



**Asia-Pacific
Economic Cooperation**

**ACCOUNTABILITY AGENT APEC RECOGNITION APPLICATION
FOR THE PRP SYSTEM**

Overview2

Application Process2

ANNEX A: Accountability Agent Recognition Criteria3

ANNEX B: Accountability Agent Recognition Criteria Checklist10

ANNEX C: APEC PRP Program Requirements Map12

ANNEX D: Accountability Agent Complaint Statistics/Template/FAQs22

ANNEX E: Signature and Contact Information27

OVERVIEW

The purpose of this document is to guide the application process for Accountability Agents seeking APEC recognition under the APEC Privacy Recognition for Processors (PRP) System. This document explains the necessary recognition criteria and provides the baseline program requirements of the PRP System. Only APEC-recognized Accountability Agents may participate in the PRP System. Once recognized, Accountability Agents may publicize this recognition and certify organizations as PRP-compliant.

APPLICATION PROCESS

In order to be considered eligible for recognition by APEC Economies, an Applicant Accountability Agent must:

- Explain how it is subject to the jurisdiction of the relevant enforcement authority in a PRP participating Economy¹; *AND*
- Describe how each of the Accountability Agent Recognition Criteria (Annex A) have been met using the Accountability Agent Recognition Criteria Checklist (Annex B); *AND*
- Agree to make use of the template documentation developed and endorsed by APEC Economies (the PRP Intake Questionnaire, which includes questions to be answered by the applicant organization and baseline program requirements) against which the Accountability Agent would assess the applicant organization² when certifying organizations as PRP-compliant; *OR* demonstrate how their existing intake and review processes meet the baseline established using the PRP Program Requirements Map (Annex C) and publish their program requirements; *AND*
- Complete the signature and contact information sheet (Annex F).

The completed signature and contact information sheet and all necessary supporting documentation should be submitted to the relevant government agencies or public authorities in any Economy in which the Applicant Accountability Agent intends to operate for an initial review to ensure the necessary documentation is included in the application, or other review as appropriate. The agency or authority may consult with other government agencies or authorities where necessary and will forward all information received to the Chair of the Electronic Commerce Steering Group, the Chair of the Data Privacy Subgroup and the Chair of the Joint Oversight Panel (JOP) where appropriate. The JOP will review the submitted information (and request any additional information that may be needed) when considering recommending the Applicant Accountability Agent for recognition by APEC Economies as an APEC PRP System Accountability Agent.

¹ An Economy is considered a participant in the Privacy Recognition for Processors System pursuant to the terms established in Paragraph 3.1 of the "Charter of the APEC Cross-Border Privacy Rules and Privacy Recognition for Processors Systems Joint Oversight Panel"

² Available at <https://cbprs.blob.core.windows.net/files/PRP%20-%20Intake%20Questionnaire.pdf>

Annex A

ACCOUNTABILITY AGENT RECOGNITION CRITERIA

CRITERIA

Conflicts of Interest

1) General Requirements:

- a. An Accountability Agent must be free of actual or potential conflicts of interest in order to participate in the APEC Privacy Recognition for Processors (PRP) System. For the purposes of participation as an Accountability Agent in the PRP System, this means the ability of the Accountability Agent to perform all tasks related to an Applicant organization's certification and ongoing participation in the PRP System free from influences that would compromise the Accountability Agent's professional judgment, objectivity and integrity.
- b. An Accountability Agent must satisfy the APEC member economies with evidence that internal structural and procedural safeguards are in place to address potential and actual conflicts of interest. Such safeguards should include but not be limited to:
 - i. Written policies for disclosure of potential conflicts of interest and, where appropriate, withdrawal of the Accountability Agent from particular engagements. Such withdrawal will be required in cases where the Accountability Agent is related to the Applicant organization or Participant to the extent that it would give rise to a risk that the Accountability Agent's professional judgment, integrity, or objectivity could be influenced by the relationship.
 - ii. Written policies governing the separation of personnel handling privacy certification functions from personnel handling sales and consulting functions.
 - iii. Written policies for internal review of potential conflicts of interest with Applicant organizations and Participating organizations.
 - iv. Published certification standards for Applicant organizations and Participating organizations (see paragraph 4 'Program Requirements').
 - v. Mechanisms for regular reporting to the relevant government agency or public authority on certification of new Applicant organizations, audits of existing Participant organizations, and complaint processing.
 - vi. Mechanisms for mandatory publication of case reports in certain circumstances.

