



46th Closed Session of the Global Privacy Assembly

October 2024

Adopted Resolution on the GPA Rules & Procedures

This Resolution is submitted by:

SPONSORS:

- National Institute for Transparency, Access to Information and Personal Data Protection (INAI), **Mexico**

CO-SPONSORS:

- Office of the Privacy Commissioner of Canada, **Canada**
- Commission for Personal Data Protection, **Bulgaria**
- Information Commissioner's Office, **United Kingdom**

The 46th Global Privacy Assembly 2024:

Recalling:

- The extended reach and influence of the GPA during the Covid-19 pandemic, highlighting the need for a stable Secretariat to support its growing global impact.
- The adoption of the Road Map on the Future of the International Conference during the 40th GPA Annual Conference.
- The mandate given to the Working Group on the Future of the Conference (FOTC) at the 40th Conference to prepare necessary changes to GPA Rules & Procedures, including the establishment of membership fees and the role of the Secretariat.
- The approval of amendments to Rules and Procedures for the new Secretariat and the proposed membership fee structure model at the 43rd Conference, as well as the timeline developed by FOTC to establish the Road Map to achieve the Funded Secretariat in Practice.
- The formation and dissolution of the FOTC WG and the subsequent establishment of the GPA Secretariat Selection Committee.
- The need for an amended timeline to accommodate unforeseen circumstances and maintain momentum in the GPA's modernization efforts.
- The majority support of the GPA membership for the proposed fee-funded model.

Recognizing:

- The significant role played by the Assembly during the Covid-19 pandemic in supporting global privacy issues and capacity building.
- The ongoing modernization and policy development within the Assembly, necessitating a funded and stable Secretariat to support its evolving needs.
- The importance of modernizing the Assembly's approach and enabling a wider range of authorities to share Secretariat responsibilities.
- A meticulous preparation is crucial to guarantee the structural soundness, sustainability, and fairness of the approved fee-funded model.

The 46th Global Privacy Assembly Resolves to:

1. **Incorporate Proposed Changes to Rules and Procedures:** Approve the proposed changes to the GPA Rules and Procedures, as detailed in Annex 1. These amendments aim to foster a Secretariat that is both flexible and robust, thereby enabling the Assembly to delineate the Chair's role separately from that of the Secretariat. Furthermore, they seek to enhance the delineation of responsibilities between the Secretariat, the Chair, and the Executive Committee, thus fostering improved management practices and heightened coordination of pertinent activities.

Likewise, by updating the functions of the Executive Committee into the GPA Rules and Procedures, the Assembly ensures a comprehensive understanding of the distinct roles and

responsibilities of all key stakeholders. This clarity facilitates smoother collaboration, enhances accountability, and strengthens the GPA's capacity to fulfil its mandate effectively.

2. **Adopt the electronic vote for Resolutions approval within the GPA Rules and Procedures:** The decision to implement an electronic voting system within the GPA Assembly marks a significant step towards modernizing and streamlining the decision-making process of the Assembly. This initiative underscores the importance of embracing technological advancements to enhance inclusivity, efficiency, and transparency within the GPA. Electronic voting eliminates geographical barriers and logistical constraints, allowing all members to participate actively in the decision-making process regardless of their physical location. By providing a dedicated website platform for voting, the Assembly ensures that every member has equal access to the voting mechanism, thus fostering greater inclusivity and representation within the Assembly.

Annexes

Annex 1 Proposed Amendments to the GPA Rules and Procedures

Annex 1. Proposed Amendments to the GPA Rules and Procedures

Changes required to achieve the ‘Resolution on the Future of the Conference and Secretariat’ intent.

The following changes to the GPA Rules and Procedures are **for consideration at the 2024 Conference Annual Meeting**:

- **Proposed Changes to Section 2.1 The Annual Meeting (note: proposed changes are in bold and underlined)**

The Assembly shall hold a meeting at least once a year, preferably during the months of September to November.

