

2021-2022

Annual Report

**2021-2022 Annual
Report on Complaint
Statistics and Dispute
Resolution Results**

*APEC Cross-Border
Privacy Rules (CBPR)
and Privacy Recognition
for Processors (PRP)
Certification Programs*

Executive Summary

The period covered by this report, January 26, 2021 – January 25, 2022, constitutes the first year of BBB National Programs' operations as an APEC Accountability Agent. In this role, BBB National Programs' Global Privacy Division issues certifications to businesses that meet recognized standards by participating governments. This certification process includes an annual review of each participant's privacy policies and procedures, as well as ongoing monitoring and independent dispute resolution for participant privacy complaints.

The annual report provides aggregated complaint statistics and dispute resolution results regarding complaints received by BBB National Programs, during the identified time period, against businesses participating in the Cross-Border Privacy Rules (CBPR) and Privacy Recognition for Processors (PRP) certification programs.

Key program activities during this reporting period included:

- ◆ Launched certification services for the APEC CBPR and PRP programs under BBB National Programs' Global Privacy Division
- ◆ Recognized as the first non-profit U.S.-based Accountability Agent under the CBPR Framework
- ◆ Launched a dedicated complaint portal and dispute resolution procedures

Year in Review

Participation

As of the end of the reporting period, a total of three companies participated in one or both of BBB National Programs' APEC certification programs.

Complaint Handling

Through the dedicated submission form for privacy complaints about certified businesses, the program received eight submissions from individual consumers worldwide. Following a review of each submission by program staff, all were determined to be ineligible for resolution by the program for one or more of the following reasons:

- ◆ They concerned businesses not certified under the BBB National Programs CBPR or PRP programs
- ◆ They were unrelated to privacy (i.e., product or service complaints)
- ◆ They failed to state a complaint

3

participants
certified under
CBPR

2

participants
certified under
PRP

8

complaints
received from
consumers

BBB National Programs as an Accountability Agent

in the APEC CBPR and PRP Frameworks

The Asia Pacific Economic Cooperation (APEC) is a regional economic forum, with 21 member economies, that promotes free trade throughout the Pacific Rim. Together, those economies created multilateral privacy frameworks to help facilitate the responsible cross-border transfer of personal information. Known as the Cross-Border Privacy Rules (CBPR) and Privacy Recognition for Processors (PRP) systems, these frameworks include a set of privacy best practices that represent a global baseline for data protection.

BBB National Programs is an approved APEC Accountability Agent for both the CBPR and PRP systems. In this role, BBB National Programs works one-on-one with businesses and their global subsidiaries to demonstrate compliance with established data privacy standards pursuant to one or both frameworks. This multi-layered accountability system ensures that enhanced privacy protections apply to personal information, even when it moves across borders.

These CBPR and PRP systems are growing in relevance beyond the Asia Pacific region as more jurisdictions recognize that the baseline privacy standards included in these privacy certifications are compatible with privacy and data protection laws around the world. Because of this, many companies choose to certify their entire global operations to the CBPR standard.

About the Global Privacy Division

Through BBB National Programs' Global Privacy Division businesses show their partners and customers that they put privacy first, no matter where they operate. The objectives of the co-regulatory programs within the Global Privacy Division are to ensure that privacy concerns of individual consumers are addressed expeditiously and fairly, and to promote privacy accountability among participating businesses.

Dispute Resolution and Enforcement

BBB National Programs' Global Privacy Division dispute resolution procedures are designed with two primary goals in mind. First, to ensure that the privacy concerns of individual complainants are addressed speedily and impartially. Second, to promote privacy accountability among U.S. businesses participating in the programs.

The Global Privacy Division provides a secure, accessible online mechanism for handling privacy complaints by individuals against participating U.S. businesses. The service is provided free of charge to individuals, who can readily access the online complaint form through a live hyperlink that each participating business must include in the privacy policy posted on their public website.

Complaint Handling Rules and Procedures

As provided in the [Procedure Rules](#), the Global Privacy Division engages in a multi-step process to determine complaint eligibility and then resolve complaints against participating businesses through its dispute resolution procedures. Language translation services are available as needed to facilitate any or all stages of the complaint review and dispute resolution process.

Initial Eligibility Review

Global Privacy Division personnel review each incoming complaint to determine whether, on its face, the complaint is eligible for resolution under the program. During this step of the process, complaints are closed if they do not identify a participating business. When a complaint is closed for this reason, the complainant is provided with instructions to pursue relevant alternative redress options, such as through their local data protection authority.

In addition, complaints are closed at this stage if they do not state a complaint of any kind (e.g., unintelligible submissions) or are entirely unrelated to data protection concerns (e.g., product or service complaints). When a complaint is closed for one of these reasons, the complainant is encouraged to contact the Global Privacy Division with additional information if they believe their complaint is in fact eligible for resolution.

Verifying Eligibility

When a complaint appears to be eligible, but lacks important information, Global Privacy Division personnel contact the complainant to confirm that the complaint meets program eligibility criteria before opening a case. This process may entail requesting information from the complainant such as the location of the data collection, the complainant's identity, the nature of the personal data at issue, or the nature of the complaint itself. It also may be necessary to confirm that the complainant has made a good faith effort to contact the relevant participating business about their complaint.

