

FORUM: General Assembly Sixth Committee

QUESTION OF: Developing an international legal framework to protect privacy and the use of personal data by social media companies

SUBMITTED BY: Slovenia

CO-SUBMITTERS: Antigua and Barbuda, Serbia, Norway, European Union, Azerbaijan, Chile, Haiti, Kuwait, Madagascar, Liberia, Bahamas, Hungary, Saudi Arabia, Saint Kitts and Nevis, New Zealand, Human Rights Watch, Angola, Mauritius, Portugal, Uganda

THE GENERAL ASSEMBLY,

Bearing in mind the guidelines produced for the main purpose of aiding states in their sovereign exercise of legislation in matters regarding data privacy as adopted by General Assembly resolution 45/95 of 14 December 1990,

Noting in accordance with the GDPR (General Data Protection Act) within the European Union and as stated in article 1 “protects fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data”,

Taking into account the privacy report presented in the Human Rights Council during the September of 2014 and its parent resolution 68/167 enjoying its ability to identify and present the issues at hand and their implications within the United Nations,

Concerned by the weak efforts to sanction and hold liable social media corporations and their heads for their involvement in criminal activities,

Welcoming the “copyright treaty of 1996” and the “Phonograms and Performers Treaty of 1996” under the support of the World Intellectual Property Organization (WIPO),

Approving those not-for-profit and non-governmental organizations such as the Digital Rights Foundation (DRF), the Centre for Internet and Society (CIS), Red en Defensa de los Derechos Digitales (R3D), Derechos Digitales etc. in their constant effort to improving human rights in a digital environment whilst also promoting sustainable internet governance and consumer privacy,

1. Strongly urges all member states to ratify and act in accordance with the international covenant on civil and political rights;
2. Proposes the implementation of a sub commission under the United Nations Economic and Social Council (ECOSOC) titled the Commission on Digital Privacy and Data Guidelines (CDPDG) which will present the primary mission of:
 - a) encouraging member states to cooperate and recognize the ‘special Rapporteur’ designated by the Human Rights Council in all the activities defined by resolution 28/16 whilst also increasing his/her term by 3 years
 - b) investigating and organizing all legal responsibilities of multinational corporations, to be defined as
 - i. producing an amended version of the guidelines created within the ITU, Research on legislation in data privacy, security and the prevention of cybercrime, with a focus on corporate legislation within the CDPDG
 - ii. discussing and deciding the efficiency, functionality and the consequences on local legislation
 - c) responding to malicious, deceptive, fraudulent, or illegal activity within the context of international, inter-state disputes
 - d) working in close communication with the Human Rights Council to update privacy standards and draft new guidelines;

3. Solemnly affirms the World Office on Data Brokerage (WODB) to form an integral part of tracking and ensuring the security and full awareness of consumers by developing a global network for states and private establishments to invoke the United Nations as a safe and reliable intermediary which will:
 - a) be drafted immediately with guidance by the CDPDG, the Human Rights Council and the Secretary General withholding the following agreements:
 - i. signing the covenant member states agree to place appropriate legislation on data brokering companies, and other distributing entities
 - ii. furthermore, agreeing to remain in transparency with the businesses and their legislation
 - iii. members have the right to question and submit amendments to the HCHR, and director general of WODB
 - b) develop the WODB Public Market to be a fully public brokerage service administered within the United Nations to work closely with member states and the private sector in establishing a transparent and secure system for 'Big data' to all stakeholders:
 - i. developing a new data ecosystem where individual private entities and non-governmental organizations may act as 3rd parties in sharing information for companies/businesses
 - ii. keeping in mind the proposals as stated within the 4th Global Conference on Big Data for Official Statistics in Bogota (2014)
 - iii. emphasizing the sole importance of this new ecosystem to promote consumer safety and transparency in the flow of data
 - c) further calls for 3rd parties involved in the WODB Public Market to comply with the following ruling
 - i. data profiling and mining will occur under the strict standards foreseen by the High Commissioner for Human Rights and the WODB guidelines
 - ii. all organization operate under the practice and judicial rights offered by the court; therefore, all violations will be considered as a breach in international law
 - iii. entities are expected to operate under the interests of the United Nations and its member states
 - d) calls for the submission of an advisory opinion to have the ICJ judiciary interpret the treaty outlined above, and the functions of the WODB Public Market as reflected on the treaty
 - e) a Director General will be assigned to the post of overlooking all activities within the confines of the WODB, and reading special requests from member states;
4. Designates an Advisory panel on Data Privacy as a mission forming part of the CDPDG with the primary concern of gathering with corporations, data brokers and member states in order to question and gather information
 - a) only under the consent of the corporations and their formal integration into the CDPDG would a panel of professionals have the ability to questions and request documentation within the hearing
 - i. representatives from the following companies may at any point decide not to respond to a question or they may retrieve themselves from the council
 - ii. representatives must not at any point be obliged to hand over any sort of information or data regarding their company
 - b) the panel will consist of professionals that will be hired and financed by the CDPDG in order to present themselves whenever needed at the advisory panel
 - i. these will consist of around 30 members divided into the computer scientists, data analysts, entrepreneurs and UN-Business close partners
 - ii. professionals will be contracted to only present themselves when it is necessary for someone to address the panel;
5. Supports a continuation as of 2021 the World Conference on Telecommunications, and the reevaluation of the final acts agreed upon in 2012 Dubai;

