



**GPA**

Global Privacy Assembly

# Digital Citizen and Consumer Working Group

Report – July 2024

Submitted on behalf of the DCCWG by the co-chairs - Office of the Privacy Commissioner of Canada (OPC Canada) and Garante per la protezione dei dati personali of Italy (GPDP Italy)

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## Executive summary

The Digital Citizen and Consumer Working Group (DCCWG) first began its work in 2017 and became a permanent working group of the Global Privacy Assembly (GPA) in 2021. As the digital economy continues to evolve, it challenges traditional regulatory boundaries. To address this, the GPA recognised not only the importance of exploring the intersections between the regulatory spheres of privacy, consumer protection and competition/anti-trust, but also of promoting regulatory cooperation in this area.

The work of the DCCWG goes to the heart of Strategic Objective 2 in the GPA's Strategic Plan: Strategic Alliances and Impact.<sup>1</sup> Since 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 grown. The GPA recognizes the value of data protection and privacy authorities collaborating with other regulators, particularly where the regulated activities in the digital economy fall within the scope of multiple and often intersecting regulatory regimes. The work of the DCCWG to identify, explore and develop links between regulatory spheres to advance cross-regulatory cooperation has therefore never been more important to support the achievement of the best possible outcomes for digital citizens.

The growing relevance of the DCCWG's work is reflected in the growth of its membership. Over the past year, the network of members and observers has grown to 23 agencies and organizations.<sup>2</sup> The expertise of DCCWG members 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 forums. These engagements have included conferences, network meetings, professional association events, and government presentations. The value of this awareness work in maximizing the effectiveness of regulatory actions concerning the digital economy continues to be reflected in the members' activities and contributions.

In the past year, there have been significant developments in the digital economy, including the substantial growth of generative artificial intelligence, increased levels of cyber-attacks and data breaches, and expansion of online safety regulations, to name a few. In this context, the intersections between privacy, competition, and consumer protection remain highly relevant, and regulators across the globe are turning their minds to these new and emerging issues. The role of the DCCWG in helping to unravel these issues, identifying opportunities for coordination and developing practical tools for cooperation will assist in preparing and equipping GPA members to approach their regulatory counterparts with an increased understanding, to help them achieve a positive outcome for their jurisdictions. Looking ahead, the DCCWG is eager to map and explore the growing intersections between privacy, artificial intelligence, and age assurance, under the guidance of the Strategic Plan.

We are pleased to present this report at the 46<sup>th</sup> GPA Closed Session and 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 2023–2025](#), pp 10–11.

<sup>2</sup> The Office of the Data Protection Authority of the Bailiwick of Guernsey joined as a member. The Working Party on Data Governance and Privacy in the Digital Economy of the Organisation for Economic Co-operation and Development has applied to join as an observer, and the application is pending members' confirmation.

Garante per la protezione dei dati personali,  
Italy

Co-chair

Office of the Privacy Commissioner,  
Canada

Co-chair

## Introduction

The DCCWG is mandated to explore intersections between privacy and other regulatory spheres in the digital economy. The work of the DCCWG supports the GPA's Strategic Objectives in relation to strategic alliance and impact, which aims to consolidate and create 'strategic alliances between authorities and other networks and organizations to strengthen the impact and influence of the GPA in the field of Personal Data Protection and Privacy'.<sup>3</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 also include the study of the intersection issues between the regulatory spheres of privacy and competition.<sup>4</sup>

In October 2021, the DCCWG became a permanent working group of the GPA in recognition of the accelerated relevance of its work and the important role cross-regulatory cooperation was expected to play in the coming years.<sup>5</sup> Under the 2023–2025 GPA Strategic Plan, the DCCWG is mandated to:

- Engage with academic bodies and/or other stakeholders to better understand the risks and opportunities of personal data protection (PDP) from a consumer protection, competition, and anti-trust point of view, as well as in relation to other areas of regulatory intersection identified by the working group.
- Map cases of intersection between personal data protection, competition and anti-trust, consumer protection, and other intersecting regulatory spheres.
- Identify barriers to cross-regulatory cooperation and solutions where they exist, and develop or advocate for solutions where they do not exist.
- Encourage and facilitate greater bilateral or multilateral cross-regulatory cooperation between DPAs and other regulatory authorities on matters of mutual interest.<sup>6</sup>

