



45th Closed Session of the Global Privacy Assembly
October 2023

Resolution on the Creation of a GPA Library of Member Guidance and Interpretations of Key Principles of Data Protection and Privacy Law (“GPA Library”)

This resolution is submitted by:

Sponsors:

- Office of the Privacy Commissioner for Bermuda

Co-Sponsors:

- Dubai International Financial Centre Authority
- Office of the Data Protection Authority (Guernsey)
- Privacy Protection Authority (Israel)
- Garante per la protezione dei dati personali (Italia)
- Jersey Office of the Information Commissioner
- National Institute for Transparency, Access to Information, and Personal Data Protection of México
- National Privacy Commission (Philippines)

RECALLING that a global economy and society bring benefits to global prosperity and quality of life, including the sharing of knowledge and cross-cultural exchange; that this global exchange is supported by interconnected technologies operating in all the jurisdictions of the Global Privacy Assembly (“GPA”); and that these benefits can only be properly realised if personal data is adequately protected;

RECOGNISING that for a variety of legal, historical, and/or technological reasons, privacy and data protection laws and standards around the world share many commonalities, including sets of guiding principles to protect the rights and interests of individuals that generally align with one another;

HIGHLIGHTING that global laws and standards share a common kinship or descendancy that reflects a convergence of norms and consensus on privacy principles in national and international standards;

NOTING as important prior examples of joint initiatives to find consensus privacy principles and create legal libraries:

- the OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data¹;
- the Council of Europe’s Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108)²;
- the Ibero-American Network of Data Protection (RIPD) guides³;
- Asia Pacific Privacy Authorities (APPA) Forum Resources⁴;
- Association francophone des autorités de protection des données personnelles (AFAPDP) Library⁵;
- the World Legal Information Institute (WorldLII) Global Data Protection, Privacy & Surveillance Law Library⁶;
- the GPA’s 2009 Madrid Resolution⁷;
- the GPA Working Group on Digital Education’s online library of awareness raising and educational tools and resources⁸;
- the GPA Working Group on Covid-19’s Compendium of Best Practices in Response to Covid-19⁹;
- the GPA Policy Strategy Working Group’s report on global frameworks and standards¹⁰; and
- the 45th GPA’s 2023 resolution, “Achieving global data protection standards: Principles to ensure high levels of data protection and privacy worldwide”¹¹;

RECOGNISING that further guidance and regulatory action by GPA members is often needed to apply privacy principles to the diverse array of potential uses of personal information; that GPA members will be confronted with different opportunities to interpret the principles based on the facts and circumstances that occur in their jurisdictions; that regulatory analysis and action by different GPA members often lead to similar or identical interpretations and consensus best practices across multiple jurisdictions; and that, whether formally or otherwise, the guidance and interpretations in one jurisdiction tend to have a persuasive effect across GPA members;

NOTING that individuals in various jurisdictions increasingly use the same global technologies, platforms, and applications; that, therefore, individuals worldwide face fundamentally similar and/or common risks; that these risks are often mitigated by similar best practices regardless of physical location; and that individuals may benefit from organisations implementing common and globally applicable measures;

¹ <https://doi.org/10.1787/9789264196391-en>

² <https://www.coe.int/en/web/data-protection/convention108-and-protocol>: including the modernised version 108+.

³ <https://www.redipd.org/en/node/310>

⁴ <http://www.appaforum.org/resources/>

⁵ <https://www.afapdp.org/documents/biblio>

⁶ <http://www.worldlii.org/int/special/privacy/>

⁷ <https://globalprivacyassembly.org/wp-content/uploads/2015/02/The-Madrid-Resolution.pdf>

⁸ <https://globalprivacyassembly.org/wgde-update/>: Created in 2015, developed by DPAs across the world, managed and promoted by CNIL and CNPD, and available to GPA members through the CIRCABC platform of the European Commission.

⁹ <https://globalprivacyassembly.org/covid19/covid19wg/>

¹⁰ https://globalprivacyassembly.org/wp-content/uploads/2020/10/Day-1-1_2a-Day-3-3_2b-v1_0-Policy-Strategy-Working-Group-WS1-Global-frameworks-and-standards-Report-Final.pdf

¹¹ <https://www.privacy.bm/gpa-2023-bermuda>

HIGHLIGHTING that inconsistencies in the application of privacy principles can result in a number of issues, such as larger, systemic issues relating to the fragmentation of networks of trade and knowledge exchange as well as individualised issues relating to differing standards of protection for the rights of individuals;

NOTING that efforts to coordinate the actions of GPA members generally result in more efficient and effective regulation, governance, and implementation of privacy and data protection rights; that GPA members benefit from pooling resources in the face of increasing demand on their existing resources; that GPA members strive to use limited resources efficiently and effectively to make the most impact in areas that matter the most and/or areas that create high risks to the rights of individuals; that international online platforms provide an efficient and effective mechanism of distributing public education materials for individuals and stakeholders; and that the GPA's funded Secretariat will begin service in October 2024;

and

ASPIRING for all individuals to hold an equivalent or equal opportunity to claim the protection of their dignity, rights, and interests with regard to the use of their personal information; for a high standard of privacy protection for all individuals that will serve to improve privacy rights around the globe; for continuing advancement of the recent work by the GPA in defining such high standard of privacy protection; and for stronger bonds of co-operation and mutual respect among GPA members;

The 45th Global Privacy Assembly therefore resolves to:

1. Take steps to:
 - a. develop a library of guidance and interpretations, including GPA resolutions, that will incorporate submissions from GPA members; and
 - b. index and organise the library under the headings of commonly accepted principles of privacy and data protection law and other substantive topic headings to enable GPA members to reference pre-existing work published or adopted by their peers that may be useful for their own activity or for the public to conduct academic or policy research;
2. Request that the GPA's Executive Committee form a sub-committee or identify a willing GPA Working Group to deliver an exploratory document by 30th June 2024 that shall:
 - a. include an action plan and instructions for the appointed Secretariat or another body to develop and permanently maintain the GPA Library as a comparative reference tool;
 - b. include a recommendation for steps that a GPA Working Group, Executive Committee sub-committee, standing committee, or other body may take to:
 - i. review and provide expert analysis, summaries, and restatements of the library's contents to identify trends and opportunities for common GPA positions where joint statements, resolutions, and/or practical examples of consensus in regulatory approach could be helpful to advance the common aims of members; and
 - ii. draft and submit for full GPA member adoption consensus guidance, interpretations, and templates of common best practices; and
 - c. take into account work carried out by other GPA Working Groups;

and

3. Request that all GPA Working Groups consider in their work plans:
 - a. how their mandate and work intersects with the goal of developing a shared GPA Library of guidance and interpretations;
 - b. how from 2023-2024 they may provide assistance to the sub-committee or working group tasked with the exploratory document; and
 - c. once the exploratory document is delivered, how they may provide ongoing assistance to the Secretariat and the body referenced in section 2(b) in their respective tasks.