6. Confirms the WIPO to present a joined initiative in assigning an individual's data as 'intellectual property' and thereby will take appropriate action to inform the International Bureau of the WIPO in the following terms:
 - a) amendments to the definitions assigned in the "copyright treaty of 1996" giving consumers control and rights regarding their data, more specifically:
 - i. amendment to article 5 'Compilations of data (databases)' giving protection to the data or material itself, if any organization or individual wishes to duplicate or extract fractions of this data they may only do so with an official comprehensive request by the author (owner) or user
 - ii. a formal inclusion of personal information an expression and therefore should be granted with copyright protection
 - b) will engage in the appropriate advances to include within the WIPO Judicial Institute the study of privacy;
7. Calls for member states to consider the imminent threat to democracy arising from surveillance equipment being operated under secrecy, thereby requests states to review grounds at which to order such measures:
 - a) surveillance of any telecommunications must be consistent with human rights obligations and should be conducted under a publicly accessible legal framework
 - b) providers of digital media services must be notified and communicated with clarity of all activities being pursued;
8. Calls upon an Ad hoc group on social media and data privacy (Ad hoc-SMDP) to be involved in communication between the CDPDG committee and the Security Council to assist and provide it with the necessary information, responsible of but not limited to:
 - a) the duty of the Advisory panel to provide the Security Council with a documented testimonial of the parties in question, in order to review amongst member states provided that they may provoke international security threats, included will be the following:
 - i. a vote by at least 2/3 of member states within the ECOSOC committee to ultimately present to the Security Council after an approval by the Secretary-General, in order to discuss a certain resolution or issue at hand within the council
 - ii. a formal letter to be sent to the General Assembly 6th committee to review allegations and take appropriate action
 - b) its task in advising the Security Council to urge member states with whichever necessary means dependent on severity and plausibility to review their internal standards and regulations;
9. Suggests social media, surveillance, data brokerage firms etc. to partner with the UN-Business Action Hub under the 2030 Sustainable Development Goal (SDG) 'Peace, justice and strong institutions' which will entail the following standards:
 - a) requests the High Commissioner for Human Rights, following up on the report published on the Human Rights Council's twenty-seventh session, the invite representatives from the UN-Business Action Hub to discuss and finally contribute their formal accord to the report and detail the actions they will take
 - b) takes appropriate action for businesses to stay aligned with SDG target 16.10 by ensuring safety and accountability for all customers
 - c) forming and refining relationships between the private sector and the United Nations with conferences taking place biannually and to be organized in close collaboration with the CDPDG, the Ad hoc-SMDP, and the Advisory panel:
 - i. keynote speakers will be invited to review topics regarding surveillance and data with a newly defined slogan every year
 - ii. company executives and representatives may present their progress and achievements, including the goals

iii. 3rd party non-governmental organizations may address the audience and give demonstrations in the presence of member states;

10. Authorizes the campaign on developing the 31st Human Right for data, encouraging the movement for data as an inherent property right to ensure equal profit within the digital economy as stated within the Internet Governance Forum (2018)
- a) suggests member states consider the possibilities of a blockchain regulated market for big data as outlined by the NGO Hu-manity.co
 - i. constructing a large-scale peer-to-peer network between individuals and states as whole to store individual's data within a block
 - ii. operate under the consensus and each and every member state and its ability to cooperate and hinder any sort of tampering
 - iii. no authorities, or singular entities will regulate or overlook the network and the blockchain process
 - b) asks for the following situation to be addressed within the HRC and the General Assembly to ultimately help finance and discuss the implications of such technology
 - i. agree upon the appropriate framework and further implications of accomplishing this idea
 - ii. review amongst NGOs and major contributors in order to form a concrete mechanism to present in front of the international audience
 - c) to convene within the HRC and the General Assembly within the next 5 months in order to present an appropriate resolution on the matter.