



**GPA**

Global Privacy Assembly

# Digital Citizen and Consumer Working Group

Report – July 2023

Submitted on behalf of the DCCWG by the co-chairs - Office of the Privacy Commissioner of Canada (OPC Canada) and Office of the Australian Information Commissioner (OAIC)

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## Executive summary

In 2021, the Digital Citizen and Consumer Working Group (DCCWG) became a permanent working group of the Global Privacy Assembly (GPA). As the digital economy continues to blur and challenge traditional regulatory boundaries, the GPA recognised the importance of exploring the intersections of, and promoting regulatory cooperation between, the regulatory spheres of privacy, consumer protection and competition/anti-trust.

The work of the DCCWG goes to the heart of Pillar #2 in the GPA's Strategic Plan: regulatory and enforcement cooperation.<sup>1</sup> As social and economic interactions increasingly take place in the digital environment, concerns about the use of, and access to, personal information by global digital platforms have continued to grow. The GPA recognises that data protection and privacy authorities cannot regulate alone, particularly where the regulated activities in the digital economy fall within the scope of multiple intersecting regulatory regimes. The work of the DCCWG to identify, explore and develop links between regulatory spheres to advance cross-regulatory cooperation has never been more important in achieving the best possible outcomes for digital citizens.

In the past year, there have been significant developments in the digital economy, including the substantial growth of generative AI, increased levels of cyber-attacks and data breaches, and expansion of online safety regulations, and the increased digitisation of financial services, to name a few. In this environment, the DCCWG has continued to observe growing interest in cross-regulatory cooperation in panel discussions, workshops, conferences and other international fora. Regulators across the globe are grappling with data protection issues that overlap with competition, consumer protection and a range of other regulatory spheres as they address these topics in the digital economy. The role of the DCCWG in unravelling these issues, identifying opportunities for coordination and developing practical tools for cooperation will prepare and equip GPA members to approach regulatory counterparts with understanding, to achieve a positive outcome for their jurisdiction.

The growing relevance of the DCCWG's work is reflected in the growth of our membership. Over the past year our network of members and observers has grown to 22 agencies. The DCCWG has been increasingly sought after for domestic and international speaking engagements that explore the value of cross-regulatory cooperation, providing an opportunity to promote awareness of intersection issues in various fora. These engagements have included conferences, network meetings, professional association events and government presentations. The value of this sensitisation work in maximising the effectiveness of regulatory actions concerning the digital economy is reflected in the DCCWG's 2022–2023 workplan.

Looking ahead, the DCCWG is eager to build on the work it has done in 2023. The group also looks forward to executing work with a refreshed focus under the guidance of the next Strategic Plan.

We are pleased to present this report at the 45<sup>th</sup> GPA Closed Session and we hope that members find our contributions useful to their work in the evolving digital economy.

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<sup>1</sup> Global Privacy Assembly, [Strategic Plan 2021–2023](#), GPA, 2021, pp 15–16.

Office of the Australian Information  
Commissioner

Co-chair

Office of the Privacy Commissioner,  
Canada

Co-chair

## Introduction

The Digital Citizen and Consumer Working Group explores intersections between privacy and other regulatory spheres in the digital economy. The work of the DCCWG supports the Global Privacy Assembly's (GPA) Strategic Priorities in relation to regulatory and enforcement cooperation, which aims to foster 'a global regulatory environment of high standards of data protection and privacy, and capacity building'.<sup>2</sup>

The Working Group was initially established in 2017 through a resolution passed by the 39<sup>th</sup> *International Conference of Data Protection and Privacy Commissioners* (now the GPA). The DCCWG's original mandate was to explore the intersection between privacy and consumer protection issues, laws and concepts.

In 2019, the GPA adopted a resolution that expanded the mandate of the DCCWG to study intersection issues between the regulatory spheres of privacy and competition.<sup>3</sup>

In October 2021, the DCCWG became a permanent working group of the GPA in recognition of the accelerated relevance of the DCCWG's work and the important role cross-regulatory cooperation will play in the coming years.<sup>4</sup> Under the 2021–2023 GPA Strategic Plan, the DCCWG is mandated to:

- Identify, explore and develop links between the areas of enforcement cooperation and cross-regulatory cooperation. This should include engagement with networks of other regulatory bodies in sectors such as consumer protection, competition or anti-trust; and
- Enhance the focus on practical cooperation across different sectoral regulators, initially by the development of a compendium of best practice arrangements for cross-regulatory cooperation.<sup>5,6</sup>

The DCCWG is also mandated, along with all the working groups, to:

- deepen engagement with existing stakeholders by actively seeking new activities for more significant impact, voice and influence.
- consider emerging technologies relating to their area of work and any potential privacy or data protection concerns, and include in their annual forward plans where appropriate; and
- consider whether and how the issue of children's privacy and the exercise of their digital rights intersects with their work, and where appropriate include in their annual forward plan.

The purpose of this report is to inform the GPA of the work undertaken by the DCCWG over the 2023 year. This report sets out the work completed under the DCCWG 2022–23 workplan. The DCCWG is grateful for the work of its members in fulfilling the 2021-23 mandate. This report also

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<sup>2</sup> Global Privacy Assembly, [Strategic Plan 2021–2023](#), GPA, 2021, pp 15–16.

<sup>3</sup> [Resolution to support and facilitate regulatory co-operation between data protection authorities and consumer protection and competition authorities to achieve clear and consistently high standards of data protection in the digital economy](#), passed at the 41<sup>st</sup> International Conference of Data Protection and Privacy Commissioners.

<sup>4</sup> Global Privacy Assembly, [Strategic Plan 2021–2023](#), GPA, 2021, p 16.

<sup>5</sup> As above p 17.

<sup>6</sup> *Note: The above mandate components link to the GPA's Strategic Priority 1, 2 and 3*

Strategic Priority 1: advancing global privacy in an age of accelerated digitalisation.

Strategic Priority 2: maximise the GPA's voice and influence.

Strategic Priority 3: capacity building for members.

outlines the future priorities of the Working Group as it looks to further its understanding of intersection issues associated with the interaction of privacy, consumer protection and competition. At the same, the DCCWG is increasingly seeing other regulatory areas such as cyber security and online safety intersect with privacy in the digital economy, amplifying the need for cross-regulatory cooperation. The DCCWG endeavours to work closely with the SDSC to fulfil future work items as required under the 2023-25 mandate.

The current members and/or observers of the DCCWG are as follows:

- Office of the Australian Information Commissioner (co-chair)
- Office of the Privacy Commissioner of Canada (co-chair)
- Belgian Data Protection Authority, Belgium
- Commission Nationale de l'Informatique et des Libertés (CNIL), France
- Datatilsynet, Denmark
- Datatilsynet, Norway
- European Data Protection Supervisor, Europe
- Federal Commissioner for Data Protection and Freedom of Information, Germany
- Office of the Privacy Commissioner for Personal Data, Hong Kong
- Federal Trade Commission, United States
- Information Commissioner's Office, United Kingdom
- National Privacy Commission, Philippines
- The Superintendence of Industry and Commerce, Colombia
- Commissioner of Personal Data Protection, Senegal
- National Commission for the Protection of Personal Data, Gabon
- Garante per la Protezione dei Dati Personali of Italy (new member)
- Office of the Personal Data Protection Service of Georgia (new member)
- National Institute for Transparency, Access to Information and Personal Data Protection (INAI), Mexico
- The European Consumer Organisation (BEUC) (observer)
- Authority for Consumer & Markets, Netherlands (observer)
- The Personal Data Protection Commission, Singapore (observer)
- Office of the Privacy and Civil Liberties, United States (observer)

## Working Group activities

The DCCWG's 2022–2023 Workplan sets out five workstreams, which were to be delivered across 2022 and 2023:

1. Exploring, mapping and understanding the intersections between the regulatory spheres of privacy, consumer protection and competition
2. Continued sensitisation of authorities and stakeholders across regulatory spheres
3. Identifying collaboration strategies and tools where they exist, and advocating for and recommending them where they do not
4. Facilitating collaboration across privacy, consumer protection and competition
5. Environmental scan of other regulatory areas of intersection with privacy

The DCCWG has had a productive year and is witnessing ever-increasing interest in its work. This section of the report provides an overview of the work undertaken during the final year of the GPA 2021-2023 Strategic Plan.

Throughout the 2023 reporting year, the DCCWG reported to the GPA Strategic Direction Sub-Committee (SDSC) on the progress of its work. The DCCWG co-chairs presented at the SDSC meeting in January 2023 and presented the quarterly stocktake in March. The co-chairs' reports were well received by the SDSC, who were impressed by the DCCWG's work in sensitising authorities across regulatory spheres to its work on regulatory intersections and cooperation. The SDSC were also interested in the DCCWG's work in identifying collaboration tools and strategies and the efforts in facilitating collaboration and information sharing with other international networks.

### **1. Exploring, mapping and understanding intersections**

In 2019–2021 the DCCWG completed a “Deep Dive” to further our understanding of the intersections between privacy and competition as well as the complements and tensions between the two regulatory spheres.

The first workstream of the 2022–2023 workplan builds on this work with a specific focus on analysing the broader privacy implications of mergers & acquisitions outcomes. As workstream lead, the UK ICO are looking to have the report finalised in 2023 and will seek to socialise it in privacy and competition networks.

This workstream also includes monitoring international activities that demonstrate the intersections between regulatory regimes and actual collaborative actions taken by regulators across all three regulatory sectors. The DCCWG has mapped incidents of intersection between privacy, consumer protection and competition since 2019. Since August 2022 we have continued to update this mapping table with further examples. The table aims to be a resource for privacy and competition regulators to identify previous instances of collaboration across regulatory spheres. This Mapping Table has been an ongoing project since 2017, and maps on a continuum the ever-expanding interest and recognition of cross regulatory intersections and co-operation. The 2023 edition of the DCCWG Mapping Table is presented at **Annex 1**.

*Key intersection activities monitored by the Working Group in 2022-2023:*

- In July 2023, the Court of Justice of the European Union (CJEU) handed down its judgment in C-252/21 (Meta Platforms and Others – General Terms of Use of a Social Network). The judgment stems from a decision by Germany’s Federal Cartel Office (‘Bundeskartellamt’) in 2019 that prohibited Meta – then Facebook – from collecting and combining user data from third-party sources without user consent. The Court recognizes the need to consider data protection law in competition enforcement.
- In June 2023, the OPC, the Competition Bureau of Canada, and the Canadian Radio-television and Telecommunications Commission (CRTC) formed the Canadian Digital Regulators Forum (CDRF). The CDRF is an initiative of independent Canadian regulators for information sharing and collaboration on subject matters of common interest that relate to digital markets or platforms, including how competition, consumer protection, privacy, and broadcasting and telecommunications issues intersect.
- In November 2022, the EU Digital Markets Act (DMA) entered into force. The DMA is enacted to ensure the European digital sector markets remain contestable and fair where gatekeepers are present. The DMA prohibits gatekeepers from combining or cross-using personal data from different core platform services without consent and ensures interoperability, data portability, and access to data for non-gatekeepers and end users of platforms.
- In April 2023, the UK Competition and Markets Authority (CMA) published a quarterly update report on the Google Privacy Sandbox, namely the implementation of the Privacy Sandbox commitments. The ICO is working closely with the CMA and Google in assessing the privacy impacts of the initiative.
- In March 2022, the OAIC, the Australian Communications and Media Authority (ACMA), the Australian Competition and Consumer Commission (ACCC), and the Office of the eSafety Commissioner formed the Digital Platform Regulators Forum (DP-REG). The DP-REG is an initiative of independent Australian regulators to share information and collaborate on cross-cutting issues and activities on the regulation of digital platforms. This includes consideration of how competition, consumer protection, privacy, online safety and data issues intersect.
- The Digital Regulation Cooperation Forum (DRCF), of which the UK Information Commissioner’s Office (ICO) is a member, published its work plan for 2023-2024. The DRCF has three main priorities:
  - promoting greater coherence across regulatory regimes that intersect to resolve potential tensions and offer clarity for people and industry
  - working collaboratively on areas of common interest and jointly addressing complex problems
  - working together to build capabilities, information sharing to improve current and future practices.In 2023 to 2024, the DRCF will focus on issues such as online safety and data protection, promoting competition, tackling illegal online financial promotions and supporting the effective governance of algorithmic systems.
- In May 2023, the Irish Data Protection Commission and the European Data Protection Board concluded a cross-regulatory investigation into Meta. The regulator ruled that Meta was unlawfully transferring European users’ data to its US-based servers and taking no sufficient measures for ensuring users’ privacy. Meta must suspend data transfer personal data that was illegally transferred across the border and issued a €210 million fine to Meta.



- In January 2023, the Bundeskartellamt announced that it had sent Alphabet Inc., Google Ireland Ltd., and Google Germany GmbH its preliminary legal assessment in the proceedings concerning Google's personal data processing conditions. According to the preliminary assessment in question, Google's users do not have sufficient choice as to whether, and to what extent, they agree to Google's far-reaching cross-service processing of their data. The Bundeskartellamt explained it had based its proceedings on German competition law.
- In December 2022, the Australian Competition and Consumer Commission (ACCC) released a report of the Digital Platform Services Inquiry that has proposed that platforms be subject to mandatory dispute resolution processes and stronger requirements for combating scams, harmful apps and fake reviews, among other measures.

This work supports the GPA's Strategic Priority 3 – capacity building – by providing a resource for GPA members and other regulators to draw on when seeking examples of, and potential for, cross-regulatory cooperation. Members will be able to easily identify cases of cooperation and learn best practices to take into their respective activities.

## **2. Continued sensitisation of authorities and stakeholders across regulatory spheres**

The DCCWG has increased awareness of its work on intersection issues and is regularly sought after to speak at international conferences.

The DCCWG has observed a growing interest in and demand for exploring the topic at public events, through panel discussions and workshops, which has led to an increased awareness of intersection issues among key stakeholder industries and networks.

This work item goes towards furthering the GPA's Strategic Priority 2 – maximising the GPA's voice and influence – through engagement with various international forums to promote awareness of the GPA's work and objectives. By actively seeking opportunities for engagement with stakeholders, the DCCWG is able to enhance the influence of the GPA's work in cross-regulatory cooperation.

### *Key engagements in 2023:*

- At the IAPP Canada in May 2023, OPC Canada discussed the DCCWG's prior Deep Dive work, including the findings of the DCCWG-commissioned report *Digital Crossroads: The Intersection of Competition Law and Data Privacy* by Assistant Professor Erika Douglas, and identified how privacy, competition, and authorities from other regulatory spheres around the world are joining forces to tackle the cross-cutting issues in the digital economy.
- In April 2023, OPC Canada presented on the work of the DCCWG at the 8th Session of the Working Party on Data Governance and Privacy in the Digital Economy (WPDGP). At the meeting, the representative of the OECD Competition Committee expressed interest in co-organizing with the DCCWG a cross-regulatory event for data protection and privacy authorities and competition regulators.
- The DCCWG hosted a webinar in February 2023 which focused on the DCCWG's privacy, consumer and competition intersection work. This included a presentation from Dr. Orla Lynskey on the intersection between data protection, privacy and competition law. The European Consumer Organisation (BEUC) presented on the consumer perspective on the intersection between data protection and competition, while the Garante per la Protezione dei Dati Personali (Italy) and the Norwegian Data Protection Authority also presented their

views and experiences in regulating privacy and data protection in contexts where there is intersection with competition and consumer protection regulations.

- The OAIC presented in APPA 58 and OPC Canada presented in APPA 59 on behalf of the working group, updating stakeholders on the work of the DCCWG and the value of understanding intersections across regulatory regimes and facilitating collaboration amongst regulators.
- OPC Canada also presented at the Venice Privacy Symposium, reaffirming the importance of cross-regulatory collaboration in regulating the digital economy and encouraging DPAs to establish partnerships with authorities from other regulatory spheres.

### **3. Identifying collaboration strategies and tools where they exist, and advocating for and recommending them where they do not**

With the greater overlap of regulatory spheres in the digital economy and the increasing number of cross-regulatory collaboration, the DCCWG views it as paramount to understand the factors underpinning successful collaboration, as well as the tools, mechanisms and strategies employed by different authorities. The work done pursuant to the third workstream will support the GPA's Strategic Priority 1 – advancing global privacy in an age of accelerated digitisation, and Strategic Priority 3 – capacity building.