- 2) Requirements with respect to particular Applicant organizations and/or Participant organizations
 - a. At no time may an Accountability Agent have a direct or indirect affiliation with any Applicant organization or Participant organization that would prejudice the ability of the Accountability agent to render a fair decision with respect to their certification and ongoing participation in the PRP System, including but not limited to during the application review and initial certification process; during ongoing monitoring and compliance review; during re-certification and annual attestation; and during complaint processing and enforcement of the Program Requirements against a Participant. Such affiliations, which include but are not limited to the Applicant organization or Participant organization and the Accountability Agent being under common control such that the Applicant organization or Participant organization can exert undue influence in the Accountability Agent, constitute relationships that require withdrawal under 1(b)(i).
 - b. For other types of affiliations that may be cured by the existence of structural safeguards or other procedures undertaken by the Accountability Agent, the existence of any such affiliations between the Accountability Agent and the Applicant organization or Participant organization must be disclosed promptly to the Joint Oversight Panel, together with an explanation of the safeguards in place to ensure that such affiliations do not compromise the Accountability Agent's ability to render a fair decision with respect to such an Applicant organization or Participant organization. Such affiliations include but are not limited to:
 - i. officers of the Applicant organization or Participant organization serving on the Accountability Agent's board of directors in a voting capacity, and vice versa;
 - ii. significant monetary arrangements or commercial relationship between the Accountability Agent and the Applicant organization or Participant organization, outside of the fee charged for certification and participation in the CBPR or PRP System; or
 - iii. all other affiliations which might allow the Applicant organization or Participant organization to exert undue influence on the Accountability Agent regarding the Applicant organization's certification and participation in the PRP System.
 - c. Outside of the functions described in paragraphs 5-14 of this document or those related to the CBPR certification of an Applicant or Participant, an Accountability Agent will refrain from performing for its Participants or Applicants services for a fee or any interest or benefit such as the following categories:
 - i. consulting or technical services related to the development or implementation of Participant organization's or Applicant organization's data privacy practices and procedures;

- ii. consulting or technical services related to the development of its privacy policy or statement; or
 - iii. consulting or technical services related to its security safeguards.
- d. An Accountability Agent may be engaged to perform consulting or technical services for an Applicant organization or Participant organization other than services relating to their PRP and/or CBPR certification and on-going participation in the PRP and/or CBPR Systems. Where this occurs, the Accountability Agent will disclose to the Joint Oversight Panel:
- i. the existence of the engagement; and
 - ii. an explanation of the safeguards in place to ensure that the Accountability Agent remains free of actual or potential conflicts of interest arising from the engagement [*such safeguards may include segregating the personnel providing the consulting or technical services from the personnel performing the functions described in paragraphs 5 -14 of this document and those related to the CBPR certification of an Applicant or Participant*].
- e. Provision of services as required in Sections 3 through 6 shall not be considered performing consulting services which might trigger a prohibition contained in this document.
- 3) In addition to disclosing to the Joint Oversight Panel all withdrawals described above in Section 1(b)(i), an Accountability Agent also shall disclose to the Joint Oversight Panel those activities or business ventures identified in subsection 1(b) above that might on their face have been considered a conflict of interest but did not result in withdrawal. Such disclosures should include a description of the reasons for non- withdrawal and the measures the Accountability Agent took to avoid or cure any potential prejudicial results stemming from the actual or potential conflict of interest.

Program Requirements

- 4) An Accountability Agent evaluates Applicant organizations against a set of program requirements that encompass applicable principles of the APEC Privacy Framework with respect to processors and that meet the PRP System requirements developed and endorsed by APEC member economies (to be submitted along with this form, see Annex C). (*NOTE: an Accountability Agent may charge a fee to a Participant for provision of these services without triggering the prohibitions contained in paragraph 1 or 2.*)

