



## **45<sup>th</sup> Closed Session of the Global Privacy Assembly**

**October 2023**

### **Resolution to Advance the GPA / Access Now Privacy and Human Rights Award Proposal**

This Resolution is submitted by the sponsors on behalf of the Data Protection and Other Rights and Freedoms Working Group.

#### **SPONSORS:**

- Office of the Privacy Commissioner of Canada

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- The National Directorate for Personal Data Protection, Argentina
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## The 45<sup>th</sup> Annual Closed Session of the Global Privacy Assembly:

**Recalling** previous resolutions relating to the recognition of privacy and data protection as fundamental rights which are connected to the exercise of other universal human rights (notably, the 2019 resolution on privacy as a fundamental human right and precondition for exercising other fundamental rights, and 2015 resolution on GPA cooperation with UN SRP).<sup>1</sup>

**Noting** the strategic priority identified in the GPA’s Strategic Direction 2021-2023 to “maximize the Assembly’s Voice and Influence,” as well as the Data Protection and Other Rights and Freedoms Working Group’s mandate to engage with key stakeholders to promote its 2021 reporting, findings, and recommendations.

**Expanding** upon past GPA commitments to promote cooperation and broaden relationships between privacy and data protection authorities and international, regional, and national human rights institutions, (including the 2016 resolution on human rights defenders and the 2021 formation of the GPA’s Reference Panel).<sup>2</sup>

**Elaborating** upon recent GPA research that makes explicit legal and historical linkages between privacy and other rights.<sup>3</sup>

**Recognizing** that the GPA can do more to elevate the GPA’s influence as a global leader in privacy and data protection beyond its own membership, using this opportunity in the Global Awards, to promote the idea of privacy as a fundamental right and the GPA externally.

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<sup>1</sup> 2019 resolution on privacy as a human right can be found here: <https://globalprivacyassembly.org/wp-content/uploads/2019/10/Resolution-on-privacy-as-a-fundamental-human-right-2019-FINAL-EN.pdf>

2015 resolution on Cooperation with the UN Special Rapporteur on the Right to Privacy can be found here: <https://globalprivacyassembly.org/wp-content/uploads/2015/02/Resolution-on-Cooperation-with-UN-Special-Rapporteur-on-the-Right-to-Privacy.pdf>

<sup>2</sup> 2016 resolution on human rights defenders can be found here: <https://globalprivacyassembly.org/wp-content/uploads/2015/02/Resolution-on-Human-Rights-Defenders-.pdf>

<sup>3</sup> 2021 Privacy and data protection as fundamental rights: A narrative can be found here: <https://globalprivacyassembly.org/wp-content/uploads/2022/05/PSWG3-Narrative-Final.pdf>

**Considering** that, beyond their specific connotation, privacy and data protection are also enabling rights for the exercise of other fundamental rights, it would be important to emphasise the capability of GPA members to conduct human rights-related work beyond privacy protection.

**Acknowledging** the need to ensure long term viability, financial stability, and governance on multi-year GPA initiatives.

**Be it hereby resolved; we the GPA members have found that:**

1. A public-facing award of the type proposed (see Annex A and B) would elevate public recognition of the Assembly, thereby enhancing GPA's profile on the global stage, deepen the Assembly's relationship with civil society groups and international rights defenders, and provide a key opportunity for the GPA to solidify its commitment to key values and human rights.
2. After due consideration, expanding the scope of eligibility beyond the GPA membership was found to be more conducive to the goals of the award and ensures the award's viability. As such, prospective nominees are not limited to the data protection field, but could instead encompass for example, journalists, academics, civil society groups and NGOs.
3. To ensure stable funding and clear procedures year over year, and to avoid additional financial burdens to the GPA, an external funding partner proves to be the most appropriate model for managing award-granting initiatives of this type.

