



# COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

## Hundred and Twenty-first Session

Rome, 28-30 October 2024

### Update on the implementation of the Data Protection Policy

#### I. Background

1. This document is presented to the Committee on Constitutional and Legal Matters (“CCLM” or “the Committee”), recalling that, in the Report of its 119th Session considered by the Council at its 174th Session,<sup>1</sup> the Committee “*looked forward to receiving an update on the activities of the Data Protection Unit (DPU), the Data Protection Oversight Committee (DPOC) and the Data Protection Champion (DPC) Network, as well as on any new developments at the UN system level at a future CCLM session*”.<sup>2</sup>

#### II. Data Protection Unit activities

##### A. Resourcing

2. The Data Protection Unit (DPU) has continued to mature since it was instituted as an independent unit in the Office of the Director-General (ODG), with the appointment of a new Head of the DPU in March 2024 and resourcing initiatives to expand its support capabilities.

##### B. Data Protection Policy compliance (procedures, guidance and templates)

3. The DPU has continued its efforts towards the finalization of data protection procedures, guidance notes and templates to support all FAO personnel in complying with and implementing the Data Protection Policy (“DP Policy”), across all FAO offices (decentralized offices and headquarters), divisions and centres.

4. To finalize these data protection procedures, guidance notes and templates, the DPU is conducting extensive consultations with organizational divisions<sup>3</sup> to:

- a) facilitate the review of and obtain feedback on these drafted documents; and

<sup>1</sup> [CL 174/REP](#), paragraphs 29-30.

<sup>2</sup> [CL 174/10](#), paragraph 29.

<sup>3</sup> These divisions include, but are not limited to, the Office of Strategy, Programme and Budget (OSP), the Legal Office (LEG), the Office of Emergencies and Resilience (OER), the Office of Communications (OCC), the Project Support Division (PSS), the Logistics Services Division (CSL), and the Digital FAO and Agro-Informatics Division (CSI).

- b) integrate new procedures, guidance notes and templates into existing corporate frameworks, including enterprise risk management, project management, human resources, procurement and modalities for engaging with partners and beneficiaries.

### *C. Data providers' requests and data protection support services*

5. The DPU has continued to serve as the Organization's central contact point for processing data providers' requests relating to access, amendment and/or deletion of their data. It processed a total of 18 requests over the period 1 July 2023 to 30 June 2024.<sup>4</sup>
6. The DPU has continued its support services by providing advice on data protection across all FAO offices, divisions and centres. It processed a total of 177 support requests over the same 12-month period referenced above (i.e. 1 July 2023 to 30 June 2024). These support requests primarily related to advice on data sharing and were reflective of the increased awareness in data protection-related risks across all FAO offices, divisions and centres.
7. The DPU is currently exploring service management solutions to further streamline the management of data provider and data protection support requests.

### *D. Annual report*

8. The first data protection reporting tool was launched in January 2024 for completion by all FAO offices, divisions and centres. The reporting tool facilitates governance of data protection performance in accordance with the DP Policy. Data from the reporting tool will be used to inform an annual data protection report to be presented to the Data Protection Oversight Committee (DPOC) in November 2024.

### *E. Outreach and capacity development*

9. The DPU has continued to deliver a range of outreach and capacity development activities to promote a better understanding of and compliance with the DP Policy, including:
  - a) collaborations with other UN system entities – including the United Nations International Computing Centre (UNICC), the World Food Programme (WFP), and the International Telecommunication Union (ITU) – to deliver a series of webinars addressing the application of the FAO Data Protection FIRST Principles;
  - b) data protection briefings to FAO regional offices and headquarters-based divisions; and
  - c) development of a suite of data protection knowledge-sharing materials (including interviews, digital publications, videos and infographics) which has been shared through multiple FAO channels to promote a better understanding of the DP Policy and its requirements.
10. A data protection e-learning course<sup>5</sup> based on the materials provided by the World Bank Data Privacy Office is also scheduled to be launched on FAO's e-learning platform in the fourth quarter of 2024. It will be made available in all six FAO official languages.

## **III. Data Protection Oversight Committee**

11. The DPOC, chaired by the Chief Economist, has continued to hold periodic meetings. In its sixth and most recent meeting held on 6 May 2024, the DPOC noted the progress made by the DPU in operationalizing the DP Policy.

