



**United Nations Commission on Science and Technology for Development
(UN CSTD)**

Working Group on Data Governance

SURVEY RESPONSE*

**Track 1 – Fundamental Data Governance Principles at All Levels
as Relevant for Development**

Submitted by:

CANADA

(Member)

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1. What additional data governance frameworks should be included in [the compilation](#) prepared by the Secretariat?

We would recommend that the Secretariat's compilation take account of the concept of Data Free Flow with Trust (DFFT), which aims to support open and free flows of data across borders while ensuring the appropriate privacy, security, and other safeguards are in place. The concept currently enjoys broad support across the G7 and G20 and underpins the OECD's policy and research on international data governance. DFFT was first articulated in the 2019 G20 Osaka Leaders' Declaration and continues to be elaborated and reflected in reports, like the OECD's "Moving forward on data free flow with trust: new evidence and analysis of business experiences", and policy frameworks like the OECD Recommendation on Enhanced Access to and Sharing of Data and OECD Declaration on Government Access to Personal Data Held by Private Sector Entities.

2. Which principles are particularly important?

As a broad ranging concept that encompasses several key principles for international data governance, DFFT entails the need to ensure free cross-border data flows while (1) upholding human rights and other legal rights, consistent with existing international law – including the UN Charter, Universal Declaration of Human Rights, and International Covenant on Civil and Political Rights – which is the foundation of international data governance; (2) safeguarding privacy and security, informed by risk assessments consistent with international law; and (3) using secure data infrastructure. Interoperability enables DFFT and its underlying principles.

In line with the UN Global Digital Compact, international data governance should be inclusive, reflecting the needs and perspectives of relevant population groups, including Indigenous peoples, including by facilitating data (dis)aggregation by characteristics such as age, gender, sexual orientation, and disability status. It should also support multistakeholder participation (e.g., of industry,

* This survey was designed by Ms. Zulekha Fundi (United Republic of Tanzania) and Mr. Alejandro Saucedo (Zalando), Co-facilitators of Track 1 on Fundamental Data Governance Principles at All Levels as Relevant for Development. The survey supports the work of the UN CSTD Working Group on Data Governance (WGDG), established by the United Nations General Assembly ([A/RES/79/1](#)).

civil society, Indigenous partners, and the technical community). It should also foster cooperation among the various international organizations (e.g., UN and related agencies and bodies, OECD, standards bodies, regional organizations) with relevant mandates and functions, recognizing their complementary roles in the wider system of global governance.

Overall, these principles enable states and stakeholders to cooperate to responsibly harness the benefits of data for sustainable development in its economic, social, and environmental aspects, while ensuring that public policy objectives (e.g., privacy, protection of human rights and intellectual property rights, security) can also be achieved.

3. Are there sector-specific nuances that the Track ought to highlight?

The track should focus on identifying and reinforcing existing principles of international data governance, as relevant for development. The principles should be broadly applicable across sectors and not limited to a specific type (e.g., personal) or domain (e.g., health, research) of data, with distinctions made as necessary.

While domain-specific principles can inform our work (as the Secretariat's compilation shows), principles for the purposes of the Working Group should be able to promote alignment and collaboration across data governance frameworks at all levels, including between international organizations with relevant mandates, with the goal of advancing digital and data development in emerging markets and developing countries (EMDCs).

That said, it could still be useful to identify which principles or considerations are particularly relevant to: (1) personal versus non-personal data; (2) privately versus publicly-held data; and (3) public domain versus proprietary data.

Given the group's mandate to consider data governance as relevant for development, the track should take account of global digital divides and promote dialogue on data governance practices across countries at different levels of digital development with a view to supporting the development of data ecosystems in EMDCs.

4. Which tensions or trade-offs among the proposed data governance principles do you consider most pressing in your context, and what mechanisms would you recommend to resolve or balance these tensions?

The most pressing tension for Canada is the one between promoting free flows of data across borders for social and economic benefit on the one hand, and protecting privacy, security, and legal rights and interests of the Government of Canada, Canadians, and Canadian businesses on the other hand.

Data flows across borders must always be accompanied by safeguards against potential violations of legal rights, including human rights, privacy rights, and intellectual property rights, or security risks arising from unauthorized or unlawful access to or use of data. Such safeguards are important to build trust and facilitate compliance with data regulations among states, ensuring effective international cooperation and seamless business operations across borders, consistent with international law.

Canada balances these goals in its domestic frameworks by having in place strong, enforceable personal information protections for data held both by public and private actors, as well as guardrails for government collection, sharing, and use of personal information, without unduly restricting the cross-border flows of data or imposing data localization requirements. Open and transparent communications about data management and governance practices could reinforce such measures by strengthening public trust.

Internationally, one way Canada supports the concept of DFFT is by seeking legally-binding commitments in free trade agreement (FTA) provisions that prohibit restrictions on crossborder data flows and data localization requirements, while keeping a balance ensuring Canada and FTA partners can continue to pursue legitimate public policy objectives and protect key national interests such as security.

5. Are there any other points, ideas, or issues you would like to raise that were not addressed in this survey?

No response provided.



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