Certification Process

- 5) An Accountability Agent has a comprehensive process to review an Applicant organization's policies and practices with respect to the Applicant organization's participation in the PRP System and to verify its compliance with the Accountability Agent's program requirements. The certification process includes:
 - a) An initial assessment of compliance, which will include verifying the contents of the self-assessment forms completed by the Applicant organization against the program requirements for Accountability Agents, and which may also include in-person or phone interviews, inspection of the personal data system, Web site scans, or automated security tools.
 - b) A comprehensive report to the Applicant organization outlining the Accountability Agent's findings regarding the Applicant organization's level of compliance with the program requirements. Where non-fulfillment of any of the program requirements is found, the report must include a list of changes the Applicant organization needs to complete for purposes of obtaining certification for participation in the PRP System.
 - c) Verification that any changes required under subsection (b) have been properly completed by the Applicant organization.
 - d) Certification that the Applicant organization is in compliance with the Accountability Agent's program requirements. An Applicant organization that has received such a certification will be referred to herein as a "Participant" in the PRP System.
 - e) Provision of the relevant details of the Participant's certification for the Compliance Directory.¹ The relevant details should include at least the following: the name of the certified organization, a website for the certified organization and a link to the organization's privacy policy, contact information, the Accountability Agent that certified the Participant and can process consumer complaints, the relevant Privacy Enforcement Authority, the scope of the certification, the organization's original certification date, and the date that the current certification expires.

On-going Monitoring and Compliance Review Processes

- 6) Accountability Agent has comprehensive written procedures designed to ensure the integrity of the Certification process and to monitor the Participant throughout the certification period to ensure compliance with the Accountability Agent's program.
- 7) In addition, where there are reasonable grounds for the Accountability Agent to believe that a Participant has engaged in a practice that may constitute a breach of

¹ See "APEC Privacy Recognition for Processors Policies, Rules and Guidelines," paragraph 9 (*available at* <https://cbprs.blob.core.windows.net/files/Accountability%20Agent%20Application%20for%20PRP.PDF>).

the program requirements, an immediate review process will be triggered whereby verification of compliance will be carried out. Where non-compliance with any of the program requirements is found, the Accountability Agent will notify the Participant outlining the corrections the Participant needs to make and a reasonable timeframe within which the corrections must be completed. The Accountability Agent must verify that the required changes have been properly completed by the Participant within the stated timeframe.

Re-Certification and Annual Attestation

- 8) Accountability Agent will require Participants to attest on an annual basis to the continuing adherence to the PRP program requirements. Regular comprehensive reviews will be carried out to ensure the integrity of the re-Certification. Where there has been a material change to the Participant's privacy policy (as reasonably determined by the Accountability Agent in good faith), an immediate review process will be carried out. This re-certification review process includes:
 - a) An assessment of compliance, which will include verification of the contents of the self-assessment forms updated by the Participant, and which may also include in-person or phone interviews, inspection of the personal data system, Web site scans, or automated security tools.
 - b) A report to the Participant outlining the Accountability Agent's findings regarding the Participant's level of compliance with the program requirements. The report must also list any corrections the Participant needs to make to correct areas of non-compliance and the timeframe within which the corrections must be completed for purposes of obtaining re-certification.
 - c) Verification that required changes have been properly completed by Participant.
 - d) Notice to the Participant that the Participant is in compliance with the Accountability Agent's program requirements and has been re-certified.

Complaint Processing Procedures

9) An Accountability Agent must have a mechanism to receive and process complaints about Participants in relation to non-compliance with its program requirements, as well as a mechanism for cooperation on complaint processing with other Accountability Agents recognized by APEC economies when appropriate and where possible. Such mechanism must be publicized on the Participant's website. An Accountability Agent may choose not to directly supply the complaint processing mechanism. The complaint processing mechanism may be contracted out by an Accountability Agent to a third party. Where the complaint processing mechanism is contracted out by an Accountability Agent the relationship must be in place at the time the Accountability Agent is recognized under the APEC PRP System. An Accountability Agent's website must include the contact point information for the relevant Privacy Enforcement Authority. Publicizing such contact point information allows consumers or other interested parties to direct questions and complaints to the relevant Accountability Agent, or if necessary, to

contact the relevant Privacy Enforcement Authority.

