



ASIA-PACIFIC ECONOMIC COOPERATION  
APEC DATA PRIVACY SUBGROUP

Date: 14 April 2015

To: Ms. Isabelle Falque-Pierrotin  
Chair, EU Article 29 Working Party

Dear Chair,

I am writing to convey an expression of interest from the Asia Pacific Economic Cooperation Data Privacy Subgroup (APEC DPS) in working together with Data Protection Authorities of the European Union Article 29 Working Party to develop five distinct tools in support of interoperability between the APEC Cross Border Privacy Rules (CBPR) system and the EU system of Binding Corporate Rules (BCRs), as outlined below.

Since the creation of our joint EU/APEC BCR-CBPR working team in 2012, experts from the Article 29 Working Party and DPS have successfully developed and released the APEC/EU Referential for the Structure of the EU Binding Corporate Rules and APEC Cross Border Privacy Rules System (“the referential”), mapping the requirements of BCRs and CBPRs.

Over the past year, industry has begun using this referential, and a number of companies have achieved or are in the process of seeking certification or approval under both systems. During a meeting of the Joint BCR-CBPR working team which took place on January 31, 2015 as part of APEC’s SOM1 meetings in the Philippines, representatives from the DPS and Article 29 Working Party came together to discuss our joint work and to hear from some of these companies who generously shared their experiences with using the referential or seeking joint certification.

These private sector presentations helped inform the group’s discussion regarding useful next steps in our joint work to develop practical tools to facilitate dual certification and complement the referential. Representatives from the Joint BCR-CBPR working team discussed the input received and proposed that the joint BCR-CBPR working team undertake the development of additional tools to further this work. It was agreed that the DPS would convey an expression of interest to the EU Article 29 Working Party for its consideration, based on the following proposed work elements:

In the near term:

- 1) A common questionnaire based on the APEC CBPR Intake Questionnaire and the WP29 Standard Application for Approval of Binding Corporate Rules (WP133), which could be completed by organizations and submitted to both EU DPAs and APEC Accountability Agents to facilitate dual certification;
- 2) A mapping of the company policies and associated privacy program practices and effectiveness tools that must be submitted with this common questionnaire to demonstrate compliance with both systems; and

- 3) A compliance checklist based on the referential and WP29 Working Document setting up a table with the elements and principles to be found in Binding Corporate Rules (WP 153), which could serve as a template to convey the outcome of a certification or approval process from one system to the other.

In the longer term:

- 4) A common glossary; and
- 5) A referential, mapping the requirements of EU BCRs for Processors and the APEC Privacy Recognition for Processors (PRP).

We look forward to hearing the outcome of your discussions on this expression of interest and especially to continuing our fruitful collaboration to increase the interoperability of the APEC CBPR and EU BCR systems going forward.

Yours sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Danièle Chatelois  
Chair, APEC Data Privacy Subgroup