

## **GLOBAL CBPR FORUM TERMS OF REFERENCE (2023)**

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1. Establishment and Objectives of the Global CBPR Forum
  - 1.1. The Global CBPR Forum (“**Forum**”) was established by the Global Cross Border Privacy Rules Declaration on April 21, 2022 (“**2022 Global CBPR Declaration**”). The 2022 Global CBPR Declaration and the Global CBPR Framework set forth the principles and objectives of the Forum.
  
2. Members and Associates
  - 2.1. Members participate in the Global CBPR System and/or Global PRP System and set the Forum’s policy and strategy to advance the Forum’s principles and objectives.
  - 2.2. Associates participate in the Forum and its activities to prepare for their potential participation in the Global CBPR System and/or Global PRP System as Members.
  - 2.3. Admission of new Members and Associates is based on the process described in Annex A.
  
3. Organizational Structure
  - 3.1. Global Forum Assembly
    - i. The Global Forum Assembly (“**GFA**”) is to consist of Members.
    - ii. The GFA is the policy-making body of the Forum that:
      - a. Sets the Forum’s policy and strategy to advance the Forum’s principles and objectives;
      - b. Deliberates on, endorses and implements the GFA annual work program, documents, and other activities that contribute to the implementation of the Forum’s principles and objectives;
      - c. Establishes and dissolves Committees on an as-needed basis;
      - d. Reviews and endorses recommendations made by its Committees; and
      - e. Appoints the GFA Chair and GFA Deputy Chair, as well as the Chairs and Members of its Committees.
    - iii. The GFA makes decisions based on consultation and consensus.
    - iv. Associates may participate in GFA meetings, unless the GFA Chair designates a meeting or part of a meeting as participation by Members only.

### 3.2. Committees

- i. Three Committees are hereby established: the Membership Committee, the Communications and Stakeholder Engagement Committee, and the Accountability Agent Oversight and Engagement Committee.
- ii. Committees are open to Members and each Committee should have at least three Members.
- iii. Associates may participate in Committee meetings as determined by the Committee Chairs.
- iv. Each Committee is to have a Chair who reports to the GFA Chair.
- v. The Membership Committee is to:
  - a. Review and make recommendations to the GFA on Membership and Associate applications;
  - b. Raise awareness of and promote participation in the Forum among jurisdictions; and
  - c. Perform other tasks as assigned by the GFA Chair.
- vi. The Accountability Agent Oversight and Engagement Committee (“**AA Committee**”) is to:
  - a. Review and make recommendations to the GFA on applications for recognition as an Accountability Agent (“**AA**”) <sup>1</sup>;
  - b. Lead engagement with recognized AAs;
  - c. Provide oversight of and manage complaints against recognized AAs; and
  - d. Perform other tasks as assigned by the GFA Chair.
- vii. The Communications and Stakeholder Engagement Committee (“**Comms Committee**”) is to:
  - a. Make recommendations to the GFA on developing and protecting the Forum brand;
  - b. Maintain the website, including the directory of Members and Associates, Global CBPR System- and Global PRP System-certified organizations, and AAs recognized by the Forum;
  - c. Manage the Forum documents and records database;
  - d. Raise awareness of and promote the Forum with stakeholders; and

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<sup>1</sup> Recognition of AAs as approved third-party certification bodies can commence under the Global CBPR System and/or Global PRP System once established.

- e. Perform other tasks as assigned by the GFA Chair.