**In terms of specific actions and outcomes, with this resolution, we the GPA commit to:**

1. Agreement in principle to Annex A ("The GPA/Access Now Privacy and Human Rights Award Pilot Project Proposal Executive Summary") and Annex B ("The GPA/Access Now Privacy and Human Rights Award Concept Note"), annexed to this text,
2. Direct the relevant GPA WG to establish a sub-group composed of a small number of its volunteer members specifically to pilot the award process for the approved three-year trial period, and,

3. Reach agreement with the Access Now organization to finalize presentation of the first iteration of the award in 2024 at Rights Con.

## Annex A

### **The GPA/Access Now Privacy and Human Rights Award Pilot Project Proposal Executive Summary (September 2023)**

#### *Introduction*

1. **Origin of concept:** At the 2019 Annual Conference, GPA members adopted the Assembly's 2019-2021 Strategic Plan. This Plan established the Policy Strategy Working Group 3 (PSWG3) and mandated the working group with developing a report analyzing the relationship between privacy and other fundamental rights. The PSWG3 identified additional proposed action in its work plan, including broader outreach on the issues and to propose a "privacy and human rights champion award".
2. **Links to GPA Direction:** Recognizing the important work done at the intersections of privacy, data protection and human rights, the award's objective is to celebrate such initiatives while also achieving one the strategic priorities identified in the GPA's 2021-2023 Strategic Direction, namely to "maximize the GPA's voice and influence".

#### *Justification and Objectives*

3. **Building new networks:** More specifically, the award's objective is to build and strengthen relationships with other organizations and networks advancing data protection and privacy issues. This is carried out by expanding the award's eligibility to external candidates and partnering with Access Now to host the presentation of the award at RightsCon. Presenting a GPA award at an external event such as RightsCon grants the GPA significant exposure with key stakeholders and the media.
4. **Follow-through on GPA past work:** This award also provides the GPA the opportunity to promote its values and commitment towards human rights, as well as carry through past commitments affirmed through the GPA resolution on the important role of human rights defenders in 2016. Finally, the award aligns with the Data Protection and Other Rights and Freedoms Working Group's (DPORF) mandate to promote the narrative, its findings, and conclusions amongst relevant stakeholders.

## *Wider Eligibility and Visibility*

5. **Ensuring viability of concept:** When designing the award concept, due consideration was given to whether the award should be limited to GPA members and observers only (i.e., an internal award), or whether the award should recognize the work of the wider global rights community, including non-profit organizations, civil society groups, academics, journalists, and private actors working in the fields of privacy and human rights. Given some GPA members can have very particular mandates, often working separately from specific human rights regulators or observers, we wanted to ensure the long-term stability and viability of this award and therefore made the decision to expand the award's eligibility beyond that of traditional, internal GPA awards.

6. **Public recognition:** Broader eligibility of potential award recipients then raised subsequent questions of where and how the award recipient(s) should be recognized. We also felt that the award recipient should be recognized publicly, ideally through an in-person public award ceremony. However, traditionally GPA awards are presented during the annual conference's Closed Session, thus limited to GPA members and observers only. Furthermore, we felt the award winner should not be overly burdened by potential non-reimbursed costs for travel or accommodations to attend the ceremony (esp. individual advocates, academics, and/or non-profit organizations).

## *Innovation through External Partnership*

7. **Stable funding:** The PSWG3 Chair met with the GPA Secretariat in March 2020 to seek initial views on the award proposal. The Secretariat agreed with the proposal to expand the award's eligibility; however, they raised the issue of securing stable funding (over a period of many years potentially) to cover expenses for the award recipient. If we had decided to present this award at the GPA Closed Session, we would have to negotiate funding with the GPA Host Authority each year. This could develop into a significant undertaking some years, given the GPA Annual Conference moves from year to year, and some DPAs face restrained budgets. Given that potential to affect the award's stability, a decision was made to identify a funding partner who could cover any expenses related to the award.

8. **Established partner:** In August 2020, the PSWG3 Chair met with Access Now, a non-profit organization responsible for coordinating Rights Con. Rights

Con is one of the largest human rights conventions globally, making it an ideal venue to present a privacy recognition award. Access Now was receptive to the idea and agreed to partner with the working group to develop a concept note for the award. This funding partnership would ensure both stable, long-term funding to present this award and a high-visibility public venue in which to do so.

