

**GLOBAL CROSS-BORDER PRIVACY RULES FORUM
PARTICIPATION OF BERMUDA
AS AN ASSOCIATE**

MEMBERSHIP COMMITTEE

RECOMMENDATION

Submitted To: Ms. Shannon Coe
Chair, Global Forum Assembly
August 1, 2024

1. OVERVIEW AND PURPOSE

1.1. The purpose of this Recommendation is to assess application made by the Islands of Bermuda (“**Bermuda**”) to participate in the Global Cross-Border Privacy Rules (CBPR) Forum (herein “**Forum**”) as an Associate.

1.2. Paragraph 3.2 of the Forum’s Terms of Reference (herein “**TOR**”) identifies the core functions of the Membership Committee and instructs the Membership Committee to “review and make recommendations to the GFA on Membership and Associate applications”. Paragraph 6 of Annex A of the TOR states that the Membership Committee reviews the application as to whether the criteria for Membership or Associate status have been satisfied. Paragraph 8 of Annex A of the TOR further states that once the Membership Committee has completed its review, it transmits a recommendation to the Global Forum Assembly (herein “**GFA**”) for a consensus decision.

1.3. As this application is for Associate status, the relevant criteria are set out in paragraph 4 of Annex A of the TOR, i.e., that a jurisdiction interested in participating in the Forum (herein “**Applicant**”) has provided an application that includes a letter of intent confirming that the Applicant:

- (a) Supports the principles and objectives of the Forum provided in the 2022 Global CBPR Declaration and the Global CBPR Framework;
- (b) Has law(s) and/or regulation(s), the enforcement of which has the effect of protecting personal information; and
- (c) Has at least one public body that is responsible for enforcing law(s) and/or regulation(s) within the meaning of item (b) of this paragraph and has the powers to conduct investigations or pursue enforcement proceedings.

1.4. The following section details the consultation process undertaken by the Membership Committee with relevant representatives of Bermuda, and an explanation of whether the criteria set out in paragraph 4 of Annex A of the TOR have been met.

1.5. This Recommendation is to be circulated to the GFA by the GFA Chair and made publicly available on the Forum website upon endorsement by the GFA.

2. FINDINGS OF THE MEMBERSHIP COMMITTEE

2.1. Letter of Intent

2.1.1. The GFA Chair, GFA Deputy Chair and the Chair of the Membership Committee received an application for Associate status from Bermuda on June 7, 2024. The application comprises a *Letter of Intent to Participate as an Associate in the Global Cross-Border Privacy Rules (CBPR) Forum* signed by Vance Campbell, Minister of The Cabinet Office, Government of Bermuda, which confirms the following:

- (a) Bermuda supports the principles and objectives of the Forum set forth in the 2022 Global CBPR Declaration and the current Global CBPR Framework;
- (b) The enforcement of the Personal Information Protection Act 2016 of Bermuda (“**PIPA**”) has the effect of protecting personal information; and
- (c) The Privacy Commissioner for Bermuda is responsible for enforcing PIPA, and has the powers to conduct investigations or pursue enforcement proceedings.

2.1.2. Annex I to this Letter of Intent includes following information:

- (a) The PIPA outlines the requirements for organisations that use personal information, as well as the rights that individuals have regarding the use of their personal information by organisations, following international best practices,
- (b) The mandate of the Privacy Commissioner is to regulate the use of personal information by organizations in a manner which recognizes both the need to protect the rights of individuals in relation to their personal information and the need for organizations to use personal information for legitimate purposes, among other duties,
- (c) The Privacy Commissioner’s powers and responsibilities include monitoring the processing of personal information and investigating compliance with PIPA.

2.2. Consultation Process

2.2.1. As provided in paragraphs 1 and 7 of the TOR, the Membership Committee undertook consultations with the Privacy Commissioner for Bermuda regarding application of Bermuda, in preparation for the submission of this Recommendation to the GFA.

2.3. Domestic Legal System Protecting Personal Information and its Enforcement

2.3.1. Having deliberated on the Letter of Intent of Bermuda to Participate as an Associate in the Forum and its Annex;

The Membership Committee finds that:

- (a) PIPA has the effect of protecting personal information when enforced;
- (b) The Privacy Commissioner for Bermuda has responsibilities and necessary powers for monitoring, ensuring, and enforcing compliance with PIPA.

3. CONCLUSION AND RECOMMENDATION

3.1. Based on the findings above and noting support of Bermuda for the principles and objectives of the Forum, the Membership Committee confirms that the conditions for recognition as an Associate of the Forum, as established in paragraph 4 of Annex A of the TOR, have been satisfied by Bermuda.

3.2. The Membership Committee therefore recommends that the GFA:

accepts the application submitted by Bermuda and welcome Bermuda as an Associate in the Forum, and invites the GFA Chair to notify Bermuda that they have met the conditions for Associate status as established in the TOR, and advise Bermuda that they are hereby considered an Associate of the Forum.

Submitted by the Membership Committee

Japan (Chair)

Republic of Korea

The Philippines

Singapore

The United States