Case Determination

When a complaint is found eligible, Global Privacy Division personnel open a formal case and notify the participating business, which must respond to the complaint within 10 business days. Once all information necessary to make a determination has been received, BBB National Programs issues a determination on the facts of the case, specifying the corrective actions required of the participating business, if relevant.

Participating businesses that fail to comply with the dispute resolution procedures, including failing to take agreed-upon action following a decision, will have their certification revoked and may be referred to the appropriate federal government agency—generally the Federal Trade Commission—and the referral will be reported to the U.S. Department of Commerce.

Compliance Verification and Additional Redress Options

BBB National Programs verifies each business' performance of corrective actions. This is a multi-step process that may add significant time to the full resolution of the case, depending on the nature of the corrective actions. Performance is verified through independent means, when possible, and through a formal attestation by the business.

2020-2021 CBPR and PRP Casework

During this review period, the Global Privacy Division received a total of eight complaints through our dedicated online complaint form.

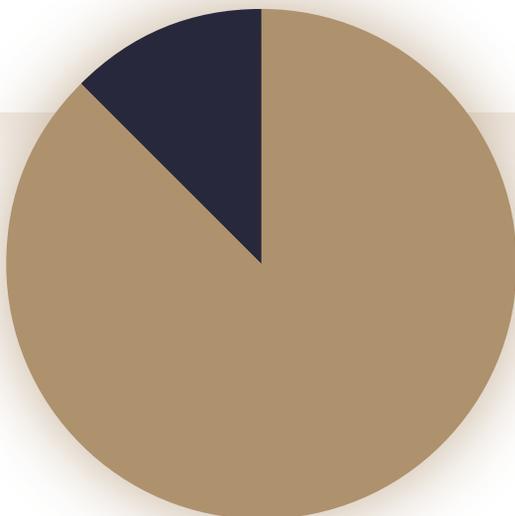
Origin of All Complaints Received 2021-2022

The Global Privacy Division dispute resolution service was accessed during the review period by complainants from around the world. Of eight complaint submissions reviewed, six were submitted by individuals who provided a U.S. address and two were received from individuals who appeared to be in other countries.

Statistics and Analysis of Complaints Received 2021-2022

The Global Privacy Division received a total of eight complaint submissions during the 2021-2022 reporting period.

Seven of these complaints concerned businesses not currently participating in the Global Privacy Division's APEC CBPR or PRP certification programs. As a result, no actions were taken.



Complaints Submitted

● Ineligible complaint

● Eligible complaint

Following an eligibility review of each complaint, which included requesting additional information from the complainant wherever appropriate, the total complaints received ultimately resulted in one potentially eligible case that the Global Privacy Division processed during the review period.

Ineligible Complaints

Although most complaints received were found ineligible for resolution, Global Privacy Division personnel reviewed each complaint carefully, as described in the section titled “Initial Eligibility Review.” For complaints closed as ineligible, Global Privacy Division personnel sought to direct complainants to an alternative dispute resolution mechanism, where appropriate.

The table below represents the eight complaints received during the reporting period that were closed after the initial eligibility review. Seven of these were found ineligible because they did not identify a business participating in the Global Privacy Division’s APEC CPBR or PRP certification programs. Global Privacy Division personnel completed the initial eligibility review and responded to these complaints within an average of three days.

Figure 1. All Complaints Received During Reporting Period

Complaint	Country of Origin	Participating Business	CBPR/PRP
1	Morocco	No	N/A
2	USA	No	N/A
3	USA	No	N/A
4	USA	No	N/A
5	United Kingdom	Yes	CBPR
6	USA	No	N/A
7	USA	No	N/A
8	USA	No	N/A

On average, the Global Privacy Division closed each ineligible complaint that identified a participating business within three days. The remaining one complaint was considered eligible for review through the CBPR and PRP dispute resolution procedure.

Eligible Complaints

Complaints that appeared to be eligible for resolution by BBB National Programs’ Global Privacy Division remained open after the initial eligibility review. At this stage, Global Privacy Division personnel reached out to the complainant to provide instruction and ask for additional information needed to open a case, as described in the “Verifying Eligibility” section of this report. The single complaint potentially eligible for resolution was closed after seven days when the complainant indicated that they resolved the issue with the company directly.

The table below represents the total number of complaints received during the reporting period, broken down by complaint type and corresponding APEC CBPR or PRP Principle:

Figure 2. Complaint Statistics

APEC CBPR or PRP Principle		Location		By Type	
Choice	2	Morocco	1	Account disabled	1
Other	6	United Kingdom	1	Transactional	3
		United States*	6	Privacy settings not working	1
				Unable to unsubscribe	1
				Undefined	2
Total	8	Total	8	Total	8

Resolved Cases 2021-2022

During the review period, BBB National Programs did not open any cases. As such, no case notes are provided.

About BBB National Programs

BBB National Programs is where businesses turn to enhance consumer trust and consumers are heard. The non-profit organization creates a fairer playing field for businesses and a better experience for consumers through the development and delivery of effective third-party accountability and dispute resolution programs. Embracing its role as an independent organization since the restructuring of the Council of Better Business Bureaus in June 2019, BBB National Programs today oversees more than a dozen leading national industry self-regulation programs, and continues to evolve its work and grow its impact by providing business guidance and fostering best practices in arenas such as advertising, child-directed marketing, and privacy. To learn more, visit bbbprograms.org.

BBB National Programs

1676 International Drive, Suite 550
McLean, VA 22102