



46th Closed Session of the Global Privacy Assembly

October 2024

Resolution Endorsing and Encouraging the Use of Data Protection Certification Mechanisms

This resolution is submitted by:

Co-Sponsors:

- Office of the Privacy Commissioner for Bermuda
- Office of the Privacy Commissioner / Commissaire à la protection de la vie privée, Canada
- Data Protection Commissioner / Commissaire à la Protection des Données, Council of Europe / Conseil de l'Europe
- Commissioner of Data Protection, Dubai International Finance Centre
- Personal Information Protection Commission, Japan
- Office of the Information Commissioner, Jersey
- Commission nationale pour la protection des données, Luxembourg
- National Privacy Commission, Philippines
- Information Commissioner's Office, United Kingdom

EMBRACING the aspiration of this Global Privacy Assembly ("GPA") to provide a forum where data protection and privacy enforcement authorities may find common ground and speak with a unified voice;

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, and 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 privacy and data protection rights of individuals globally;

RECALLING that the jurisdictional limits of privacy and data protection laws may create challenges in a global society relating to: the fair and lawful processing of individuals' data, effective recourse for individuals in the pursuit of redress, the attainment of multi-jurisdictional compliance by organisations, effective regulation by member authorities, and general support of the digital economy;

RECOGNISING that many privacy and data protection laws around the world share many commonalities, including the general principle that trusted third parties may certify organisations as having undertaken a set of practices described in a technical standard;

HIGHLIGHTING that certification mechanisms in the field of privacy and data protection support the protection and exercise of privacy and other digital rights of individuals with regard to the protection of their personal data, by providing examples and specific, concrete, real-world actions that give effect to legal requirements and enable trust and reliability in technology through regular assessments or audits of effective compliance, performed by independent third-party experts;

NOTING that certification mechanisms are operated by certification bodies who may be independent and subject to credentialing and oversight (including in some jurisdictions by privacy enforcement and data protection authorities), that legal and technical auditors and assurance assessors are experts who must meet professional standards (including in some jurisdictions those set by privacy enforcement and data protection authorities), and that certification technical standards map to commonly accepted referentials and best-practices;

AFFIRMING that the recognition and use of privacy and data protection certification mechanisms in member jurisdictions has the potential to enable more effective enforcement by privacy enforcement and data protection authorities by providing multi-stakeholder engagement in the regulatory process, as well as to enable members to be more efficient and take more efficient actions through productive co-operation with accreditation bodies, certification bodies, and other stakeholders, thereby improving capacity for these authorities to protect individual rights;

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 data and information; for a high standard of privacy and data 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 standards of privacy and data protection; and for stronger bonds of co-operation and deeper ties among GPA members, as facilitated by bilateral and multilateral arrangements such as the GPA's Global Cross Border Enforcement Cooperation Arrangement and others;

The 46th Global Privacy Assembly therefore resolves:

1. To endorse as a general principle the use of approved certification mechanisms in the field of privacy and data protection as a means by which organisations may show effective compliance with privacy and data protection laws and regulations and may engage in cross-border transfer of personal data in a trusted and accountable manner, and by which individuals may quickly assess the level of privacy and data protection of relevant products and services.
2. To call upon members to, as permitted by law, take steps to:
 - a. encourage the use of appropriate certification mechanisms;
 - b. consider as appropriate an organisation's compliance with recognized, reputable, robust, and/or approved certification mechanisms to be a show of a good faith effort to develop accountability measures and meet the organisation's responsibilities, and;
 - c. consider, in appropriate circumstances, such compliance with a certification mechanism to be a mitigating factor when considering regulatory actions or responses.
3. To call upon members to work through international cooperation fora, including but not limited to this Global Privacy Assembly, to encourage international cooperation with regard

to, as well as to take steps as appropriate to work toward elements of convergence to foster interoperability of:

- a. criteria for privacy and data protection certification, provided that such criteria reflect an equivalent high level of protection of personal data and data subject rights;
- b. assessment procedures applied to accredit data protection certifications; and
- c. monitoring and enforcement of certification rules among members who recognize common certification schemes.