The annual meeting will be organised by one of its Members (hereinafter, the Hosting Authority), with the advice and support of the Executive Committee. Insofar as possible, the Hosting Authority should alternate between countries representing different cultural, geographic and legal backgrounds.

The Host Authority should, to the extent possible, facilitate in-person participation for member authorities with more limited budgets. This entails organizing at least the closed session in a hybrid format.

Participation fees shall be proposed by the Hosting Authority and adopted by a decision of the Executive Committee.

The annual meetings shall consist of a Closed Session (hereinafter, the Closed Session). At the discretion of the Executive Committee and the Hosting Authority, the annual meeting should seek to include, without prejudice to ordinary business and debates, during the Closed Session, dedicated occasions for members to share and exchange operational and practical experiences. The decision whether to hold an open meeting in conjunction with the Closed Session, with participation from governments, industry, academia and civil society, should be left to the Hosting Authority.

Should it wish to hold an open meeting, the Hosting Authority should be free to decide how to organize such an event. Individuals or organizations with specific expertise could be invited by the Executive Committee to present a specific subject and attend specific parts of the Closed Session.

Note: Third paragraph was amended by 40th Conference.

- **Proposed Changes to Section 2.2 Functions of the Closed Session (note: proposed changes are in**

bold and underlined)

The functions of the Closed Session are:

- a. To adopt the Agenda of the current meeting and the minutes of the previous one.
- b. To elect the Executive Committee and the Chair of the Executive Committee.
- c. To set up the appropriate Working Groups.
- d. [Revoked]
- e. To consider and vote on proposed resolutions **and declarations**.
- f. To adopt the reports delivered by the Executive Committee and the Working Groups.
- g. To decide on the accreditation and on the review of status of Members and Observers, pursuant to [the rules set out at article 5.1 to 5.5].
- h. To decide whether to request observer status to other fora and international organisations whose activity is related to the protection of personal data and/or privacy.
- i. To define the Assembly's strategic direction.
- j. To amend and, where appropriate, implement these Rules of Procedure.

Note: Paragraph (d) revoked by 36th Conference.

Note: Paragraph (g) amended by 37th Conference.

➤ **Proposed Changes to Section 3.1 The Executive Committee Session (note: proposed changes are in bold and underlined. Text to be deleted is crossed out)**

The Assembly shall be managed and represented by an Executive Committee. The Executive Committee will consist of ~~seven~~ **five** members. ~~These~~ **Five elected** members, representing national **or the most representative member** authorities, will be elected by the Closed Session for two year terms. The other two members will be the immediate past Hosting Authority and the next Hosting Authority (in the event of co-Hosting Authorities, these authorities are to share their Executive Committee seat). **Only national authorities or the most representative member based on the extent of its supervisory powers are eligible to be part of the Executive Committee.** The members of the Executive Committee may not be elected for more than two consecutive terms. A member of the Executive Committee who does not intend to stand for re-election for a second term should indicate this intention via a notice to the Secretariat at least ~~eight~~ **twelve** weeks before the Assembly. In order to ensure continuity, the members of the Committee will have offsetting terms. The Secretariat will support the Executive Committee in carrying out its functions. All seven member authorities in the Executive Committee shall have the right to vote on matters tabled for the Committee's consideration. However, the Secretariat shall not have a separate right to vote in the Executive Committee.

To the extent possible and to encourage diversity in the cultural, geographic and legal background of the Executive Committee, at least one member – and no more than two members – will be elected from each of the following four regions: Africa/Middle East, the Americas, Asia/Oceania, and Europe. Identification with a region is at the discretion of each member.

The Executive Committee shall meet at least twice annually – in person or by other means such as videoconference or teleconference. Three members are required to constitute a quorum.