The purpose of this report is to inform the GPA of the work completed by the DCCWG over the 2023-24 year and in furtherance of the outstanding items of the DCCWG 2022–23 workplan. This report also outlines the future priorities of the Working Group as it looks to reorient its focus to better understand issues that cut across privacy and other regulatory spheres, including artificial intelligence (AI) and age assurance. The DCCWG endeavours to work closely with the Strategic Direction Sub-Committee (SDSC) to fulfil future work items as required under the DCCWG 2023-25 Strategic Plan.

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<sup>3</sup> As above.

<sup>4</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>5</sup> Global Privacy Assembly, [Strategic Plan 2021–2023](#), p 16.

<sup>6</sup> Global Privacy Assembly, [Strategic Plan 2023–2025](#), p 14.

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

- Office of the Privacy Commissioner of Canada (OPC) [co-chair]
- Garante per la Protezione dei Dati Personali of Italy (GDPD) [co-chair]
- Office of the Australian Information Commissioner (OAIC) [outgoing co-chair]<sup>7</sup>
- Belgian Data Protection Authority, Belgium
- The Superintendence of Industry and Commerce, Colombia
- Datatilsynet, Denmark
- European Data Protection Supervisor, Europe
- Commission Nationale de l'Informatique et des Libertés (CNIL), France
- National Commission for the Protection of Personal Data, Gabon
- Office of the Personal Data Protection Service of Georgia
- Federal Commissioner for Data Protection and Freedom of Information, Germany
- Office of the Data Protection Authority, Bailiwick of Guernsey
- Office of the Privacy Commissioner for Personal Data, Hong Kong
- National Institute for Transparency, Access to Information and Personal Data Protection (INAI), Mexico
- Datatilsynet, Norway
- National Privacy Commission, the Philippines
- Commissioner of Personal Data Protection, Senegal
- Information Commissioner's Office (ICO), the United Kingdom
- Federal Trade Commission, the United States of America
- The European Consumer Organisation [observer]
- Authority for Consumer & Markets, Netherlands [observer]
- Office of the Privacy and Civil Liberties, the United States of America [observer]
- Working Party on Data Governance and Privacy in the Digital Economy, Organisation for Economic Co-operation and Development [pending observer]

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<sup>7</sup> The co-chairs would like to express their gratitude for the leadership the OAIC Australia had demonstrated throughout the years.

## Working Group activities

The DCCWG has had a productive year and is witnessing ever-increasing interest in its work. Throughout the 2023-24 reporting year, the DCCWG reported regularly to the GPA Strategic Direction Sub-Committee (SDSC) to share information on the progress of its work. The OAIC and the OPC, who were the DCCWG co-chairs at the time, presented at the SDSC meeting in March 2024. The co-chairs' report focused on the DCCWG's activities in growing the awareness of authorities across regulatory spheres regarding regulatory intersections and cooperation. The SDSC members were also informed that the group was looking for a new co-chair before reorienting its priorities and setting a new workplan.

## Follow-up actions on the 2021-23 Workplan

The DCCWG's 2023-24 activities were focused not only on this year's activities but also on completing the outstanding items from the DCCWG's 2021-2023 Workplan. The 2021-23 Workplan set out five Workstreams, which were:

1. Exploring, mapping and understanding the intersections between the regulatory spheres of privacy, consumer protection and competition;
2. Growing awareness of authorities and stakeholders across regulatory spheres regarding intersections;
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; and
5. Environmental scanning of other regulatory areas of intersection with privacy.

Throughout 2023-24, the DCCWG continued action on the objectives of Workstreams 1 to 4.