The DCCWG has cooperated with the International Enforcement Cooperation Working Group (IEWG) as both seek to explore collaboration among regulatory authorities. The work is divided into two phases. In Phase 1, the DCCWG and the IEWG jointly developed and circulated a survey to the GPA membership, the objective of which was to invite GPA members to describe their experience with successful collaboration, be they among privacy and data protection authorities or cross-regulatory collaboration. The survey also sought to identify barriers that have impeded collaboration, as well as solutions, where available. The DCCWG/IEWG have analyzed the survey results, and a short report on the results of the survey will be attached as **Annex 2** in the near future. In Phase 2, the DCCWG (and the IEWG) will develop case studies of successful collaboration for inclusion in the Enforcement Cooperation Handbook and/or the GPA's Enforcement Cooperation Repository, and identify what tools and strategies were employed to facilitate this collaboration.

The DCCWG hopes to use these insights to identify new strategies and tools that can enhance the effectiveness of future collaborative enforcement and support advocacy for change in jurisdictions where such collaboration is not possible.

### **4. Facilitating collaboration across privacy, consumer protection and competition**

Building on the lessons learnt from the third workstream, the DCCWG looks to put the knowledge it has gained into practice by facilitating collaboration across regulatory spheres. This workstream will support both the GPA's Strategic Priority 2 – maximising the GPA's voice and influence, and Strategic Priority 3 – capacity building.

Specifically, the DCCWG aims to establish a joint ICN/GPA workshop to discuss mutual regulatory concerns. The DCCWG has developed a relationship with the International Competition Network (ICN). Noting the ICN's interest in the intersection of privacy/data protection and competition/anti-trust and that the network is conducting its own exploration into that intersection, members of the ICN were invited to and did attend the DCCWG side event in February 2023. The OECD Competition

Committee has also expressed interest in working with the privacy and data protection community to facilitate this internetwork collaboration. The DCCWG has begun discussions with the OECD WPDGP and Competition Committee on the organisation of a joint ICN/GPA/OECD events to discuss mutual regulatory concerns, exchange intelligence, and build new relationships. The DCCWG hopes that these engagements will help: the networks and member authorities in both regulatory spheres develop a deeper understanding of each other’s enforcement priorities; and foster increased willingness to engage in cross-regulatory collaboration.

## 5. Environmental scan of other regulatory areas of intersection with privacy

The ongoing expansion of the digital economy continues to disrupt traditional approaches to providing services. It has also blurred regulatory boundaries, which has heightened the need for regulators to be able to recognise where activities might raise issues in other regulatory spaces, and cooperate to ensure holistic regulation. As the digital economy develops at an increasing rate, new areas of intersection have arisen.

The fifth workstream of the DCCWG’s workplan aims to identify further regulatory spheres that intersect with privacy and data protection in a meaningful way in the digital economy. The DCCWG aims to draw on members’ views to highlight the key risks and opportunities associated with intersections relevant to the digital society and economy. To that end, the DCCWG conducted a survey on this workstream and has begun to finalise a report of the findings. At a high level, the results indicate that GPA members find that in the digital environment, online safety, cybersecurity and financial services, are the key emerging areas of intersection. The DCCWG is seeing these regulatory areas not only relevant to privacy regulators, but also to other regulators with whom we actively engage, such as competition and consumer regulators. The DCCWG’s existing networks and expertise on cross-regulatory collaboration with privacy, competition and consumer regulators means that it is well-placed to enhance regulatory cooperation in these other emerging areas. The objective of the report is to inform the future work of the DCCWG. The final report will be published in the near future.

This workstream will support the GPA’s Strategic Priority 1 – advancing global privacy in an age of accelerated digitalisation – by identifying and exploring links between areas of privacy intersection. This will enhance global understanding of the implications that accelerated digitalisation has on data protection and privacy, as well as emerging societal considerations such as online safety.

## Forward looking plan 2023–2024

In 2023–24 the DCCWG looks forward to working toward the 2023-2025 Strategic Plan. The DCCWG continues to build on the work we have accomplished in the 2021-23 GPA Strategic Plan.

	Objective	Forward Plan Activities
1.	To explore, map and better understand the growing intersection of the regulatory spheres of privacy, consumer protection and competition.	The DCCWG will continue to map and analyse cases whether there is overlap between privacy, consumer protection, competition or anti-trust.

2.	To sensitise authorities across regulatory spheres to the intersection, such that a privacy authority recognises a competition issue when they see it, and vice versa.	<p>The DCCWG will continue to sensitise key external stakeholders to intersection issues, as an important ongoing activity.</p> <p>The DCCWG will take up opportunities to engage and present on the work of the DCCWG through the diverse linguistic/cultural and regional networks highlighted by the GPA and the SDSC.</p>
3.	Identify collaboration strategies and tools where they exist, and advocate for and recommend them where they do not.	<p>The DCCWG will continue to identify strategies and tools used for regulatory collaboration through surveying the GPA membership to understand their experience with successful regulatory collaboration. The DCCWG will use the results of the survey to produce successful case studies (if not completed during 2022-23), identify regulatory strategies and tools that work, and advocate for new tools, strategies, and reforms to facilitate more cross-regulatory collaborations.</p>
4.	Facilitating collaboration across all three regulatory spheres	<p>The DCCWG will continue to develop strong relationships with other regulatory networks including holding one or more events or activities with counterpart networks such as ICN, ICPEN and/or the OECD.</p> <p>The DCCWG will also summarise the key takeaways from communications with other regulatory networks.</p>
5.	<p>Building on the environmental scan of other regulatory areas of intersection with privacy</p> <p>As highlighted in the GPA's Strategic Plan, the DCCWG notes the importance of future cooperation with regulators from other sectors, especially where there may be overlapping or intersecting regulatory regimes. An environmental scan of any regulatory</p>	<p>The DCCWG will continue to identify and assess other areas of regulatory intersection with privacy in the digital society and economy, beyond competition/ anti-trust and consumer protection. The DCCWG's work will be influenced by the Survey Report to be presented at the GPA in October. The DCCWG will conduct further research and capacity building with the intention of developing a paper into one of the</p>

<p>spheres (i.e. e-safety and telecom) intersecting with privacy and data laws would identify, and ordinarily assess other regulatory spheres according to risks, opportunities and potential impact on the digital society and economy.</p>	<p>key emerging areas of intersection. From the preliminary results of the survey, the working group is aware of the growing recognition of the interaction between online safety and privacy, including children’s privacy, and will look to exploring the risks and opportunities posed by this intersection. Online safety is increasingly intersecting with other regulatory areas which have been the focus of the DCCWG, including competition and consumer regulation. Given the growing number of domestic co-operation forums exploring these intersecting issues in the digital economy, such as Australia’s DP-Reg Forum, the UK’s DRCF and Canada’s CDRF, the DCCWG is well-placed to socialise knowledge from these forums to other DPA members as they explore the intersections within their own jurisdictions.</p>
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## Conclusion

Data sits at the centre of our evolving digital economy and influences the compliance and enforcement activities of multiple regulatory frameworks. The work of the DCCWG is to understand and promote cross-regulatory collaboration practices that can achieve optimal regulatory outcomes for digital citizens.

The DCCWG is eager to continue to explore other regulatory spheres, beyond competition/anti-trust and consumer protection, that intersect with privacy in the digital environment. The working group has identified online safety (particularly as it relates to children) as a key emerging area of intersection of interest to GPA members, and other competition and consumer regulators the DCCWG engages with. The dynamic digital economy in which personal data is handled has amplified the need for continued reflection by GPA members on areas of regulatory intersection, including online safety. In so doing, the DCCWG supports a “global regulatory environment with clear and consistently high standards of data protection”.<sup>7</sup>

In 2022–2023 the DCCWG has successfully engaged in extensive sensitisation work to promote an understanding of intersection issues and share knowledge about the opportunities posed by cross-regulatory cooperation. We have observed the increasing awareness, by regulators, international organisations and global networks, of this topic. We have also seen many practical examples of cross-regulatory cooperation in action. We are pleased to be a leading voice and contribute to the international discussion on this issue and look forward to continuing to work with regulatory authorities, industry and civil society.

To date, our work has revealed the tensions that exist between privacy, competition and consumer protection, but it has also emphasised the shared challenges and common policy objectives of these regimes. It is clear to us that there is an opportunity for regulators to work together, across regulatory lines, to achieve shared goals to the holistic benefit of our collective citizenry. We look forward to advancing the strategic goals of the GPA through our cooperation focus.

The DCCWG co-chairs would like to thank all members of the DCCWG for their valuable input and support in progressing the mandate of the DCCWG, and producing positive outcomes for citizens and consumers in the increasingly digital economy. We look forward to continuing this important work into the DCCWG’s 2023-2025 mandate.

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<sup>7</sup> Global Privacy Assembly, [Strategic Plan 2021–2023](#), GPA, 2021, pp 15- 16.

## Annex 1

# DCCWG Mapping Table of regulatory intersections and actual collaborative actions

# DCCWG Mapping Table of regulatory intersections and actual collaborative actions

The DCCWG monitors international activities that demonstrate intersections between privacy, consumer protection and/or competition (also known as anti-trust). This mapping table captures practical examples of cross regulatory collaboration and intersection occurring around the world. This resource consists of three tables: (1) capturing collaborative regulatory and enforcement activities, (2) capturing cooperative policy initiatives, and (3) capturing laws and legislative instruments which address or consider the intersection of regulatory regimes.

## 1. Collaborative regulatory and enforcement activities

*This table captures instances of regulatory initiatives or actions, including enforcement activities, undertaken by competition and anti-trust authorities, and/or consumer protection authorities, and privacy and data protection authorities which address matters that intersect across these regulatory spheres. The activities undertaken include investigations, reviews, assessments, recommendations, inquiries, enforceable undertakings, penalties, legal proceedings, or complaints action.*

Date	Jurisdiction/ Organisation	Area of intersection	Description	Outcome	Status (DCCWG previously reported on this)
July 2023	<b>Norway</b>	Privacy Consumer protection	In the first regulatory decision to implement the European Court of Justice’s findings on the scope of the legitimate interest basis in the recent Meta judgment, the Norwegian data protection authority has issued <a href="#">a temporary ban</a> on behavioural advertising on the company’s Facebook and Instagram platforms.	Temporary ban	New
July 2023	<b>US</b>	Privacy Consumer protection	The U.S. Federal Trade Commission has <a href="#">initiated an investigation</a> into OpenAI, the Microsoft-backed startup behind the generative AI chatbot ChatGPT. The FTC is citing potential violations of consumer protection laws and the compromise of personal reputations and data.	Ongoing investigation	New



July 2023	<b>Germany</b>	Privacy Competition	<p><b>CJEU rules competition authorities can consider GDPR infringements</b> (<a href="#">Judgment/Report</a>)</p> <p>The Court of Justice of the European Union ruled in a judgment over Meta's data collection practices that:-</p> <ul style="list-style-type: none"> <li>• In assessing whether the behaviour of dominant companies impedes competition in a given market, GDPR compliance may provide an important clue as to whether their behaviour follows the rules that govern normal competition. A national competition authority can find, in the context of an abuse of a dominant position, that the GDPR has been infringed;</li> <li>• National competition authorities and data protection authorities are bound by the duty of sincere cooperation, and the authorities must cooperate with each other to ensure the consistent application of the GDPR; and</li> <li>• National competition authorities must also check whether the behaviour has been addressed by courts and data protection authorities. While national competition authorities cannot override these decisions, they can draw their own conclusions on the competition law aspects of a case.</li> </ul> <p>In its decision, the CJEU further determined Meta "cannot justify, as a legitimate interest," data processing for personalized advertising "in the absence of the data subject's consent."</p>	Decision	New
January 2023	<b>France</b> Commission Nationale de l'Informatique et des Libertes	Privacy Competition	<p><b>CNIL launches public consultation on mobile apps data collection and processing -</b> <a href="#">CNIL</a></p> <p>The Commission Nationale de l'informatique et des libertés has launched a public consultation on economic issues associated with data collection and processing by mobile applications. Its objective is to make data flows visible and strengthen the compliance of mobile applications and their ecosystems, to better protect the privacy of users. The approach aims to make it possible to measure the potential impact of the CNIL's regulatory choices on French, European and international players, particularly on the aspects of competition and innovation.</p>	Public consultation	New

January 2023	<b>European Union</b> European Data Protection Board (EDPB) and the Irish Data Protection Commission (DPC)	Privacy Consumer Protection	<b>The Irish Data Protection Commission issued decisions against <a href="#">Facebook</a> and <a href="#">Instagram</a></b> which were a product of a cross-regulatory investigation between the EDPB and the DPC. The decisions total around \$410 million in fines, with orders to correct its unlawful data processing within three months. The decisions clarify that Meta unlawfully processed personal data for behavioural advertising. Such advertising is not necessary for the performance of an alleged contract with Facebook and Instagram users, which amounted to misleading conduct.	Decision	New
January 2023	<b>Germany</b> Bundeskartellamt	Competition Privacy	The Federal Cartel Office ('Bundeskartellamt') <a href="#">announced, on 11 January 2023</a> , that it had sent Alphabet Inc., Google Ireland Ltd., and Google Germany GmbH its preliminary legal assessment in the <a href="#">proceedings</a> concerning Google's personal data processing conditions. In particular, the Bundeskartellamt maintained that, according to the current state of the proceedings, the new provisions applicable to large digital groups under Section 19a of the Amended Act Against Unfair Competition ('GWB') are relevant to the case at hand and that Google must therefore adapt its data processing conditions and the practice based on the same. More in detail, the Bundeskartellamt noted that, according to the preliminary assessment in question, Google's users do not have sufficient choice as to whether, and to what extent, they agree to Google's far-reaching cross-service processing of their data. Notably, the Bundeskartellamt explained that it had based its proceedings on German competition law. However, considering that for certain Google services the European Digital Markets Act ('DMA') is also likely to apply in the future, the Bundeskartellamt highlighted that it is in contact with the European Commission.	Proceedings	New
August 2022	<b>Australia</b> Australian Competition and Consumer Commission	Privacy Consumer protection	<b>ING Bank (Australia) Limited has paid penalties totalling \$53,280</b> for allegedly failing to comply with Consumer Data Right (CDR) Rules and making a false or misleading representation to consumers, after the <a href="#">ACCC issued it</a> with four infringement notices. Under the CDR Rules, ING was required to be in a position to share data for certain financial products by specific deadlines. This included data relating to residential home loans and data relating to joint accounts. The ACCC alleges that ING Bank did not meet all of these obligations as required. This meant ING Bank was not able to facilitate certain consumer data sharing, as it was not capable of receiving consumer data requests from accredited data recipients acting on behalf of consumers. By failing to meet its obligations, ING potentially denied its customers the full benefits of being able to use the CDR program.	Penalty	New
November 2022	<b>Italy</b> Italian Competition Authority ('AGCM')	Consumer protection Privacy	In its finding against Enel Energia on 18 November 2022, the <a href="#">AGCM found that the</a> company had violated the Consumer Code by misleading consumers to induce them to sign a contract with the company. The conduct constituted aggressive and unfair	Enforcement finding	New

			commercial practices and noted that, in most cases, consumers had never provided their consent to the processing of their personal data for marketing purposes. Moreover, the AGCM found Enel Energia's supervision of its sales network to be inadequate, which led to some agents exploiting the personal data of consumers.		
August 2022	<b>United States of America</b> U.S. Federal Trade Commission	Privacy Consumer Protection	<b>The FTC has continued their Dark Patterns Investigation - <a href="#">FTC deepens 'dark patterns' investigation</a></b> The U.S. Federal Trade Commission is moving forward with its November 2021 <a href="#">investigation</a> into alleged use of "dark patterns" by Amazon in its Prime services promotions. The agency sent subpoena letters to current and former Amazon employees as it seeks details on the potential deceptive and manipulative practices the company used to amass and maintain Prime memberships.	Investigation	New
August 2022	<b>Australia</b> Australian Competition and Consumer Commission	Privacy Competition	<b>Google to pay AU\$60M fine to Australian Competition and Consumer Commission</b> Google agreed to pay a AU\$60 million fine to the Australian Competition and Consumer Commission. The federal court found Google misled Australian consumers into believing the company was not collecting their location data with Android devices. It was understood by consumers that Google would collect their data even if the location history was turned off while their web activity was turned on or if mobile applications were in use. <a href="#">Google to pay \$60m fine for misleading Australians about collecting location data</a>	Penalty	New
July 2022	<b>Europe</b> European Commission, European Consumer Organisation (BEUC), the Norwegian Consumer Council, Transatlantic Consumer Dialogue	Consumer Protection Privacy	<b>Amazon to change its cancellation policy in Europe - <a href="#">Consumer protection</a></b> Amazon has committed to bringing its cancellation practices in line with EU consumer rules. The platform will enable consumers from the EU and EEA to unsubscribe from Amazon Prime in two clicks, using a prominent and clear "cancel button". This change was necessary to comply with the <a href="#">EU rules on consumer protection</a> and, in particular, with the <a href="#">Unfair commercial practices Directive</a> . Following a complaint by the European Consumer Organisation (BEUC), the Norwegian Consumer Council and the Transatlantic Consumer Dialogue, an action was launched in April 2021 by the Commission in cooperation with national consumer authorities. The reported cancellation practices consisted in a large number of hurdles to unsubscribe, including complicated navigation menus, skewed wording, confusing choices, and repeated nudging.	Action resulting from complaints	New
June 2022	<b>Germany</b> Bundeskartellamt (competition regulator)	Competition Privacy	<b>German competition regulator investigates Apple's privacy rules</b> The <a href="#">Bundeskartellamt launched an investigation</a> into Apple's privacy rules, the APP Tracking Transparency framework, which establishes preconditions	Investigation	New

