



Presidency of Italy
Council of Europe
November 2021 - May 2022

Présidence de l'Italie
Conseil de l'Europe
Novembre 2021 - Mai 2022

Data Privacy Day, 28 January 2022

Declaration of the Chair of the Ministers' Deputies

As Data Privacy Day is celebrated across the world, the Council of Europe's leading role in protecting privacy and personal data requires renewed support from its member States and of all other Parties to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. This instrument (commonly known as "Convention 108") and its modernised version (known as "Convention 108+") are at a turning point. They are designed to be at the heart of international developments aiming at the convergence of legal systems to ensure an appropriate protection for individuals in the digital age while facilitating the free flow of data for the benefit of our societies, economies, and sustainable development. For this to succeed, early additional ratifications of Convention 108+ are still needed.

For 40 years, Convention 108 has been the only international and multilateral legally binding instrument on the protection of privacy and personal data. With its principles-based approach, its transposable and easy to adapt scheme, Convention 108 has imposed itself as a unique instrument creating the conditions necessary for a digital society based on trust and respect for human dignity and the human rights of all. This explains its success far beyond the European borders as its robust data protection framework serves as a universal reference standard for national data protection legislation worldwide and it now gathers 55 Parties.

The modernised Convention makes it the landmark instrument facilitating data flows and respecting human dignity in the digital age. We are convinced that Convention 108+ is a unique and global tool of regulatory harmonisation and convergence re-instating the human being in her/his position of subject, and not a mere object, of algorithmic deduction, control or surveillance. With its balanced standards, it sets the commonly acceptable level of protection that an individual would seek to have in an ever-expanding digital era, in order to safeguard dignity and an intimate private sphere, and to fully enjoy the right to informational self-determination.

We are convinced that acceding to Convention 108+ is an opportunity for any country from around the world to see its level of data protection internationally recognised. In addition, this gives individuals under its jurisdiction the possibility to fully exercise their rights to the protection of private life and personal data.

We wish to highlight the tremendous benefit States Parties to Convention 108+ will gain by mutual co-operation in building a free data transfer area while ensuring the highest level of data protection to individuals as well as perfect compliance with international standards. Acceding to Convention 108+ means not only demonstrating a high level of data protection but also being able to rely on a strong network of peer States able to provide assistance, advice and support. It also means that a State will participate at the highest possible multilateral level in the shaping of the future of the right to data protection while contributing to maintaining the free flow of data globally.

It paves the way to building a principle-based culture of privacy anchored in the protection of human rights, democracy, and rule of law, the core values of the Council of Europe.

That is why it is essential that all Parties to Convention 108 that have not yet done so, ratify the Amending Protocol (CETS No. 223) without delay to make Convention 108+ come to life. Our individual commitment is crucial for our common responsibility to offer any State and intergovernmental organisation all over the world an opportunity to accede to it so that the right to data protection and privacy may be truly universally recognised and protected.