWG: the authorities of AAIP Argentina and INAI Mexico agreed to support and co-sign this letter.

4. A proposal for GPA further work on surveillance studies: A debate to be launched

This is a discussion proposed to be launched between the CNDP Morocco, the (IEWG) International Enforcement Cooperation Working Group and the Berlin group.

As exposed by the chair, there is a need for GPA further work where people with the adequate competencies can conduct relevant analysis on fields relating to surveillance technologies. It would be a kind of an independent research laboratory specialized on doing its own information gathering on behalf of the GPA. The aim of this work would be to produce content and promote knowledge in the field of surveillance technologies and related activities. The structure would also have the main role of developing its own information gathering tools, with the appropriate expertise.

5. Conclusion

In conclusion, DEWG's ambition is to capitalize on its achievements in order to further develop the work launched with the members of the working group. This will involve expanding content, promoting the protection of personal data in the digital economy, and strengthening collaboration with the various actors.

6. The appendices

Appendix 1: The list of the meetings held

- List of the global working group meetings:

Global Group Meeting	Date
Meeting N°1	27 October 2022
Meeting N°2	12 January 2023
Meeting N°3	09 February 2023
Meeting N°4	09 March 2023
Meeting N°5	13 April 2023
Meeting N°6	11 May 2023
Meeting N°7	12 June 2023
Meeting N°8	17 July 2023
Meeting N°9	03 August 2023

- List of the working sub-group meetings on surveillance technologies

Surveillance technologies	
Sub-Group Meeting	Date
Sub-Group meeting N°1	29 March 2023
Sub-Group meeting N°2	26 April 2023
Sub-Group meeting N°3	29 May 2023

- List of the working sub-group meetings on web scraping & Ad technologies:

Web scraping & advertising technologies Sub-Group	
Sub-Group meeting	Date
Sub-Group meeting N°1	30 March 2023
Sub-Group meeting N°2	27 April 2023
Sub-Group meeting N°3	30 May 2023

- List of the working sub-group meetings on Stakeholder interactions and relations:

Stakeholder interactions and relations	
Sub-Group meeting	**Date**
Sub-Group meeting N°1	31 March 2023
Sub-Group meeting N°2	28 April 2023
Sub-Group meeting N°2	May 2023

Appendix 2: Working group members

Country	Organisation
Mexico	INAI
France	CNIL
Luxembourg	Commission Nationale pour la Protection des Données (CNPD)
Philippines	National Privacy Commission
Türkiye	Personal Data Protection Authority (KVKK)
Gabon	Commission Nationale pour la Protection des Données à Caractère Personnel (CNPDCP)
Benin	Autorité de Protection des Données à caractère Personnel (APDP)
United-Kingdom	Information Commissioner's Office (ICO)
European organisations	European Data Protection Supervisor (EDPS)
	European Data Protection Board (EDPB)
USA	Federal Trade Commission (FTC)
	NYC Office of Information Privacy
Jersey	Jersey Office of the Information Commissioner (JOIC)
San Marino	San Marino Data Protection Authority
Senegal	CDP
Côte d'Ivoire	ARTCI
Germany	Federal Commissioner for Data Protection and Freedom of Information (BfDI)
Macao	Gabinete para a Protecção de Dados Pessoais (GPDP) Office for Personal Data Protection
Argentina	National Access to Public Information Agency (AAIP)

Burkina Faso	CIL
Andorra	APDA
Albania	Data Protection Commissioner's Office of Albania
Qatar	Qatar Financial Centre