Data Privacy Sub-Group Workplan 2021 (Endorsed Intersessionally, 12 March 2021)

Purpose: Information
Submitted by: APEC Secretariat
The APEC Data Privacy Sub-Group (DPS) is responsible for privacy-related work within APEC. As a sub-forum of the Digital Economy Steering Group (DESG) that operates under the APEC Committee on Trade and Investment (CTI), the DPS aims to support the CTI’s efforts to liberalize and facilitate trade and investment within the APEC region, to reduce impediments to business in the areas outlined in the Osaka Action Agenda, and assist Member Economies achieve the Bogor Goals of free and open trade and investment. The DPS aligns its work agenda with the goals and priorities laid out by the APEC Host Economy, as well as contributing to meeting the Leaders’ commitments and delivering on their instructions as set out in their Annual Leaders’ Declaration.

The DPS contributes to the implementation of the APEC Internet and Digital Economy Roadmap and to the Statement on Covid-19 by APEC Ministers Responsible for Trade to effectively work towards mitigating the health and economic impact caused by COVID-19.

For 2021, the DPS seeks to engage in the following activities:

**IMPLEMENTATION OF THE APEC CBPR AND PRP SYSTEMS**

- Encourage and facilitate economy participation in the CBPR and PRP Systems:
  - Provide assistance and guidance to economies as required, including in relation to the interaction of the CBPR System with domestic legislation in economies;
  - Subject to funding, deliver CBPR capacity building projects; and
  - Share information on the further development of the CBPR and PRP Systems and implementation mechanisms as well as achievements between parties concerned.

- Develop strong financial, governance, accountability and enforcement mechanisms that will promote the transparency and credibility of the CBPR and PRP Systems. Working through the Administration and Accountability Study Group, the DPS work will include:
  - Developing a communications strategy and associated products to promote participation in the CBPR and PRP Systems;
  - Improving the understanding of consumers of how to report complaints about violations of the CBPR System program requirements and false claims of CBPR participation;
  - Exploring potential resources necessary to administer the CBPR System; and
  - Exploring the use of a CBPR-related seal or certification that would be used by all Accountability Agents and displayed by all certified companies.

- Under the coordination of the CBPR Joint Oversight Panel:
o Continue to monitor and assess governance of the CBPR System;
o Develop a joint CBPR/PRP application; and
o Consider economy notices of intent to participate and Accountability Agent applications/renewals, as appropriate.

**APEC and EU Interoperability**
- Review the best path for interoperability with the EU’s General Data Protection Regulation regime based on accountable privacy protections and the CBPR System.
- Discuss issues and challenges relating to compliance with the European Union’s General Data Protection Regulation.

**UPDATED APEC PRIVACY FRAMEWORK**
- Following the update of the APEC Privacy Framework, initiatives to encourage and support domestic and international implementation will focus on:
  o Identifying and developing capacity building opportunities related to the updated elements of the APEC Privacy Framework, including:
    - Data breach notification
    - Implementation of a Privacy Management Framework
    - Privacy By Design
    - Capacity building for Privacy Enforcement Authorities
- Continue to offer assistance, including capacity building activities, to economies that are considering the development or implementation of domestic approaches to privacy.
- Engage with other APEC bodies on the development of policy initiatives that have privacy implications.

**Data Privacy Individual Action Plans (IAPs)**
- Encourage economy updates of IAPs based on the revised IAP template to reflect the updated APEC Privacy Framework;
- Explore and identify options for improving use of updated IAPs, including as tools to encourage and assist remaining economies to submit an IAP.
INFORMATION SHARING

• Identify and develop options for information sharing, particularly between economies, including among privacy enforcement authorities, and among stakeholders, on relevant matters, including:
  o Using tools such as APEC-sponsored web-based platforms and other collaborative arrangements;
  o Raising awareness of personal data protection related issues among different population groups, particularly for children and youth.

• Continue to monitor developments in and share information with other international fora on cross-border privacy issues and initiatives.

DISCUSSION ON DATA PRIVACY ISSUES OF EMERGING TECHNOLOGIES

• Whereas emerging technologies rely intensively on data, including personal data, it is important to promote ethical and trustworthy treatment of personal data to bolster the confidence of individuals and foster innovation. Taking into account the APEC Internet and Digital Economy Roadmap, the APEC Privacy Framework and the CBPR System, the DPS should review the data privacy implications of emerging technologies such as artificial intelligence, Internet of Things, cloud computing, among other technologies. For that, the DPS should:
  o Review existing frameworks for the use of personal data and how they may apply in the whole lifecycle of emerging technologies;
  o Promote APEC projects that foster research and analysis of how to promote data privacy safeguards in relation to emerging technologies;
  o Promote the understanding of data privacy among members of APEC which acknowledges the different development levels of the economies; and
  o Collaborate with other APEC fora as appropriate in order to exchange successful experiences and quality information given the crosscutting nature and the impact of emerging technologies, including identifying ones that could have an impact on data privacy protection.