### Workstream 1: Exploring, mapping and understanding intersections

In 2019–2021 the DCCWG completed a “Deep Dive” to further its members' understanding of the intersections between privacy and competition, including how the two regulatory spheres complement each other and where tensions reside

The first Workstream of the 2021–2023 workplan builds on this work, with a specific focus on the broader privacy implications of mergers & acquisitions outcomes. As Workstream lead, the UK ICO completed a draft paper on this issue, which has been shared with members for comment prior to finalization. Once finalized, the DCCWG will disseminate it in privacy and competition networks.

In addition, the DCCWG held multiple meetings throughout the 2024 reporting year that allowed members to share and remain up to date on recent cross-regulatory developments around the world. At each meeting, members shared information about their efforts to facilitate cross-regulatory collaboration in known intersections or exploring cross-cutting issues in their

jurisdictions. The initiatives and the fruitful discussions that took place highlight the continued relevance of the DCCWG's role. The following is a non exhaustive list of these:

*Key intersection activities monitored by the Working Group in 2023-2024:*

- In May 2023, the Italian competition authority (AGCM) opened an investigation into Apple's App Tracking Transparency feature. During the investigation, the AGCM consulted the GPDP on the data protection aspects of the practice.
- In June 2023, the International Network for Digital Regulation Cooperation (INDRC) was founded. The INDRC is comprised of different national cross-regulatory cooperation platforms, with the aim of improving the sharing of information and best practices, as well as facilitating open dialogues among participants.
- In October 2023, the Australian Digital Platform Regulators Forum (DP-REG), of which the OAIC is a member, published a paper on large language models. The paper sought to evaluate the benefits, risks, and harms of using generative AI, and explore how the technology relates to the responsibilities of the members.
- In December 2023, the CNIL signed joint declaration with the French competition authority (Autorité de la concurrence) to deepen their cooperation. The joint declaration laid the foundation for better integration of the dimensions of "privacy" and "competition" in the respective actions taken by the authorities, who also undertook to maintain ongoing exchanges and to consult each other when required.
- In April 2024, 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 UK Information Commissioner's Office has been working closely with the CMA and Google in assessing the privacy impacts of the initiative. In July 2024, Google announced the end of the Privacy Sandbox initiative.
- In May 2024, the UK Digital Markets, Competition and Consumers Act ("DMCC Act") received royal assent. The DMCC Act applies to companies designated as having Strategic Market Status within the UK digital market and allows the CMA to make pro-competitive interventions. The law also requires the CMA to consult the ICO if it considers its exercise of regulatory function to have an adverse effect on data protection and privacy matters.
- In July 2024, the Global Privacy Enforcement Network (GPEN) and the International Consumer Protection Enforcement Network (ICPEN) announced the results of a coordinated Sweep that focused on the use of deceptive design patterns on websites and apps. The Sweep marked the most extensive example of cross-regulatory cooperation between privacy and consumer protection authorities to date.
- The EU Digital Markets Act ("DMA"), which regulates large digital platforms operating in the EU, stipulates the creation of a High-Level Group consisting of European-level regulators in different regulatory spheres. A taskforce has been established to study (1) the interactions between the DMA and the GDPR and (2) the cross-use of personal data by gatekeepers.
- The UK Digital Regulation Cooperation Forum (DRCF), of which the ICO is a member, published its workplan for 2024-2025. In 2024 to 2025, the DRCF will focus on issues such as intersections of data protection with online safety and competition, tackling illegal online financial promotions, and AI.



- The Canadian Digital Regulators Forum (CDRF), of which the OPC Canada is a member and current Chair, announced its workplan for the coming year. In 2024-2025, the CDRF will continue to explore policy issues associated with AI and identify trends in agency activities.

## Workstream 2: Continued sensitization of authorities and stakeholders across regulatory spheres

The DCCWG has worked to increase awareness of the importance of intersectional issues, as its members continue to be sought after to speak at international conferences.

This Workstream goes towards furthering the GPA's Strategic Objective 2 – Strategic Alliance and Impact – 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 seeks to enhance the influence of the GPA's work in cross-regulatory cooperation.