9. **Deepening existing relations:** The decision to partner with Access Now stems from their work advocating for both privacy and other human rights, as well as their existing relationship with the GPA. Access Now has members on the GPA's Reference Panel, moderated panel sessions at past GPA Conferences, and attended GPA Open Sessions. Further, Access Now has previously partnered with other Data Protection Authorities to establish similar privacy-related awards. However, understanding that partnering with an external organization may present risks for the GPA, the DPORF is planning to run the award process for a three-year trial period. During this time, both the GPA and Access Now will reassess the award process to ensure its stability and viability.

#### *GPA Outreach to a Broader Public*

10. **Public-facing recognition:** Presenting the award at Rights Con grants the GPA significant coverage with key stakeholders as well as with the media, and therefore aligns with the GPA's strategic priority to "maximize the GPA's voice and influence". Presenting a privacy and human rights award at an external event gives the GPA a key opportunity to promote its values and commitment towards human rights. Furthermore, this award proposal also relates to the DPORF's priority action to promote the narrative and its conclusions with relevant stakeholders.



## **ANNEX B**

### **The GPA / Access Now Privacy and Human Rights Award Concept Note**

#### **Overview**

Acknowledging the importance of the right to privacy with respect to other fundamental human rights, the Global Privacy Assembly (GPA) and Access Now Privacy and Human Rights Award is presented to an organization conducting exemplary work at the intersection of both privacy and human rights.

The partnering organisations agree to implement this award as a pilot project for three years and to reconvene annually to discuss ways to improve the process, outreach for nominees, and/or ceremony. Following the first three years, the partners should decide whether to further pursue this project for a subsequent three years.

#### **Partners**

The [Global Privacy Assembly](#) (GPA) first met in 1979 as the International Conference of Data Protection and Privacy Commissioners. Since then, the Assembly seeks to provide leadership at international level in data protection and privacy. This is achieved by connecting the efforts of more than 130 data protection and privacy authorities from across the globe.

Founded in 2009, [Access Now](#) is an international human rights organization dedicated to defending and extending the digital rights of users at risk around the world, including issues of privacy, security, freedom of expression, and transparency. The organization conducts policy and advocacy work on issues related to digital civil rights and is also responsible for coordinating RightsCon each year.

Hosted by Access Now, [RightsCon](#) is the world's leading summit on human rights in the digital age. First established in 2011, RightsCon is a civil society-led space where the world's human rights experts, business leaders, technologists, engineers, investors, activists, and government representatives come together to build a rights-respecting digital future.

## **Format of the Award Ceremony**

The inaugural Privacy and Human Rights award will be presented at RightsCon 2024, which is scheduled to take place in June. Following this, the award will become an opportunity to recognize important work that will be presented at each RightsCon, whether online or in-person.

The award will be jointly presented by a representative from the GPA Executive Committee and a representative from Access Now. If no member from the GPA Executive Committee is available to attend the award ceremony, the Chair for the Data Protection and Other Rights and Freedoms Working Group (DPORF) or another working group member will present the award. The award winner will have the opportunity to give a short acceptance speech, either in-person or via a pre-recorded message. Following the acceptance speech, a small Q&A will be organized with the winner (individual or group) after the award is given. The RightsCon program team will coordinate additional opportunities to integrate the winner into other programming, including networking events and private meetings.

## **Selection Process for Nominees and Award Winner**

### Eligibility:

Each year, this award recognizes an organization who:

- Has demonstrated outstanding leadership or initiative at the state, regional, or international level in the field of privacy or data protection as well as human rights (e.g. how privacy protections relates to human rights and fundamental rights protection). Efforts to uphold individuals' privacy in tandem with other human rights are especially noteworthy in this context.
- Has demonstrated these qualities over the course of a particular time frame, for instance, throughout a specific project.
- Has demonstrated these qualities, for example, through:
  - The development of a new initiative or project which sheds light on the relationship between privacy and other human rights,
  - Conducting advocacy work at the state or regional level to highlight privacy-related issues related to the expression of other human rights,

- The development of new tools or resources to assist communities with understanding their privacy rights in relation to other human rights, and/or,
- Research and reporting of exceptional quality and depth that focuses upon the intersection of privacy, data protection and other fundamental human rights (such as freedoms of expression, political participation, belief, or movement).

