

Response by the Centre for Information Policy Leadership to the Consultation on the Implementation of the Global Cross-Border Privacy Rules Forum Certifications in Canada

Submitted June 30, 2025

CIPL submitted the following comments via the government's [online consultation form](#).

1. I am responding to this consultation as ...

- A Canadian business representative
- A non-Canadian business representative
- A representative of a Government or a regulator (Federal/Provincial/Territorial)
- A privacy advocate (NGO/Public Advocacy Group/Legal Professional)
- An international partner (Foreign Government/International Organization)
- An academic or researcher
- An industry association representative
- An interested Canadian
- Other (*Please specify*)

The Centre for Information Policy Leadership (CIPL) is a global privacy and data policy think tank within the Hunton law firm that is financially supported by 85+ member companies that are leaders in key sectors of the global economy and by other private and public sector stakeholders through consulting and advisory projects. CIPL's mission is to engage in thought leadership and develop best practices for the responsible and beneficial use of data in the modern information age.

2. From your perspective, what are the benefits of implementing both the Global CBPR and Global Privacy Recognition for Processors (PRP) Systems in Canada?

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CIPL welcomes the opportunity to respond to the Canadian government’s Consultation on the Implementation of the Global Cross-Border Privacy Rules (Global CBPR) Forum Certifications in Canada.

CIPL agrees that implementation of Global CBPR certifications can help strengthen trust and ensure greater transparency, by allowing independent certification bodies to conduct assessments and monitor ongoing compliance by businesses handling Canadians’ personal information in the cross-border context.

The Global CBPR provide private-sector data controllers with a streamlined, yet flexible, accountability-based solution based on formal third-party assessments affirming that certified organizations adhere to a common set of approved standards.

The Global Privacy Recognition for Processors (Global PRP) provide analogous certifications for private sector organizations operating as data processors.

Significantly, the Global CBPR and Global PRP are not self-regulatory best practices—they are certified compliance programs enforceable by the participating jurisdictions’ relevant enforcement authorities.

The Global CBPR and Global PRP are purely voluntary and are able to co-exist alongside other transfer and due diligence mechanisms. Organizations thus continue to have the option to rely on adequacy decisions, standard contractual clauses, binding corporate rules, and other transfer mechanisms as needed.

On June 2, 2025, the Global CBPR Forum officially launched the Global CBPR and Global PRP certifications, which provide a multilateral, accountability-based solution for cross-border data transfers. The digital economy relies on the flow of data across borders, and businesses need legal certainty to operate and innovate. Among the options available for data flows, only the Global CBPR and the Global PRP Systems offer a truly multilateral solution.

Benefits for Canada and the OPC

Implementation of the Global CBPR and Global PRP Systems affords Canada an opportunity to facilitate cross-border trade with participating jurisdictions—currently Australia, Japan, Republic of Korea, Mexico, Philippines, Singapore, Chinese Taipei, and the United States—and, in a more limited way, with non-participating jurisdictions (e.g., in cases where subsidiaries of certified organizations are located in non-participating jurisdictions). By enabling commerce with these jurisdictions, Canada will boost its own economy while protecting the personal information of its citizens.

Significantly, the Agreement between the United States of America, the United Mexican States, and Canada (USMCA) specifically recognizes that “the APEC [now Global] Cross-Border Privacy Rules system is a valid mechanism to facilitate cross-border information transfers while protecting personal information.” USMCA Art. 19.8.6.

Participation in the Global CBPR Forum also allows Canada to shape international data protection and privacy standards as the Forum seeks to ensure that the Program Requirements remain up to date with international trends and practices.

Canada can also attract business for local industry, particularly in the data processing context, by participating in the Global CBPR and Global PRP Systems. Global PRP certifications can streamline due diligence, giving certified processors in Canada a competitive advantage over processors in jurisdictions that do not participate in the Global CBPR or Global PRP Systems.

Moreover, Global CBPR and Global PRP certifications enable more streamlined and efficient data protection and privacy investigations and enforcement actions, providing added benefits to Canada's Office of the Privacy Commissioner (OPC). For starters, these certifications raise the general level of data protection and privacy compliance, therefore giving rise to fewer consumer complaints and enforcement actions. Furthermore, since organizations must have formal dispute resolution mechanisms in place as part of their Global CBPR compliance, the OPC will be relieved of complaints resolved by the organizations themselves. Also, the Global CBPR System delegates many basic, frontline enforcement functions to Accountability Agents, thereby freeing up the OPC to focus on more serious violations.

Additionally, the OPC's participation in the Global Cooperation Arrangement for Privacy Enforcement (Global CAPE) enables cross-border enforcement cooperation in relation to violations of the Global CBPR and Global PRP systems as well as other provisions in domestic privacy laws.