### *Key engagements in 2023-2024:*

- The OAIC Australia presented in APPA 60 and the OPC Canada presented in APPA 61 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.
- The OPC Canada also participated in a panel discussion at the Privacy Law & Business Conference in July 2024. At the panel, the OPC reaffirmed the importance of cross-regulatory collaboration in regulating the digital economy and encouraging DPAs to establish partnerships with authorities from other regulatory spheres.
- Members of the DCCWG attended a competition roundtable hosted by the OECD on the intersection between privacy and competition laws. At the meeting, competition authorities – a community who, years earlier, had diverging views regarding the importance of the intersection between competition and privacy - expressed strong interest in continuing to cooperate with privacy regulators (for more details on the engagement with competition authorities, see Workstream 4: Facilitating collaboration across privacy, consumer protection and competition).

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

With the increasing overlap of regulatory spheres in the digital economy and resulting need for cross-regulatory collaboration, understanding the factors underpinning successful collaboration, and of the tools, mechanisms and strategies employed by different authorities will be paramount. The work done pursuant to the third Workstream will support the GPA's Strategic Objective 3 – capacity building for DPAs.

During the past year, the DCCWG has cooperated with the International Enforcement Cooperation Working Group (IEWG), as both seek to explore collaboration among regulatory authorities. In the 2023 reporting year, 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 whether among privacy and data protection authorities or cross-regulatory with other sectors. The survey also sought to identify barriers that have impeded collaboration, as well as potential solutions to these. The DCCWG has analyzed the survey results and is in the process of finalizing a short report on the key findings, to be released prior to the conference in Jersey.

Moving forward, the DCCWG (and the IEWG) will continue to look for examples that could be developed and included as case studies of successful collaboration in the Enforcement Cooperation Handbook and/or the GPA's Enforcement Cooperation Repository. These could also highlight the tools and strategies that were employed to facilitate this collaboration.

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

#### Workstream 4: Facilitating collaboration across privacy, consumer protection and competition

Building on the lessons learned from the third workstream, the DCCWG will seek to facilitate collaboration across regulatory spheres. The work of this workstream supports both the GPA's Strategic Objective 2 – Strategic Alliance and Impact, and Strategic Objective 3 – Capacity Building for DPAs.

To that end, the DCCWG established a working relationship with the competition community via the OECD Working Party on Data Governance and Privacy in the Digital Economy ("WPDGP") and the OECD Competition Committee. The OECD WPDGP and Competition Committee organized a series of expert exchange sessions between December 2023 to April 2024, which brought together data protection authorities and competition regulators from around the world. The calls focused on the latest developments and policy issues that cut across the privacy-competition regulatory boundaries. The exchanges led to the organization of a hybrid roundtable discussion which was chaired by the OECD Competition Committee and held in June 2024.<sup>8</sup> At the meeting, all delegates of the participating competition regulators reiterated the importance of continued communications and cooperation with data protection and privacy authorities.

As the DCCWG notes that, during course of its mandate, the attitude of the competition community to the intersection of that regulatory sphere with privacy has evolved. Where there was at first scepticism regarding the DCCWG's work on these intersections, we now see a strong willingness by data protection and privacy authorities to cooperate on matters relating to the digital economy. The DCCWG sees this as an indication that the networks and member authorities in both regulatory spheres have developed a deeper understanding of each other's enforcement priorities, and that they have respectively fostered a culture of collaboration across regulatory boundaries. This is a testament to the positive impact of the DCCWG's work in building bridges in this area, towards the objective of better protecting global citizens and consumers.

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<sup>8</sup> OECD Best Practices Roundtables on Competition Policy, [The Intersection between Competition and Data Privacy](#).

## Developing the 2024–2025 Workplan

Since the Fall of 2023, the DCCWG was focused on finding new leadership as well as identifying new and emerging areas of regulatory intersection. Building on the findings of the environmental scan found under Workstream 5 of the 2021-23 Workplan, the DCCWG shortlisted several areas suitable for exploration moving forward.