In line with the common practice for all the other GPA Awards, Award Committee members will be able to submit candidates, but they will be prohibited from voting for their own nominees. In the case where an Award Committee member has been nominated for the award, they must recuse themselves from voting.

#### Nomination Process:

The GPA and Access Now intend to make this an annual award. Eligible candidates must be nominated after the award process is formally launched each year. Following the award's launch, individuals are free to submit award nominations themselves or on behalf of another organization.

Details of the nominated organization's contribution towards privacy and human rights should be outlined on the application form. This form will be made available on the GPA, Access Now and RightsCon websites to download and complete by the given deadline.

#### Selection Process:

A rotating committee ('award committee', 'committee') of five panelists composed of representatives from the DPORF Working Group, the GPA Reference Panel and Access Now, will select the winner from the list of nominees. The winner will be selected by the Award Committee according to the criteria set out in the 'Eligibility' section above.

The Award Committee will consist of three representatives from the DPORF working group. Insofar as possible, committee members shall represent different cultural, geographic and legal backgrounds. The Committee will also include one representative from the GPA's external Reference Panel and one representative from Access Now. DPORF representatives will be selected via voluntary participation. The Award Committee Chair will work with the GPA's Reference

Panel Chair to determine the Reference Panelist who will sit on the committee. Access Now will be responsible for selecting their own representative on the panel.

A representative from the DPORF working group will be designated Chair for the Award Committee. The Chair for the DPORF working group, in collaboration with DPORF working group members, will determine the Chair for the Award Committee. The Chair for the Award Committee will be responsible for setting committee meetings and the agenda. Award Committee representatives, including the Chair, will serve for one, three-year term, after which new representatives will take their place.

The committee will meet (virtually or in-person) at least once before the award ceremony to deliberate on award candidates and to select the winner. The winner will be chosen via consensus vote if possible. Failing that, a simple majority will decide the winning candidate. To ensure integrity and transparency of this process, member authorities of the Award Committee will be made public.

## **Production**

### Design and communications:

The GPA and Access Now will coordinate to produce a communications plan to promote the award, including developing a logo, branding (including the design of the award plaque), and template language. Each organization will promote the award separately on their respective website and social media channels.

The GPA will maintain a page with the list of all award winners throughout the years, and potentially some high-level nominees, to further showcase their exemplary projects/initiatives.

### Funding:

The award will be given to the winning candidate by a representative of the GPA Executive Committee, or failing that, the DPORF working group Chair or another working group member, and a representative from Access Now. As such, at least one member of the GPA will attend RightsCon each year. The GPA member responsible for presenting the award at RightsCon will also be responsible for covering any of their own costs incurred as a result of the award presentation. This includes airfare, accommodations, other transportation, and meals.

However, these costs do not include ticket costs to attend RightsCon, which will be waived by Access Now.

The award recipient will have the opportunity to attend RightsCon and be presented with the award in person. If they decide to attend, Access Now will agree to cover the recipient's following expenses:

- Airfare/Transportation to RightsCon
- Accommodation for the entire RightsCon Event.
- Ticket/Admission costs for RightsCon
- Daily Transportation
- Meals

The award recipient may be required to travel with an additional individual, for example in cases where a minor receives the award or for accessibility purposes. In such cases, Access Now will agree to cover the expenses for the additional individual.

Presentation:

The award recipient will receive the following:

- A plaque with the award and award recipient's name, funded by Access Now,
- Recognition in an award ceremony, hosted during RightsCon,
- Acknowledgement by the GPA Annual Conference host during the GPA Awards ceremony,
- Recognition across the GPA, Access Now, and RightsCon websites and social media, and,
- Curated opportunities to participate in RightsCon public and private programming, in an effort to advance their work further.