



Global Principles for Governments Collecting Private Sector Data from Commercial Entities

Recognizing that governments around the world engage in surveillance activities; and

Recognizing that certain important considerations must be built into government access to private sector data in the course of surveillance activities;

The principles below are intended to apply to government collection of private sector data from commercial entities.

- I. **Lawful Basis and Necessity.** Any government collection of private sector data must be authorized by law, must not be indiscriminate, and must be limited to what is necessary to achieve a legitimate purpose. Laws that authorize government collection of such data should include: (a) appropriate procedural protections under certain circumstances; and (b) sunset provisions to ensure regular reviews to determine whether specific laws continue to be necessary, or need to be amended.
- II. **Access.** Access to private sector data collected by governments from commercial entities should be restricted to only those within government who need such access consistent with the intended purpose of such collection or as authorized by law.
- III. **Technology Neutrality.** The limitations on government data collection, and the procedural legal requirements that governments must adhere to in connection with such collection, should apply equally to all types of data, including both offline and online data, and across technologies and platforms.
- IV. **Transparency.** Governments should implement appropriate transparency measures about the programs and mechanisms utilized to collect private sector data. Commercial entities should be permitted to disclose certain appropriate information about the government requests they receive for private sector data.
- V. **Oversight.** Programs and mechanisms pursuant to which a government collects private sector data should be subject to meaningful oversight by an independent body established by the government. Such independent body should have sufficient powers to access relevant information to assess whether there is a legal basis for how the government conducts its private sector data collection activities and to make appropriate policy recommendations.
- VI. **Avoid Conflict of Laws.** Governments should: (a) recognize that global commercial entities may be subject to the laws of numerous jurisdictions with respect to the collection of private sector data by governments; and (b) endeavor to avoid conflicts among such laws.
- VII. **International Engagement.** Governments should recognize that the frameworks pursuant to which national governments collect private sector data have global impacts. Governments should engage in multilateral discussions with other governments to minimize adverse global impacts in connection with the collection of such data.