In April 2024, GPDP Italy agreed to take on leading the working group as a co-chair, with the OPC staying on as co-chair to assist with the transition. Cognizant of the trends that were identified in the GPA Strategic Plan 2023-25,<sup>9</sup> the DCCWG agreed to proceed with AI and Age Assurance as the new topics of focus for its upcoming work. The DCCWG recognizes that AI, and in particular Generative AI, raises potential issues not only in the sphere of privacy, but also in other regulatory spheres such as competition and copyright. Age Assurance also raises regulatory questions beyond the realm of privacy, including in regulatory areas like consumer protection and e-safety. The DCCWG members believe that exploring the intersection between privacy and other regulatory spheres, in the areas of AI and age assurance, will help identify and leverage opportunities and address tensions between these areas. In so doing, we will advance Strategic Objective 1 – High level of data protection in global frameworks, and Strategic Objective 3 – Capacity building for DPAs.

To that end, the co-chairs developed and circulated a survey to the DCCWG membership, inviting GPA members to describe the legislative landscape (current and imminent) and mechanisms for cooperation with new and existing regulators in their jurisdictions on matters relating to AI and age assurance. Once the analysis is completed, the objective is for the survey to help the DCCWG map and develop its understanding of the regulatory landscape in these areas and leverage the findings and insights to develop the 2024-25 Workplan. The co-chairs are also considering a new mapping table of regulatory intersections and collaborative actions for AI and Age Assurance.

Given the ongoing work on the GPA's Working Group on Ethics and Data Protection in Artificial Intelligence and the International Age Assurance Working Group, the DCCWG co-chairs already reached out to the leaders of these two other working groups to avoid duplication of work between the groups moving forward.

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<sup>9</sup> Global Privacy Assembly, [Strategic Plan 2023–2025](#), p 12.

## Conclusion

Data that falls under the protection of various privacy regulatory schemes not only sits at the centre of our evolving digital economy, but also influences the compliance and enforcement activities of multiple regulatory frameworks. The work of the DCCWG is focused on understanding and promoting cross-regulatory collaboration practices so the various spheres and authorities can achieve optimal regulatory outcomes for digital citizens.

In 2023–2024, the DCCWG remained an active forum for members to share knowledge about the opportunities arising from cross-regulatory cooperation. The working group also contributed to the building of new relationships and fostering open dialogues with stakeholders from other regulatory spheres. As a result, we have observed an increased awareness of this topic by DPAs and international networks, as well as a growing openness by regulatory partners to engage in exchanges and cooperation. We have also seen many concrete examples of cross-regulatory cooperation, including (include example here) and We are grateful for the opportunity to be a leading voice and contributor to the global discussion on this issue and look forward to continuing to work with regulatory authorities, industry and civil society.

Our work to date has revealed that despite the tensions that exist between privacy, competition, and consumer protection, the shared challenges and common desire to achieve better protection for citizens in the digital economy has supported a growing engagement with partners in other regulatory spheres. It is clear that there are opportunities for regulators to work together across regulatory lines, for the collective benefit of all our citizens. We look forward to continuing advancing the strategic goals of the GPA through our focus on cooperation.

Going forward, the DCCWG is eager to explore the emerging intersections between privacy and other regulatory spheres in the realms of age assurance and AI. Indeed, the dynamic digital economy in which personal data is used has amplified the need for GPA members to reflect on areas of regulatory intersection in light of the changing regulatory landscape and emerging technologies. The DCCWG members are confident that previous work undertaken to understand how the various spheres complement each other or have tensions between them, as well as the fostering of dialogues and opportunities for cooperation across regulatory boundaries, will support the advancements of the Strategic Objectives of the GPA.

The co-chairs of the DCCWG would like to thank all its members for their valuable input and support in progressing the mandate of the DCCWG, as well as contributing to positive outcomes for citizens and consumers in an increasingly digitized economy. In particular, the co-chairs would like to take the opportunity to express its gratitude to the OAIC for its leadership over the past five years. The success of the group in growing the awareness of stakeholders about intersections of privacy and other regulatory spheres was in large part based on the mapping and horizon-scanning work done by the OAIC. The OAIC also led by example by practicing cross-regulatory cooperation in its jurisdiction.

The co-chairs and the members of the working group look forward to continuing this important work and fulfilling the DCCWG's 2024-2025 mandate.