10) Complaint processing, whether supplied directly or by a third party under contract, includes the following elements:

- a) A process for receiving complaints both from individuals and personal information controllers and determining whether a complaint concerns the Participant's obligations under the program and that the complaint falls within the scope of the program's requirements.
- b) A process for notifying the complainant of the determination made under subpart (a), above.
- c) Where the complaint is from an individual and concerns the processing of his/her personal information and the Participant's obligations under the program:
 - i. A timely process for forwarding the complaint either (i) to the Participant and verifying that the Participant has forwarded it to the controller where the applicable controller can be identified or, where obligated by the controller, handled it directly; or (ii) to the applicable controller for handling.
 - ii. Written notice by the Accountability Agent or contracted third party supplier of the complaint processing service to the complainant and the Participant when the complaint has been forwarded.
 - iii. A process for obtaining an individual's consent before sharing that individual's personal information with the relevant enforcement authority in connection with a request for assistance.
- d) A process for making publicly available statistics on the types of complaints received by the Accountability Agent or its third party contractor and how such complaints were processed, and for communicating that information to the relevant government agency and privacy enforcement authority (see Annex D).

Mechanism for Enforcing Program Requirements

- 11) Accountability Agent has the authority to enforce its program requirements against Participants, either through contract or by law.
- 12) Accountability Agent has a process in place for notifying Participant immediately of non-compliance with Accountability Agent's program requirements and for requiring Participant to remedy the non-compliance within a specified time period.
- 13) Accountability Agent has processes in place to impose the following penalties, which are proportional to the harm or potential harm resulting from the violation, in cases where a Participant has not complied with the program requirements and has failed to remedy the non-compliance within a specified time period. [NOTE: In addition to the penalties listed below, Accountability Agent may execute contracts related to legal rights and, where applicable, those related intellectual

property rights enforceable in a court of law.]

- a) Requiring Participant to remedy the non-compliance within a specified time period, failing which the Accountability Agent shall remove the Participant from its program.
 - b) Temporarily suspending the Participant's right to display the Accountability Agent's seal.
 - c) Naming the Participant and publicizing the non-compliance.
 - d) Referring the violation to the relevant public authority or privacy enforcement authority. [*NOTE*: this should be reserved for circumstances where a violation raises to the level of a violation of applicable law.]
 - e) Other penalties – including monetary penalties – as deemed appropriate by the Accountability Agent.
- 14) Accountability Agent will refer a matter to the appropriate public authority or enforcement agency for review and possible law enforcement action, where applicable, where the Accountability Agent has a reasonable belief pursuant to its established review process that a Participant's failure to comply with the APEC PRP System requirements has not been remedied within a reasonable time under the procedures established by the Accountability Agent pursuant to paragraph 7 so long as such failure to comply can be reasonably believed to be a violation of applicable law.
- 15) Where possible, Accountability Agent will respond to requests from enforcement entities in APEC Economies that reasonably relate to that Economy and to the PPR-related activities of the Accountability Agent.

Annex B

ACCOUNTABILITY AGENT RECOGNITION CRITERIA CHECKLIST

Conflicts of Interest

1. Applicant Accountability Agent should describe how requirements 1(a) and (b) in Annex A have been met and submit all applicable written policies and documentation.
2. Applicant Accountability Agent should submit an overview of the internal structural and procedural safeguards to address any of the potential or actual conflicts of interest identified in 2(b) of Annex A.
3. Applicant Accountability Agent should describe the disclosure/withdrawal mechanisms to be used in the event of any actual conflict of interest identified.

Program Requirements

4. Applicant Accountability Agent should indicate whether it intends to use the relevant template documentation developed by APEC or make use of Annex C to map its existing intake procedures program requirements.

Certification Process

5. Applicant Accountability Agent should submit a description of how the requirements as identified in 5 (a) – (d) of Annex A have been met.

On-going Monitoring and Compliance Review Processes

6. Applicant Accountability Agent should submit a description of the written procedures to ensure the integrity of the certification process and to monitor the participant's compliance with the program requirements described in 5 (a)-(d).
7. Applicant Accountability Agent should describe the review process to be used in the event of a suspected breach of the program requirements described in 5(a)-(d) of Annex A.

Re-Certification and Annual Attestation

8. Applicant Accountability Agent should describe their re-certification and review process as identified in 8 (a)-(d) of Annex A.

