

**GLOBAL CROSS-BORDER PRIVACY RULES FORUM
PARTICIPATION OF THE UNITED KINGDOM AS AN ASSOCIATE**

MEMBERSHIP COMMITTEE

RECOMMENDATION

Submitted To: Ms. Shannon Coe
Chair, Global Forum Assembly
May XX, 2023

1. OVERVIEW AND PURPOSE

1.1. The purpose of this Recommendation is to assess the United Kingdom's (UK) application to participate in the Global Cross-Border Privacy Rules (CBPR) Forum (herein "**Forum**") as an Associate.

1.2. Paragraph 3.2 of the Forum's Terms of Reference (herein "**TOR**") identifies the core functions of the Membership Committee and instructs the Membership Committee to "review and make recommendations to the GFA on Membership and Associate applications". Paragraph 6 of Annex A of the TOR states that the Membership Committee reviews the application as to whether the criteria for Membership or Associate status have been satisfied. Paragraph 8 of Annex A of the TOR further states that once the Membership Committee has completed its review, it transmits a recommendation to the Global Forum Assembly (herein "**GFA**") for a consensus decision.

1.3. As this application is for Associate status, the relevant criteria is set out in paragraph 4 of Annex A of the TOR, i.e., that a jurisdiction interested in participating in the Forum (herein "**Applicant**") has provided 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.

1.4. The following section details the consultation process undertaken by the Membership Committee with relevant government representatives of the UK, and an explanation of whether the criteria set out in paragraph 4 of Annex A of the TOR have been met.

1.5. This Recommendation is to be circulated to the GFA by the GFA Chair and made publicly available on the Forum website upon endorsement by the GFA.

2. FINDINGS OF THE MEMBERSHIP COMMITTEE

2.1. Letter of Intent

2.1.1. The GFA Chair, GFA Deputy Chair and the Chair of the Membership Committee received an application for Associate status from the UK on April 17, 2023. The application comprises a *Letter of Intent to Participate as an Associate in the Global CBPR Forum* signed by Susannah Storey CB, Director General for Digital, Tech and Telecoms Group, Department for Science, Innovation and Technology, which confirms the following:

- (a) The government of the UK supports the principles and objectives of the Forum set forth in the 2022 Global CBPR Declaration and the Global CBPR Framework;
- (b) The enforcement of the UK's data protection laws, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018), has the effect of protecting personal information; and
- (c) The Information Commissioner's Office (ICO) is responsible for enforcing the UK GDPR and the DPA 2018, and has the powers to conduct investigations or pursue enforcement proceedings.

2.1.2. Appended to this Letter of Intent was the following document:

- (a) The UK's data protection framework and its enforcement by the Information Commissioner's Office, which provides a description of the UK's main data protection legislation and relevant legal instruments, and the role of the ICO.

2.2. Consultation Process

2.2.1. As provided in paragraphs 1 and 7 of the TOR, the Membership Committee undertook consultations with representatives of the UK Department for Science, Innovation and Technology to clarify elements of the UK's application, in preparation for the submission of this Recommendation to the GFA.

2.3. Domestic Legal System Protecting Personal Information and its Enforcement

2.3.1. Having deliberated on the UK's Letter of Intent to Participate as an Associate in the Forum and its Annex on the UK's data protection framework and its enforcement by the Information Commissioner's Office;

The Membership Committee finds that:

- (a) The UK GDPR and the DPA 2018, which stipulate certain data protection principles, rights of individuals and obligations of data controllers and processors, have the effect of protecting personal information when enforced;
- (b) The UK ICO is responsible for monitoring, ensuring, and enforcing compliance with data protection laws, including the UK GDPR and the DPA 2018.

3. CONCLUSION AND RECOMMENDATION

3.1. Based on the findings above and noting the UK's support for the principles and objectives of the Forum, the Membership Committee confirms that the conditions for recognition as an Associate of the Forum, as established in paragraph 4 of AnnexA of the TOR, have been satisfied by the UK.

3.2. The Membership Committee therefore recommends that the GFA:

accepts the application submitted by the UK and welcome the UK as an Associate in the Forum, and invites the GFA Chair to notify the UK that they have met the conditions for Associate status as established in the TOR, and advise the UK that they are hereby considered an Associate of the Forum.

Submitted by the Membership Committee

Japan (Chair)

Republic of Korea

Philippines

Singapore

United States