

An abstract graphic on the left side of the cover features a globe with a grid of latitude and longitude lines. The globe is surrounded by several concentric, glowing blue circles. A thick, dark blue arrow curves around the globe, pointing from the bottom towards the top. Another thinner, white arrow curves around the globe, pointing from the top towards the bottom. The globe itself is partially covered by a band of white binary code (0s and 1s). The background is a solid blue color with a pattern of small, light blue dots and larger, faint blue circles.

2015 Global Privacy Enforcement Network (GPEN)

Annual Report

March 2016



Global Privacy Enforcement Network

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2015: Launching New Tools for Cooperation

The GPEN Committee is pleased to issue the second GPEN annual report. The Committee issues our annual reports to promote a better understanding of the network and to explain the Committee's work.

2015 has proved to be another constructive year for the network. GPEN has built and strengthened our relationships and resources to promote and support cooperation in cross-border enforcement of laws protecting privacy.

A few highlights:

- We launched, with sign-on by eight inaugural participants, GPEN Alert, a new information-sharing system that enables participating authorities to better coordinate international efforts in protecting consumer privacy.
- We successfully implemented the Network of Networks pilot project with five participating Networks, from both within and beyond the privacy enforcement community.
- We added the Opportunities Board to the GPEN website for GPEN member authorities to share, with GPEN users from other DPA members, information about employment, secondment and training opportunities.
- A further 18 teleconferences were held in the Atlantic and Pacific regions to connect authorities and to build and share expertise.
- We gathered for face-to-face meetings in Ottawa and Amsterdam to discuss enforcement cooperation experience and practices.
- Our network's third annual Privacy Sweep spotlighted the privacy practices of websites and apps targeted specifically at, or popular with, children.
- We undertook a Member Satisfaction Survey to ensure that GPEN continues to deliver an effective service for its members, and users at all levels in an authority.

The GPEN Committee looks forward to leveraging our expanding relationships and increasing resources in 2016, in support of our common objective to strengthen personal privacy protection.



Introduction

About the Global Privacy Enforcement Network (GPEN)

In 2007, OECD adopted a recommendation on Cross-border Cooperation in the Enforcement of Laws Protecting Privacy. The recommendation called for member countries to foster the establishment of an informal network of Privacy Enforcement Authorities.

The Global Privacy Enforcement Network was established in 2010 by 13 privacy enforcement authorities. The informal network has grown by the end of 2015 to comprise 59 privacy enforcement authorities in 43 jurisdictions around the world, and the number of privacy enforcement professionals with GPEN website user accounts has increased since 2014 by 50% to 293 (user totals, as of March 1, 2016). GPEN's aim is to foster cross-border cooperation among privacy authorities in an increasingly global market in which commerce and consumer activity relies on the seamless flow of personal information across borders. Its members seek to work together to strengthen personal privacy protections in this global context.

GPEN connects privacy enforcement authorities from around the world to promote and support cooperation in cross-border enforcement of laws protecting privacy.

It primarily seeks to promote cooperation by: exchanging information about relevant issues, trends and experiences; encouraging training opportunities and sharing of enforcement know-how, expertise and good practice; promoting dialogue with organizations having a role in privacy enforcement; creating, maintaining and supporting processes or mechanisms useful to bilateral or multilateral cooperation; and undertaking or supporting specific activities as outlined below.

GPEN is an inclusive cooperation network, open to any public privacy enforcement authority that: (1) is responsible for enforcing laws or regulations the enforcement of which has the effect of protecting personal data; and (2) has powers to conduct investigations or pursue enforcement proceedings. GPEN is also outward looking: GPEN is now able to provide its members with insights beyond the privacy community which assist members in understanding and exchanging know-how with authorities from other sectors.

GPEN has an increasingly strong activity/project base that we are confident will continue to attract members to the network and provide a valuable resource for existing members in 2016.



GPEN Committee

The Committee comprises 5 members from the Office of the Privacy Commissioner of Canada; the Israeli Law, Information and Technology Authority; United Kingdom Information Commissioner's Office; United States Federal Trade Commission; and Office of the Privacy Commissioner for Personal Data, Hong Kong, China.

