



GLOBAL DATA ALLIANCE
TRUST ACROSS BORDERS

PROPOSED ENHANCEMENTS TO THE GLOBAL CROSS-BORDER PRIVACY RULES FORUM

SUBMISSION TO THE US DEPARTMENT OF COMMERCE

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The Global Data Alliance (GDA)¹ welcomes the efforts of the United States and other member economies to expand participation in the Global Cross-Border Privacy Rules (CBPR) and Privacy Recognition for Processors (PRP) Systems.

Among other things, the Forum's 2026–2027 Annual Work Program calls for a 50 percent increase in certified companies, asks Members to enhance the value of certification, and provides for a comprehensive review of Forum operations. These objectives are timely and mutually reinforcing: greater participation will increase the usefulness of the Systems, while clearer legal and commercial benefits will make certification more attractive to companies of all sizes.²

The Forum has already demonstrated the potential of this model. Its 2025–2026 Annual Report describes meaningful growth in participating companies and highlights recognition of Global CBPR as a mechanism relevant to cross-border data transfers. That experience points toward the central issue for the Forum's next phase: certification must deliver legal, commercial, and operational value that clearly exceeds its recurring cost and administrative burden.³

The GDA therefore recommends a coordinated reform package built around six priorities:

1. Multi-year comprehensive recertification;
2. Tangible domestic-law benefits;
3. Targeted SME support;
4. Greater Accountability Agent competition and evidence reuse;
5. Stronger commercial and interoperability benefits; and
6. A more compelling participation proposition for jurisdictions.

¹ The GDA is a cross-industry coalition of companies that are committed to high standards of data responsibility and that rely on the ability to access and transfer information across borders to innovate and create jobs. GDA member companies are active in the accounting, agriculture, automotive, aerospace and aviation, biopharmaceutical, consumer goods, energy, film and television, finance, healthcare, hospitality, insurance, manufacturing, medical device, natural resources, publishing, semiconductor, software, supply chain, telecommunications, and transportation sectors. For more information, see <https://www.globaldataalliance.org>

² Global CBPR Forum, Annual Work Program, through April 2027 (May 26, 2026), <https://www.globalcbpr.org/wp-content/uploads/Global-CBPR-Forum-Work-Program-2026-2027.pdf>

³ Global CBPR Forum, Annual Report, April 2025–2026 (May 26, 2026), <https://www.globalcbpr.org/wp-content/uploads/GlobalCBPRForum-Annual-Report-2025-2026.pdf>

These reforms can be implemented while preserving credible oversight, meaningful accountability, and appropriate safeguards against misconduct.

1. Establish Multi-Year Comprehensive Recertification

The GDA recommends that the Forum's membership consider establishing a three-year default cycle for comprehensive recertification and creating a pathway to a five-year cycle for mature, low-risk participants that have successfully completed at least one full cycle. Current Accountability Agent recognition criteria already contemplate annual attestations, monitoring, immediate review following material changes, and regular comprehensive review. A clearer multi-year structure would build on those safeguards while reducing avoidable repetition and expense.⁴

A multi-year model should not mean less accountability. Certified organizations should continue to submit a short annual officer attestation confirming that the certification remains accurate, identifying any material changes in scope or practices, and confirming continued compliance with applicable requirements. Accountability Agents (AAs) should remain able to conduct monitoring and spot checks and should undertake immediate review following significant incidents, substantiated complaints, material changes, failure to remediate, or other risk indicators.

The Forum could initially pilot a three-year comprehensive-review cycle. During the pilot, it could collect comparable information on certification and renewal costs, time required for review, complaint rates, substantiated noncompliance, remediation, and participant retention. A five-year tier could become available if the evidence demonstrates that longer cycles can reduce burden without weakening compliance outcomes. Eligibility for that tier could be conditioned on factors such as a strong compliance history, timely remediation, limited material changes, and successful completion of a prior comprehensive review.

