

**GLOBAL CROSS-BORDER PRIVACY RULES FORUM  
PARTICIPATION OF MAURITIUS 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 Mauritius 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 Mauritius, 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 Mauritius on April 17, 2024. The application comprises a *Letter of Intent to Participate as an Associate in the Global CBPR Forum* signed by Drudeisha MADHUB, Data Protection Commissioner, Data Protection Office, which confirms the following:

- (a) Mauritius supports the principles and objectives of the Forum set forth in the 2022 Global CBPR Declaration and the Global CBPR Framework;
- (b) The enforcement of the Data Protection Act 2017 of Mauritius has the effect of protecting personal information; and
- (c) The Data Protection Office is responsible for enforcing the Data Protection Act 2017 of Mauritius, and has the powers to conduct investigations or pursue enforcement proceedings.

2.1.2. Appended to this Letter of Intent was a document including the following information:

- (a) History and core principles of the Data Protection Act, including rights of individuals and obligations on processing personal data provided therein,
- (b) Criminal offences and penalties upon breaches that are provided in the Data Protection Act, and
- (c) Nature, responsibilities and functions of the Data Protection Commissioner and the Data Protection Office, which is an independent public office, established by the Data Protection Act, and is tasked to ensure the consistent application of data protection rules in Mauritius.

### ***2.2. Consultation Process***

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

The Membership Committee finds that:

- (a) The Data Protection Act 2017 of Mauritius, which stipulates certain data protection principles, rights of individuals and obligations on processing of personal data, has the effect of protecting personal information when enforced;
- (b) The Data Protection Office has responsibilities and necessary powers for monitoring, ensuring, and enforcing compliance with Data Protection Act 2017 of Mauritius.

### **3. CONCLUSION AND RECOMMENDATION**

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

3.2. The Membership Committee therefore recommends that the GFA:

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