			for user-tracking by third party apps. The regulator is concerned that the framework may have anti-competitive implications and grant Apple's services an advantage over third-party apps. Apple's new rules make tracking conditional on the users' consent to the use and combination of their data in a dialogue pop up when an app not made by Apple is started for the first time. These rules do not affect Apple when using and combining user data from its own ecosystem.		
June 2022	<b>United Kingdom</b> Department for Digital, Culture, Media and Sport	Competition Privacy	<b>Department for Digital, Culture, Media and Sport Online Advertising Programme</b> The <a href="#">Online Advertising Programme</a> will review the regulatory framework of paid-for online advertising to tackle the evident lack of transparency and accountability across the whole supply chain. Given the importance of data in aiding the targeting practices used in online advertising, data protection policy developments will be important to consider as the Programme develops. The review will work in conjunction with the measures being introduced through the Online Safety Bill and other measures that the UK Government is developing to address competition and data protection issues across the online landscape. The Programme intends to complement the government's work to establish a pro-competition regime for digital markets.	Review	New
May 2022	<b>France</b> Autorité de la concurrence, Commission Nationale de l'Informatique et des Libertés	Competition Privacy	<b>French competition regulator investigates Apple's ATT framework</b> The CNIL was formally consulted by the Autorité de la concurrence on the Apple ATT case for the second time (it had been on the provisional measures by the end of 2020) and issued an opinion to advise the other authority on the data protection aspects of the implementation of the ATT feature into iOS 14 for the purpose of targeted advertising.	Investigation	New
March 2022	<b>United States</b> Federal Trade Commission	Consumer Protection Privacy	<b><a href="#">FTC charges Twitter \$150 mil for deceptively using account security data to sell targeted ads</a></b> The FTC is taking action against Twitter for deceptively using account security data for targeted advertising, including phone numbers and email addresses. The company profited by allowing advertisers to use this data to target specific users in violation of a 2011 FTC order that prohibited a company from misrepresenting its privacy and security practices.	Legal proceedings	New

			The FTC claims that the company deceived consumers and put their privacy at risk.		
March 2022	<b>Australia</b> Australian Competition and Consumer Commission (ACCC)	Competition Privacy	<p><b>ACCC inquiry into Digital Platforms</b></p> <ul style="list-style-type: none"> <li>• In February 2020 the Australian Government directed the ACCC to conduct an inquiry into markets for the supply of digital advertising technology services and digital advertising agency services.</li> <li>• In April 2021, the ACCC published its <a href="#">second interim report</a>, which found that Apple’s App Store and Google’s Play Store have significant market power in the distribution of mobile apps in Australia, and measures are needed to address this.</li> <li>• While the scope of the Inquiry has focussed mainly on markets for the supply of digital platform services in Australia and their impacts on competition and consumers, the ACCC’s first and second interim reports have considered issues such as the reported tension between consumer privacy and transparency and competition, and the impact of data practices (including their ability to collect information about consumers) of app marketplaces on competition.</li> <li>• In September 2021 the ACCC published its <a href="#">third interim report</a> which in which the ACCC expressed its concern regarding the low levels of contestability and competition in the supply of search engine services and the subsequent harms to businesses and consumers. The report noted that the dominance and control of key search access points by Google reduces the likelihood that innovative services are developed and succeed, such as ones that emphasise privacy and minimal data collection.</li> <li>• In April 2022 the ACCC published its <a href="#">fourth interim report</a> which examines potential competition and consumer issues in the provision of general online retail marketplaces to consumers in Australia. The report raises concerns attached to online marketplaces, including data collection practices, and identifies areas where practices should be modified to provide consumers with greater control and more transparency.</li> </ul>	Inquiry	Previously reported on 1 <sup>st</sup> and 2 <sup>nd</sup> reports, 3 <sup>rd</sup> and 4 <sup>th</sup> reports new.

			<ul style="list-style-type: none"> <li>• In September 2022 the ACC published its <a href="#">fifth interim report</a> considering competition and consumer issues identified in the course of the Digital Platform Services Inquiry, the ACCC’s Digital Advertising Services Inquiry and the original Digital Platforms Inquiry. The ACCC recommends a range of new measures to address harms from digital platforms to Australian consumers, small businesses and competition. In addition to consumer and competition specific recommendations for digital platforms, the report also reiterates the ACCC’s support for economy-wide reforms to consumer law.</li> <li>• In March 2023 the ACC published its <a href="#">sixth interim report</a> which considers competition and consumer issues in the provision of social media services to consumers and businesses in Australia by social media platforms, and highlights a range of competition and consumer harms occurring across social media services. The report continues to support reforms to protect consumers and businesses.</li> </ul>		
November 2021	<b>United Kingdom</b> Competition and Markets Authority (CMA)	Competition Privacy	<p><b>CMA investigation into Facebook’s acquisition of Giphy</b></p> <p>In November 2021 the CMA <a href="#">finalised its investigation</a> into Facebook’s acquisition of Giphy and concluded that the acquisition would reduce competition between social media platforms. The CMA concluded that Facebook would be able to increase its already significant market power by changing the terms of access by, for example, requiring TikTok, Twitter and Snapchat to provide more user data in order to access Giphy GIFs. The CMA directed Facebook to divest itself of Giphy in its entirety. Meta appealed the decision to the Competition Appeal Tribunal which, <a href="#">on 18 July 2022</a>, found in favour of the CMA but ruled that due to irregularities in the investigation the CMA must reconsider its decision.</p>	Re-consideration of investigation outcome	New
June 2021	<b>United Kingdom</b> The Competition and Markets Authority	Competition/ anti-trust and privacy	<p><b>The UK Competition and Markets Authority (CMA) is investigating Facebook’s use of ad data</b></p> <ul style="list-style-type: none"> <li>• The CMA has launched a probe into whether Facebook has gained an unfair advantage over competitors in providing services for online classified ads and online dating, through how it gathers and uses certain data.</li> </ul>	Investigation	Existing

			<ul style="list-style-type: none"> <li>The CMA will look into whether Facebook has unfairly used the data gained from its advertising and single sign-on to benefit its own services, in particular Facebook Marketplace - where users and businesses can put up classified ads to sell items - and Facebook Dating - a dating profile service it launched in Europe in 2020. <a href="#">GOK UK</a>.</li> </ul>		
June 2021	<b>United Kingdom and European Union</b> The UK's Competition and Markets Authority and the European Commission	Competition/ anti-trust and privacy	<b>European Commission is investigating possible anti-competitive conduct of Facebook</b> <ul style="list-style-type: none"> <li>The European Commission has opened a formal antitrust investigation to assess whether Facebook violated EU competition rules by using advertising data gathered in particular from advertisers in order to compete with them in markets where Facebook is active such as classified ads.</li> <li>The formal investigation will also assess whether Facebook ties its online classified ads service "Facebook Marketplace" to its social network, in breach of EU competition rules. <a href="#">European Commission</a>.</li> </ul>	Investigation	Existing
May 2021	<b>International Consumer Protection and Enforcement Network (ICPEN) and Global Privacy Enforcement Network (GPEN)</b>	Consumer protection and privacy	<b>In collaboration with GPEN, ICPEN members successfully ensure that Apple and Google provide consumers with clear information on data collection and sharing practices</b> <ul style="list-style-type: none"> <li>In 2018 and 2019, ICPEN members (lead by Consumer Authority of Norway, the UK Competition and Markets Authority and the Netherlands Authority for Consumers and Markets) sent a joint letter endorsed by GPEN to Apple and Google pressuring them to make changes to their app stores, in order to improve the information available on the use of personal data by apps available on their app stores (Apple App store and Google Play store).</li> <li>As a result of the joint action, Apple and Google must provide consumers with clear and comprehensive information enabling consumers to compare and choose apps based on how they use personal data. Google will make this mandatory for all apps from 2022 onward. Apple already made similar changes in 2020. <a href="#">ICPEN News release</a>. <a href="#">Forbrukertilsynet</a>.</li> </ul>	Joint Action	Existing

May 2021	<b>Brazil</b> The Administrative Council for Economic Defense (Cade), the Federal Public Ministry (MPF), the National Data Protection Authority (ANPD) and the National Consumer Secretariat (Senacon)	Competition/ anti-trust, consumer protection and privacy	<b>Brazilian regulators have issued a joint recommendation to WhatsApp to postpone implementing its new privacy policy</b> <ul style="list-style-type: none"> <li>• Brazil's data protection agency, competition authority, national consumer protection authority and Federal Prosecution Service issued a joint recommendation to WhatsApp and Facebook seeking that they postpone the introduction of its privacy policy, amid privacy and consumer rights concerns. The concerns raised include: <ul style="list-style-type: none"> <li>○ the effects on competition, stemming from the WhatsApp policies, noting a lack of meaningful alternatives to Facebook's services</li> <li>○ the effects on consumer protection, where there is an absence of clear information about what data will be processed and the purpose of the processing operations that will be carried out.</li> </ul> </li> <li>• The recommendations outlined by the Brazilian authorities include: <ul style="list-style-type: none"> <li>○ delaying the rollout of the privacy policy (due to be implemented on 15 May), until several points that have emerged during the bodies' scrutiny of the new privacy framework are addressed that WhatsApp continue to provide services without restrictions to users that refuse to accept the new policy. <a href="#">GOV BR</a>. <a href="#">ZDNet</a>.</li> </ul> </li> </ul>	<a href="#">Joint Recommendation</a>	Existing
May 2021	<b>Germany</b> Bundeskartellamt (competition regulator)	Competition/ anti-trust and privacy	<b>Germany's competition regulator (the Bundeskartellamt) has initiated two proceedings against Google, based on new competition law provisions applicable to digital companies</b> <ul style="list-style-type: none"> <li>• In January 2021, the 10th amendment to the German Competition Act (GWB Digitalisation Act) came into force. A key new provision (Section 19a GWB) enables the Bundeskartellamt to intervene earlier and more effectively, in particular against the practices of large digital companies. Under the amendment, the Bundeskartellamt can prohibit companies which are of paramount significance for competition across markets from engaging in anti-competitive practices.</li> <li>• One of the proceedings will determine whether the amended competition rules apply in its case (i.e. to determine if Google is a company of 'paramount significance'), and which would enable the</li> </ul>	Legal Proceedings	Existing



			<p>Federal Cartel Office (FCO) to target it with proactive interventions in the interests of fostering digital competition.</p> <ul style="list-style-type: none"> <li>The second, is a parallel procedure involving the Federal Cartel Office (FCO) undertaking an in-depth analysis of Google’s data processing terms, on a working assumption that Google/Alphabet’s business meets the legal bar in the GWB Digitalisation Act. <a href="#">Bundeskartellamt</a>. <a href="#">Yahoo Finance</a>.</li> </ul>		
May 2021	<p><b>Argentina</b> National Commission for the Defence of Competition (CNDC) of Argentina and the Secretariat of Internal Trade of the Ministry of Production</p>	<p>Competition/ anti-trust and privacy</p>	<p><b>National Commission for the Defence of Competition (CNDC) orders WhatsApp to suspend the implementation of WhatsApp’s new Terms of Service and Privacy Policy</b></p> <ul style="list-style-type: none"> <li>The CNDC issued a report raising concerns over WhatsApp’s new terms of service and privacy policy, which was due to be implemented on 15 May 2021.</li> <li>As a result of the changes, users who do not accept the policy will experience limitations and eventually lose functionality of the service, which generates a strong asymmetry in the negotiating power between users and WhatsApp as, users are mostly ‘forced’ to accept the new terms that enable WhatsApp to collect excessive personal information and share it with other entities such as Facebook and Instagram.</li> <li>The CNDC found that the power of the information will allow Facebook and Instagram to reinforce their dominant position in other markets such as online advertising, will raise entry barriers for other competitors and monopolise the market, and the new WA privacy policies could be in violation of Argentina’s competition laws.</li> <li>As a result of the report, the Secretariat of Internal Trade of the Ministry of Productive Development, issued a precautionary interim measure ordering Facebook to suspend the implementation of WhatsApp’s new Terms of Service and Privacy Policy. While the precautionary measure is in place, the CNDC will be investigation the effect of the new terms of service and the sharing of any data to Facebook for commercial purposes. <a href="#">Argentina GOB</a>.</li> </ul>	<p><a href="#">Precautionary measure/order</a></p>	<p>Existing</p>

April 2021	<b>United Kingdom</b> Competition and Markets Authority (CMA)	Competition/ anti-trust, consumer protection and privacy	<b>UK commences Digital Markets Unit</b> <ul style="list-style-type: none"> <li>• In November 2020, the UK Government announced that a new competition regime will be set up which includes the introduction of the Digital Markets Unit (DMU) within the Competition Markets Authority (CMA) and a statutory code of conduct.</li> <li>• The DMU will oversee plans to give consumers more choice and control over their data over personal data held by market-leading platforms, promote online competition and crack down on unfair practices which can often leave businesses and consumers with less choice and more expensive goods and services.</li> <li>• The DMU has commenced activity in April 2021 and will work closely with the ICO, Ofcom and the Financial Conduct Authority so that consumers and businesses are comprehensively protected, and the new regime is coherent and effective. <a href="#">GOK UK press release</a>.</li> </ul>	Competition Regime	Existing
April 2021	<b>Italy</b> Council of State	Competition/ anti-trust, and privacy	<b>Italy fines Facebook million for competition and data issues</b> <ul style="list-style-type: none"> <li>• Italy's Council of State which has jurisdiction on acts of all administrative authorities has fined Facebook €7 million for not complying with a request to correct improper commercial practices in its treatment of user data. The decision of 29 March says that given the economic value of the data for Facebook,</li> <li>• Facebook users should have been able to decide for themselves whether their data should be used. Facebook had misled users to register on the Facebook platform without informing them that their data would be used for commercial purposes.</li> </ul>	<a href="#">Judgment</a>	Existing
April 2021	<b>Australia</b> Australian Competition and Consumer Commission (ACCC)	Consumer protection and privacy	<b>Federal Court finds that Google for mislead users about the collection of personal location data</b> <ul style="list-style-type: none"> <li>• The Federal Court of Australia has found that Google LLC and Google Australia Pty Ltd (together, Google) misled some users about personal location data collected through Android devices for two years, from January 2017 to December 2018.</li> <li>• The ACCC had instituted the <a href="#">proceedings against Google in October 2019</a> alleging that the Google breached Australian Consumer Law, and engaged in misleading conduct and made false or misleading</li> </ul>	<a href="#">Legal Proceedings</a>	Existing