#### 4. GFA Chair and Deputy Chair

##### 4.1. Selection and Terms

- i. The GFA should select by consensus a GFA Chair and GFA Deputy Chair from among officials nominated by Members for a two-year term. The GFA Deputy Chair is to be an official selected from a different Member than the GFA Chair.
- ii. In the event that the GFA Chair is unable to continue with his/her duties, the GFA Deputy Chair should assume the position of GFA Chair until a new GFA Chair is nominated by the Member represented by the departing GFA Chair for endorsement by the GFA to serve the remainder of the term of the departing GFA Chair.
- iii. If a GFA Deputy Chair is unable to continue with his/her duties, a new GFA Deputy Chair should be nominated by the Member represented by the departing GFA Deputy Chair for endorsement by the GFA to serve the remainder of the term of the departing GFA Deputy Chair.
- iv. Should the GFA Chair be unable to attend a meeting of the GFA, the GFA Deputy Chair may assume the role of the GFA Chair for that meeting. If the GFA Deputy Chair cannot assume the role of the GFA Chair for the meeting, the GFA Chair and GFA Deputy Chair together may propose an official from another Member to assume the role of the GFA Chair for that meeting, who may be selected by the GFA by consensus, preferably 30 calendar days prior to that meeting.
- v. Towards the conclusion of the GFA Chair's and GFA Deputy Chair's two-year term, nominations for each should be sought in accordance with the process described in paragraph 4.1.i above.
- vi. In the event of multiple nominations for the GFA Chair and/or GFA Deputy Chair, the GFA should work with the current GFA Chair and GFA Deputy Chair through consensus to designate one GFA Chair and one GFA Deputy Chair. Should there be no nominations from the GFA for the GFA Chair or GFA Deputy Chair position, the current GFA Chair or GFA Deputy Chair should assume the respective Chairmanship for one calendar year to ensure continuity or until a new Chair is nominated and selected by consensus of the GFA.
- vii. This article of the Terms of Reference applies *mutatis mutandis* to the selection and terms of the Chairs of the Committees.

##### 4.2. Functions

- i. The GFA Chair is to:

- a. Develop an annual work program towards the implementation of the Forum's principles and objectives for endorsement by the GFA;
  - b. Coordinate the schedule, agenda and chair GFA meetings, as well as prepare summary reports of these meetings for endorsement by the GFA;
  - c. Designate GFA meetings as open to Members and Associates or Members only, in consultation with and consensus of the GFA;
  - d. Draft an annual report on the GFA's accomplishments and progress for endorsement by the GFA;
  - e. Receive bi-annual reports from the Committee Chairs and monitor Committees' activities and progress to review and report on whether their work is aligned with the Forum's principles and objectives and the Global CBPR Framework;
  - f. Receive an application that includes a letter of intent from jurisdictions to initiate their Membership and Associate application process (see Annex A);
  - g. Communicate the outcome of Membership and Associate applications to the applicants; and
  - h. In consultation with the GFA and the Comms Committee, liaise with international organizations as a spokesperson and key advocate for the Forum.
- ii. The duties of the GFA Deputy Chair include:
- a. Assist the GFA Chair in fulfilling his/her duties;
  - b. Chair the GFA meetings on behalf of the GFA Chair when the GFA Chair cannot perform this duty.

4.3. Any matter not covered under this article is to be resolved by consultation and consensus among the GFA.

## 5. Business Conduct of GFA Meetings

### 5.1. Composition, Frequency and Venue of Meetings

- i. The GFA is expected to meet at least twice a year and more frequently as determined by the GFA Chair.
- ii. The GFA Chair is expected to notify Members of the date, place and time of the meetings as soon as it is determined by the GFA Chair and with at least 15 days notice, if possible.
- iii. Quorum for GFA meetings constitutes attendees from two-thirds of all Members, rounded to the nearest whole number as necessary. Decisions of the GFA can be

made if quorum and consensus are reached. If quorum is not reached, the meeting may proceed, but prospective decisions from a meeting without quorum must be put to the GFA for consideration.

## 6. Committee Chairs

### 6.1. Functions

- i. The duties of a Committee Chair are:
  - a. Coordinating the schedule and chairing Committee meetings;
  - b. Overseeing and administering the work of the Committee;
  - c. Preparing biannual reports to be delivered to the GFA Chair, with copy to the GFA Deputy Chair; and
  - d. Delivering recommendations of the Committee to the GFA.

## 7. Business Conduct of Committee Meetings

### 7.1. Composition, Frequency and Venue of Meetings

- i. Committees meet at the discretion of the Committee Chairs and as frequently as needed.
- ii. The Committee Chairs notify their respective Committee's members of the date, place and time of the meetings as soon as it is determined by the Committee Chairs.
- iii. Committee Chairs are not required to notify the GFA of the date, place and time of the meetings.

## 8. Language

- 8.1. English is the official language of the Forum. All documents distributed at meetings and amongst members for discussion should be in English.

## 9. Final Provisions

- 9.1. The GFA should periodically review this Terms of Reference and the operations of the Forum and make updates as necessary.
- 9.2. Any matters not covered in this Terms of Reference should be resolved through consultation and consensus among the Members.

