

**GLOBAL CROSS-BORDER PRIVACY RULES FORUM
PARTICIPATION OF DUBAI INTERNATIONAL FINANCIAL CENTRE
AS AN ASSOCIATE**

MEMBERSHIP COMMITTEE

RECOMMENDATION

Submitted To: Ms. Shannon Coe
Chair, Global Forum Assembly
July 11, 2024

1. OVERVIEW AND PURPOSE

1.1. The purpose of this Recommendation is to assess the application made by Dubai International Financial Centre (herein “**DIFC**”) 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 DIFC, 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 DIFC on May 16, 2024. The application comprises a *Letter of Intent to Participate as an Associate in the Global Cross-Border Privacy Rules (CBPR) Forum* signed by Jacques Visser, DIFC Authority Data Protection Commissioner, which confirms the following:

- (a) The Data Protection Commissioner supports the principles and objectives of the Forum set forth in the 2022 Global CBPR Declaration and the current Global CBPR Framework, and demonstrates alignment of its domestic legal system with the Global CBPR Framework;
- (b) The enforcement of the Laws and Regulations of DIFC, including but not limited to the Data Protection Law, DIFC Law No. 5 of 2020 (herein “**DPL 2020**”), have the effect of protecting personal information; and
- (c) The Data Protection Commissioner is responsible for enforcing the DPL 2020 of DIFC, and is a Member of the Global CAPE and has the powers to conduct investigations or pursue enforcement proceedings.

2.1.2. Appended to this Letter of Intent was a document, named “Overview of DIFC Data Protection Law and Regulations” provided by the Commissioner of Data Protection, including following information:

- (a) Independent judicial system and regulatory framework of DIFC, whose authority is derived from UAE Federal Authority and Dubai Emirate Authority,
- (b) History of data protection laws in DIFC and core principles of the DPL 2020, including rights of individuals and obligations of controllers and processors provided therein,
- (c) Nature, responsibilities and functions of the Data Protection Commissioner, which is an independent public authority established by the DPL 2020 to supervise the processing of personal data in DIFC, as well as roles and functions the Data Protection Commissioner has played.

2.2. *Consultation Process*

2.2.1. As provided in paragraphs 1 and 7 of Annex A of the TOR, the Membership Committee undertook consultations with representatives of the Office of the Data Protection Commissioner regarding application of DIFC, 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 DIFC to Participate as an Associate in the Forum and its Annex;

The Membership Committee finds that:

- (a) The DPL 2020 of DIFC, which stipulates certain data protection principles, rights of individuals and obligations on processing of personal data, has the effect of protecting personal information in DIFC when enforced;
- (b) The DIFC Authority Data Protection Commissioner has responsibilities and necessary powers for monitoring, ensuring, and enforcing compliance with the DPL 2020 of DIFC.

3. CONCLUSION AND RECOMMENDATION

3.1. Based on the findings above and noting support of DIFC 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 DIFC.

3.2. The Membership Committee therefore recommends that the GFA:

endorses the application submitted by DIFC and welcome DIFC as an Associate in the Forum, and invites the GFA Chair to notify DIFC that they have met the conditions for Associate status as established in the TOR, and advise DIFC 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