One of the elected members of the Committee will be elected by the Closed Session to serve as the Chair of the Committee. The Chair can serve for the duration of their Executive Committee term(s). A Chair standing for re-election to the Executive Committee should indicate to the Executive Committee, via a notice to the Secretariat at least ~~eight~~ twelve weeks before the Annual Meeting if they do not intend to renew their position as the Chair of the Executive Committee. Therefore, unless otherwise indicated, the Closed Session decision to renew the two-year term of the existing Executive Committee member who is serving as Chair, also affirms that member's continuation as Chair for the incoming Executive Committee.

The Chair will be responsible for convening and chairing the meetings of the Executive Committee. As required, the Chair, a member of the Committee, or an Assembly member designated by the Committee may represent the Assembly and report back on its representation.

Note: First paragraph of Article 3.1 amended by 39th Conference.

Note: First paragraph of Article 3.1 amended by 40th Conference.

Note: First paragraph of Article 3.1 amended by 41st Conference.

Note: Text in 2nd paragraph of 3.1 substituted by 40th Conference. Note: Text in 4th paragraph of 3.1 amended by 40th Conference.

Note: Text in 4th paragraph of 3.1 amended by 41st Conference.

Note: Text in 1st paragraph of 3.1 amended by the 43rd Conference

➤ **Proposed Changes to Section 3.2 Functions of the Executive Committee (note: proposed changes are in bold and underlined)**

a. To implement the decisions of the Closed Session.

aa. To provide leadership to the Assembly in attaining its strategic goals, including by adopting Executive Committee Statements on time critical emerging global issues, or appointing Rapporteurs to consider an emerging global issue.

b. To ensure the application of the resolutions of the Closed Session.

The Executive Committee can be assisted by the Strategic Direction Sub-Committee to ensure the implementation of the resolutions of the Closed Session.

c. To seek proposals from member authorities by a specified deadline to host or co-host the Annual Meeting; to evaluate such proposals; and to recommend a hosting or co-hosting authority to the members of the Assembly with sufficient time to allow the selected hosting or co-hosting authority to execute orderly preparations.

i. If no member objects within a period designated by the Executive Committee, the recommendation will become the decision of the Assembly.

ii. If any member objects, the Executive Committee will as soon as practicable arrange for a membership electronic vote on the recommendation.

d. **To provide assistance to** ~~assist~~ the Hosting Authority in organising the next Annual Meeting.

e. To draft press releases, statements and any other media resources, including to draft Executive Committee Statements on time critical emerging global issues.

ee. To propose statements to be made by the Assembly outside of the Closed Session where the Executive Committee judges that timely action by the membership is needed in response to an emerging global issue and/or to appoint a Rapporteur to explore the issue and report back to the membership;

- i. The preparation of a draft GPA statement shall be communicated to all members, together with a call for a rapporteur(s) where applicable. A draft shall be circulated for comments, with a deadline of no less than 7 days for responses (consultation period). The rapporteur(s) and/or Executive Committee shall make best efforts to integrate the comments received and reach a consensus draft on this basis. Where significant changes have been proposed, the rapporteur(s) and/or Executive Committee may circulate a revised version with a further period of 7 days for comment. Otherwise, a final draft will be circulated to all members at the end of the consultation period.
- ii. Once a draft is finalised, GPA members will be given a 14 day period to abstain or opt out from the GPA statement. This will be noted in a footnote to the GPA statement with an explanation from the abstaining/opting out member if required by that member. If more than 10% of members opt out or abstain, the statement will not be issued as a GPA branded statement. Interested members may choose to proceed to make a joint statement on their own initiative, but this shall not bear GPA marking.
- iii. In line with section 2.3 on Closed Session decision-making, national and subnational authorities from the same country should make a single response.
- f. To appoint, for renewable two-year terms, representatives of the Assembly to attend and report back from those fora and/or international organisations in which the Assembly has observer status or to which the Assembly may be invited to attend. Insofar as possible, the delegates shall be representing different cultural, geographic and legal backgrounds.
- g. Recommend the accreditation of new Members or Observers.
- h. Consider requests to review the status of Member or Observers.
- i. To maintain a permanent Assembly website as a repository for Assembly documentation.
- j. To keep Members informed of the work of the Executive Committee.
- k. To ensure that processes are in place to support the operation of the Global Cross Border Enforcement Cooperation Arrangement.
- l. To recommend the appointment of the Secretariat to the Closed Session.
- m. To reach agreement on Guidelines and Procedures for the Management of Membership Fees for the Global Privacy Assembly and to maintain these under regular review in partnership with the Secretariat.**
- n. To receive detailed accounts from the Secretariat regarding Management of Membership Fees for the Committee's regular review and arrange any financial audit of these accounts pursuant to fulfilment of governance guidelines of the Assembly.**