Complaint Processing

9. Applicant Accountability Agent should describe the mechanism to receive and process complaints and describe the mechanism for cooperation with other APEC recognized Accountability Agents that may be used when appropriate.
10. Applicant Accountability Agent should describe how the complaint processing meets the requirements identified in 10 (a) – (d) of Annex A, whether supplied directly by itself or by a third party under contract (and identify the third party

supplier of such services if applicable and how it meets the conflict of interest requirements identified in sections 1-3 of Annex A) as well as its process to submit the required information in Annexes D and E.

Mechanism for Enforcing Program Requirements

11. Applicant Accountability Agent should provide an explanation of its authority to enforce its program requirements against participants.
12. Applicant Accountability Agent should describe the policies and procedures for notifying a participant of non-compliance with Applicant's program requirements and provide a description of the processes in place to ensure the participant remedy the non-compliance.
13. Applicant Accountability Agent should describe the policies and procedures to impose any of the penalties identified in 13 (a) – (e) of Annex A.
14. Applicant Accountability Agent should describe its policies and procedures for referring matters to the appropriate public authority or enforcement agency for review and possible law enforcement action. [NOTE: immediate notification of violations may be appropriate in some instances].
15. Applicant Accountability Agent should describe its policies and procedures to respond to requests from enforcement entities in APEC Economies where possible.

Annex C

**APEC PRIVACY RECOGNITION FOR PROCESSORS SYSTEM
PROGRAM REQUIREMENTS MAP**

SECURITY SAFEGUARDS13

ACCOUNTABILITY MEASURES17.

SECURITY SAFEGUARDS

Question (to be answered by the Applicant Organization)	Assessment Criteria (to be verified by the Accountability Agent)	Relevant Program Requirement
1. Has your organization implemented an information security policy that covers personal information processed on behalf of a controller?	<p>Where the Applicant answers YES, the Accountability Agent must verify the existence of this written policy.</p> <p>Where the Applicant answers NO, the Accountability Agent must inform the Applicant that the implementation of a written information security policy is required for compliance with this principle.</p>	
2. Describe the physical, technical and administrative safeguards that implement your organization's information security policy.	<p>Where the Applicant provides a description of the physical, technical and administrative safeguards used to protect personal information, the Accountability Agent must verify the existence of such safeguards, which may include:</p> <ul style="list-style-type: none"> • Authentication and access control (e.g. password protections) • Encryption • Boundary protection (e.g. firewalls, intrusion detection) • Audit logging • Monitoring (e.g. external and internal audits, vulnerability scans) 	

Question (to be answered by the Applicant Organization)	Assessment Criteria (to be verified by the Accountability Agent)	Relevant Program Requirement
	<ul style="list-style-type: none"> • Other (specify) <p>The Applicant must periodically review and reassess these measures to evaluate their relevance and effectiveness.</p> <p>Where the Applicant indicates that it has NO physical, technical and administrative safeguards, or inadequate safeguards, to protect personal information, the Accountability Agent must inform the Applicant that the implementation of such safeguards is required for compliance with this principle.</p>	
<p>3. Describe how your organization makes employees aware of the importance of maintaining the security of personal information.</p>	<p>The Accountability Agent must verify that the Applicant's employees are aware of the importance of, and obligations respecting, maintaining the security of personal information through regular training and oversight as demonstrated by procedures, which may include:</p> <ul style="list-style-type: none"> • Training program for employees • Regular staff meetings or other communications • Security policy signed by employees • Other (specify) 	

Question (to be answered by the Applicant Organization)	Assessment Criteria (to be verified by the Accountability Agent)	Relevant Program Requirement
	Where the Applicant answers that it does not make employees aware of the importance of, and obligations respecting, maintaining the security of personal information through regular training and oversight, the Accountability Agent has to inform the Applicant that the existence of such procedures are required for compliance with this principle.	
4. Has your organization implemented measures to detect, prevent, and respond to attacks, intrusions, or other security failures related to personal information?	Where the Applicant answers YES , the Accountability Agent must verify the existence of measures to detect, prevent, and respond to attacks, intrusions, or other security failures related to personal information. Where the Applicant answers NO , the Accountability Agent must inform the Applicant that the existence of such measures is required for compliance with this principle.	
5. Does your organization have processes in place to test the effectiveness of the safeguards referred to in the question above? Please describe.	The Accountability Agent must verify that such tests are undertaken at appropriate intervals, and that the Applicant adjusts their security safeguards to reflect the results of these tests.	
6. Do you have a process in place to notify the controller of occurrences of a breach of the privacy or security of their organization's	The Accountability Agent must verify that the Applicant has in place appropriate processes to notify the controller of occurrences of a breach	

