

Data Protection

I. In brief

The Data Protection Convention¹ (also known as Convention 108 launched in 1981), has served as the backbone of international law in more than 40 European countries and influenced policy and legislation far beyond Europe.

Being the only legally-binding international treaty in the field with a worldwide scope of application, open to any country, and therefore with the potential of becoming a global standard, it can contribute to setting a minimum level of protection throughout the world.

The Council of Europe and European Union can together encourage non-European states with adequate data protection laws to apply for accession.

The importance of this co-operation was highlighted in the 'EU Priorities for co-operation with the Council of Europe in 2012-2013' which underline that the EU will 'support worldwide promotion of the norms of this Convention'.

On the occasion of Data Protection Day 2012, the Council of Europe Secretary General Thorbjørn Jagland and European Commission Vice-President Viviane Reding issued a joint statement from the World Economic Forum in Davos underlining that "Connectivity must not compromise privacy". Common efforts in enhancing data protection across the world should aim at promoting Convention 108.

II. Background

Building privacy safeguards that are widely respected is an important aspect of human

rights protection. Today the protection of personal data is a distinct right which is firmly anchored in article 8 of the European Convention on Human Rights and enshrined in Article 8 of the Charter of Fundamental Rights of the European Union.

The aim of Convention 108 is to protect individuals as regards the processing of their data. Adopted in 1981, and with an excellent track record in impact and effectiveness, its value is heightened by current developments. With new data protection challenges arising every day, the Council of Europe initiated in 2010 a modernisation process, in order to better satisfy the legitimate expectation of individuals and professionals with respect to data protection.

The modernisation of Convention 108 should preserve the complementarity and coherence with the EU legal framework and also lead to an enhanced monitoring of the implementation of the Convention.

III. Comparative advantages and added value

The data protection Convention is the only international legally-binding instrument in the field, and the Council of Europe has over 30 years' experience in data protection work, both at normative and co-operation level.

Several successful capacity-building projects have been implemented by the Council of Europe in the field of data protection: the latest one, in 2012, aimed at the enhancement of the data protection system (legislation and its implementation) in Ukraine, as one of the components of a wider joint project on media.

IV. Geographic contextualisation

The geographic reach of Convention 108 is global because of both the need for a harmonised approach and due to this

¹ Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data

magnitude of data flows and cloud computing/storage of data. It is in the interests of both the Council of Europe and the European Union that sound data protection systems be guaranteed and developed throughout the world. Promotion of Convention 108 will contribute to strengthening data protection globally.

Co-operation projects can be regional or country-specific and can be replicated and adapted to any regional or national context, depending on the EU's external policy priorities. The Council of Europe has contacts with competent data protection or governmental authorities and stakeholders around the globe. For more information:
http://www.coe.int/t/dghl/standardsetting/DataProtection/default_en.asp

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