			<p>representations to consumers about the personal location data that Google collects, keeps and uses when certain Google Account settings were enabled or disabled.</p> <ul style="list-style-type: none"> <li>The Court ruled in favour of the ACCC, finding that from January 2017 Google misrepresented to consumers setting up a new Google Account on their Android device, that its 'Location History' setting was the only setting that affected whether Google collected, kept or used personally identifiable location data. However, another setting titled 'Web &amp; App Activity', if left enabled, would allow Google to continue collecting personal location data, even if the consumer had disabled the 'Location History' setting. <a href="#">ACCC press release</a>.</li> </ul>		
March 2021	Germany Bundeskartellamt (competition regulator)	Competition/ anti-trust, and privacy	<p><b>Germany's Bundeskartellamt prohibits Facebook from combining user data from different sources</b></p> <ul style="list-style-type: none"> <li>The European Court of Justice has been asked to clarify whether Germany's competition authority was right to order Facebook to halt its data collection practices, due to concerns over alleged abuse of its dominant market position and violations of EU data protection law.</li> <li>In 2019, Germany's Federal Cartel Office (Bundeskartellamt) imposed restrictions on Facebook's sharing of data between its own platforms Facebook, Instagram and WhatsApp as well as third-party apps, claiming that the extent to which Facebook collects data without the consent of the user and shares it between its services is an abuse of power. The Bundeskartellamt's decision caused Facebook to appeal the decision to the Düsseldorf Higher Regional Court. In response, the authority lodged its own appeal with the federal Supreme Court in Karlsruhe, which ruled provisionally in favour of the Bundeskartellamt's restriction order.</li> <li>Following this, the case went back to the Düsseldorf court, where it made inconclusive findings: "The question of whether Facebook is abusing its dominant position as a provider on the German market for social networks because it collects and uses the data of its users in violation of the GDPR cannot be decided without referring to the [Court of Justice of the European Union]." A hearing has been</li> </ul>	<a href="#">Bundeskartellamt's decision</a>	Existing

			conducted in May 2022 and the Court of Justice of the European Union has not yet issued a preliminary ruling on this matter. <a href="#">Decision</a>		
March 2021	<b>India</b> The Competition Commission of India (CCI)	Competition/ anti-trust, consumer protection and privacy	<p><b>India’s competition authority (CCI) orders an anti-trust investigation into WhatsApp’s privacy policy changes</b></p> <ul style="list-style-type: none"> <li>• Under the order, the Director General must investigate (within 60 days) WhatsApp’s new policy to “ascertain the full extent, scope and impact of data sharing through involuntary consent of users.”</li> <li>• The basis of issuing the order was that WhatsApp’s privacy policy and terms of service set out categories of information to be shared with Facebook that are too broad, vague and unintelligible, for example “information on how users interact with others (including businesses), and that such incomplete disclosures hid the actual data cost that users incur for using WhatsApp services.</li> <li>• The CCI consider that WhatsApp breached anti-trust laws in the guise of policy update and given the nature of the privacy policy update (in that users must accept or lose functionality or use of the app), it merits detailed investigation ‘in view of the market position and market power enjoyed by WhatsApp.’ <a href="#">TechCrunch</a> article. <a href="#">CCI order</a>.</li> </ul>	<a href="#">Investigation</a>	Existing
February 2021	<b>European Union</b>	Consumer protection and privacy	<p><b>TikTok and the European Consumer Organisation (BEUC)</b></p> <ul style="list-style-type: none"> <li>• The European Consumer Organisation (BEUC) has lodged with the European Commission and the bloc’s network of consumer protection authorities a complaint against the video-sharing site, while consumer organisations in 15 countries have alerted their national authorities and urged them to investigate the social media giant’s conduct, <a href="#">BEUC stated</a>.</li> <li>• Based on the findings of new research [3], BEUC contends that TikTok falls foul of multiple breaches of EU consumer rights and fails to protect children from hidden advertising and inappropriate content: <ul style="list-style-type: none"> <li>○ Several terms in TikTok’s ‘Terms of Service’ are unfair</li> <li>○ TikTok’s ‘Virtual Item Policy’ which manages this feature contains unfair terms and misleading practices.</li> </ul> </li> </ul>	Complaint lodged	Existing

			<ul style="list-style-type: none"> <li>○ TikTok fails to protect children and teenagers from hidden advertising and potentially harmful content on its platform</li> <li>○ TikTok’s practices for the processing of users' personal data are misleading.</li> </ul>		
January 2021	<b>Turkey</b> The Competition Board of Turkey (Rekabet Kurumu)	Competition/ anti-trust and privacy	<p><b>The Competition Board of Turkey has launched an investigation into WhatsApp and its data sharing practices with Facebook</b></p> <ul style="list-style-type: none"> <li>● As a result of WhatsApp’s new privacy policy which informs users that to be able to use the app, they must consent to the sharing of their data with Facebook companies, the Competition Board has launched an investigation into whether the updated privacy policy breaches Turkey’s competition law.</li> <li>● Further, the Competition Board issued an interim measure ordering WhatsApp and Facebook to cease the changes to its privacy policy (due to be implemented from 8 February 2021), until its investigation is complete. <a href="#">Data Guidance</a>.</li> </ul>	<a href="#">Investigation and Interim Order</a>	Existing
January 2021	<b>Australia</b> Australian Competition and Consumer Commissioner (ACCC)	Competition Privacy	<p><b>ACCC enforcement <a href="#">investigation</a> into Google’s acquisition of Fitbit</b></p> <ul style="list-style-type: none"> <li>● In June 2020 the ACCC released its <a href="#">preliminary concerns</a> with Google’s proposed acquisition of Fitbit, stating that Google’s access to consumer health data may raise entry barriers, further entrench its dominant position and adversely affect competition in several digital advertising and health markets.</li> <li>● In December 2020 the ACCC <a href="#">rejected Google’s proposed behavioural undertakings</a> to address competition concerns about the proposed acquisition. Google sought to address the ACCC’s competition concerns by offering a court enforceable undertaking that it would behave in certain ways towards rival wearable manufacturers, not use health data for advertising and, in some circumstances, allow competing businesses access to health and fitness data.</li> <li>● In <a href="#">January 2021 Google completed the acquisition</a> before the ACCC had finished its investigation. The matter became an enforcement investigation of a completed merger and the ACCC is considering whether to take legal action on the matter pending the completion of the investigation.</li> </ul>	Investigations	Previously reported on ACCC preliminary concerns; updated with recent developments

2021	<b>Colombia</b> Superintendence of Industry and Commerce	Consumer protection and privacy	<p><b>SIC Guide on Electronic Commerce</b></p> <ul style="list-style-type: none"> <li>• The Superintendence of Industry and Commerce currently its currently working on the Consumer Protection Guide on Electronic Commerce 2021.</li> <li>• This guide will allow businesses to know their duties and rights as online suppliers while giving trust and confidence to online consumers in regard of their rights protection.</li> <li>• The guide is also intended to cover issues and matters related to the actors involved in e-commerce and the differences between them, together with their liability regimes, as well as the rights, duties and obligations that arise in this field of e-commerce and how to deal with or attend consumers' complaints, claims and demands under this framework.</li> <li>• The work for this guide began in January 2021 and is expected to be ready by December of this same year. It is important to note that, although this is a joint action which is currently ongoing and for which its' first draft version was published and available for comments on the website of the SIC from 29th of June 2021 to 8th of July 2021 (then extended until 15th of July 2021), the final version of the guide is not yet ready and available to all public and it cannot be shared with other authorities.</li> </ul>	E-commerce Guideline in progress	Existing
January 2021	<b>United Kingdom</b> Competition and Markets Authority (CMA) and the Information Commissioner's Office	Privacy Competition	<p><b>CMA and ICO investigations into Google's Privacy Sandbox</b></p> <ul style="list-style-type: none"> <li>• In January 2021 the CMA opened an investigation into Google's Privacy Sandbox proposals to assess whether the proposals could cause advertising spend to become more concentrated on Google's ecosystem. The ICO also assessed the Privacy Sandbox proposals for compliance with privacy law. The CMA and ICO worked collaboratively in their engagement with Google and other market participants to ensure that both privacy and competition concerns were addressed.</li> <li>• In February 2022 the CMA and ICO <a href="#">accepted commitments</a> from Google relating to the Privacy Sandbox.</li> </ul>	Commitments from Google accepted by regulators	New

			<ul style="list-style-type: none"> <li>In June 2022, the UK ICO has begun its review of the privacy implications of the Google Privacy Sandbox.</li> </ul>		
January 2021	<b>United Kingdom</b> Competition and Markets Authority (CMA) and the Information Commissioner's Office	Privacy Competition	<p><b>ICO investigation into real time bidding and adtech</b></p> <p>In January 2021 the ICO <a href="#">resumed its investigation</a> into real time bidding (RTB) and the adtech industry. The ICO is undertaking a series of mandatory audits of specific adtech companies to assess their data management platforms. The ICO maintains a dialogue with the CMA regarding the competition related points that arise during the investigation, and a <a href="#">November 2021 opinion</a> on the topic reflected the tensions between achieving compliant privacy solutions with a fair and competitive landscape.</p>	Investigation	New
December 2020	<b>European Union</b> European Commission	Competition Privacy	<p><b>European Commission <a href="#">approves the acquisition of Fitbit by Google</a></b></p> <ul style="list-style-type: none"> <li>The European Commission approved, under the EU Merger Regulation, the acquisition of Fitbit by Google.</li> <li>The approval is conditional on full compliance with a commitments package offered by Google which will ensure that the market for wearables and the nascent digital health space will remain open and competitive. The commitments will determine how Google can use the data collected for ad purposes, how interoperability between competing wearables and Android will be safeguarded and how users can continue to share health and fitness data, if they choose to.</li> <li>This followed an in-depth investigation of the proposed transaction.</li> </ul>	Merger approved	New, previously reported on EC investigation
November 2020	<b>Germany</b> Bundeskartellamt (competition regulator)	Consumer protection and privacy	<p><b>The Bundeskartellamt will launch a sector inquiry into messenger services</b></p> <ul style="list-style-type: none"> <li>The Bundeskartellamt has launched a sector inquiry into messenger services under consumer protection law.</li> <li>Messenger services enable consumers to send text messages, photos and videos or make telephone calls via the internet. Surveys and media reports have repeatedly pointed out possible violations of consumer protection law in this sector. In some cases, the way in which established messenger services manage the personal data of their users could be in violation of applicable data protection rules. Consumers must also be correctly informed about the measures taken to ensure secure communication. As to the interoperability of</li> </ul>	<a href="#">Inquiry</a>	Existing

			<p>messenger services that has been repeatedly called for, the Bundeskartellamt hopes to be able to gain insights as to whether improvements in this area can result in an increased use of more privacy-friendly services. <a href="#">Bundeskartellamt press release</a>.</p>		
October 2020	<p><b>United States</b> Federal Trade Commission (FTC)</p>	<p>Competition/ anti-trust, consumer protection and privacy</p>	<p><b>Report on enhancing cooperation between the FTC and overseas competition and consumer protection authorities</b> The Federal Trade Commission (FTC) issued a report on a series of hearing, “Competition and Consumer Protection in the 21<sup>st</sup> Century”. The session “The FTC’s Role in a Changing World”, co-sponsored by the George Washington University Law School Competition Law Center and organised by the FTC explored the FTC’s international role in light of globalisation, technological change, and the increasing number of competition, consumer protection, and privacy laws and enforcement agencies around the world.</p>	<p>Hearing and <a href="#">Report</a></p>	<p>Existing</p>
August 2020	<p><b>Australia</b> Australian Competition and Consumer Commission (ACCC)</p>	<p>Consumer protection and privacy</p>	<p><b>Federal Court orders HealthEngine to pay \$2.9 million penalty for misleading and deceptive conduct</b></p> <ul style="list-style-type: none"> <li>• In August 2019, <a href="#">the ACCC instituted proceedings in the Federal Court of Australia against online health booking platform HealthEngine</a> for misleading and deceptive conduct relating to the sharing of consumer information with insurance brokers and the publishing of patient reviews and ratings.</li> <li>• HealthEngine admitted that between 30 April 2014 and 30 June 2018, it shared patient data of over 135,000 patients, including names, phone numbers, email addresses and date of birth, with private health insurance brokers without informed consent of the patients.</li> <li>• After admitting liability, the Court ordered HealthEngine pay \$2.9 million in penalties and that the company contact affected consumers to inform how they can regain control of their personal information.</li> <li>• The financial penalty was issued in relation to the misleading conduct in sharing patient data and the publishing of misleading patient reviews on its website. <a href="#">ACCC press release</a>.</li> </ul>	<p><a href="#">Legal proceedings</a></p>	<p>Existing</p>



July 2020	<b>Philippines</b> National Privacy Commission	Consumer protection and privacy	<p><b>NPC issue Public Health Emergency Bulletin as Guidance for Establishments</b></p> <ul style="list-style-type: none"> <li>• The NPC issued a Public Health Emergency Bulletin as Guidance for Establishments on the Proper Handling of Customer and Visitor Information for Contact Tracing</li> <li>• Pursuant to the Memorandum Circulars of the Department of Trade and Industry (Circular 20-28 s. 2020 and Circular 20-37, s. 2020) on the Guidelines to Follow on Minimum Health Protocols for Establishments, the NPC issued a bulletin to guide establishments on the proper handling and protection of personal data collected from customers and visitors.</li> <li>• The bulletin reminds businesses to ensure that processing of personal data is proportional to the purpose of contact tracing and collect only information required under existing government issuances.</li> <li>• The guidance reiterated that establishments should inform their customers and visitors on the reason for the collection and use personal data only for such declared purpose.</li> <li>• All establishments that collect personal information, whether through physical or electronic means have the obligation to implement reasonable and appropriate safeguards to protect customer data against any accidental or unlawful processing, alteration, disclosure and destruction.</li> </ul>	<a href="#">Guidance</a>	Existing
2020/21, 2018/19, 2017/18	<b>Canada</b> Office of the Privacy Commissioner (OPC) and the Competition Bureau (CB)	Competition/ anti-trust, consumer protection and privacy	<p><b>OPC facilitated staff secondments from the Competition Bureau</b></p> <ul style="list-style-type: none"> <li>• The OPC has accepted secondees from the Competition Bureau (CB) to enhance cross-regulatory knowledge across all three of the regulatory spheres of privacy and data protection, competition, and consumer protection, and to benefit from the Bureau staffs' professional skills and investigative approach.</li> <li>• Three Competition Bureau Officers have participated in this formal staffing arrangement since 2017.</li> </ul>	Secondment	Existing
June 2020	<b>Australia</b> Office of the Australian Information	Competition/ anti-trust, consumer	<b>Joint Directory of Online Safety and Security Services</b>	Directory	Existing

	Commissioner (OAIC) and Australian Competition and Consumer Commission (ACCC) and the e-Safety Commissioner and the Australian Cyber Security Centre	protection, and privacy	The OAIC is contributing to a Joint Directory of Online Safety and Security Services with the ACCC, the e-Safety Commissioner and the Australian Cyber Security Centre.		
June 2020	<b>Germany</b> German competition authority (Bundeskartellamt)	Competition/ anti-trust, consumer protection and privacy	<p><b>German court has ordered Facebook to stop merging data collected through its WhatsApp and Instagram subsidiaries or other websites, unless users explicitly agree</b></p> <ul style="list-style-type: none"> <li>• The German Federal Court of Justice (BGH) ordered Facebook to stop merging data collected through its WhatsApp and Instagram subsidiaries or other websites unless users explicitly agree, in a legal victory for competition authorities.</li> <li>• Germany's Bundeskartellamt had told Facebook to rein in the data collecting in a landmark decision in 2019, but the social media giant appealed the order. In a fast-track proceeding on Tuesday, Germany's BGH agreed with the Bundeskartellamt in finding that Facebook was abusing its dominant position to force users to consent to all their data being collected. "Facebook does not allow for any choice," presiding judge Peter Meier-Beck said. Facebook must comply with the order while its appeal is pending in a lower court.</li> <li>• The Bundeskartellamt criticised Facebook in February 2019 for making the "unrestricted" data harvesting part of the website's terms of use. That meant people had to tick the box or opt out of being on Facebook altogether. The personal data picked up through Facebook's own platform, WhatsApp, Instagram and third-party websites serve to build up a user's profile for the purposes of targeted advertising, a key income source for the group. <a href="#">Financial Times</a>.</li> </ul>	Legal ruling	Existing