---

<sup>4</sup> Data has been referenced for the period 1 July 2023 to 30 June 2024 to illustrate the most recent four quarters of available data at the time of drafting this update.

<sup>5</sup> [CCLM 119/5, paragraph 3 d](#)).

#### IV. Data Protection Champions Network

12. The DPU has continued capacity-building activities to foster the Data Protection Champions (DPCs) network, including tailored training sessions and the establishment of a dedicated Microsoft Teams channel to foster greater collaboration. The DPCs have provided essential support to:

- a) develop responses to the data protection questionnaire for their respective office/division/centre; and
- b) develop data processing inventories for their respective office/division/centre.

#### V. New Developments at the UN system level

##### A. High-Level Committee on Management (HLCM) Task Team on Data Sharing

13. Following the 44th Session of the UN System Chief Executives Board for Coordination (CEB) High-Level Committee on Management (HLCM) in October 2022, an HLCM Task Team on Data Sharing (the “Task Team”) was established “*to develop a common data sharing agreement, as a potential enabler of system-wide efficiency gains; and, to classify the different types of data based on risk and sensitivity, with a view to enable work on a category per category basis*”.<sup>6</sup> The Task Team explored certain elements that needed to be in place prior to establishing a system-wide data sharing agreement, two of which were presented to HLCM at its 46th Session in October 2023,<sup>7</sup> as follows:

- a) **Licensing of public data.** The Task Team referenced the possibility for all UN system organizations to adopt a Creative Commons (CC) BY 4.0 license.<sup>8</sup>
  - i. The HLCM requested the Task Team to provide further clarifications on the scope, commercial use, safeguards and protection of privileges and immunities, regarding the CC BY 4.0 license, in close consultation with legal offices.
  - ii. As of July 2024, the CC BY 4.0 license has been adopted for the sharing of FAO statistics, as per the FAO Statistical Database Terms of Use.<sup>9</sup>
- b) **Classification of data.** The Task Team recommended each organization adopt one data policy and cybersecurity data classification, instead of two separate classifications.
  - i. The HLCM endorsed this recommendation, which clarifies, *inter alia*, that: organizations who already employ a data classification can continue to use that classification; and a formal concordance should be compiled so that organizations can assess how their data will be treated by a partner organization.
  - ii. FAO has an existing data classification, as defined in the DP Policy, and is developing guidelines and a minimum data protection baseline to facilitate assessments on how third parties manage FAO data.

##### B. International Organizations Workshop on Data Protection

14. The European Data Protection Supervisor (EDPS) is the European Union (EU)’s data protection authority. Its functions include providing advice on EU policies and legislation that affect privacy, cooperating with similar authorities to ensure consistent data protection, and monitoring the processing of personal data by EU institutions, bodies, offices and agencies.

<sup>6</sup> [CEB/2023/5, paragraph 55.](#)

<sup>7</sup> [CEB/2023/5, paragraph 56.](#)

<sup>8</sup> The aim of a common license is to improve data access and usability and to remove the need for data sharing agreements for public intent data.

<sup>9</sup> [Statistical Database Terms of Use | FAO | Food and Agriculture Organization of the United Nations.](#)

15. The EDPS organizes an annual data protection workshop for international organizations. Whilst the EU's General Data Protection Regulation (GDPR) does not apply to FAO or the UN system as a whole, FAO has attended these workshops to explore the latest good practices for privacy and data protection, as well as the shared experiences of other international organizations, with a view to carefully assessing whether these may assist the implementation of the DP Policy. FAO personnel and representatives of other UN system entities attended the 2024 edition of the workshop, which was co-organized by the World Bank and EDPS in September 2024.

### *C. United Nations Secretariat Data Protection and Privacy Policy*

16. On 13 March 2024, the United Nations (UN) Secretariat promulgated a data protection and privacy policy by Secretary-General's bulletin (SGB) ST/SGB/2024/3 (the "UN Secretariat DP Policy"). The UN Secretariat DP Policy is a legal framework internal to the UN Secretariat; it is not applicable to any UN agency external to this framework, including specialized agencies such as FAO.

17. It is observed, nevertheless, that the UN Secretariat DP Policy broadly aligns with the DP Policy promulgated by FAO via Administrative Circular 2022/06 in July 2022. In particular, both policies have similar scopes and coverage of data protection principles, reporting lines, governance structures and supporting controls.

## **VI. Suggested action by the committee**

18. The Committee is invited to take note of this update and to provide any comments thereon.