42ND CLOSED SESSION OF THE GLOBAL PRIVACY ASSEMBLY

OCTOBER 2020

ADOPTED RESOLUTION ON THE ROLE OF PERSONAL DATA PROTECTION IN INTERNATIONAL DEVELOPMENT AID, INTERNATIONAL HUMANITARIAN AID AND CRISIS MANAGEMENT

MAIN SPONSOR:

- Federal Data Protection and Information Commissioner, Switzerland

CO-SPONSORS:

- Information and Data Protection Commissioner (Komisioneri për të Drejtën e Informimit dhe Mbrojtjen e të Dhënave Personale), Albania
- Personal Data Protection Authority, Benin
- Commission for Informatics and Liberties (Commission l'Informatique et des Libertés), Burkina Faso
- Office of the Privacy Commissioner of Canada, Canada
- Superintendencia de Industria y Comercio, Colombia
- Data Protection Commissioner, Council of Europe
- Commission nationale de l'informatique et des libertés, France
- Jersey Office of the Information Commissioner, Jersey
- National Commission for Data Protection, Luxembourg
- National Institute for Transparency, Access to Information and Personal Data Protection (Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales), Mexico
- Office of the Privacy Commissioner, New Zealand
- National Data Protection Commission (Comissão Nacional de Proteção de Dados), Portugal
- Personal Data Commission, Senegal
- European Data Protection Supervisor, European Union
- Information Commissioner's Office, United Kingdom

Recalling:

The 17 Sustainable Development Goals contained in the United Nations General Assembly Resolution of 25 September 2015; the Political Declaration of the high-level Political Forum on Sustainable Development convened under the General Assembly on 24 and 25 September 2019

The Resolution on the Conference's Strategic Direction adopted at the 41st International Conference of Data Protection and Privacy Commissioners in Tirana, 22 October 2019;

The International Resolution on Privacy as a Fundamental Human Right and Precondition for Exercising other Fundamental Rights adopted at the occasion of the 41st International Conference of Data Protection and Privacy Commissioners in Tirana, 22 October 2019;

The Resolution on Privacy and International Humanitarian Action adopted at the occasion of the 37th International Conference of Data Protection and Privacy Commissioners in Amsterdam, 27 October 2015;

Considering that:

There have been increases in international development assistance and international humanitarian aid, the number of stakeholders, and the complexity of the implementation of these programmes;

The total international development assistance is approximately 10 trillion dollars, representing one point of GDP for the recipient countries and in order to achieve the objectives of sustainable development by 2030, the United Nations recommends that donor countries commit 0.7% of their GDP to international development assistance;

In response to this increase in aid, donor and recipient countries and civil society organizations are demanding greater accountability, transparency and effectiveness from development assistance agencies;

The processing of personal data takes place in the context of the implementation of numerous international development aid programmes, in international humanitarian aid and in crisis management, particularly in the field of civil registration system and identification, on which 12 of the 17 sustainable development objectives are based;

The increasing use of technology allows for a broader use of different categories of data processed and an increase in the amount and sharing of data.

Also considering that:

The Global Privacy Assembly (GPA) seeks to 'advance global privacy protection in the digital age' by working 'towards a global regulatory environment with clear and consistently high standards of data protection';

The GPA also aspires to 'maximizing the Conference's voice and influence' by strengthening 'relationships with other international bodies and networks advancing data protection and privacy issues, including through observer arrangement';

Lastly considering that:

Several countries among the main recipients of international development assistance do not yet have legislation on data protection and privacy[1];

We, the members of the Global Privacy Assembly call upon:

Recipient countries to work toward the adoption and promotion of legislation compatible with the principal international data protection standards, thus enabling their participation in the GPA and other regional and international networks;

Donors, competent organisations and agencies to mainstream data protection and privacy by design in a systematic manner in their international development aid, international humanitarian aid and crisis management programmes, in order to guarantee the rights and freedoms of the beneficiaries of these programmes;

The Closed Session of the GPA to establish a working group on personal data protection in international development assistance, international humanitarian aid and crisis management:

- to respond to the request for cooperation from relevant parties to develop guidelines and share best practices in privacy and data protection relating to international development assistance and international humanitarian action;
- to develop an advocacy and engagement strategy with relevant stakeholders ;

Member authorities of the GPA and their networks to contribute to the work of this group.

