



GPA

Global Privacy Assembly

Intersectional Gender Perspective in Data Protection Working Group

Working Group Report – August 2024

Chair authority: INAI Mexico

Table of Contents

Executive Summary	2
Introduction	3
Working Group Activities	5
Forward looking plan 2024-2025	¡Error! Marcador no definido.
Conclusion	6

Executive Summary

The Intersectional Gender Perspective in Data Protection Working Group (Gender WG) began its mandate following the Global Privacy Assembly's (GPA) 45st Annual Conference in 2023, with the adoption of the [Resolution to create the Intersectional Gender Perspective Data Protection Working Group](#).

The resolution's objective is to reaffirm the GPA's commitment to work from a human-centered and intersectional approach to examine and address the impact on opportunities, social roles, and interactions of individuals belonging to different vulnerable groups, thus enhancing the capabilities of the Assembly members by providing them with the appropriate tools for better policy formulation and recommendations to prevent and address human rights violations.

The resolution

Given the role that data protection authorities play in upholding fundamental rights to the protection of personal data and privacy, integrating an intersectional gender perspective into the Assembly's approach can help authorities consider the specific privacy needs and risks of those disproportionately experiencing harm. This approach will help ensure that fundamental rights are respected for all individuals, including those who may be impacted because of their gender or sexuality. In this way, an intersectional approach will help to support the overall existing strategic priorities of the Global Privacy Assembly (GPA).

Since the Gender WG initiated activities, with its first formal meeting in February 2024 it has moved forward with the implementation of its activities, including:

- Drafting and adoption of a two-year workplan
- Formulated and disseminated the Gender Capacity Assessment Questionnaire among GPA members.

Introduction

The digital era has facilitated new spaces for expression for women and individuals of diverse sexualities and gender expressions. In this regard, it is necessary to understand and address the complexities of these new spaces, which are constantly evolving and, as a result, have transformed the ways in which these population groups may have their right to privacy violated.

Women and LGBTQ+ groups, especially those belonging to ethnic and indigenous minorities, as well as people with disabilities, are particularly subjected to violence. In the same vein, it should not be overlooked that men and boys can also be targeted. This means that gender-based violence in the digital spectrum is also directed towards LGBTQ+ populations, as it can involve attacks related to norms of masculinity, femininity, or gender.

Given this environment and recognizing the need to guarantee the right to privacy of individuals, existing international instruments on human rights provide a clear, universal legal foundation for the promotion and protection of the right to privacy and the protection of personal data.

Based on the general principle of law that all individuals are equal before the law, the right to privacy is a matter of particular importance for women and individuals of diverse sexualities or genders, as it constitutes a necessary condition to protect their human dignity and to prevent victimization and revictimization resulting from the improper treatment of their personal data.

On the other hand, intersectionality promotes the general idea that individuals and groups face multiple forms of discrimination and concurrent forms of oppression based on two or more grounds, rather than a single ground. Far from representing a simple sum of social identities, for example, ethnicity in addition to gender, the framework of intersectionality asserts that these two or more grounds are interdependent and mutually constituted. It has been pointed out that there is something uniquely and synergistically different when discrimination involves multiple identity characteristics. It is important to mention that, from an intersectional perspective, privacy enforcement and data protection authorities are required to implement policies and plans for the protection of personal data, considering the analytical methodology of a gender perspective.

From this perspective, members are urged to understand the right to privacy from an intersectional gender perspective, where it is necessary to examine lived experiences in terms of privacy and its various forms, from its positive and negative dimensions, physical, psychological, sexual, financial, social, and moral, both online and offline. Privacy experiences of all individuals stemming from their gender, sexual orientation, sexual characteristics, and gender identity are relevant.

Working Group Members

The Gender WG is chaired by the Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales de México (INAI) and co-chaired by the Personal Data Protection Service of Georgia, and is comprised of the following members and observers:

- Information Commissioner Office, United Kingdom
- Office of the Privacy Commissioner of Canada, Canada
- Autorité pour la Protection des Données Personnelles et de la Vie Privée, Gabon

- Federal Data Protection and Information Commissioner (FDPIC) Switzerland
- Haute Autorité de Protection des Données à caractère Personnel (HAPDP), Niger
- Personal Information Protection Commission, Japan
- Information and Data Protection Commissioner (IDP) Albania
- Office for the Information and Privacy Commissioner for British Columbia, Canada
- Instituto de Transparencia, Acceso a la Información Pública y Protección de Datos Personales del Estado de México y Municipios (Infoem) Mexico:
- Instituto de Transparencia, Acceso a la Información Pública, Protección de Datos Personales y Rendición de Cuentas de la Ciudad de México, Mexico
- Argentina Ombudsman's office of the City of Buenos Aires, Argentina