Question (to be answered by the Applicant Organization)	Assessment Criteria (to be verified by the Accountability Agent)	Relevant Program Requirement
personal information?	of the privacy or security of their organization's personal information.	
7. Has your organization implemented procedures for the secure disposal or return of personal information when instructed by the controller or upon termination of the relationship with the controller?	<p>Where the Applicant answers YES, the Accountability Agent must verify the existence of procedures for the secure disposal or return of personal information.</p> <p>Where the Applicant answers NO, the Accountability Agent must inform the Applicant that the existence of such procedures is required for compliance with this principle.</p>	
8. Does your organization use third-party certifications or other risk assessments? Please describe.	The Accountability Agent must verify that such risk assessments or certifications are undertaken at appropriate intervals, and that the Applicant adjusts their security safeguards to reflect the results of these certifications or risk assessments. One example is whether privacy compliance audits are carried out by the Applicant and if audits are carried out, the Accountability Agent must verify whether recommendations made in the audits are implemented.	

ACCOUNTABILITY MEASURES

Question (to be answered by the Applicant Organization)	Assessment Criteria (to be verified by the Accountability Agent)	Relevant Program Requirement
9. Does your organization limit its processing of personal information to the purposes specified by the controller?	The Accountability Agent must verify that the Applicant has policies in place to limit its processing to the purposes specified by the controller.	
10. Does your organization have procedures in place to delete, update, and correct information upon request from the controller?	The Accountability Agent must verify that the Applicant has measures in place to delete, update, and correct information upon request from the controller where necessary and appropriate.	
11. What measures does your organization take to ensure compliance with the controller's instructions related to the activities of personal information processing? Please describe.	The Accountability Agent must verify that the Applicant indicates the measures it takes to ensure compliance with the controller's instructions.	
12. Have you appointed an individual(s) to be responsible for your overall compliance with the requirements of the PRP?	<p>Where the Applicant answers YES, the Accountability Agent must verify that the Applicant has designated an employee(s) who is responsible for the Applicant's overall compliance with the PRP.</p> <p>Where the Applicant answers NO, the Accountability Agent must inform the Applicant that designation of such an</p>	

Question (to be answered by the Applicant Organization)	Assessment Criteria (to be verified by the Accountability Agent)	Relevant Program Requirement
	employee(s) is required for compliance with the PRP.	
13. Does your organization have procedures in place to forward privacy-related individual requests or complaints to the controller or to handle them when instructed by the controller?	<p>Where the Applicant answers YES, the Accountability Agent must verify that the Applicant has procedures in place to handle, or forward to the controller as appropriate, privacy-related complaints or requests.</p> <p>Where the Applicant answers NO, the Accountability Agent must inform the Applicant that implementation of such procedures is required for compliance with this principle.</p>	
14. Does your organization notify controllers, except where prohibited by law, of judicial or other government subpoenas, warrants or orders that require the disclosure of personal information?	<p>Where the Applicant answers YES, the Accountability Agent must verify that the Applicant has procedures in place for notifying the controller, except where prohibited by law, of judicial or other government subpoenas, warrants or orders that require the disclosure of personal information, as well as provide the necessary training to employees regarding this subject.</p> <p>Where the Applicant answers NO, the</p>	

Question (to be answered by the Applicant Organization)	Assessment Criteria (to be verified by the Accountability Agent)	Relevant Program Requirement
	Accountability Agent must inform the Applicant that such procedures are required for compliance with this principle.	
15. Does your organization have a procedure in place to notify the controller of your engagement of subprocessors?	The Accountability Agent must verify that the Applicant has in place a procedure to notify controllers that the Applicant is engaging subprocessors.	
16. Does your organization have mechanisms in place with subprocessors to ensure that personal information is processed in accordance with your obligations under the PRP? Please describe.	Where the Applicant answers YES , the Accountability Agent must verify the existence of each type of mechanism described. Where the Applicant answers NO , the Accountability Agent must inform the Applicant that implementation of such mechanisms is required for compliance with this principle.	
17. Do the mechanisms referred to above generally require that subprocessors:	The Accountability Agent must verify that the Applicant makes use of appropriate methods to ensure their obligations are met.	