Insofar as possible, decisions of the Executive Committee will be adopted by consensus. When consensus is not possible decisions will be adopted by a majority of the votes cast. Abstentions will not be considered as votes cast for the purposes of determining a majority.

o. Executive Committee's Strategic Direction Subcommittee

The Executive Committee will appoint a Strategic Direction Sub-Committee (SDSC) to coordinate the overall strategic direction of the GPA, its implementation and review. This will include:

- working closely with working group chairs throughout the year with regular contact points to ensure their actions are coordinated with the wider strategic priorities of the GPA and ensure the strategic plan is being delivered.

- - working in a similar way with resolution main sponsors to ensure timely implementation of adopted resolutions

The Strategic Direction Sub-Committee will be comprised by three or more members of the Executive Committee. The Executive Committee will appoint the SDSC Chair, whose authority provides support to the Committee and liaises closely with the GPA Secretariat to ensure alignment with the overall Executive Committee activity. Should a SDSC member's term in the Executive Committee come to an end, the member will no longer be eligible to be part of the SDSC.

The Subcommittee Chair should indicate to the Executive Committee, via a notice to the Secretariat at least twelve weeks before the Annual Meeting if they wish to request the Executive Committee to renew their mandate as long as they are still a member of the Executive Committee.

The SDSC Chair will provide updates to the Executive Committee throughout the year to keep them informed of progress, as per clause 3.3 of the Rules and Procedures.

Note: Article 3.2(c) substituted by 36th Conference.

Note: Articles 3.2(aa), 3.2(i), 3.2(j) and 3.2(k) inserted by 37th Conference.

Note: Articles 3.2(c) and 3.2(f) amended by 40th Conference

Note: Articles 3.2(aa) and 3.2(e) amended by 42nd Conference

Note: Article 3.2(ee) inserted by 42nd Conference

Note: Article 3.2(l) inserted by the 43rd Conference

- **Proposed Changes to Section 3.3 Working groups (note: proposed changes are in bold and underlined)**

Working Groups are composed of members of the Assembly. Observers can be invited to participate in Working Groups on an ad hoc basis. Participation is voluntary. Working Groups are to be chaired by one or more member authority, and can come from the same or different regions. Working Group Chairs shall take steps to encourage participation from all regions. Insofar as possible, a Working Group's members shall represent different cultural, geographic and legal backgrounds.

Working Groups derive their mandate and direction from the Closed Session. They shall report to the Closed Session; however, they should keep the Executive Committee informed of their progress, **throughout the year, via regular contact points with the Strategic Direction Sub-Committee.**

Working Groups may be temporary or permanent, as stated at the time of their establishment.

Note: Text in 1st paragraph of 3.3 amended by 40th Conference.

- **Proposed Changes to Section 3.4 The Secretariat (note: proposed changes are in bold and underlined. Text to be deleted is crossed out)**

The Secretariat function will include:

- a. To maintain and preserve the documents and files of the Assembly.
- b. To support the Executive Committee in carrying out its functions, as laid down in the Rules and Procedures and as assigned by the Executive Committee.
- c. ~~To support and liaise with internal and external stakeholders of the Assembly. The Secretariat will~~ To act as the principal intermediary between the Chair, the Executive Committee, the Working Groups, and the Members and Observers of the Assembly.
- d. ~~To communicate and to promote the Assembly's work in other international fora. [Revoked]~~
- e. To collect, hold and disburse the proceeds of the membership fee fund, where applicable. The Secretariat will be accountable for, and on an annual basis, will report on its activities to the Executive Committee.
- f. To carry out any other functions assigned by the Executive Committee and the Closed Session.
- g. Additional tasks arising from Chair, Executive Committee or membership direction.**
- h. To compile membership lists and keep them up to date.**
- i. To maintain a permanent Assembly website as a repository of documentation.**
- j. To submit the working group's Quarterly Stocktake Reports to the SDSC.**
- k. To establish a process for evaluating accreditation applications for the year.**
- l. To support the Executive Committee's Accreditation Subcommittee and the Host Selection Subcommittee.**
- m. To ask three members of the Executive Committee to volunteer to serve on the Accreditation Subcommittee.**
- n. To coordinate the establishment of and be an ongoing contact point for the GPA Reference Panel.**
- o. To present the Assembly's governing procedures for review and approval by the Chair.**
- p. To develop the logistical planning for the Closed Session as outlined by the Chair.**
- q. To ensure, on behalf of the Executive Committee, that GPA activities are promoted via the GPA's main channels of communication.**
- r. To run the GPA Census.**

The Secretariat will be elected for a renewable term of four years, and it must serve for a minimum term of at least two years. Where it has served only one four-year term, the current Secretariat Hosting Authority can express their interest to continue their tenure to the Executive Committee and the Closed Session. All Member Authorities, including the Chair Authority, can apply to host the Secretariat.

The Secretariat will be appointed by the Closed Session, upon the recommendation of the Executive Committee. The Secretariat Host Authority may vote in its own right as an Assembly Member or in its capacity as an Executive Committee member.

All Secretariat Host Authority Candidates are required to announce their candidacy at least eight weeks before the Annual Meeting in the year prior to their envisaged start as Secretariat.

If the Secretariat Host Authority wishes to renew its term, it will inform the Executive Committee of its intention at least twelve weeks before the Annual Meeting in the year prior to the end of their term. If the Executive Committee approves the incumbent Secretariat's intention to renew its term, it will inform the Assembly of this when carrying out its call for a new Secretariat.

It is expected that any Secretariat Host Authority Candidate will conduct preliminary consultations with the current or known future Chair and/or with the Executive Committee on the expected work programme for the forthcoming years in order to inform their intent to stand as a candidate.

Where a Member Authority provides both the Chair and the Secretariat alone, it will not need to undertake preliminary consultations on the expectations of the Chair and Executive Committee ahead of the election. Where no Member Authority applies to serve as the Secretariat, or if the Member Authority recommended by the Executive Committee is not approved by the Closed Session, the Chair will perform the role of the Secretariat during an interim period until the next Secretariat Host Authority is approved by the Assembly. In this interim period, a new call for the Secretariat Host Authority will be launched on a yearly basis, until such time that a new Secretariat Host Authority is approved.

Note: Article 3.4 inserted by 43rd Conference.

➤ **Insertion of new Section 3.7 The Chair of the Executive Committee**

The Chair functions will include:

- a. To provide leadership to the Assembly.
- b. To preside and provide leadership to the Assembly and the Executive Committee.
- c. To exercise official representation of the Assembly.
- d. To supervise the activities of the Secretariat in order to guarantee the good material and administrative functioning of the same.
- e. To achieve a consensus of the Executive Committee on tabled decisions and if that is not possible in the event of a tie, the Chair has the deciding vote.
- f. Ensure that the Sessions (Open and Closed Sessions) are conducted in an orderly and efficient manner.
- g. To propose, on behalf of the Executive Committee, the coordination of the Closed Session to the Secretariat, with the purpose of elaborating the substantive part of the same.
- h. To schedule and convene the meetings of the Executive Committee.
- i. To coordinate the preparation of the annual report of activities and present it at the annual meeting of the Assembly.
- j. To assist the host authority in organizing the next annual meeting of the Assembly.
- k. To analyse and propose changes to the Rules of Procedure and the Executive Committee.
- l. To communicate and promote the Assembly in other international forums.
- m. To support technically and administratively the promotion and maintenance of relations with other international organizations or institutions.
- n. To establish contacts with related and cooperating national and international organizations and institutions in order to manage possible technical and logistical support for the performance of the Assembly's activities.
- o. To support and serve as liaison with the Assembly's internal and external stakeholders.
- p. To review and approve the procedures governing the Assembly.
- q. To keep the Members informed of the work of the Executive Committee.

