

SPEECH OF THE DATA PROTECTION COMMISSIONER, MRS DRUDEISHA MADHUB

The Mauritian government has designed a vision 2030 Blueprint which includes making our data protection legal framework in line with international standards. Therefore, as part of our government's vision, it is no surprise that we have acceded to the one and only international convention on data protection. The modernisation of this convention is but more than timely since the global digital landscape has become more spider webbed than ever before and our data requires urgent consideration and protection.

Mauritius is positioned as one of the leading democracies in Africa and the accession to Convention 108 is also an expression of the will of the government to show its unflinching commitment to democratic principles including data protection. As one of the leading economies in the region with a booming ICT sector being the 3rd pillar and aiming to become the **1st pillar** in the coming years. A reality that the government wishes to achieve as soon as possible.

We have only 1 agenda with Convention 108 and that is protection of personal information which has become the new oil or gold in which most economies are thriving. Without data, there is no economy, no development, no innovation and no survival. The abuse of our data threatens our very existence. When we are exposed along with all our secrets and vital information, we become vulnerable to attacks, trust and the economy crumbles. So there is a direct link between healthy personal information sharing and a healthy business environment – what I call the umbilical cord; fragile, yet so important.

From this holistic perspective, it is but too simplistic to state that Convention 108 has got only such number of benefits and that states have such a number of commitments. We cannot quantify the benefits and also perhaps the commitments. Why, because how the Convention has unfolded itself in the past as regards its application and interpretation domestically and the international jurisprudence is but a glimpse of what it can offer and how it will unfold itself in the near future is also get to be seen. It does resemble a Pandora's Box in the positive sense like any law. The European Court of human rights has on many occasions made reference to this Convention and its provisions – giving it the status it deserves. Therefore, we do not

underestimate the potentials of this convention and are very optimistic about incorporating the Convention in our local case-law. As Commissioner, I deliver decisions which represent the case law or data protection in Mauritius and the Convention can only enhance the quality of my decisions if not the incredibility as it would mean ensuring that all recognised international data protection principles are applied in the local context. I think this will be the most important achievement through accession since our investigations and judgments will be supported officially by the Convention. It adds a more legal formality that was lacking since then. Now I can rely on the Convention as our law. As many of you are probably aware, Mauritius is considered to be one of the most successful economies in Africa, in doing business as evidenced by global indexes although but a small dot on the world map, it has proven to be a big potential for Africa. It is now positioning itself as a regional ICT hub and a gateway to Africa. Therefore, facilitating trans-border data flows is but a necessity. It is also aiming to be a destination of choice for data centers. We have a booming ICT-BPO sector. E-commerce and e-business is becoming the main vehicle for business. A Smart and Intelligent Mauritius is just a few years away. We also believe in unity in diversity as we are a multi-ethnic and racial country and I must say that the Convention by welcoming non-European states is in fact adopting such a principle. Every country has its own specificities and must have but to disregard the commons goals that we the global community must have to advance global concerns can only negate the principle of mutual cooperation and efficiency. Accession to this convention is not a negativity to national sovereignty but a manifest of our belief in a bigger community, a bigger family that is, the world. Moving together towards more sound and harmonized data protection rules is the biggest benefit we can derive. As a progressive state, we also believe in the think global and act global.

No law is perfect, none will even be. But the balance should always be that the common good is greater than the individual, restrictive needs of a particular country. Transcending beyond natural frontiers to a borderless data protection regime is our aim to achieve free and safe flow of information – information which is personal and yet global. The success lies in how far the Convention can go to maximise protection in a no-frontier world. This is our shared responsibility, supervisory authorities of states parties to the Convention.

Thank you.