

39th International Conference of Data Protection and Privacy Commissioners
26-27 September 2017, Hong Kong

Resolution on Collaboration between Data Protection Authorities and Consumer Protection Authorities for Better Protection of Citizens and Consumers in the Digital Economy

The 38th International Conference of Data Protection and Privacy Commissioners:

NOTING that:

- a) the Conference's strategic priority includes to strengthen our connections and work with partners to achieve our mission of helping authorities more effectively to perform their mandates;
- b) the Conference is committed to addressing the challenges related to the right to privacy and to data protection in the digital age;
- c) individuals are increasingly concerned about their lack of control over and information about how their information is processed in the online environment;
- d) data protection authorities should cooperate with any appropriate body that can achieve the relevant aim of the protection of the rights of the individual in relation to his or her personal data;
- e) as privacy and data protection becomes an increasingly material factor of consideration for individuals as consumers, there has been a growing intersection of consumer protection, data protection and privacy issues, especially online;
- f) the statutory protections for individuals online, whether as citizens or consumers, are found in consumer protection laws, enforced by consumer protection authorities, and in privacy laws, enforced by data protection authorities;
- g) one potential area of overlap between consumer protection and privacy laws relates to contract terms and conditions imposed by data controllers or processors, which may be incompatible with existing laws, deceptive, overly complex, or non-transparent:

THE 39th CONFERENCE resolves:

1. To find ways to improve collaboration at international level between Data Protection Authorities and Consumer Protection Authorities to provide better protection of citizens and consumers in the digital economy.
2. To establish a Digital Citizen and Consumer Working Group to:

- a. Building on and complementing existing initiatives, explore opportunities for further collaboration at international level between Data Protection Authorities and Consumer Protection Authorities, as well as with international consumer group networks;
- b. Analyze and assess existing legal instruments and procedures in order to examine how to effectively protect the personal information of citizens and consumers in the context of the terms and conditions, particularly for consumers of digital products and services;
- c. Explore the extent to which Consumer Protection Authorities and Data Protection Authorities and other appropriate bodies responsible for regulating digital markets might work together using existing legislative frameworks to secure better data protection outcomes for citizens and consumers, in particular by identifying areas of opportunity for effective cooperation;
- d. Identify potential improvements to legal instruments to introduce and/or modify terms and conditions in order to provide solid protections for citizens and consumers;
- e. Identify, leverage and build upon existing initiatives and networks, considering the intersection between consumer protection, privacy and data protection, including the International Consumer Protection and Enforcement Network (ICPEN), the Digital Clearinghouse and Consumers International;
- f. Report back to the 40th Conference on the current legal and practical state of affairs with respect to these and other relevant topics and to submit a resolution proposing specific measures or further concrete work.