The Hong Kong privacy authority joined the GPEN Committee in January 2016, the New Zealand Office of the Privacy Commissioner having stepped down in 2015. We would like to take this opportunity to thank New Zealand, and Blair Stewart in particular, for their invaluable contributions to GPEN since its inception.

The committee provides leadership for the network and performs various tasks such as:

- Process applications from authorities wishing to participate in GPEN and make recommendations for membership to participating authorities.
- Activate user accounts for access to GPEN website.
- Facilitate arrangements for GPEN teleconferences and meetings.
- Maintain the GPEN website.
- The GPEN Committee may perform other functions that support GPEN's mission.

GPEN Committee Members are:

Michael Maguire

Manager, Investigations,
Office of the Privacy Commissioner of Canada (OPC Canada)

Guilherme Roschke

Counsel for International Consumer Protection, Office of International Affairs
U.S. Federal Trade Commission

Sharon Azarya

Israeli Law, Information and Technology Authority (ILITA)
Head of International Relations

Hannah McCausland

Senior Policy Officer (International)
Information Commissioner's Office , United Kingdom

Dr. Henry Chang

Chief Personal Data Officer (Policy and Research)
Office of the Privacy Commissioner for Personal Data, Hong Kong, China



GPEN Member Satisfaction Survey

GPEN is an organisation reliant on the expert input and exchange of information among its members. It is vital that GPEN continues to deliver an effective service for its members, and users at all levels in an authority. The Member Satisfaction Survey 2015 aimed to ensure that GPEN remains more relevant than ever. The Committee launched the Satisfaction Survey in summer 2015 and the Survey results were very helpful to the Committee in developing the next twelve months' Annual Plan.

The survey revealed that members were largely satisfied with the services of GPEN and a large proportion of members are aware of the new projects prepared by GPEN in 2015 in particular the flagship project the widely reported GPEN Sweep of children's privacy protection online (as well as the GPEN Alert, GPEN Network of Networks, GPEN Training Opportunities Board). The news feed, discussion forum, events and contact details are the most valuable services. Members' engagement with GPEN has been strong over the last year - more than 70% are visiting at least once a month.

The members want an easier navigation experience around the website, for example with clearer headings and more obvious ways to add content. The Committee will endeavour to address this with OPC Canada which will take over hosting of the GPEN website from the OECD in the first quarter of 2016.

The enforcement community's thirst for know-how from each other and other non-privacy domains was reflected in the qualitative feedback, where encouragement was shown for the development of GPEN's Network of Networks and Opportunities Board services. Skill set enhancement is extremely important across a community which is constantly faced with resource restraints.

GPEN Website

Our website serves as a support platform for GPEN activities, enabling participating authorities to share information, materials, and documents relevant to GPEN's mission. Non-public documents, and materials associated with specific bilateral cross-border investigations or enforcement matters, are not intended to be shared or posted on this website, except pursuant to further agreement of the participants.

In 2015, we implemented several enhancements to the GPEN website to support new initiatives like Network of Networks and the Opportunities Board, which we will discuss in greater detail later in this report.



Since 2013, OPC Canada has been administering the GPEN website, with assistance from the OECD, which has graciously hosted the site since the Network's inception in 2010. In this capacity, OPC Canada has implemented all changes and enhancements to the website, with strategic direction and approval from the GPEN Committee.

At the October GPEN Members' Meeting in Amsterdam, the GPEN Committee announced that the OPC Canada was offering to take-over hosting of the GPEN website, while continuing to manage the site as it has for the past three years. This migration is proceeding and set to be completed by the end of March, 2016. We believe that this will allow the GPEN website to go from strength to strength and serve as the essential hub for our network.

GPEN 2015 Activities

GPEN Alert

In October 2015, GPEN members launched GPEN Alert: a new information-sharing system that will enable them to better coordinate international efforts in protecting consumer privacy. Eight participants originally signed the MOU and other documentation to launch the system. It is a multilateral system that will enhance coordination by enabling participants to confidentially share information about investigations. GPEN Alert is hosted by the FTC and financial contributions for the development of the system were received from authorities in British Columbia, Canada, United Kingdom, Norway, Australia, Ireland and New Zealand.