May 2020	<b>Australia</b> Office of the Australian Information Commissioner (OAIC) and Australian Competition and Consumer Commission (ACCC)	Competition/ anti-trust and privacy	<b>ACCC and OAIC Consumer Data Right Compliance and Enforcement Policy released</b> The ACCC and OAIC jointly released the Compliance and Enforcement Policy for Australia’s Consumer Data Right scheme. The Policy outlines the approach that the ACCC and the OAIC have adopted to encourage compliance with, and address breaches of, the Consumer Data Right regulatory framework. The Policy has been developed following consultation with current and future data holders and recipients. <a href="#">OAIC press release.</a>	<a href="#">Joint Policy</a>	Existing
May 2020	<b>Canada</b> Competition Bureau (CB)	Consumer protection and privacy	<b>Competition Bureau’s Facebook settlement that saw Facebook pay a CAD\$9.5 million penalty and costs over concerns about misleading privacy claims</b> Facebook will pay a \$9 million penalty after the Competition Bureau concluded that the company made false or misleading claims about the privacy of Canadians’ personal information on Facebook and Messenger. Facebook will also pay an additional \$500,000 for the costs of the Bureau’s investigation.” As part of the settlement, Facebook has agreed not to make false or misleading representations about the disclosure of personal information, including representations about the extent to which users can control access to their personal information on Facebook and Messenger. <a href="#">Competition Bureau press release.</a>	<a href="#">Investigation</a>  <a href="#">Monetary penalty</a>  Behavioural Remedy	Existing
May 2020	<b>United States</b> Arizona Attorney General	Consumer protection and privacy	<b>Arizona’s proceedings against Google for deceptive and unfair practices to obtain users’ location data</b> <ul style="list-style-type: none"> <li>The Arizona Attorney General filed a lawsuit in the Maricopa County Superior Court against Google LLC, under the Arizona Consumer Fraud Act, alleging that the company used deceptive and unfair practices to collect detailed information about its users, including physical locations, to target users for advertising.</li> <li>According to the Attorney General, the collection of location data is often done without users’ knowledge and consent. <a href="#">Reuters.</a></li> </ul>	Legal proceedings	Existing
April-December 2020	<b>United Kingdom</b> The Information Commissioner’s Office (ICO) and the	Competition/ anti-trust and privacy	<b>ICO facilitated staff secondment to the UK Competition and Markets Authority</b> <ul style="list-style-type: none"> <li>The ICO seconded staff to the UK CMA’s Digital Markets Taskforce to consider and provide input on the privacy aspects of advice to the UK</li> </ul>	Secondment	Existing

	Competition and Markets Authority (CMA)		<p>government on pro-competitive initiatives for digital markets and platforms.</p> <ul style="list-style-type: none"> <li>The Digital Markets Taskforce published its <a href="#">advice to government</a> on the potential design and implementation of pro-competitive measures for unlocking competition in digital markets on 9 December 2020.</li> </ul>		
March 2020	<b>United States</b> Federal Trade Commission (FTC)	Competition/ anti-trust and privacy	<p><b>FTC and U.S. Department of Justice Joint Statement</b></p> <p>The FTC and the U.S. Department of Justice Antitrust Division issued joint statement detailing an expedited antitrust procedure and providing guidance for collaborations of businesses working to protect the health and safety of Americans during the COVID-19 pandemic. <a href="#">FTC press release</a>.</p>	<a href="#">Joint statement</a>	Existing
March 2020	<b>United States</b> Federal Trade Commission (FTC)	Consumer protection and privacy	<p><b>FTC’s initiation of proceedings against Retina-X, stalking apps</b></p> <ul style="list-style-type: none"> <li>The FTC brought an action against a developer of stalking apps software, Retina-X, that allows purchasers to monitor the mobile devices on which they are installed, without users’ knowledge.</li> <li>In its complaint, the FTC alleged that Retina-X sold apps that required circumventing certain security protections implemented by the mobile device operating system or manufacturer, and do so without taking steps to ensure that the apps would be used only for legitimate and lawful purposes. <a href="#">FTC press release</a> and <a href="#">ZDNet article</a>.</li> </ul>	<a href="#">Legal proceedings</a>	Existing
February 2020	<b>Norway</b> The Norwegian Data Protection Authority (Datatilsynet) and the Norwegian Consumer Authority	Consumer protection and privacy	<p><b>Datatilsynet and Norwegian Consumer Authority’s Joint Guidance on Digital services and consumer personal data</b></p> <ul style="list-style-type: none"> <li>In 2018, The Norwegian Data Protection Authority (Datatilsynet), the Norwegian Consumer Protection Authority (Forbrukertilsynet) drew up a common framework that they use as a starting point in evaluating how different issues related to consumer data and data-based business models can be resolved pursuant to data protection and consumer rights legislation.</li> <li>The Datatilsynet and the Norwegian Consumer Authority developed and published, jointly, a guide on digital services and consumer personal data (the Guide). The Guide aims to help business operators, developers, marketers and providers of digital services</li> </ul>	<a href="#">Joint guidance</a>	Existing

			<p>navigate practical issues where consumer protection and privacy issues overlap.</p> <ul style="list-style-type: none"> <li>• Several areas the Guide addresses includes the marketing of digital services, the legal basis for the processing of personal data, the use of data for targeted marketing purposes, and the protection of children and young consumers. <a href="#">Datatilsynet’s press release</a> and the <a href="#">Consumer Authority’s press release</a>.</li> </ul>		
January 2020	<b>United States</b> Federal Trade Commission (FTC), Consumer Financial Protection Bureau	Consumer protection and privacy	<p><b>FTC’s Equifax data breach settlement</b></p> <ul style="list-style-type: none"> <li>• In September of 2017, Equifax announced a data breach that exposed the personal information of 147 million people.</li> <li>• The company has agreed to a global settlement with the FTC, the Consumer Financial Protection Bureau, and 50 U.S. states and territories.</li> <li>• The settlement includes up to USD425 million to help people affected by the data breach. <a href="#">FTC press release</a>.</li> </ul>	<a href="#">Settlement established</a>	Existing
January 2020	<b>United States</b> Federal Trade Commission (FTC) and Department of Justice	Consumer protection and privacy	<p><b>FTC settlement of Mortgage Broker who posted personal information in response to negative reviews</b></p> <ul style="list-style-type: none"> <li>• A California-based mortgage broker will pay \$120,000 to settle FTC allegations that it violated the Fair Credit Reporting Act and other laws by revealing personal information about consumers in response to negative reviews posted on the review website Yelp.</li> <li>• In a complaint filed by the Department of Justice on behalf of the FTC, the FTC alleges that Mortgage Solutions FCS, Inc. (doing business as Mount Diablo Lending) and its sole owner, Ramon Walker, responded to consumers who posted negative reviews on Yelp by revealing their credit histories, debt-to-income ratios, taxes, health, sources of income, family relationships, and other personal information. Several responses also revealed reviewers’ first and last names, according to the complaint. <a href="#">FTC press release</a>.</li> </ul>	<a href="#">Settlement established</a>	Existing
January 2020	<b>United States</b> Federal Trade Commission (FTC)	Consumer protection and privacy	<p><b>FTC charge Grand Teton Professionals</b></p> <p>The FTC charged Grand Teton Professionals with running a credit repair scheme that collected more than \$6.2 million in illegal upfront fees and falsely claimed to repair consumers’ credit. Among other things, the FTC</p>	<a href="#">Injunctive relief</a>	Existing

			alleged that the operation obtained sensitive consumer data, like Social Security numbers and dates of birth, for bogus credit repair services. <a href="#">FTC press release</a> .		
January 2020	<b>France</b> Commission nationale de l'informatique et des libertés (CNIL)	Consumer protection and privacy	<p><b>impose fine of €50 million under the GDPR upon Google</b></p> <ul style="list-style-type: none"> <li>On 25 and 28 May 2018, the CNIL received group complaints from the None Of Your Business and La Quadrature du Net against Google for not having a valid legal basis to process the personal data of the users of its services, particularly for ads personalisation activities. As a result of CNIL's inspections, the CNIL observed two breaches of the General Data Protection Regulation (GDPR) by Google.</li> <li>The CNIL imposed upon Google a fine of €50 million under the GDPR for a lack of transparency, inadequate information and lack of valid consent regarding the personalization of ads. This fine was upheld by France's administrative court. <a href="#">CNIL press release</a> and <a href="#">Reuters article</a>.</li> </ul>	<a href="#">Monetary penalty</a>	Existing
2019-2020	<b>United States</b> Federal Trade Commission (FTC)	Consumer protection and privacy	<p><b>FTC undertakes actions against entities that falsely claimed participation in Privacy Shield</b></p> <ul style="list-style-type: none"> <li>In eight separate actions, the FTC charged that <a href="#">214 Technologies</a>, <a href="#">Click Labs</a>, <a href="#">DCR Workforce</a>, <a href="#">Incentive Services</a>, <a href="#">LotaData</a>, <a href="#">Medable</a>, <a href="#">SecurTest</a>, and <a href="#">Thru</a> falsely claimed participation in Privacy Shield. While the companies initiated Privacy Shield applications with the U.S. Department of Commerce, the companies did not complete the steps necessary to be certified as complying with the Framework. Because they failed to complete certification, they were not certified participants in the Framework, despite representations to the contrary.</li> <li>In separate actions, the FTC charged that <a href="#">Empiristat</a>, <a href="#">Global Data Vault</a>, and <a href="#">TDARX</a> falsely claimed participation in Privacy Shield. The companies had allowed their certifications to lapse while still claiming participation. Further, the companies failed to affirm that they would continue to apply Privacy Shield protections to personal information collected while participating in the program.</li> </ul>	Legal proceedings	Existing

			<ul style="list-style-type: none"> <li>As a part of the FTC's action against <a href="#">Cambridge Analytica</a>, the FTC determined that the company falsely claimed to participate in Privacy Shield after allowing its certification to lapse.</li> </ul>		
2019-2020	<b>Colombia</b> Superintendence of Industry and Commerce (SIC)	Consumer protection and privacy	<p><b>The SIC undertook a Monitoring and surveillance report regarding identity and data theft in ICT services:</b></p> <ul style="list-style-type: none"> <li>First a diagnosis was presented regarding possible identity theft for the acquisition of products and/or services related to telecommunications and postal services that gave rise to negative reports in the credit histories of users, as well as complaints about the handling of personal data.</li> <li>The diagnosis was made in order to identify those operators of telecommunications (mobile or fixed telephony and internet and paid or community TV) or postal services (express courier, mail and money orders) with the highest number of complaints related to the type of impersonation, the cities where these complaints were concentrated, and the steps to be followed by the SIC so as to identify, address and act in view of these situations.</li> </ul> <p>The results of the monitoring and surveillance exercise showed that the complaints with respect to personal data, for the typologies of impersonation and/or fraud, in the telecommunications sector, complaints increased by 64% in 2020 with respect to those filed in 2019. In response the telecommunications operators have been designing mechanisms that have been updated as different cases of fraud arise. By comparison, in the postal sector complaints are numerically low, although they have increased from one year to the next, going from 4 in 2019 to 11 in 2020.</p>	Monitoring exercise	Existing
2019	<b>Colombia</b> Superintendence of Industry and Commerce (SIC)	Competition and privacy	<p><b>SIC Review of Joint Venture banks in Colombia</b></p> <ul style="list-style-type: none"> <li>The Competition Authority reviewed a proposal from three banks from Colombia: Bancolombia, Davivienda and Banco de Bogota, to provide digital identification processes and services to their clients as a joint venture.</li> <li>This provided increased privacy to the bank's clients, security and control over their products, and also the facility to access the</li> </ul>	Project Approved	Existing

			platforms and inclusion. This Joint Project was the first of its kind in Colombia.		
December 2019	<b>United States</b> Federal Trade Commission (FTC)	Consumer protection and privacy	<p><b>FTC establishes a settlement with Unrollme regarding deceptive consumer practices</b></p> <ul style="list-style-type: none"> <li>• The FTC settled allegations with Unrollme, an email management company, which deceived consumers about how it accesses and uses their personal emails. According to the FTC’s complaint, Unrollme falsely told consumers that it would not “touch” their personal emails to persuade consumers to provide access to their email accounts.</li> <li>• The complaint allege that Unrollme shared consumers’ email receives, which includes user’s name, billing and shipping addresses and information about products or services purchased by the consumer, with its parent company, Slice Technologies. Slice Technologies used anonymous purchase information from Unrollme users’ e-receipts for the market research analytics products it sells. <a href="#">FTC press release.</a></li> </ul>	<a href="#">Settlement established</a>	Existing
December 2019	<b>Hungary</b> Hungarian Competition Authority (Gazdasági Versenyhivatal – GVH)	Competition Privacy	<p><b>Hungary competition regulatory fine on Facebook</b></p> <p>GVH <a href="#">imposed a fine of €3.6 million on Facebook</a> Ireland Ltd for infringing competition law when it advertised its services as being free of charge on its home page and Help Centre. GVH found that whilst users did not have to pay for the services, Facebook benefited economically from the collection and use of user’s personal data. These are indirect payments for the use of Facebook’s services. The GVH noted numerous users are not aware of the extent and value of the transferred data and do not generally read the general terms and conditions of online platforms.</p>	Fine	New
December 2019	<b>United States</b> Federal Trade Commission (FTC)	Consumer protection and privacy	<p><b>FTC settlement established with Global Asset Financial Services Group</b></p> <ul style="list-style-type: none"> <li>• The FTC shut down a phantom debt brokering and collection scheme in its case against Global Asset Financial Services Group.</li> <li>• The FTC charged the defendants with purchasing and collecting on counterfeit debts fabricated from misappropriated information about consumers’ identities, and finances and debts purportedly owed on bogus “autofunded” payday loans. In numerous instances,</li> </ul>	<a href="#">Settlement established</a>	Existing



			<p>defendants also disclosed consumers’ purported debts to third parties.</p> <ul style="list-style-type: none"> <li>The final orders imposed a combined judgment of more than \$13 million, banned all the defendants from debt collection business and from misleading consumers about debt. They also prohibit the defendants from profiting from customers’ personal information collected as part of the practices, and failing to dispose of such information properly. <a href="#">FTC press release</a>.</li> </ul>		
December 2019	<b>United States and United Kingdom</b> Federal Trade Commission (FTC) and Information Commissioner’s Office (ICO)	Consumer protection and privacy	<p><b>FTC action against Cambridge Analytica for deceptive conduct</b></p> <ul style="list-style-type: none"> <li>The FTC filed an action against the data analytics company, <a href="#">Cambridge Analytica</a>, its Chief Executive Officer, Alexander Nix, and app developer, Aleksandr Kogan, for deceptive conduct. The FTC’s complaint alleged that Cambridge Analytica, Nix and Kogan used false and deceptive tactics to harvest personal information from millions of Facebook users for voting profiling and targeting. The complaint alleged that app users were falsely told the app would not collect users’ names or other identifiable information.</li> <li>Kogan and Nix agreed to settlements with the FTC that restrict how they conduct any business in the future, and the Commission entered a default judgment against Cambridge Analytica. <a href="#">FTC press release</a>.</li> <li>The FTC collaborated with the United Kingdom’s Information Commissioner’s Office in its actions against Cambridge Analytica and Aleksandr Kogan and Alexander Nix, described above. To facilitate international cooperation in these cases, the FTC relied on key provisions of the U.S. SAFE WEB Act, which allows the FTC to share information with foreign counterparts to combat deceptive and unfair practices.<sup>8</sup></li> </ul>	<p><a href="#">Various settlements established</a></p> <p>Regulatory cooperation</p>	Existing

<sup>8</sup> <https://www.ftc.gov/system/files/documents/reports/reports-response-senate-appropriations-committee-report-116-111-ftcs-use-its-authorities-resources/p065404reportprivacydatasecurity.pdf>, p 18.

