



# DATA PROTECTION

*Protecting you, protecting your personal data, protecting your human rights and fundamental freedoms is our core objective.*

*To do so, we provide a global data protection Convention (known by specialists as “Convention 108+”) aimed at creating a common legal space for as many countries as possible, committing together to respect the right to data protection.*

Brief overview of the  
Council of Europe  
standards and activities  
in the field of data  
protection

Thematic  
Focus

Information  
Society

[www.coe.int/dataprotection](http://www.coe.int/dataprotection)

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The Council of Europe safeguards and promotes the rights to privacy and data protection through the means of an international convention, international cooperation, complementary policy guidelines and capacity building.

## Global Convention

The Council of Europe Convention for the protection of individuals with regard to the processing of personal data (“Convention 108” of 28 January 1981) is a unique instrument. No other treaty provides for a legally binding commitment of countries in the field of data protection with **global dimension** and **fully horizontal scope of application** (public and private sector processing).

It is open to any country (it currently counts 54 States) and has inspired for decades a number of legislative processes throughout the world, such as for instance the EU data protection framework.

Convention 108 was modernised in 2018 (“Convention 108+”) to respond to new challenges in the digital era, allow safer exchanges of personal data at international level and strengthen the effective implementation of the Convention.

Accession to the Convention is a voluntary acceptance of reciprocal obligations: treaties are mutual, not unilateral. It is not an imposed standard.

Joseph A. Cannataci, the United Nations (UN) Special Rapporteur on the right to privacy, encourages all UN Member States to accede to Convention 108+.

The principles of Convention 108+ provide a modern and balanced data protection bench mark that all countries should aim at in their national legislation.

In respect of its articulation with the EU GDPR, Convention 108+ is taken into account for the recognition of an adequate level of data protection (see Recital 105 of the GDPR).

## Enhancing international cooperation

As the only legally binding international instrument with worldwide significance on data protection, Convention 108+ provides a unique **international platform for cooperation** (legal basis for international cooperation between the competent independent authorities).

Besides the 47 member states of the Council of Europe, Argentina, Cap Verde, Mauritius, Mexico,

Senegal, Uruguay and Tunisia have become parties to the Convention.

The Convention Committee gathers 70 countries: the representatives of the 54 Parties to the Convention and observer states (Australia, Brazil, Burkina-Faso, Canada, Chile, Gabon, Ghana, Indonesia, Israel, Japan, Morocco, New Zealand, the Philippines, South Korea, and USA). Non-state actors also contribute to the work of the Committee.

The Parties to Convention 108+ commit to a mutual co-operation and ensuring the highest level of data protection. Joining “Convention 108+” offers the possibility to rely on **a strong network of peers providing assistance, advice and support**.

In an era of increasing digitalisation, it is crucial to allow the competent authorities to work hand in hand on common challenges.

## Developing new standards and policies

Addressing emerging challenges requires **reactive and practical normative guidance** for all actors of the digital ecosystem.

Specific recommendations regarding health-related data, the processing of personal data in the context of employment or concerning the protection of individuals in the context of profiling are amongst the instruments adopted in this field by the Committee of Ministers of the Council of Europe.

The Committee of Convention 108 also adopted Guidelines on Artificial intelligence, on Big data, on passenger name records, on the protection of personal data in the police sector, etc.

## Building national capacity

The Council of Europe is implementing a number of **cooperation projects** aimed at providing **legal and technical assistance** in the field of data protection to countries which express interest in such bilateral or regional cooperation. This form of targeted cooperation is instrumental in promoting the implementation of the Council of Europe standards in the field of privacy and data protection and fostering an enabling environment allowing individuals to exercise their rights.

## Data Protection Day

Data Protection Day, which is celebrated annually and throughout the world on **28 January**, marks the anniversary of the opening for signature of Convention 108.

Join us in celebrating this important date and raise awareness on the right to data protection.