

DOMESTIC LAWS AND REGULATIONS APPLICABLE TO ACCOUNTABILITY AGENT ACTIVITIES

To become a Global Cross-Border Privacy Rules (CBPR) Forum-recognized Accountability Agent, an applicant must complete and sign the Global CBPR and Global PRP Accountability Agent Application.

The Accountability Agent Application includes the following documents: (1) the Accountability Agent Recognition Criteria, which set forth the requirements for participation as a Forum-recognized Accountability Agent, including (i) prohibitions against conflicts of interest; (ii) processes for evaluating, certifying, and monitoring applicants seeking Global CBPR and/or Global PRP System certification; (iii) a dispute resolution process; and (iv) an enforcement mechanism; (2) the Global CBPR Forum Accountability Agent Recognition Criteria Checklist, requiring an applicant to describe how it meets each of the Recognition Criteria; (3) a Global CBPR and/or Global PRP System Program Requirements Map, which requires a Forum-recognized Accountability Agent to map its own program requirement to the Global CBPR and/or Global PRP program requirements; (4) an Accountability Agent Case Notes document, attesting that the Accountability Agent has a process for releasing case notes as described in the document; and (5) an Accountability Agent Complaint Statistics document, attesting that the Accountability Agent has a process for releasing complaint statistics as described in the document. By signing and submitting the Recognition Application, an applicant represents that the answers contained in the Recognition Application are true. By publicly posting its Recognition Application, a Forum-recognized Accountability Agent further represents that the answers contained in the document are true.

In addition, any organization that publicly displays a seal, trustmark or other symbol, such as the Global CBPR System Certification MarkTM or Global PRP System Certification MarkTM, indicating its participation in the Global CBPR and/or Global PRP System, or causes its name to appear on a list of Forum-recognized Accountability Agents, is making an enforceable representation that it complies with the requirements applicable to a Forum-recognized Accountability Agent.

If a Forum-recognized Accountability Agent subject to Federal Trade Commission (FTC) jurisdiction fails to comply with any of these requirements, its representations of compliance may constitute unfair or deceptive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45. The FTC has broad authority to take action against unfair and deceptive acts and practices.

Furthermore, the International Trade Administration/Office of Global Data Policy and Privacy, U.S. Department of Commerce can revoke a license to use the Global CBPR System Certification MarkTM and/or the Global PRP System Certification MarkTM under the terms of the Trademark License Agreement.

¹Annex A does not purport to provide a complete and comprehensive account of the FTC's privacy enforcement authority. It is not intended to be relied on as legal advice and should not be used as statements of law in the context of legal proceedings.