November 2019	<b>Australia</b> Office of the Australian Information Commissioner (OAIC) and Australian Competition and Consumer Commission (ACCC)	Consumer protection and privacy	<b>ACCC and OAIC joint workshop on cloud computing technology</b> The ACCC and the OAIC organised a joint workshop to explore and understand further cloud computing technology. The workshop was facilitated by Amazon Web Services.	Joint workshop	Existing
September 2019	<b>United States</b> Federal Trade Commission (FTC) and the New York Attorney General	Consumer protection and privacy	<b>Google and YouTube Will Pay Record \$170 Million for Alleged Violations of Children’s Privacy Law</b> <ul style="list-style-type: none"> <li>• Google LLC and its subsidiary YouTube, LLC will pay a record \$170 million to settle allegations by the FTC and the New York Attorney General that the YouTube video sharing service illegally collected personal information from children without their parents’ consent.</li> <li>• The settlement requires Google and YouTube to pay \$136 million to the FTC and \$34 million to New York for allegedly violating the Children’s Online Privacy Protection Act (COPPA) Rule. The \$136 million penalty is by far the largest amount the FTC has ever obtained in a COPPA case since Congress enacted the law in 1998. <a href="#">FTC press release.</a></li> </ul>	<a href="#">Civil penalty settlement</a>	Existing
August 2019	<b>United States</b> Federal Trade Commission (FTC)	Consumer protection and privacy	<b>FTC settlement established with Career Education Corporation as a result of deceptive conduct</b> The FTC obtained final orders against In the Career Education Corporation, a company that used deceptive lead generators to market their schools. The company’s lead generators used deceptive tactics, such as posing as military recruiting websites, to induce consumers to provide their information online. Those websites promised consumers that the information submitted would not be shared with anyone else, but the lead generators sold that information to the defendants to market their schools. The final order imposes a \$30 million judgment for consumer redress. <a href="#">FTC press release</a>	<a href="#">Civil penalty settlement</a>	Existing
July 2019	<b>United States</b> Federal Trade Commission (FTC) and	Competition/ anti-trust and privacy	<b>FTC and U.S. Department of Justice settlement with Facebook for deceptive conduct</b>	<a href="#">Civil penalty</a>	Existing

	U.S. Department of Justice		<ul style="list-style-type: none"> <li>• The FTC and the U.S. Department of Justice finalised a settlement with Facebook. A previous complaint alleged that Facebook violated the FTC’s 2012 order against the company by misrepresenting the control users had over their personal information and failing to institute and maintain a reasonable program to ensure consumers’ privacy. It also alleged that Facebook deceptively failed to disclose that it would use phone numbers provided by users for two-factor authentication for targeted advertisements to those users.</li> <li>• The Facebook order imposed a \$5 billion penalty, and a host of modifications to the Commission’s order designed to change Facebook’s overall approach to privacy. The \$5 billion penalty against Facebook is the largest ever imposed on any company for violating consumers’ privacy. <a href="#">FTC press release.</a></li> </ul>		
July 2019	<b>United States</b> Federal Trade Commission (FTC) and the New York Attorney General’s Office	Consumer protection and privacy	<p><b>Final orders secured by FTC and New York Attorney General against Hylan Asset Management</b></p> <ul style="list-style-type: none"> <li>• In Hylan Asset Management, the FTC and the New York Attorney General’s Office charged two operations—Hylan Asset Management, LLC and its related companies and Worldwide Processing Group, and their principals with buying, placing for collection, and selling lists of phantom debts, including debts that were fabricated by the defendants or disputed by consumers.</li> <li>• The Commission alleged that the defendants obtained consumers’ private financial information and then used it to convince consumers they were legitimate collectors calling about legitimate debts.</li> <li>• The FTC also alleged that, in numerous instances, the Worldwide defendants unlawfully communicated with third parties where they already possessed contact information for the consumer.</li> <li>• The FTC secured final orders banning the Hylan defendants from the debt collection industry and prohibiting the Worldwide defendants from unlawful debt collection practices. The orders prohibit all defendants from using customers’ personal information and failing to properly dispose of that information. <a href="#">FTC press release.</a></li> </ul>	<a href="#">Settlement established</a>	Existing

June 2019	<b>Mexico</b> Federal Economic Competition Commission (COFECE or Commission)	Competition Privacy	<b>Mexico competition regulator blocks Walmart acquisition of delivery start-up</b> <a href="#">COFECE blocked the acquisition of Cornershop MX</a> by Walmart International due to a number of risks including risks to users' personal data. Cornershop was a start-up that operated as the leading digital home delivery platform for purchases from supermarkets. The Commission found that the merged entity could induce Walmart's competitors to abandon the Cornershop platform due to the lack of certainty about the strategic use of data produced. There was also a risk that Walmart would use the data of Cornershop users for anti-competitive purposes such as offering personalised offers to users who normally buy products from other supermarkets.	Acquisition blocked	New
August 2019	<b>Norway</b> The Norwegian Data Protection Authority (Datatilsynet), the Norwegian Consumer Protection Authority (Forbrukertilsynet) and the Norwegian Competition Authority (Konkurransetilsynet)	Competition/ anti-trust, consumer protection, and privacy	<b>Cooperation forum between Norwegian Data Protection authority, Consumer Protection authority and Consumer Council</b> <ul style="list-style-type: none"> <li>In August 2019, a first meeting was held between Datatilsynet, Forbrukertilsynet and the Norwegian Competition authority (Konkurransetilsynet) in a new cooperation forum. All three authorities have seen the importance of working together to strengthen consumer rights in the digital economy.</li> <li>In October 2020, the three authorities held a public webinar regarding big tech platforms and the digital market together with the Norwegian Consumer Council (Forbrukerrådet)</li> </ul> <p>In April 2021, the cooperation forum was formalized as the "Forum on the digital economy". The forum has four meetings each year.</p>	Regulatory co-operation	Existing
April 2019	<b>United States</b> Federal Trade Commission (FTC)	Consumer protection and privacy	<b>FTC initiated complaint against Unixiz, Inc.</b> <ul style="list-style-type: none"> <li>The FTC's complaint against Unixiz, Inc., doing business as i-Dressup.com alleged that the company and its principals violated COPPA by failing to obtain verifiable parental consent before collecting personal information from children under 13.</li> <li>To gain access to all the features on the website, including the social networking features, users had to register as members by submitting a username, password, birthdate, and email address. If a user indicated he or she was under 13, the registration field asked for a parent's consent. If a parent declined to provide consent, the under-</li> </ul>	<a href="#">Complaint</a>	Existing

			<p>13 users were given a “Safe Mode” membership allowing them to login to access i-Dressup’s games and features but not its social features.</p> <ul style="list-style-type: none"> <li>The FTC alleges, however, that i-Dressup still collected personal information from these children, even if their parents did not provide consent. <a href="#">FTC press release.</a></li> </ul>		
March 2019	<b>United States</b> Federal Trade Commission (FTC)	Consumer protection and privacy	<p><b>FTC examined the privacy practices of broadband providers</b></p> <ul style="list-style-type: none"> <li>The FTC issued orders to seven U.S. Internet broadband providers and related entities seeking information the agency will use to examine how broadband companies collect, retain, use, and disclose information about consumers and their devices.</li> <li>The orders seek information about the companies’ privacy policies, procedures, and practices. The orders were sent to AT&amp;T’s advertising subsidiary, Appnexus Inc.; Verizon Online LLC, Verizon’s wireline advertising subsidiary; another Verizon advertising subsidiary, Oath Americas Inc, and Charter Communications Inc, the U.S.’s second largest cable provider.</li> <li>The FTC is initiating this study to better understand Internet service providers’ privacy practices in light of the evolution of telecommunications companies into vertically integrated platforms that also provide advertising-supported content. Under current law, the FTC has the ability to enforce against unfair and deceptive practices involving Internet service providers. <a href="#">FTC press release</a> and <a href="#">update.</a></li> </ul>	<a href="#">Study</a>	Existing
February 2019	<b>United States</b> Federal Trade Commission (FTC)	Consumer protection and privacy	<p><b>FTC settlement with Musical.ly of \$5.7 million</b></p> <ul style="list-style-type: none"> <li>In 2019, Musical.ly, now known as TikTok, paid \$5.7 million to settle charges that it violated COPPA by illegally collecting personal information from children. The complaint alleged the app was child-directed, and that many users self-identified as being under 13. <a href="#">FTC press release.</a></li> </ul>	<a href="#">Settlement finalised</a>	Existing

2019	<b>Colombia</b> Superintendence of Industry and Commerce (SIC)	Consumer protection and privacy	<p><b>The SIC published its guidelines regarding the processing of personal data for marketing purposes and for e-commerce.</b></p> <ul style="list-style-type: none"> <li>• Colombian Data Protection Authority published in 2019 its guideline regarding the processing of personal data for marketing purposes. Considering that personal data is a fundamental input of advertising activities.</li> <li>• Data subjects are also consumer. Thus, their information must be adequately processed when companies are trying to sell their products and services in the market. E-commerce is the engine of the 21st century economy and personal data is the currency of the digital economy.</li> <li>• The development of the activities covered by electronic commerce implies the collection, use or circulation of your personal data. Hence, the authority published some guidelines for an adequate processing of personal data in such matter.</li> </ul>	Guidelines	Existing
July 2018	<b>United States</b> Federal Trade Commission (FTC) and Nevada Attorney General	Consumer protection and privacy	<p><b>FTC and Nevada Attorney General’s action against MyEx.com for soliciting “revenge porn” from individuals without their knowledge or consent</b></p> <ul style="list-style-type: none"> <li>• A Nevada federal court permanently shut down the revenge porn site MyEx.com and ordered the operators to pay more than \$2 million in an action brought by the FTC and the Nevada Attorney General (AG). The FTC and the Nevada AG charged the site and related individuals with violating federal and state laws by posting intimate pictures of people and their personal information without consent, as well as charging takedown fees to have the items removed.</li> <li>• MyEx.com was solely dedicated to revenge porn, the FTC and Nevada AG alleged, and published pictures, videos and information including names, addresses, employers and social media account information. The site also encouraged users to “Add Your Ex” and “Submit Pics and Stories of Your Ex.” To have information or images removed, the defendants charged fees ranging from \$499 to \$2,800. Individuals who were featured on the site suffered real harm, the FTC and Nevada AG told the court, including lost jobs, threats and</li> </ul>	<a href="#">Legal proceedings</a>	Existing

			<p>harassment, and the financial burden of having the information removed.</p> <ul style="list-style-type: none"> <li>The federal court ordered that the site be permanently shut down, that the images and personal information be destroyed, and that the defendants pay more than \$2 million in damages. The defendants are also banned from posting intimate images and personal information of others on a website without the subjects' notice and consent. <a href="#">FTC press release</a>.</li> </ul>		
December 2017-July 2019	<b>Australia</b> Australian Competition and Consumer Commission (ACCC)	Competition/ anti-trust, consumer protection and Privacy	<p><b>ACCC inquiry into Digital Platforms</b></p> <ul style="list-style-type: none"> <li>In December 2017, the Australian Government tasked the ACCC with undertaking an Inquiry into the practices of Digital Platforms.</li> <li>While the scope of the Inquiry focussed mostly on the impact of Digital Platforms on the media industry, there was significant consideration given to the information handling practices of Digital Platforms.</li> <li>The OAIC collaborated closely with the ACCC on this aspect of the ACCC's Inquiry and final report to Government. The OAIC also provided a public <a href="#">submission</a> to the ACCC's preliminary report. <a href="#">ACCC press release</a>.</li> </ul>	<a href="#">Inquiry and Final Report</a>	Existing

## 2. Policy initiatives

*This table captures examples where competition or anti-trust authorities, and/or consumer protection authorities, and privacy and data protection authorities have undertaken policy related activities to address matters outside their traditional regulatory sphere that intersect with one or two of the other regulatory frameworks. This includes publications, statements, consultative forums, memorandums of understanding, academic studies, projects and capacity building initiatives.*

Date	Jurisdiction/ Organisation	Area of intersection	Description	Outcome	Status
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June 2023	<b>Canada</b> Office of the Privacy Commissioner of Canada (OPC) Competition Bureau (CCB) Canadian Radio-television and Telecommunications Commission (CRTC)	Privacy Competition Consumer Protection Broadcasting	<b>Canadian Digital Regulators Forum (CDRF)</b> <ul style="list-style-type: none"> <li>The regulators formed the <a href="#">CDRF</a> to strengthen information sharing and collaboration on subject matters of common interest that relate to digital markets and platforms and other matters of common interest.</li> <li>The forum comprises privacy, competition and consumer protection, and telecommunications and broadcasting regulators.</li> <li>As part of the workplan for the first year, the regulators have committed to understanding and exploring the impact of artificial intelligence across the regulatory spheres.</li> </ul>	Consultation forum	New
December 2022	<b>Australia</b> Australian Competition and Consumer Commission	Competition Privacy	The ACCC have released a <a href="#">report</a> of the Digital Platform Services Inquiry that has proposed that platforms be subject to mandatory dispute resolution processes and stronger requirements for combating scams, harmful apps and fake reviews, among other measures. The ACCC observed that lack of access to relevant data is a substantial barrier to entry and expansion in the supply of some digital platform services including search and tech services. However, data portability and access obligations cannot be introduced unless privacy and security risks can be appropriately managed. The OAIC submitted a submission to the ACCC which outlined the privacy and competition tensions.	Report	New
September 2022	<b>France</b> France's Council of State, Conseil d'État and the Commission nationale de l'informatique et des libertés	Privacy Consumer Safety	<b>Council of State recommends CNIL enforce future AI regulation</b> In its summary of a recent <a href="#">study</a> on future artificial intelligence regulation, France's Council of State, Conseil d'État, recommended the country's data protection authority, the Commission nationale de l'informatique et des libertés, be given power to enforce against AI violations. The council noted a strong adherence between the regulation of AI systems (to come) and that of data, justifying future handling by the CNIL. The council added that the CNIL will require a profound transformation and increase its capacities.	Policy Recommendation	New



June 2022	<b>Canada</b> Competition Bureau (CCB)	Competition Privacy	<b>Canadian Competition Bureau market study on digital health care market</b> The CCB published Part One to its study into the digital health care market in Canada. The CCB notes that the current disparate privacy and data governance rules for health data across provinces and territories have limited the level of competition in the market and made sharing personal health information across jurisdictions difficult. The CCB also highlights the difficulty in accessing personal health information contained in primary health care EMR systems has deterred competition. The CCB recommends that: <ul style="list-style-type: none"> <li>• privacy and data governance rules pertaining to health care data be harmonised;</li> <li>• primary health care EMR companies are required to comply with ‘anti-blocking rules’; and</li> <li>• interoperability standards for primary health care EMR systems be established.</li> </ul>	Report	New
June 2022	<b>United States</b> Federal Trade Commission (FTC)	Consumer Protection Privacy	<b>FTC Combatting Online Harms Through Innovation Report to the U.S. Congress</b> The FTC published <a href="#">a report on the use of artificial intelligence (AI) to address online harms</a> . In the report, the FTC remarks that while AI uses in such contexts were necessary considering the volume of online content, these AI tools remain rudimentary and there is an opportunity that such AI may cause more harm. The FTC recommends that companies employing these AIs should ensure transparency and accountability by enabling human intervention and allowing users to limit their personal exposure. The FTC also highlights the difficulty of, and recommends an exercise of caution, when regulating development and use of AI.	Report	New
June 2022	<b>United States</b> Federal Trade Commission (FTC)	Consumer Protection Privacy	<b>FTC consultation on disclosure guidelines</b> The FTC is <a href="#">consulting</a> on ways to modernise the agency’s guidance to businesses on disclosures in digital advertising and marketing. The FTC is seeking to update the guidance to prevent businesses from relying on its existing provisions to justify dark patterns and other forms of digital deception. The issues on which FTC staff is seeking comment include: <ul style="list-style-type: none"> <li>• the use of sponsored and promoted advertising on social media;</li> </ul>	Public consultation	New

			<ul style="list-style-type: none"> <li>• advertising embedded in games and virtual reality and microtargeted advertisements;</li> <li>• the ubiquitous use of dark patterns, manipulative user interface designs used on websites and mobile apps, and in digital advertising that pose unique risks to consumers;</li> <li>• whether the current guidance adequately addresses advertising on mobile devices;</li> <li>• whether additional guidance is needed to reflect the multi-party selling arrangements involved in online commerce and affiliate marketing arrangements;</li> <li>• how the guidance on the use of hyperlinks can be strengthened to better protect consumers; and</li> <li>• the adequacy of online disclosures when consumers must navigate multiple webpages.</li> </ul> <p>The consultation will be open until August 2022.</p>		
June 2022	<b>European Union</b> European Commission European Data Protection Board	Consumer Protection Privacy	<p><b>Principles of fairness in advertising towards children cross-regulatory cooperative effort</b></p> <p>The European Commission facilitated a cross regulatory cooperative effort between the European Data Protection Board (EDPB) and the Consumer Protection Cooperation Network to produce '<a href="#">5 key principles of fairness in advertising towards children</a>'.</p>	Principles	New
May 2022	<b>United States</b> Federal Trade Commission (FTC)	Consumer Protection Privacy	<p><b>Policy Statement of the FTC on Education Technology and the Children's Online Privacy Protection Act</b></p> <p>The FTC published a <a href="#">policy statement</a> on the application of the Children's Online Privacy Protection Act (COPPA) to education technology (ed tech). In the policy statement, the FTC warned that organisations must not:-</p> <ul style="list-style-type: none"> <li>• condition children's participation in any activity on them disclosing more information than is reasonably necessary for the children to participate in that activity;</li> <li>• use children's personal information for any purpose unrelated to the provision of the school-requested online service;</li> <li>• retain children's information for longer than is necessary to fulfil the purposes for which it is collected; and</li> </ul>	Policy Statement	New