The GPEN Committee encourages each member authority to consider participation in GPEN Alert. Application materials for participation (MOU and Data Security and Minimum Safeguards Certification) are easily accessible on the GPEN website under the GPEN Alert tab.

Network of Networks

The Network of Networks project is all about reaching out beyond our immediate GPEN community and facilitating the exchange of knowledge, experience and best practices to leverage our combined strengths.

The official aim of Network of Networks is: To improve international enforcement cooperation by promoting better dialogue among relevant networks of privacy enforcement authorities in the first instance and establishing dialogue with enforcement authorities from other sectors in the second instance, to maximize opportunities for the privacy enforcement community's development.



Global Privacy Enforcement Network

Progress made in the Networks of Networks in 2015: The Network of Networks pilot project was successfully launched in 2015 and five different Networks from both within and beyond the privacy enforcement community were invited to participate. All those invited agreed to participate in the pilot, and nominated 'Liaison Officers' agreed to serve as main points of contact between our respective networks.

The pilot project Liaison Officers:

- have provided details about their Networks to feature on a dedicated "Network of Networks" page on the members' section of the GPEN web platform; are also easily contactable through the GPEN website; and
- can post information about their Network's activity of relevance to GPEN members through the GPEN discussion forum.

Future plans for this project were in the process of being finalized at the end of 2015. GPEN members will have the opportunity to comment in 2016 on the value added by this pilot, so that the project can be as closely tailored as possible to members' needs. It is expected that other Networks from around the globe will be invited to participate in the project when the pilot comes to an end in mid-2016.

Opportunities Board

The new Opportunities Board was launched in October 2015 and is now accessible via the home page on the members' section of the GPEN website. This tool allows GPEN member authorities to share various opportunities with GPEN users from other DPAs. More specifically, using this tool, DPAs can invite other authorities or their staff to:

- apply for specific employment opportunities;
- explore secondment or exchange opportunities between DPAs; and/or
- participate in relevant training activities (i.e., training related to privacy or enforcement, where it may be beneficial for staff from one or more other authorities to participate).

The initiative aims to encourage and facilitate member engagement in such opportunities, which can benefit individual staff members and privacy enforcement authorities, as well as global privacy enforcement cooperation generally, e.g.,:



- professional development of privacy enforcement staff;
- sharing of privacy- and enforcement-related knowledge and expertise;
- establishment of strong operational-level relationships in support of future enforcement cooperation; and
- leveraging mutual resources for greater efficiency.

The GPEN Committee encourages each member authority to take full advantage of such benefits by posting employment, secondment and/or training opportunities on the Board. We will continue to monitor use of this tool and improve its functionality based on member feedback.

Pacific and Atlantic Teleconferences

One of GPEN's most successful activities is periodic conference calls and meetings to discuss enforcement issues, trends, and experiences with its members. There are usually two (2) monthly conference calls, though open to all, one series is scheduled for the Pacific group of members and one for the Atlantic group, to allow all members to participate in at least one call during office hours.

In 2015 GPEN held 10 Atlantic teleconferences and 8 Pacific teleconferences. The discussions included the following topics:

1. Staff Exchange;
2. Networking the Networks: The International Mass Marketing Fraud Working Group (IMMFWG);
3. Using Social Media to Encourage Privacy Compliance and Share Regulator Messages;
4. Hong Kong PCPD's Findings on Android's Permission Flaw;
5. Technology Cooperation;
6. Children's Online Privacy;
7. Group Discussion: Allocating Resources for Compliance/Enforcement Activities;
8. Protecting Privacy Against a Cloud Provider Breach;
9. Privacy, Data Sharing, and the Construction of Identity;



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10. EU Cookie Sweep and International Collaboration within the Article 29 Working Party;
11. Drones Regulation and BCR Enforcement;
12. International Privacy Protection and the Essential Role of the Global Privacy Enforcement Network;
13. Rogue Employee Investigations;
14. Metadata and Personal Data – an Enforcements Perspective from Australia;
15. Transparency Reporting;
16. Biometrics, Privacy and the Development of an International Trust Mark in Biometrics;
17. Accountability Guidelines; and
18. Big Data.