Question (to be answered by the Applicant Organization)	Assessment Criteria (to be verified by the Accountability Agent)	Relevant Program Requirement
<p>a) Follow-instructions provided by your organization relating to the manner in which personal information must be handled?</p> <p>b) Impose restrictions on further subprocessing</p> <p>c) Have their PRP recognized by an APEC Accountability Agent in their jurisdiction?</p> <p>d) Provide your organization with self-assessments or other evidence of compliance with your instructions and/or agreements/contracts? If YES, describe.</p> <p>e) Allow your organization to carry out regular spot checking or other monitoring activities? If YES, describe.</p> <p>f) Other (describe)</p>		

Question (to be answered by the Applicant Organization)	Assessment Criteria (to be verified by the Accountability Agent)	Relevant Program Requirement
18. Do you have procedures in place for training employees pertaining to your privacy policies and procedures and related client instructions? Please describe.	<p>Where the Applicant answers YES, the Accountability Agent must verify that the Applicant has procedures in place for training employees relating to personal information management and the controller's instructions.</p> <p>Where the Applicant answers NO, the Accountability Agent must inform the Applicant that the existence of such procedures is required for compliance with this requirement.</p>	

*Annex D***ACCOUNTABILITY AGENT COMPLAINT STATISTICS**

The Accountability Agent recognition criteria require applicant Accountability Agents to attest that as part of their complaint processing mechanism they have a process for releasing complaint statistics and for communicating that information to the relevant government agency and privacy enforcement authority.

The template, with associated guidance and FAQs will assist in meeting the requirement.

Objectives of Reporting Complaint Statistics

Complaints processing is an important element of the Privacy Recognition for Processors (PRP) program. The recognition criteria for Accountability Agents include an obligation to publish and report statistics on complaints received in order to:

- promote understanding about the operation of the PRP program;
- increase transparency across the PRP system;
- help governments, business and others to see how a complaints system is working and to help identify trends;
- enable comparisons of parts of the PRP program across the APEC region; and
- promote accountability of those involved in complaints processing and build stakeholder trust in Accountability Agents.

Commentary on the Template

The template is provided as a tool for Accountability Agents. It is acceptable to depart from the template by reporting additional statistics. However, the core minimum statistics should be reported in each case since they will form a common and comparable minimum data set across all APEC Accountability Agent complaint processing. In particular jurisdictions, governmental authorities may require the reporting of additional statistics.

Complaint numbers

The total number of complaints should be reported. Where no complaints are received, the complaint statistics template should be submitted indicating “none” to ensure it is clear that no complaints were received that year. A format for reporting will need to be adopted that makes clear the number of new complaints received.

To assist readers to understand the reported figures and to aid in comparability there should be a note as to how terms are being used. For instance, some matters may be on the borderline between an enquiry about a company’s information practice of concern and a complaint about that practice. Such matters may be quickly sorted out with an explanation to the enquirer or perhaps a telephone call to the company. Some programs may treat all matters as complaints while others may reserve that term for more formal complaints.

Complaint outcomes

This part of the template provides a picture of the processing of complaints.

Complaints type

The template asks Accountability Agents to provide informative breakdowns of the complaints by type. This will provide a statistical picture of who is complaining and why.

Some complaints will raise several different issues. The report should explain the basis upon which the Accountability Agent is reporting. One approach is, for example, to identify the principal aspect of the complaint and treat it for statistical purposes as being only about that issue. An alternative is to count and classify all the allegations made in a complaint. If the latter approach is taken, the totals of complaint types will exceed the total number of complaints received and this will need to be explained or it may seem to be an anomaly.

Complaints process quality measures

These statistics give a picture as to how well the complaint processing system is working. At a minimum, some indication as to timeliness of complaint processing should be reported. At its simplest this might be to highlight the number or complaints that took longer than a target date to forward appropriately to the Participant or controller.

General

The Accountability Agent should comment on the various figures reported. To set the statistics in context, it is useful to include three or four years of figures where these are available.

