

Conference on Convention 108 + as the global privacy standard, building a free data transfer area while preserving human dignity

Strasbourg, 28 January 2022, International Data Protection Day

Speech by EU Commissioner Didier Reynders

Dear Ambassador Giacomelli,

Dear Secretary-General Burić,

Dear UN Special Rapporteur Nougrères,

Ladies and Gentlemen,

On behalf of the European Commission, I would first like to extend my warmest thanks to the Council of Europe for hosting this conference and for inviting me to share some remarks.

This is the 16th edition of the International Data Protection Day, which marks the date on which Convention 108 was opened for signature in 1981, more than 40 years ago.

This is the only multilateral international agreement on data protection.

It is an important for coming together to celebrate this important instrument and debate the state of data protection. Unfortunately, we still have to meet virtually because of the pandemic.

This crisis is proving to be a defining moment for the relationship between democracy, human rights and technology.

This crisis made us certainly realise is how fundamental privacy is in preserving our freedom in difficult times.

Digitalisation brings enormous benefits, and the promise of a better tomorrow for our economies and societies.

Data protection rules play a key role in ensuring that new technologies bring new opportunities rather than new problems. Hope rather than fear.

Last year, 28 of January was a very special day, not only for the Council of Europe, but also for the global data protection community.

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On that day, we were celebrating the 40th anniversary of Convention 108, which was open for signature on 28 of January 1981, long before the era of internet and global data flows.

As the only legally binding multilateral agreement in the field of personal data protection, Convention 108 has played and continues to play a crucial role in promoting the right to privacy and data protection around the world.

It has also contributed to developing European Union rules in this area, generating strong links and synergies between both frameworks.

Those links are reflected, for example, in the importance that adherence to the Convention has for a possible adequacy decision under the EU General Data Protection Regulation or the Law Enforcement Directive.

Not surprisingly, promotion of the Convention is a central element of the Commission's data protection strategy and international outreach.

I hope that the modernised version, Convention 108+, will have an even greater impact, given that it reflects all the attributes of a modern data protection regime.

In its preamble, Convention 108+ underlines the need to ensure that human dignity and personal autonomy are guaranteed. This should be done through the right of individuals to have effective control over their personal data, and control over how they are processed.

It also recognises the need to promote at global level the fundamental values of respect for privacy and the protection of personal data. This will contribute to the free flow of information, and the interest in strengthening international cooperation in this important field.

Still, we can safely say that Convention 108, with other instruments at regional and global level, including the EU legal framework, is living up to these ambitions. In particular if we consider how the level of convergence in data protection is progressing globally.

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This is very good news from a perspective of individual privacy, but also from a perspective of facilitating trusted data flows and thus trade.

To be really effective, regulatory convergence needs to be supported by strong cooperation on the ground, notably among data protection authorities.

The new Convention is helping to define this new landscape, including through its comprehensive scope of application that covers data processing activities in all areas, including law enforcement and national security.

In addition, it builds and strengthens enforcement cooperation by creating a network of supervisory authorities.

But much remains to be done.

The Protocol amending Convention 108 was opened for signature on 10 of October 2018. But so far, the pace of ratifications is falling short of expectations.

The European Commission is strongly encouraging EU Member States to complete the ratification process on time. But extra efforts by all Parties are necessary.

I hope that the future will see many new countries join this important instrument.

This will, hopefully, also include Parties from the Asia-Pacific region, where strong data protection laws have emerged and continue to be drafted, and from which several countries already participate as observers.

Thank you!