Face to Face Meetings

The GPEN Committee hosted GPEN Members' Meetings in conjunction with two, separate international events, the International Enforcement Cooperation Annual Event in Ottawa (June 2015), and the International Conference of Data Protection and Privacy Commissioners in Amsterdam (October 2015). As always, these meetings offered an opportunity to: review new initiatives; obtain member feedback to inform future priorities; and build the relationships which are so important to future cooperation.

In Ottawa, GPEN members reviewed preliminary results from the 2015 GPEN Privacy Sweep and shared details respecting the ongoing development of GPEN initiatives: GPEN Alert; Network of Networks initiative; and the Opportunities Board. GPEN members also looked forward to the GPEN Privacy Sweep 2016 and began to explore opportunities for technology cooperation.

In Amsterdam, GPEN members discussed various GPEN initiatives for 2016, including the next GPEN Privacy Sweep. Presentations focused on tools and resources, such as GPEN Alert, the GPEN website and teleconferences. The GPEN Committee also updated members on the roll-out of the Network of Networks initiative and the Opportunities Board, and introduced the upcoming enforcement survey. Over 50 staff from enforcement agencies participated in the event. The participants also received presentations on cooperation case studies from Albania, Italy, and Hong Kong.



Annual Privacy Sweep

“The Sweep” is a GPEN initiative whereby privacy enforcement authorities work together for a week, once every year, to protect the privacy rights of individuals around the world. The Sweep is aimed at encouraging organizations to comply with privacy legislation and to enhance co-operation between privacy enforcement authorities. Concerns identified during the Sweep will typically result in follow-up work such as outreach to organizations, deeper analysis of privacy provisions and/or enforcement action.

The theme of the 2015 Sweep was children’s online privacy, and websites and apps targeted at or popular with children. In total, 1,494 websites and apps were examined. The Sweep identified concerns with 41 % of the 1,494 websites and apps considered, particularly around how much personal information was collected and how it was then shared with third parties.

Results included:

- 67% of sites/apps examined collected children’s personal information;
- Only 31% of sites/apps had effective controls in place to limit the collection of personal information from children. Particularly concerning was that many organisations whose sites/apps were clearly popular with children simply claimed in their privacy notices that they were not intended for children, and then implemented no further controls to protect against the collection of personal data from the children who would inevitably access the app or site;
- Half of sites/apps shared personal information with third parties;
- 22% of sites/apps provided an opportunity for children to give their phone number and 23% of sites/apps allowed them to provide photos or video. The potential sensitivity of this data is clearly a concern;
- 58% of sites/apps offered children the opportunity to be redirected to a different website;
- Only 24% of sites/apps encouraged parental involvement;
- 71% of sites/apps did not offer an accessible means for deleting account information.

The Sweep did find examples of good practice, with some websites and apps providing effective protective controls, such as parental dashboards, and pre-set avatars and/or usernames to prevent children inadvertently sharing their own personal information. Other good examples included chat functions which only allowed children to choose words and phrases from pre-approved lists, and use of just-in-time warnings to deter children from unnecessarily entering personal information.

While the Sweep focused on privacy practices, authorities also noted concerns around the inappropriate nature of some advertisements on websites and apps aimed at children.



Global Privacy Enforcement Network

2016 Work Plan Highlights

In 2016, GPEN intends to:

- Increase memberships from under-represented regions (i.e., Africa, Asia, South America);
- Roll out a GPEN Champions project to promote GPEN participation (at the staff level) within member authorities;
- Conduct our fourth annual Privacy Sweep;
- Continue our Pacific and Atlantic conference calls;
- Migrate the GPEN website from OECD systems to OPC Canada;
- Take our Network of Networks initiative from pilot to full rollout with new partners from the privacy world in the first instance but also identifying potential innovative sectors with expertise for GPEN members to learn from;
- Undertake an enforcement survey and use the results to assist members' future planning;
- Support existing cooperation tools (e.g., GPEN Alert) and explore new initiatives (e.g., GPEN sub-groups; enforcement workshop).