## ANNEX A

### Admission of Members and Associates to the Global CBPR Forum

1. A jurisdiction interested in participating in the Global CBPR Forum (“**Applicant**”) should contact the Chair of the Membership Committee in writing to indicate which form of participation it seeks and to initiate preparations for its application. Upon receipt of a request to initiate consultations, the Chair of the Membership Committee should promptly notify the Global Forum Assembly (“**GFA**”) of the Applicant’s interest.
2. As part of the consultations, the Chair of the Membership Committee should confirm with the Applicant the applicable form of participation.

#### *Criteria for Membership*

3. After consulting with the Chair of the Membership Committee, the Applicant should provide an application that includes a letter of intent confirming that the Applicant:
  - (a) Concurs with the principles and objectives of the Global CBPR Forum (“**Forum**”) set forth in the 2022 Global CBPR Declaration and the Global CBPR Framework, and demonstrates alignment of its domestic legal system with the Global CBPR Framework;
  - (b) Has at least one Privacy Enforcement Authority as a participant in the Global Cooperation Arrangement for Privacy Enforcement (“**Global CAPE**”); and
  - (c) Either:
    - (i) Intends to make use of at least one Forum-recognized Accountability Agent (“**AA**”), and submits an explanation of how the Global CBPR and/or Global PRP program requirements may be enforced in its jurisdiction;

Or

  - (ii) Demonstrates that its domestic legal system recognizes the Global CBPR System and/or Global PRP System as a valid data transfer mechanism(s), in the event that the Applicant does not intend to make use of a Forum-recognized AA.

#### *Criteria for Associate status*

4. After consulting the Membership Committee, the Applicant should provide an application that includes a letter of intent confirming that the Applicant:
  - (a) Supports the principles and objectives of the Forum provided in the 2022 Global CBPR Declaration and the Global CBPR Framework;

- (b) Has law(s) and/or regulation(s), the enforcement of which has the effect of protecting personal information; and
- (c) Has at least one public body that is responsible for enforcing law(s) and/or regulation(s) within the meaning of item (b) of this paragraph and has the powers to conduct investigations or pursue enforcement proceedings.

#### *Submission of Application*

- 5. The application for Membership or Associate status should be submitted, with the letter of intent signed by an appropriate governmental representative of the Applicant, to the GFA Chair, with copy to the Chair of the Membership Committee.

#### *Review of Application*

- 6. Upon receipt of the application, the Membership Committee reviews the application as to whether the conditions in paragraphs 3 (for Membership applications) or 4 (for Associate status applications), whichever is applicable, have been satisfied.
- 7. As part of the review, the Membership Committee may undertake consultations with the Applicant to clarify elements of the application or ask for additional information or clarification from the Applicant.
- 8. Once the Membership Committee has completed its review, it transmits a recommendation to the GFA for consensus decision.

#### *Notification*

- 9. The GFA Chair communicates the outcome of the application in writing to Applicants.

#### Additional Notes on Associate Status

- 10. Associate status is granted initially for a period for two years (“**Term**”), during which an Associate is expected to initiate an application for Membership.
- 11. An Associate should provide updates on its plans for the initiation of Membership application to the Chair of the Membership Committee, including a description of work done to date, a year into the start of its Associate status.
- 12. An Associate can submit an application for Membership at any time by following the steps in paragraphs 3 and 5. If, at the end of its Term, an Associate has yet to initiate the application for Membership, it may request an extension of its Associate status (“**Request**”):
  - (a) A Request should be made in writing to the Chair of the Membership Committee prior to the end of the Associate’s Term and should be accompanied by a

description of work done to date and a comprehensive plan for the initiation of the Membership application.

- (b) Upon receipt of a Request, the Membership Committee undertakes consultations with the Associate to better understand its Membership application plans. As part of the consultations, the Membership Committee may ask for additional information or clarification from the Associate. During this period, the Associate should continue to be recognized as such until the outcome of the Request has been communicated to the Associate.
  - (c) Once the Membership Committee is satisfied with the Associate's Membership application plans, it should transmit a recommendation on the Request, including the duration of the extension, to the GFA for consensus decision.
  - (d) The GFA Chair should communicate the outcome of the Request in writing to the Associate.
13. An Associate should initiate its Membership application prior to the end of its Term. Once the application has been initiated, an Associate should continue to be recognized as such until it receives notice of the decision on its application from the GFA Chair.