Benefits for Businesses

Businesses that certify to the Global CBPR and Global PRP can reap substantial benefits, including:

- **Facilitating Data Transfers:** Global CBPR and Global PRP certifications serve as a trustmark for organizations in the transfer of personal data. The digital economy relies on the flow of data across borders, and businesses need legal certainty to operate and innovate. Indeed, effective AI model training and development rely on large and diverse data sets, which, in turn, rely on cross-border data flows. Trusted cross-border data flows are essential for businesses to keep a competitive edge.
- **Enabling Compliance:** Global CBPR and Global PRP are comprehensive data and privacy management programs that can facilitate compliance with domestic data protection and privacy laws as well as with relevant internationally recognized standards.
- **Assisting Small and Medium-Sized Enterprises (SMEs):** Global CBPR and Global PRP can be particularly helpful for SMEs that may lack the expertise, staff, or resources to devise their own comprehensive data protection and privacy programs.
- **Promoting Due Diligence:** Global CBPR and Global PRP can serve as due diligence and risk management tools for companies seeking qualified third-party vendors, processors, and business partners.
- **Stepping Stone to Other Certifications.** Global CBPR and Global PRP certification can facilitate and enhance preparation for participating in other similar certifications and transfer mechanisms, such as EU Binding Corporate Rules or ISO 27701.
- **Demonstrating Accountability:** Certifications such as the Global CBPR and Global PRP allow an organization to demonstrate corporate digital responsibility to consumers, potential business partners, and privacy enforcement authorities like the OPC, increasing the level of trust in the data management practices of that organization.
- **Mitigating Factor in Enforcement:** Global CBPR and Global PRP certifications can serve as a mitigation factor in enforcement contexts where data protection and privacy laws allow consideration of good faith compliance efforts (such as participation in privacy codes of conduct and certifications) in enforcement and fine-setting decisions.

Benefits for Individuals

Global CBPR and Global PRP certifications ensure that a company has an effective data protection and privacy program in place that meets high standards, which results in stronger and more effective and consistent privacy protections for consumers. Moreover, certification provides complaint and dispute resolution mechanisms for consumers that might otherwise not be available.

3. Should the Government adopt a phased approach towards implementing the Global CBPR and PRP Systems in Canada? Please elaborate.

CIPL would support implementation of the Global CBPR and Global PRP Systems as quickly as possible, as there is no reason to delay implementation. Importantly, the Global CBPR and Global PRP do not replace existing laws and regulations, nor do they replace other transfer and due diligence mechanisms. Rather, Global CBPR and Global PRP certifications are purely voluntary compliance programs that are able to co-exist alongside other transfer and due diligence mechanisms. Organizations thus continue to have the option to rely on adequacy decisions, standard contractual clauses, binding corporate rules, and other transfer mechanisms as needed. However, due to the multilateral and flexible nature of Global CBPR and Global PRP certifications, their utility will increase as the number of participating jurisdictions and certified organizations grows.

4. Given your knowledge of the Canadian market, what are the potential advantages and disadvantages of adopting:

a. A public sector Accountability Agent model (e.g., the model in the Republic of Korea)?

CIPL supports any of the suggested models—public sector, private sector, or hybrid—and notes that Canada need not be wed to a single model. Indeed, enabling more than one option would promote competition and benefit end users (i.e., organizations seeking to certify to the framework). Any model will work so long as it meets the recognition criteria set forth in Annex A of the Global CBPR Forum Accountability Agent Application. That said, to the extent Canada may desire Accountability Agents to conduct assessments in both English and French, Canada should consult with the Global CBPR Forum for guidance on this issue.

b. A private sector Accountability Agent model (e.g., the models in Chinese Taipei, Japan, and the United States)?

See our response above.

c. A hybrid Accountability Agent model (e.g., the model in Singapore)?

See our response above.

5. How can Canada adapt its implementation of the Global CBPR and PRP Systems to accommodate the needs of SMEs while maintaining rigorous privacy standards?

As noted above, the Global CBPR and Global PRP can be particularly helpful for SMEs that may lack the expertise, staff, or resources to devise their own comprehensive data protection and privacy programs. By certifying to the Global CBPR and Global PRP, SMEs will be able to align their practices with an established and recognized set of standards that is already robust.

Canada should also recognize more than one accountability agent to promote competition in the marketplace and potentially lower costs for SMEs.

6. What measures would maximize the benefits of the Global CBPR and PRP certifications in Canada?

The benefits of Global CBPR and Global PRP certifications will increase as the number of participating jurisdictions and certified organizations grows. To that end, Canada should encourage Canadian organizations to seek certifications, and it should continue to promote the benefits of this multilateral approach in discussions with key economies and trading partners. Moreover, recognizing Global CBPR and Global PRP certifications as a mitigating factor in enforcement contexts can incentivize certifications and maximize benefits for organizations.

7. Should a Canadian Accountability Agent(s) also be able to certify compliance with Canadian privacy law, such as the Personal Information Protection and Electronic Documents Act (PIPEDA)? Please elaborate.

To clarify, under the Global CBPR and Global PRP Systems, Accountability Agents certify that a given organization has certain processes and procedures in place that satisfy the Program Requirements set forth by Global CBPR and/or Global PRP. Accountability Agents do not certify that an organization is compliant with Program Requirements or with any specific law; rather, they certify that an organization has conditions in place that would facilitate compliance with the Program Requirements. That said, a country's laws and regulations provide the underlying legal basis for enforcing the Program Requirements. Through its participation in the Global CBPR Forum, Canada has already determined that its domestic law aligns with the Program Requirements, and the OPC can enforce those requirements through the provisions of its domestic law.

It is important to note that the Global CBPR and Global PRP System Program Requirements do not replace domestic laws and regulations. Where the data and privacy protections in domestic laws and regulations exceed or differ from the Global CBPR and Global PRP System Program Requirements, they continue to apply in addition to the Program Requirements.

If Canada wishes to explore the use of Accountability Agents to certify compliance with the provisions of PIPEDA, such a discussion would be outside the scope of the Global CBPR Framework and the recognition criteria set forth in Annex A of the Global CBPR Forum Accountability Agent Application.