			Additionally, organisations that collect children’s information must also implement procedures and safeguards to ensure the confidentiality, security, and integrity of children’s personal information within their custody.		
April 2022	<b>United Kingdom</b> Digital Regulation Cooperation Forum (DRCF)	Privacy Competition Consumer Protection	<b>DRCF Report on benefits and harms of algorithmic processing</b> <a href="#">The DRCF report</a> focuses on areas of transparency, fairness, access to information, resilience of infrastructure, individual autonomy, and healthy competition. It notes that algorithmic processing while the benefits of algorithmic processing may increase with innovation, the current lack of knowledge about the origins and limitations of algorithms and lack of transparency can result in intentional or inadvertent harm to individuals and undermine accountability, further remarking that a ‘human in the loop’ is not a foolproof solution to algorithmic harms. The DRCF also notes that the joint exercise has allowed participating regulators to develop a greater understanding of members’ capabilities, remits and powers, and is conducive to greater cross-regulatory collaboration in the future.	Report	New
March 2022	<b>Australia</b> Australian Competition and Consumer Commission, Office of the Australian Information Commissioner, Australian Communications and Media Authority and the Office of the eSafety Commissioner	Privacy Competition Consumer Protection	<b>Digital Platform Regulators Forum</b> The four regulatory authorities have formed the <a href="#">Digital Platform Regulators Forum (DP-REG)</a> , an avenue for Australian regulators to share information about, and collaborate on, cross-cutting issues and activities relating to the regulation of digital platforms. The regulators have committed to examining new and novel regulatory approaches, with a key focus on how online safety, privacy and data protection, competition, and consumer protection, intersect.	Consultation forum	New
February 2022	<b>Philippines</b> National Privacy Commission (NPC) and Philippine Competition Commission (PCC)	Privacy Competition	<b>NPC and PCC Memorandum of Agreement</b> The NPC and PCC signed a Memorandum of Agreement (MOA) to foster cooperation and coordination between the two regulatory agencies. The MOA enables both NPC and PCC to consult with each other in the drafting and implementation of policies relating to the other’s expertise.	<a href="#">Memorandum of Agreement</a>	New

			The agreement also allows investigation and enforcement support and Notification of Matters between the agencies – where one of the agencies receives or otherwise becomes aware of any matter that falls within the jurisdiction of the other agency or the regulatory mandate of both agencies; said agency will inform the other agency within a specified timeframe.		
July 2021	<b>Global Privacy Enforcement Network (GPEN)</b>	Consumer protection and privacy	<p><b>GPEN publishes report on how privacy enforcement and consumer protection authorities have changed their regulatory and enforcement approaches during COVID-19 and authorities’ planned approaches as the pandemic subsides.</b></p> <ul style="list-style-type: none"> <li>• The report highlights that almost half of the 27 authorities responded that they had made changes to their regulatory approach during the pandemic. This was mainly regarding time extensions and many authorities were unsure how to ‘revert to their pre-pandemic approach.’</li> <li>• The report notes that some authorities questioned whether there would need to be an ‘enhanced’ approach in future to strengthen privacy rights as during the pandemic they noted organisations had perceived ‘a relaxation of regulatory rules’ and there had been a general increase in processing data. <a href="#">ICO report</a>.</li> </ul>	Report	Existing
June 2021	<b>United Kingdom Competition and Markets Authority (CMA)</b>	Competition/ anti-trust, consumer protection and privacy	<p><b>Mobile ecosystems market study</b></p> <ul style="list-style-type: none"> <li>• The CMA has launched a market study into Apple’s and Google’s mobile ecosystems over concerns they have market power which is harming users and other businesses.</li> <li>• ICO is engaged in the market study on issues related to Apple &amp; Google’s gatekeeper role on App Stores, how that sets privacy standards, whether privacy considerations create restrictions to entry, as well as other aspects.</li> </ul>	Market Study and report	Existing
June 2021	<b>Japan Japan Fair Trade Commission (JFTC)</b>	Competition Privacy	<p><b>JFTC Report of the Study Group on Competition Policy for Data Markets</b></p> <p>The JFTC published its <a href="#">Report of the Study Group on Competition Policy for Data Markets</a>. The JFTC makes clear that when addressing personal data issues, competition, data privacy and consumer protection should not be discussed separately, but rather regulators should adopt a holistic approach considering the three areas together.</p>	Report	New

June 2021	<b>Norway</b> Norwegian Consumer Council	Consumer protection and privacy	<b>Norwegian Consumer Council publishes report on surveillance-based advertising</b> <ul style="list-style-type: none"> <li>• The Norwegian Consumer Council published a report, ‘Time to Ban Surveillance – Based Advertising: The case against commercial surveillance online,’ highlighting the negative consequences these commercial surveillance practices have had on society and consumers.</li> <li>• The report lists the negative effects of commercial surveillance as manipulation, discrimination, misinformation, the undermining of competition, security risks and privacy violations. It also provides alternative models, calling on authorities to consider banning the practice. <a href="#">Norwegian Consumer Council press release.</a></li> </ul>	<a href="#">Report</a>	Existing
May 2021	<b>United Kingdom</b> Competition and Markets Authority (CMA) and the Information Commissioner’s Office (ICO)	Privacy Competition	<b>CMA and ICO joint statement</b> The CMA and ICO published a joint statement that set out their shared views on the relationship between competition and data protection in the digital economy. The statement sets out: <ul style="list-style-type: none"> <li>• the important role that data – including personal data – plays within the digital economy</li> <li>• the strong synergies that exist between the aims of competition and data protection</li> <li>• the ways that the 2 regulators will work collaboratively together to overcome any perceived tensions between their objectives</li> <li>• practical examples of how the 2 organisations are already working together to deliver positive outcomes for consumers</li> </ul> The statement affirms the ICO and CMA’s commitment to working together to maximise regulatory coherence and promote outcomes which simultaneously promote competition and enhance data protection and privacy rights. They will do this through: <ul style="list-style-type: none"> <li>• work of the Digital Regulatory Cooperation Forum (DRCF) – see below for further details</li> <li>• continuing engagement with respective international counterparts</li> </ul>	<a href="#">Joint statement</a>	Existing

			ongoing collaboration between ICO and CMA, particularly on their shared projects such as the <a href="#">CMA’s investigation into Google’s Privacy Sandbox proposals</a> and the ICO’s into <a href="#">real time bidding and the AdTech industry</a> .		
April 2021	<b>Philippines</b> National Privacy Commission	Consumer protection and privacy	<p><b>NPC PHE Bulletin No. 18: Online Raffles and Other Games of Chance: Ensuring Proper Safeguards in the Collection of Personal Data</b></p> <ul style="list-style-type: none"> <li>• The NPC urged all businesses, organizations, and individuals who would like to collect personal information for purposes of raffles and giveaways to keep in mind the following practices:</li> <li>• Be more cautious in creating contest mechanics and consider less privacy-intrusive means of collecting personal data.</li> <li>• Instead of requiring the public posting of personal data, the mechanics may simply ask participants to like a post, comment an emoji, send a direct message, or other ways that will not necessitate public access to personal data. Data subjects may not be fully aware of, or concerned about, the possible consequences of posting personal data in public platforms. <a href="#">Bulletin</a>.</li> </ul>	Guidance	Existing
2021	<b>Colombia</b> Superintendence of Industry and Commerce (SIC)	Consumer protection and privacy	<p><b>SIC Case Cooperativa de Ahorro y Crédito Unimos</b></p> <ul style="list-style-type: none"> <li>• In Colombia, sectorial Law 1266 of 2008 regulates the financial and credit information.</li> <li>• A Data subject (consumer) considered that his right has been vulnerated, can file i) a “Acción de Tutela” (numeral 6 of article 16 of said law) or ii) file a complaint in the Superintendence of Industry and Commerce. But cannot file both at the same time.</li> <li>• Every consumer in the Colombian territory that owes money to a company (not a bank) can file a complaint to the DPA if its financial information has been inadequately processed.</li> </ul>	<a href="#">Administrative Decision</a>	Existing
2021	<b>Colombia</b> Superintendence of Industry and Commerce (SIC)	Consumer protection and privacy	<p><b>SIC Case CIFIN (TransUnion)</b></p> <ul style="list-style-type: none"> <li>• CIFIN added to the credit score of more than 45,835 consumers, information that was prohibited. Apart from publishing the information regarding their debts, the status of political rights suspension was also added.</li> <li>• The Superintendence of Industry and Commerce noted that the suspension of political rights is not information referring to the birth,</li> </ul>	<a href="#">Administrative Decision</a>	Existing

			execution and extinction of monetary obligations referred to in Statutory Law 1266 of 2008. Hence, it is prohibited for CIFIN to add this kind of information.		
October 2020	<b>Philippines</b> National Privacy Commission	Consumer protection and privacy	<p><b>NPC Advisory No. 2020-03- Guidelines for Workplaces and Establishments Processing Personal Data for COVID-19 Response</b></p> <ul style="list-style-type: none"> <li>This Advisory aims to provide additional guidance to supplement the Joint Memorandum Circular No. 20-04-A Series of 2020 issued by the Department of Trade and Industry and Department of Labor and Employment which requires workplaces and various establishments to collect employee health declaration forms and client/visitor contact tracing forms, and implement measures to manage asymptomatic and symptomatic employees in the workplace.</li> <li>To ensure the protection of personal data, the Advisory provides for guidance for establishments to adhere to the general data privacy principles of transparency, legitimate purpose, proportionality, implement reasonable and appropriate security measures at each stage of the personal data lifecycle, and uphold data subject rights. <a href="#">Advisory</a>.</li> </ul>	Guidance	Existing
September 2020	<b>United States</b> Federal Trade Commission (FTC)	Competition/ anti-trust and privacy	<p><b>FTC to hold workshop on data portability</b></p> <p>The FTC will host a public workshop in September 2020 to examine the potential benefits and challenges to consumers and competition raised by data portability. <a href="#">FTC press release</a>.</p>	<a href="#">Public workshop</a>	Existing
July 2020	<b>United Kingdom</b> Competition and Markets Authority (CMA), the Information Commissioner's Office (ICO), the Office of the Communications (Ofcom) and the Financial Conduct Authority (DRCF)	Privacy Competition Consumer protection	<p><b>Digital Regulation Cooperation Forum</b></p> <ul style="list-style-type: none"> <li>The regulators formed the <a href="#">Digital Regulation Cooperation Forum</a> (DRCF), to build strong relationships between the organisations and ensure a greater level of cooperation given the challenges posed by regulation of online platforms.</li> <li>The Forum comprises the privacy, competition, communications and financial regulators – the FCA officially joined on 1 April 2021.</li> <li>Bringing together their collective knowledge, the Forum will help to coordinate action and support the development of informed, cohesive and responsive regulation.</li> </ul>	Consultation forum	Existing

			<ul style="list-style-type: none"> <li>• The Forum has been created in recognition of the “unique challenges posed by digital markets and services” and the recognition that “regulatory cooperation has never been so important.”</li> <li>• The forum released its 2022-23 <a href="#">workplan</a> which will focus on children's privacy, privacy and competition in online advertising, and algorithmic transparency.</li> <li>• To date, a number of policy initiatives have come out of the forum including a joint statement from the CMA and the ICO on competition and data protection law.</li> </ul>		
July 2020	<b>Germany</b> German competition authority (Bundeskartellamt)	Competition/ anti-trust, consumer protection and privacy	<p><b>Bundeskartellamt published its final report into its inquiry into smart TVs</b></p> <ul style="list-style-type: none"> <li>• The Bundeskartellamt has published the final report (in German) on its sector inquiry into smart TVs. The sector inquiry shows that smart TVs can collect personal data in many forms.</li> </ul> <p>The Bundeskartellamt established that almost all smart TV manufacturers active on the German market use privacy policies that have serious shortcomings in terms of transparency and violate GDPR. <a href="#">Bundeskartellamt.</a></p>	Inquiry and Report	Existing
July 2020	<b>Philippines</b> National Privacy Commission	Consumer protection and privacy	<p><b>NPC issue Public Health Emergency Bulletin as Guidance for Establishments</b></p> <ul style="list-style-type: none"> <li>• The NPC issued a Public Health Emergency Bulletin as Guidance for Establishments on the Proper Handling of Customer and Visitor Information for Contact Tracing</li> <li>• Pursuant to the Memorandum Circulars of the Department of Trade and Industry (Circular 20-28 s. 2020 and Circular 20-37, s. 2020) on the Guidelines to Follow on Minimum Health Protocols for Establishments, the NPC issued a bulletin to guide establishments on the proper handling and protection of personal data collected from customers and visitors.</li> <li>• The bulletin reminds businesses to ensure that processing of personal data is proportional to the purpose of contact tracing, and collect only information required under existing government issuances.</li> <li>• The guidance reiterated that establishments should inform their customers and visitors on the reason for the collection and use personal data only for such declared purpose.</li> </ul>	<a href="#">Guidance</a>	Existing



			<ul style="list-style-type: none"> <li>All establishments that collect personal information, whether through physical or electronic means have the obligation to implement reasonable and appropriate safeguards to protect customer data against any accidental or unlawful processing, alteration, disclosure and destruction.</li> </ul>		
July 2019-July 2020	<b>United Kingdom</b> Competition and Markets Authority (CMA)	Competition/ anti-trust and privacy	<p><b>CMA publish a market study on online platforms and digital advertising</b></p> <ul style="list-style-type: none"> <li>On July 2019, the CMA launched a market study into online platforms and the digital advertising market in the U.K. The CMA assessed three broad potential sources of harm to consumers in connection with the market for digital advertising: <ul style="list-style-type: none"> <li>to what extent online platforms have market power in user-facing markets, and what impact this has on consumers</li> <li>whether consumers are able and willing to control how data about them is used and collected by online platforms</li> <li>whether competition in the digital advertising market may be distorted by any market power held by platforms.</li> </ul> </li> <li>Following the study, the CMA published its <a href="#">final report</a> on online platforms and digital advertising. The scope of the study includes an assessment of potential sources of consumer harm in digital advertising, including privacy aspects, such as whether consumers are able and willing to control how data about them is used and collected by online platforms.</li> <li>The study found that Google and Facebook’s large user base and access to user data was a source of market power. Privacy aspects are considered in the report.</li> <li>Amongst other things, the report recommended the introduction of a new pro-competitive regulatory regime for online platforms, including an enforceable code of conduct and the establishment of a new body with powers to make formal interventions such as increasing consumer control over data. The UK government accepted the findings in the report and set out to create the Digital Markets Unit (DMU) – see above</li> </ul>	Market study and <a href="#">Report</a>	Existing

			<ul style="list-style-type: none"> <li>The ICO was engaged with the CMA on this market study on issues related to the intersection of data protection and competition law.</li> </ul>		
July 2020	<b>United States</b> Federal Trade Commission (FTC)	Consumer protection and privacy	<b>FTC to host its fifth annual PrivacyCon 2020</b> The FTC announced its fifth PrivacyCon, which will take place on July 21, 2020, an annual event that explores topics related to consumer privacy and security. <a href="#">FTC press release</a> .	<a href="#">Public workshop</a>	Existing
June 2020	<b>Italy</b> The Italian Competition Authority (AGCM in Italian or ICA in English), Communication Regulator (AGCOM) and the Data Protection Authority	Competition/ consumer protection/ data protection	<b>AGCM, AGCOM and DPA report finds that collaboration between agencies is necessary to address challenges of the digital economy</b> <ul style="list-style-type: none"> <li>The three agencies undertook a multi-disciplinary study of big market data.</li> <li>The study concluded that the challenges posed by the digital economy cannot be effectively tackled without a common approach and explores how synergies between the three institutions, equipped with complementary tools, can be effectively achieved whilst respecting each other’s missions.</li> </ul> The study advocated for the establishment of a coherent and consistent framework on data collection and utilisation, which enhances transparency y reducing information asymmetries and facilitates data portability through the adoption of open and interoperable standards.	<a href="#">Report</a> submitted for the 133 <sup>rd</sup> OECD Competition Committee meeting in June 2020 presenting study findings	Existing
June 2020 – In progress	<b>Organisations and International Networks</b> Organisation for Economic Co-operation and Development (OECD) and International Consumer Protection and Enforcement Network (ICPEN)	Consumer protection and privacy	<b>OECD Consumer Policy Toolkit</b> The OECD’s Committee on Consumer Policy has developed a Consumer Policy Toolkit. The Toolkit is a practical guide designed to aid policy makers in using a systematic approach to identify and evaluate consumer problems and to develop, implement and review effective consumer policies. <a href="#">OECD press release</a> .	<a href="#">Policy guidance</a>	Existing
March 2020	<b>Australia</b>	Competition/ anti-trust, consumer	<b>ACCC Digital Advertising Services Inquiry</b>	<a href="#">Inquiry</a>	Existing