COMPLAINT STATISTICS TEMPLATE

Complaint Numbers

Number of complaints received during the year with a comment by the Accountability Agent on the significance of the number. A note should explain how the term 'complaint' is being used in the reported statistics.

Complaint Processing and Outcomes

Complaints processed during the year broken down by the outcome.

Examples of typical outcomes include:

- complaints that could not be handled as they were outside the program's jurisdiction (e.g. against a company that is not part of the PRP program);
- complaints forwarded to the Participant;
- complaints forwarded to the applicable controller;
- complaints transferred to another Accountability Agent, Privacy Enforcement Authority or other enforcement authority, where applicable;

When the Accountability Agent has made findings upholding complaints, further statistical information should be given about the outcomes and any subsequent enforcement action.

The Accountability Agent should include a comment on the significance of the complaints outcomes.

Complaints Type

Further statistics should be provided as to the type of complaints, including the subject matter of the complaint and characterization of the complainants and the respondents. Useful

Classifications will include:

- complaint subject matter broken down by APEC information privacy principle (security safeguards and accountability);
- basic information about complainants, where known, such as the economy from which complaints have been made.
- Information about the type of respondents to complaints – this will vary on the nature of a particular PRP program but may include industry classification (e.g. financial service activities, insurance) or size of company (SME, large company etc).

The Accountability Agent should comment on the significance of the reported figures.

Complaints Process Quality Measures

An indication should be given about any quality measures used in relation to the particular PRP program. A typical measure may relate to timeliness. The Accountability Agent should offer a comment upon the figures reported.

COMPLAINT STATISTICS FREQUENTLY ASKED QUESTIONS

- Q. *Why does APEC require complaint statistics to be released?*
- A. Complaints statistics are part of a transparent and accountable complaints processing system. The statistics will help paint a picture of how the PRP program is operating. A number of stakeholders have an interest in seeing such a picture. For example, companies within a PRP program, consumer advocates and regulators all have interest in knowing what happens in relation to the processing of complaints through an Accountability Agent. Transparency will promote understanding and confidence in the system.
- Q. *Why do I need to release statistics on all the topics in the template?*
- A. The template lists a minimum set of statistics that should be reported. To get a complete picture, all the categories of statistics are needed. Furthermore, since these are standard requirements across all APEC economies, the resultant statistics should be reasonably comparable. Over time, a picture should emerge as to how well PRP programs are working and whether change is desirable.
- Q. *How should these statistics be presented?*
- A. The template provides the statistics that should be reported and requires that the Accountability Agent comment upon the significance of the figures. It is recommended that the statistics reported for a particular period should be published alongside the equivalent statistics for previous recent periods. Where available, three or four years' worth of figures should be reported. Accountability Agents are encouraged to put some effort into clearly displaying and explaining the statistics so that stakeholders can better appreciate their significance. For example, clear tables of figures with accompanying graphs are helpful.
- Q. *Are there steps that can be taken to facilitate comparison across APEC jurisdictions?*
- A. Accountability Agents are to include a classification in their reported statistics based on the APEC information privacy principles. This will aid comparison. In classifying respondents to complaints by industry type, it is recommended that the International Standard Industrial Classification of All Economic Activities (revised by the United Nations in 2008) be used or national or regional standards on industry classification that are aligned with that international standard. (See <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=27&Lg=1>)

Annex E

SIGNATURE AND CONTACT INFORMATION

By signing this document, the signing party attests to the truth of the answers given.

DocuSigned by:
 6/24/2022
7A37D238001A43F...

[Signature of person who has authority [Date]
to commit party to the agreement]

[Typed name]
Avani Desai

[Typed title]
President

[Typed name of organization]
Schellman

[Address of organization]
4010 W. Boyscout Blvd Suite 600 Tampa, FL 33607

[Email address]
avani.desai@schellman.com

[Telephone number]
866-254-0000 ext 140

The first APEC recognition for an Accountability Agent is limited to one year from the date of recognition. Recognition for the same Accountability Agent will be for two years thereafter. One month prior to the end of the recognition period, the Accountability Agent must resubmit this form and any associated documentation to the appropriate government agency or public authority or as soon as practicable in the event of a material change (e.g. ownership, structure, policies).

NOTE: Failure to comply with any of the requirements outlined in this document may result in appropriate sanctions under applicable domestic law.