The Chair of the Executive Committee shall be distinct from the Secretariat. This shall normally be achieved by selecting two separate authorities to collaborate in providing the Chair and Secretariat

functions. Additionally, the original hosting model, wherein a single authority fulfils both the Chair and Secretariat roles, may be reinstated if the needs of the Assembly require such flexibility.

One of the elected members of the Executive Committee will be elected by the Closed Session to serve as the Chair of the Committee. The Chair can serve for the duration of their Executive Committee term(s).

A Chair standing for re-election to the Executive Committee should indicate to the Executive Committee, via a notice to the Secretariat at least eight weeks before the Annual Meeting if they do not intend to renew their position as the Chair of the Executive Committee.

Therefore, unless otherwise indicated, the Closed Session decision to renew the two-year term of the existing Executive Committee member who is serving as Chair, also affirms that member's continuation as Chair for the incoming Executive Committee.

The Chair will be responsible for convening and chairing the meetings of the Executive Committee.

➤ **Proposed Changes to Section 4.1 Submission of proposed Resolutions or Declarations (note: proposed changes are in bold and underlined. Text to be deleted is crossed out)**

Members or Working Groups may submit proposed resolutions or declarations to the Chair of the Executive Committee with a copy to the Hosting Authority for consideration at the Closed Session.

Proposed resolutions or declarations must be submitted at least ~~eight~~ **fourteen** weeks before the next Closed Session, to enable the text to be circulated to all Members of the Assembly and for the proposal of amendments. Where the resolution concerns complex technical or policy issues or relates to a topic that otherwise may require a longer review and comment period prior to the Closed Session, sponsors of resolutions are encouraged to provide such longer time to facilitate consensus resolutions. In exceptional cases, and after approval of the Executive Committee, proposed resolutions or declarations may be submitted less than eight weeks before the Closed Session.

Proposed resolutions or declarations must have at least four other cosponsors, representing, insofar as possible, different cultural, geographic and legal backgrounds.

Note: Second paragraph of article 4.1 amended by 39th Conference. Note: Article 4.1 amended by 40th Conference.

➤ **Proposed Changes to Section 4.4 Voting on resolutions (note: proposed changes are in bold and underlined)**

Upon debate and the answering of questions by the member or Working Group that submitted the proposed resolution or declaration, it will be voted on by the accredited members at the Closed Session according to the rules set out above in Article 2.3.

Voting may be conducted in person or electronically, allowing for a hybrid vote to be cast during the closed session.

Note to Article 4.4: To improve useability and consistency the Secretariat has added a new heading for the rule and subheadings for three newly numbered subclauses 4.2, 4.3 and 4.4).

Note: Article 4.4 amended by 40th Conference.

➤ **Insertion of new Section 4.6 Electronic vote**

The Global Privacy Assembly will implement an electronic voting system for the voting of resolutions and declarations. This initiative aims to enhance inclusive and efficient member participation by facilitating voting through a dedicated website platform.

The operation and security of the electronic voting system will be determined by the Executive Committee of the GPA, its effectiveness will be evaluated, and adjustments will be made as necessary. Measures will be established to ensure the authenticity and integrity of the votes cast.

Note:

With the aim of monitoring and conducting a detailed review of GPA rules and procedures to ensure they align with the new reality of the Assembly, a working group will be established for the ongoing evaluation of these guidelines. This group will be composed of GPA members, who will contribute their expertise and perspectives to strengthen and update the regulatory framework.