Working Group Activities

Gender WG 2024-2026 Work Plan

The objective of the Data Protection with Gender Perspective Working Group is to ensure that data protection policies, practices, and frameworks are designed and implemented with a gender-sensitive approach. The group aims to identify and address gender-based risks and biases in data handling while promoting inclusivity and fairness. The work plan is divided in 10 Lines of action:

- 1. Formation and Orientation:**
 - a. Conduct an orientation session to familiarize members with the goals, scope, and expectations of the working group.
 - b. Establish clear roles and responsibilities for each member.
- 2. Review of Existing Policies and Practices:**
 - a. Compile policies on personal data protection with a gender perspective that promote equality and inclusion of the vulnerable groups .
 - b. Assess gender sensitivity in current policies and practices, in order to identify potential areas for improvement.
 - c. Analyze the information and generate a report with the main findings.
 - d. Disseminate among the membership the findings and areas of opportunity in their respective jurisdictions.
- 3. Training and Capacity Building:**
 - a. Organize forums, conferences and roundtables to share experiences and best practices among the members of the group.
 - b. Organize training sessions on the intersection of data protection and gender for all members.
 - c. Provide specialized training for team members responsible for policy development and implementation.
 - d. Collaborate with external experts or organizations for additional insights.
- 4. Stakeholder Consultation:**
 - a. Schedule consultations with relevant internal and external stakeholders
 - b. Gather feedback on current data protection measures and gender-related concerns.
 - c. Analyze feedback and integrate relevant insights into the working group's considerations.
- 5. Policy Development and Revision:**
 - a. Review existing policies to address identified gaps.
 - b. Draft a comprehensive data protection policy with a intersectional gender perspective.
 - c. Ensure that policies reflect inclusivity, transparency, and fairness in data processing.
- 6. Implementation Strategy:**
 - a. Develop a phased implementation plan for the revised policies.
 - b. Develop protocols for monitoring and evaluating the effectiveness of the gender-sensitive data protection measures.
- 7. Communication and Awareness Campaign:**
 - a. Develop communication materials to inform about the working group's work.

- b. Conduct awareness campaigns for DPAs on the importance of gender-sensitive data protection.
 - c. Establish a feedback mechanism for ongoing communication.
- 8. Monitoring and Evaluation (Ongoing):**
- a. Implement compliance indicators on a quarterly, semi-annual and annual basis for the actions agreed upon in the group.
 - b. Update working plan as needed based on feedback and changing circumstances.
- 9. Documentation and Reporting (Ongoing):**
- a. Maintain detailed records of working group activities, decisions, and outcomes.
 - b. Prepare regular progress reports for SDSC and ExCo.
- 10. Closing Session and Future Planning:**
- a. Host a closing session to review accomplishments and discuss future steps.
 - b. Identify opportunities for continuous improvement and ongoing collaboration.
 - c. Document lessons learned for future reference.

Members' Gender Capacity Assessment Questionnaire

The questionnaire's objective was to conduct a capacity assessment of member authorities to evaluate what policies, strategies and procedures are in place to include a gender perspective in data protection. Knowing where the strengths, weaknesses and needs lie is the first step towards improving DPAs capacity to advance gender equality.

The short questionnaire (14 questions) was divided in four sections:

- 1. General information
- 2. Experiences in training for gender equality/perspective
- 3. Knowledge on gender perspective
- 4. Learning styles and needs

The questionnaire was sent to all GPA members and observers and 21 one responses were received as of 16th July, 2024.

Forward-Looking Plans 2024-2025

For the upcoming year, the working group will focus on the following activities as outlined in the work plan:

Review of Existing Policies and Practices:

- a. Compile policies on personal data protection with a gender perspective that promote equality and inclusion of the vulnerable groups.
- b. Analyze the information from the gender capacity assessment questionnaire and generate a report with the main findings.
- c. Disseminate among the membership the findings and areas of opportunity in their respective jurisdictions.

Training and Capacity Building:

- a. Organize bi-monthly forums, conferences and roundtables to share experiences and best practices among the members of the group.
- b. Organize training sessions on the intersection of data protection and gender

Stakeholder Consultation:

- a. Schedule consultations with relevant internal and external stakeholders
- b. Gather feedback on current data protection measures and gender-related concerns.
- c. Analyze feedback and integrate relevant insights into the working group's planned work.

Conclusion

The Gender working group recognizes the need to guarantee the right to privacy of individuals, existing international instruments on human rights provide a clear, universal legal foundation for the promotion and protection of the right to privacy and the protection of personal data

In its first year of existence the Gender working group has taken the necessary steps to implement its work plan in alignment with the GPA's Strategic Direction 2023-2025. By starting with an assessment of the existing policies and activities related to gender equality and gender perspective amongst members, the working group ensures that all activities undertaken support GPA and DPA's goals, avoiding misalignment that could lead to wasted resources or conflicting outcomes.

Furthermore, the working group would like to involve all the membership and Reference Panel in planned training activities in order to ensure that individuals can benefit from an intersectional gender perspective that respects their privacy and the protection of personal data.