2. Provide Tangible Legal and Regulatory Benefits

Certification will become significantly more valuable if participating jurisdictions attach concrete legal consequences to it. Earlier APEC analysis identified both the cost of certification and the value of legal recognition as important elements of the CBPR participation proposition, and discussed the potential for enforcement mitigation where appropriate. The Forum should build on that experience by adopting a model benefits framework for Members to implement through domestic law, regulation, guidance, or enforcement policy.⁵

The model framework should encourage Members to consider the following benefits:

1. **Transfer recognition.** Recognize current, in-scope CBPR or PRP certification as a valid mechanism, or as recognized evidence supporting a valid mechanism, for covered cross-border transfers where consistent with domestic law.

⁴ Global CBPR Forum, Accountability Agent Recognition Application, Annex A, Recognition Criterion 5 (including "Re-Certification and Annual Attestation"), https://www.globalcbpr.org/wp-content/uploads/Accountability-Agent-Application_Final.pdf.

⁵ APEC, 2019 APEC Economic Policy Report, Annex C, "United States: The APEC Cross-Border Privacy Rules System," pp. 318–319, <https://www.apec.org/publications/2019/12/2019-apec-economic-policy-report>.

2. **Compliance presumption.** Treat certification as rebuttable evidence that an organization has implemented reasonable privacy controls within the scope of certification, and allow regulators to take relevant AA findings into account.
3. **Enforcement credit.** Provide reasonable cure opportunities, reduced civil or administrative penalties, or other mitigation for good-faith certified organizations that cooperate and promptly remediate. Where domestic law permits, Members could also consider declination or deferral for technical, no-harm violations.
4. **Regulatory efficiency.** Permit regulators to rely appropriately on independent AA assessment and first-line dispute-resolution mechanisms, allowing public enforcement resources to focus on higher-risk conduct.

These benefits should be accompanied by clear guardrails. They should not protect fraud, intentional or reckless misconduct, non-cooperation, or failure to remediate. Because the Forum cannot itself confer relief from domestic law, it should develop a common model and ask Members to publish measurable commitments explaining which benefits they provide to certified organizations.

3. Reduce Certification Costs and Barriers, Particularly for SMEs

Cost and limited AA availability have long been identified as barriers to broader participation, particularly for smaller enterprises. The Forum should therefore complement its certification reforms with an objective and transparent SME support package that reduces entry costs without compromising AA independence or substantive requirements.⁶

Participating jurisdictions should consider grants, certification vouchers, matching funds, tax relief, early-adopter support, sliding-scale fees, or other targeted assistance for firms below transparent revenue, employee, or export thresholds. Members could also examine affiliate or portfolio discounts where multiple related entities seek certification and efficiencies can be achieved without reducing the rigor of assessment.

Financial assistance should be paired with practical readiness support. The Forum, Members, and AAs should develop free templates, self-assessment tools, evidence checklists, model documentation, office hours, training, and mentoring. BBB National Programs has likewise recommended subsidies and practical support, including mentorship, workshops, and shared resources, as tools to expand SME participation in Global CBPR. These measures can reduce unnecessary preparation costs while helping applicants arrive at the formal review stage better prepared.⁷

4. Expand Accountability Agent Competition and Reuse Existing Assurance Evidence

The Forum should continue expanding the number, geographic reach, and sectoral capabilities of AAs. Where legally and operationally feasible, AAs should be able to serve organizations across multiple participating jurisdictions. The Forum should also publish comparable information regarding AA fees,

⁶ APEC, “Facilitating MSME Participation in the APEC CBPR System” project materials (2019), <https://pdb.apec.org/Lists/Proposals/DispForm.aspx?ID=5374>.

⁷ Divya Sridhar, “Assessing Canada’s Opportunity in the Global CBPR,” BBB National Programs (Aug. 20, 2025), <https://bbbprograms.org/media/insights/blog/canada-cbpr>.

typical review timelines, sectors served, supported languages, and geographic coverage. Greater transparency and competition can help companies identify appropriate providers and reduce bottlenecks.

