



43rd Closed Session of the Global Privacy Assembly

October 2021

Adopted Resolution on Data Sharing for the Public Good

This Resolution is submitted by the National Privacy Commission of the Philippines on behalf of the GPA Working Group on COVID-19 related Privacy and Data Protection Issues.

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The 43rd Global Privacy Assembly 2021:

Acknowledging that the COVID-19 health crisis has inevitably accelerated the use of personal data to enable innovative responses and solutions as governments continue to respond to the challenges brought about by the pandemic;

Recalling the Resolution on the Privacy and Data Protection Challenges Arising in the Context of the COVID-19 Pandemic adopted at the 42nd Closed Session in October 2020, which established the COVID-19 Working Group with a mandate of one year;

Welcoming the valuable work the GPA community has achieved on information sharing and capacity building on COVID-19 related privacy and data protection issues through the GPA COVID-19 Taskforce and the COVID-19 Working Group. This includes the Joint Statement on the use of health data for domestic or international travel purposes, the Compendium of Best Practices in Response to COVID-19 (Part II), surveys on emerging privacy issues and capacity building lessons learned, webinars and events in collaboration with leading international policy stakeholders;

Acknowledging that as countries across the globe rebuild their economies, the use and processing of personal data such as health and consumer data to mitigate health risks and develop innovative digital solutions in research, will be more prevalent and valuable, along with risks associated with data sharing in these contexts;

Appreciating that sharing of personal data, including cross-border data sharing, among and between governments and/or private institutions remains crucial for an effective COVID-19 response and will remain a key challenge, particularly in terms of maximizing vital considerations regarding privacy and data protection while addressing urgent public interests;

Recognising that sharing data in a privacy protective manner can facilitate informed policy decision-making and more efficient service delivery for citizens, public services and businesses, while building community trust in data initiatives that handle individuals' sensitive personal information;

Highlighting the importance of establishing privacy and data security safeguards as part of any proposed data sharing initiatives, and the benefits of taking a privacy by design and default approach to designing and implementing initiatives. This includes incorporating data protection and privacy principles into data sharing agreements, including a clear lawful basis, setting out clear and narrowly well-defined purposes, and addressing proportionality, transparency, the data minimisation principle, and accountability, to ensure responsible and trustworthy sharing of data. In addition, anonymized or at least pseudonymized data shall be used when carrying out processing operations provided that the purposes of the processing can be fulfilled in that manner;

Underlining that renewed attention will need to be paid by governments, public and private organizations, researchers and innovators, and other relevant stakeholders to avoid the notions of ‘public good’ or ‘common good’ being misused for gains other than societal ones;

Emphasising that data protection and privacy authorities, both as enablers and protectors, play a key role in providing guidance and assistance to governments, and other relevant stakeholders on how to appropriately and ethically handle and possibly share personal data;

Acknowledging the importance of collaboration among the GPA community to address the resulting data protection and privacy risks arising from the increase in the amount and volume of sharing of data;

The 43rd Global Privacy Assembly therefore resolves to:

Acknowledge the need to continue and broaden the work of the COVID-19 Working Group and evolve its mandate to focus on data protection and privacy issues and concerns related to sharing of personal data as the global pandemic response shifts towards economic recovery

Establish a Working Group on data sharing for the public good. The new Working Group will continue the work of the COVID-19 Working Group and will:

- i. Focus on identifying practical and pragmatic approaches on how personal data can be shared and used to enable innovation and growth while protecting individual rights and promoting public trust and provide principles and best practices on key components of data sharing for public good;
- ii. Collaborate with relevant stakeholders, such as international networks, civil society organizations, and privacy advocates, on efforts geared towards strengthening capacity of GPA members and observers to tackle emerging challenges related to data sharing;
- iii. Develop proactive responses on any emerging data protection and privacy concerns relative to sharing of personal data, for example, on areas of concern identified in the surveys on emerging data protection and privacy issues, such as health passports, health monitoring of incoming travellers and returning nationals, contact tracing measures, handling of children’s or student’s data in e-learning technologies;
- iv. Consult with the GPA Reference Panel on emerging policy ideas to consider integrating into future approaches towards data sharing; and
- v. Report on the progress of the Working Group, and the scope of any related considerations for future working arrangements, to the 2022 closed session.