Explanatory statement:

This resolution promotes the objectives of the GPA's policy strategy - specifically those relating to the advancement of privacy protection worldwide, the strengthening of relations with other international bodies and networks that advance data protection and privacy issues, including through agreements with observer bodies, as well as human rights and social protection and democratic rights.

It is consistent with initiatives introduced at the Conference in 2011 in Mexico City on Data Protection and Major Natural Disasters; and in 2015 in Amsterdam on Privacy and International Humanitarian Action.

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[1] https://public.tableau.com/views/AidAtAGlance/DACmembers?:embed=y&:display_count=no?&:showVizHome=no#1

The 2015 resolution noted that a record number of people (58 million) required humanitarian aid, by 2020, this number had risen to 168 million, representing one person in 45 in the world[2]. To meet the increase in humanitarian needs, the sector has implemented new technologies based notably on artificial intelligence or biometrics, aimed at identifying beneficiaries. Moreover, new issues have emerged relating to the processing of personal data by international aid organisations for exclusively humanitarian purposes and privacy challenges in connecting members of the same family.

The cooperation between humanitarian actors and the GPA has led to a number of achievements, including the development and publication of two handbooks on data protection in humanitarian action.[3]

Given the results of this cooperation, and the current goals of the policy strategy of the GPA (in particular its ambitions to coordinate common positions and key messages to governments and decision-makers on key policy issues in the field of personal data protection,) we have an opportunity to further develop these initiatives and to broaden their scope.

Humanitarian aid provides some relief in the face of recurring economic problems but does not address the root causes of those problems. For this, States rely in particular on international development aid[4]. Development aid refers to financing developed countries provide to developing countries to build economic infrastructure that the latter cannot afford to build on their own.

Agenda 2030 marks an important milestone for sustainable development. Since 2016, it has provided a framework for joint national and international efforts to address major global challenges, such as extreme poverty, climate change, environmental destruction and health crises. Agenda 2030 has 17 sustainable development goals (SDGs), which in turn have 169 targets. It aims to promote prosperity for people, contribute to economic development and protect the planet. It also promotes peace, rule of law and governance, which are fundamental to sustainable development. UN Member States have agreed to strive to achieve these goals by 2030, which means that all countries must take responsibility to address the world's pressing challenges.[5]

For example, it is estimated that 1.1 billion people in the world are not able to prove their identity with an official document. Of these, a third are children. The issue of identity is presented as being at the crossroads of the realization of many sustainable development goals[6]. Many international aid programmes have been attempting to address this issue for several years.

The GPA has the ambition to 'occupy an important place at a time when privacy is high on public agendas' and to 'become a vehicle for effective regulatory cooperation and influence

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[2] https://www.unocha.org/sites/unocha/files/GHO-2020-FR-Web.pdf p. 4
[3] https://www.icrc.org/en/data-protection-humanitarian-action-handbook
[4] French Agency for Development definition (FR): https://www.afd.fr/fr/laide-au-developpement
[5] https://www.eda.admin.ch/agenda2030/en/home/agenda-2030/globaler-kompass-fuer-nachhaltige-Entwicklung.html
[6] See goal 16.9 « By 2030, provide legal identity for all, including birth registration » :
https://www.un.org/sustainabledevelopment/peace-justice/

on the direction of policy on privacy and data protection globally'. As such, it should contribute, at its level, to the achievement of the Agenda 2030, by identifying and engaging relevant stakeholders in international development aid in order to achieve its longer-term strategic goal of a "global regulatory environment with high, clear and consistent standards of data protection".

Finally, the proposed working group could collaborate with existing GPA working groups, in particular the working groups such as those on digital education, artificial intelligence and the policy strategy (Work stream 3).