Equally important, the Forum should adopt common rules allowing AAs to reuse credible evidence produced through other assurance processes. Participating companies should be encouraged to leverage relevant evidence that they have developed for ISO/IEC 27701 compliance, the NIST Privacy Framework benchmarking, SOC assessments, domestic certification programs, or prior AA reviews – provided that the evidence addresses the same underlying controls and remains current.

AAs should retain responsibility for identifying gaps, determining whether evidence is sufficiently current and independent, and testing controls that are unique to CBPR or PRP. The Forum could support this approach through input on data reuse.

5. Increase Interoperability and Commercial Value for Members

The value of certification should extend beyond formal privacy compliance. Earlier assessments of CBPR highlighted the importance of clearer materials, stronger promotion, and a more unified compliance proposition for participating companies. The Forum and its Members should therefore make certification useful in everyday business relationships and government programs.⁸

Governments should consider allowing current CBPR certification to qualify participants for streamlined review under privacy- or digital governance related grant programs or regulatory sandboxes. Private-sector partners might also be encouraged to accept certification as relevant evidence in vendor and supply chain due diligence. The Forum could also modernize its public directory so that certification status can be verified more easily in machine-readable form.

The Forum could also pursue interoperability with other established privacy mechanisms. This might include crosswalks and mappings, as well as reciprocity arrangements for Binding Corporate Rules and comparable trusted frameworks. Experience discussed in connection with the Dubai International Financial Centre illustrates how reciprocity can make participation more attractive where one credible certification can support multiple regulatory purposes.⁹

The Forum could also strengthen the market visibility of certification by publishing practical case studies, cost-benefit information, and examples of how companies use certification in commercial transactions. Over time, the Forum could engage government agencies (e.g., the US National Institute for Standards and Technology), as well as insurers, lenders, marketplaces, and other commercial actors, regarding whether certification can serve as one input into relevant risk assessment methodologies.

6. Make Participation Easier and More Valuable for Jurisdictions

Company participation and jurisdictional participation reinforce one another. The more jurisdictions that recognize the Systems, the greater the legal and operational value to companies; the more companies that certify, the more useful the Systems become to governments.

⁸ Annelies Moens, “Report explores CBPR benefits,” IAPP (Feb. 26, 2016), <https://iapp.org/news/a/report-explores-cbpr-benefits/>.

⁹ Lori Baker, “What makes the Global CBPR Forum an attractive data transfer framework to implement?,” IAPP (Feb. 19, 2026), <https://iapp.org/news/a/what-makes-the-global-cbpr-forum-an-attractive-data-transfer-framework-to-implement>.

The Forum could provide prospective Member jurisdictions with an implementation toolkit containing model legal provisions, cross-jurisdictional mappings, standard AA materials, implementation checklists, and a clear pathway from Associate to Member status. Smaller jurisdictions might also be allowed to rely on regional AAs or shared certification infrastructure rather than creating duplicative domestic systems.

The Forum and existing Members could also provide capacity-building and technical assistance to privacy authorities and prospective AAs. In parallel, the Forum could seek recognition of CBPR and PRP in digital trade arrangements and other relevant international cooperation instruments. Such recognition would broaden the network while reinforcing a practical model of trusted data flows based on accountable organizations, independent assessment, and regulatory cooperation.

7. Benchmarking and Reporting

The Forum should report on its own performance via transparent, outcome-oriented metrics to participating jurisdictions and companies, as well as the public. This could include tracking the number of certified companies and SMEs; new applications and retention; average certification and renewal cost; time required for initial and repeat review; number and geographic coverage of AAs; number of jurisdictions providing transfer recognition or other legal benefits; rates of complaints, substantiated noncompliance, and remediation time; as well as benchmarking of different member economies.

Publishing these metrics will help the Forum determine which reforms materially increase participation without weakening accountability. It will also provide companies and prospective jurisdictions with clearer evidence of the practical value of participation.

Conclusion

The GDA appreciates the opportunity to share these inputs regarding possible enhancements to the Global CBPR Forum. The Forum is an important mechanism in the privacy and cross-border data policy arena. It has great potential for wider application and adoption. Please reach out to Joseph Whitlock, Executive Director (josephw@bsa.org) if you have any questions or comments.