	Australian Competition and Consumer Commission (ACCC)	protection, and privacy	<ul style="list-style-type: none"> <li>• The ACCC is conducting an inquiry into markets for the supply of digital advertising technology services and digital advertising agency services.</li> <li>• An interim report is due by December 2020.</li> <li>• A final report will be completed by August 2021. ACCC's <a href="#">press release</a>.</li> </ul>		
2020	<b>International networks</b> International Competition Network (ICN)	Competition/ anti-trust and privacy	<p><b>ICN's Project on Competition Law Enforcement at the Intersection of Competition, Consumer Protection and Privacy</b></p> <ul style="list-style-type: none"> <li>• The ICN is a global body committed exclusively to competition law enforcement. Its members represent national and multinational competition authorities.</li> <li>• In its scoping paper, the ICN recognise that competitive markets help achieve the goals of consumer and privacy policies, and enforcing consumer and privacy laws may help make markets become more competitive by enabling consumers to make well-informed decisions about their choices.</li> <li>• The ICN observed complexities and tensions that result from the intersection of regulatory spheres. This includes: <ul style="list-style-type: none"> <li>○ competition and privacy regimes having similar goals to the other,</li> <li>○ when applying different regimes, the outcomes may produce tension</li> <li>○ issues that present as a competition problem may, on investigation, present consumer or privacy issues, or vice versa</li> <li>○ two or more regimes may apply with equivalent, or different results</li> <li>○ a finding from one regime may be relevant in another, or the analysis required by another</li> </ul> </li> <li>• The ICN observe that the development of data collection/processing practices changes the dynamics of markets, and raises competition law enforcement issues. Recognising the global nature of these</li> </ul>	<a href="#">Study</a>	Existing

			issues, the ICN will establish a project that explores the intersection between competition/anti-trust and privacy. <a href="#">ICN Scoping Paper.</a>		
January 2020	<b>Norway</b> Norwegian Consumer Council	Consumer protection and privacy	<p><b>Norwegian Consumer Council publishes report on ad-tech</b></p> <ul style="list-style-type: none"> <li>The Norwegian Consumer Council published a report, ‘<i>Out of Control: How consumers are exploited by the online advertising industry</i>’ on the current practices of the advertising tech industry, including systematic privacy breaches and unlawful behavioural profiling.</li> </ul> <p>The report focuses on the analysis of data traffic from ten popular apps, such as dating or period tracker apps. It exposes how a large number of mostly unknown third parties receive sensitive and personal data without the knowledge of individuals. <a href="#">Norwegian Consumer Council press release.</a></p>	<a href="#">Report</a>	Existing
December 2019	<b>United States</b> Federal Trade Commission (FTC) and Consumer Financial Protection Bureau	Consumer protection and privacy	<p><b>FTC Workshop on Accuracy in Consumer Reporting Workshop</b></p> <ul style="list-style-type: none"> <li>The FTC, along with the Consumer Financial Protection Bureau, hosted a workshop on accuracy in consumer reporting.</li> <li>The workshop brought together stakeholders—including industry representatives, consumer advocates, and regulators—for a wide-ranging public discussion on the many issues that affect the accuracy of consumer reports. <a href="#">FTC press release.</a></li> </ul>	<a href="#">Joint workshop</a>	Existing
October 2019	<b>European Union</b> European Commission	Competition/ anti-trust and privacy	<p><b>European Commission targeted consultation</b></p> <p>The European Commission undertook a targeted consultation on a draft Communication on the protection of confidential information for the privacy enforcement of EU competition law by national courts. <a href="#">European Commission press release.</a></p>	<a href="#">Consultation</a>	Existing
October 2019	<b>United States</b> Federal Trade Commission (FTC)	Consumer protection and privacy	<p><b>FTC Staff Offers Comment on NIST’s Proposed Privacy Framework</b></p> <p>The FTC filed a comment on National Institute of Standards and Technology (NIST) proposed privacy framework, which attempts to provide guidance to organizations seeking to manage privacy risks. In the comment, staff of the FTC’s Bureau of Consumer Protection commended NIST for proposing a voluntary tool aimed at helping organizations start a dialogue about managing privacy risks within their organizations. The comment suggested certain changes to the proposed framework. <a href="#">FTC press release.</a></p>	Consultation	Existing

June 2019	<b>Organisations and international networks</b> Organisation for Economic Co-operation and Development (OECD)	Competition/ anti-trust, consumer protection and privacy	<b>OECD discussions</b> <ul style="list-style-type: none"> <li>The OECD has hosted numerous discussions on the intersection of privacy and competition, including:</li> <li>In June 2019, the OECD hosted the <a href="#">Conference</a> on Competition and the Digital Economy. Discussions were dedicated to Data and competition; digital innovation and competition; and regulatory challenges for competition policy.</li> <li>In November 2018, the OECD Consumer Protection and Competition committees jointly <a href="#">discussed</a> the ambiguous and multi-dimensional effects of personalised pricing.</li> </ul>	Conference	Existing
May 2019	<b>Organisations and International networks</b> Global Privacy Enforcement Network (GPEN)	Competition/ anti-trust, consumer protection and privacy	<b>Enforcement Practitioner’s Workshop</b> The Global Privacy Enforcement Network conducted an Enforcement Practitioner’s Workshop in Macau. Representatives from OPC, OAIC, FTC, NPC and the ICO attended.	Workshop	Existing
September 2018-June 2019	<b>United States</b> Federal Trade Commission (FTC)	Competition/ anti-trust, consumer protection and privacy	<b>Public Hearings on issues related to Competition and Consumer Protection in the 21st Century</b> <ul style="list-style-type: none"> <li>The FTC held a series of public hearings during the fall 2018 - spring 2019 examining whether broad-based changes in the economy, evolving business practices, new technologies, or international developments might require adjustments to competition and consumer protection law, enforcement priorities, and policy.</li> </ul> <p>Many of the hearings intersected with privacy (<a href="#">Hearing 6 – Privacy, Big Data and Competition</a>; <a href="#">Hearing 9 – Data Security</a>; <a href="#">Hearing 12 – The FTC’s Approach to Consumer Privacy</a>).</p>	Public hearing	Existing
March 2019	<b>United Kingdom</b> UK Digital Competition Expert Panel	Competition/ anti-trust and privacy	<b>Unlocking digital competition, Report of the Digital Competition Expert Panel</b> <ul style="list-style-type: none"> <li>An independent <a href="#">report</a> on the state of competition in digital markets, with proposals to boost competition and innovation for the benefit of consumers and businesses.</li> <li>Appointed by the Chancellor in 2018, and chaired by former Chief Economist to President Obama, Professor Jason Furman, the Panel</li> </ul>	Report	Existing

			<p>makes recommendations for changes to the U.K.'s competition framework that are needed to face the economic challenges posed by digital markets, in the U.K. and internationally. Their report recommends updating the rules governing merger and antitrust enforcement, as well as proposing a bold set of pro-competition measures to open up digital markets. <a href="#">U.K. Government press release</a>.</p>		
October 2018	<b>International Network</b> Global Privacy Assembly (GPA)	Consumer protection and privacy	<p><b>Global Privacy Assembly<sup>9</sup> adopts Digital Citizen and Consumer Working Group White Paper</b></p> <ul style="list-style-type: none"> <li>• The DCCWG developed a White Paper which explores the intersection between consumer protection, privacy and data protection as well as other related areas. Specifically, this report focusses on the procedural and substantive overlaps of these regulatory spheres.</li> <li>• This White Paper was adopted by the Global Privacy Assembly (previously known as the International Conference of Data Protection and Privacy Commissioners).<sup>10</sup></li> <li>• The White Paper generated further interest and discussions amongst member authorities to explore the intersection of regulatory spheres in further depth and detail, and continue sensitisation in this area.</li> </ul>	Paper	Existing
2017-2019	<b>Canada</b> Competition Bureau (CB)	Competition/ anti-trust, consumer protection and privacy	<p><b>Discussion paper considering Big Data and Competition Policy</b></p> <ul style="list-style-type: none"> <li>• In 2017, the Competition Bureau (CB) released its <a href="#">discussion paper</a> 'Big Data and Innovation: Implications for Competition Policy in Canada'. The OPC provided a submission and welcomed the opportunity to engage in a meaningful dialogue with the CB on the challenges relating to the collection, use, and disclosure of personal information in Big Data.</li> <li>• In 2018, the CB released a <a href="#">summary</a> of key themes revealed in its consultation process. In respect of privacy, the CB notes that there</li> </ul>	Consultation	Existing

<sup>9</sup> The Global Privacy Assembly was known as the International Conference of Data Protection and Privacy Commissioners at this time.

<sup>10</sup> See: <http://globalprivacyassembly.org/wp-content/uploads/2018/11/ICDPPC-DCCWG-Report-Final.pdf>

			<p>are potential overlapping enforcement activities under Canada's competition and privacy law.</p> <ul style="list-style-type: none"> <li>In 2019, the CB hosted <a href="#">the Data Forum: Discussing Competition Policy in the Digital Era</a>. Data Portability and the intersection between Privacy and Competition Law were key topics for discussion.</li> </ul>		
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### 3. Laws and legislative instruments

*This table captures instances where laws and legislative instruments address or consider intersection matters or issues. This includes Acts of Parliament, rules and regulations, authorisations, determinations, codes, specifications, orders, notices and other legislative instruments.*

Date	Jurisdiction/ Organisation	Area of intersection	Description	Outcome	Status
March 2023	<b>Office of the Privacy Commissioner of Canada</b>	Privacy Competition	- <a href="#">Announcement</a> Privacy Commissioner of Canada Philippe Dufresne submitted recommendations on including privacy considerations in potential reforms to Canada's Competition Act. In a letter to the Minister of Innovation, Science and Industry, Dufresne said enhanced cooperation is needed between privacy and competition agencies, as well as stronger laws "to provide the protection that Canadians expect of their government and establish connections conducive to consumer trust and an innovative marketplace."	Recommendations	New
December 2022	<b>European Union</b>	Competition Privacy	<a href="#">Digital Markets Act (DMA)</a> The European Commission announced a public consultation toward the drafting of an implementing regulation for the Digital Markets Act. The draft regulation pertains to obligations and procedures under Article 46 of the DMA. The commission was seeking	Legislation	Existing

			comment on notifications and submissions for commission requests under the law, rules for opening DMA proceedings and timeframes for proceedings.		
September 2022	<b>China</b>	Privacy and Security	<p><b>Security Assessment Measures on Cross-border Transfers of Data</b></p> <p>The Office of the Privacy Commissioner for Personal Data (PCPD), Hong Kong, China advised local enterprises, such as banks, insurance companies and security companies that the Security Assessment Measures on Cross-border Transfers of Data (the Measures) promulgated by the Cyberspace Administration of China (CAC) come into operation on 1 September 2022. If the conditions prescribed in the Measures are met, enterprises may need to report their security assessments on cross-border transfers of data to the CAC in accordance with the relevant regulations.</p>	Legislation	New
August 2022	<b>China</b>	Competition Privacy	China's first- <a href="#">ever amendments</a> to the Anti-Monopoly Law came into force on 1 August 2022. The amendments, among other things, prevent undertakings from 'us[ing] data and algorithms, technologies, capital advantages, platform rules, etc, to engage in monopolistic behaviour prohibited by this Law' and state that undertakings 'with a dominant market position shall not use data, algorithms, technologies, platform rules, etc, to engage in the abuse of a dominant market position as prescribed in the preceding paragraph', which refers to the full list of acts considered to be abuse of dominant position.		
July 2022	<b>European Union</b>	Competition Privacy	<p><b>Digital Markets Act</b></p> <p>The <a href="#">Digital Markets Act (DMA)</a> will impose new data-related obligations on tech giants ('gatekeepers') such as Google, Apple, Meta, Amazon and Microsoft, as well as 15-20 other online platforms. The DMA intends to ensure a higher degree of competition in the European Digital</p>	Legislation	New



			<p>Market by preventing large companies from abusing their market power. The DMA overlaps with data protection law in a number of ways. Gatekeepers will need to obtain end users' consent in order to combine or cross-use personal data from a core platform service with personal data from another service offered by the same gatekeeper or from a third party's data. The right to data portability under the General Data Protection Regulation will be strengthened to required gatekeepers to provide customers with continuous and real-time access to their data. Companies designated as gatekeepers will also be subject to extra responsibilities, which include but are not limited to: not to engage in bundling and tying of products and services, enable greater level of interoperability, and not to engage in self-preferencing. The DMA will provide an institutionalised cooperation at EU level with a high-level group (Art. 40). The group will be composed of the Body of the European Regulators for Electronic Communications, the European Data Protection Supervisor and European Data Protection Board, the European Competition Network, the Consumer Protection Cooperation Network and the European Regulatory Group of Audio-visual Media Regulators. The group will be chaired by the European Commission. The high-level group can, for example, identify and assess the existing and potential interactions between the DMA and sector-specific rules and submit an annual report to the European Commission in which it identifies potential trans-regulatory issues. This report may also include recommendations aimed at achieving coherent transdisciplinary approaches and synergies between the implementation of the DMA and other sectoral regulations.</p>		
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June 2022	<b>Canada</b>	Competition Privacy	<b>Competition Act</b> Canada's <i>Competition Act</i> was <a href="#">amended to expand</a> the type of conduct that can be caught by abuse of dominance provisions. This now includes practices that negatively affects non-price considerations such as quality, choice and consumer privacy. Additionally, the relevant factors for assessing the competitive effects of a transaction now include non-price factors such as consumer choice and consumer privacy.	Legislation	New
April 2022	<b>European Union</b>	Privacy Consumer protection Competition	<b>Digital Services Act</b> In April 2022 the European Parliament and European Council reached a political agreement on the <a href="#">Digital Services Act (DSA)</a> . The goal of the DSA is to protect consumers and their fundamental rights online, establish robust transparency and a clear accountability framework for online platforms and foster innovation and competitiveness. The legislation will hold digital platforms accountable for moderating content on their platforms. The DSA prohibits the use of 'dark patterns' meant to manipulate users and their online behaviour. Transparency measures include requirement better information on terms and conditions and transparency on algorithms used for recommending content or products to users.	Legislation	New
N/A	<b>United States</b> Federal Trade Commission (FTC)	Competition/ anti-trust, consumer protection and privacy	<b>Federal Trade Commission Regulatory model</b> The Federal Trade Commission (FTC) has a unique dual mission to protect consumers and promote competition. The FTC considers privacy through the lens of consumer protection and is an example of where all three regulatory issues intersect.	Co-regulatory model	Existing
2020	<b>Australia</b> Office of the Australian Information	Competition/ anti-trust, consumer	<b>ACCC and OAIC Co-regulatory model for data portability scheme in Australia</b>	Co-regulatory Data Portability Scheme	Existing

	<p>Commissioner (OAIC) and Australian Competition and Consumer Commission (ACCC)</p>	<p>protection and privacy</p>	<ul style="list-style-type: none"> <li>• Australia is currently developing a national Consumer Data Right (CDR) scheme.</li> <li>• This initiative aims to give consumers greater control over how their data is used and disclosed to create more choice and competition. It is a right to allow consumers to access data in a readily usable form, and to direct a business to securely transfer that data to an accredited third-party data recipient.</li> <li>• The CDR will be rolled out across one sector of the Australian economy at a time. It will commence in the banking sector and will then be implemented in the energy and telecommunication sectors, and finally be rolled out to other sectors over time upon designation by the Treasurer.</li> <li>• Under the legislation, both the OAIC and the ACCC will oversee the CDR under a co-regulator model. The OAIC will regulate the privacy aspects of the scheme, provide advice to the ACCC and the Data Standards Body (Data61), and be the primary complaints handler. The ACCC is developing rules and an accreditation scheme to govern the implementation of the CDR and will maintain an “address book” of accredited parties. The OAIC and ACCC will also work closely together to address any systemic breaches of the CDR framework.</li> </ul>		
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## Annex 2

# Report on the Joint IEWG-DCCWG Regulatory Collaboration Case Study Survey