

“Each 28 January we celebrate Data Protection Day. The reason we celebrate on this day, is that it is the day of the opening for signature of Convention 108 of the Council of Europe. It is the only global legally binding treaty in the field of data protection open for accession by any state fulfilling its requirements: With Parties from Africa and Latin America and observers from North America and Asia it is a bridge between continents.

For over 40 years, Convention 108 has influenced and shaped the protection of privacy and of data protection in Europe and beyond. Its modernised version (‘Convention 108+’) will continue to do so.

After 10 ratifications in 2023, bringing the total number of ratifications up to 31, 2024 - with the necessary continued effort - should prove to be the year that 38 ratifications will be reached and the Convention 108+ enters into force for these states. It would be most fitting in the year that marks the 75th anniversary of the Council of Europe.

The entry of force has been likened to crossing a finish line, but it is important to recall that is in fact rather the opposite: It is the beginning of a new era.

On the one hand, it will mean an improved level of protection of personal data so necessary in today’s digitized world. On the other hand, it will also mean tackling the necessary tasks of establishing the foreseen review mechanism, the constitution of the Committee of Convention 108 + as well as establishing a new level of cooperation between data protection authorities.

The worldwide celebration of the Data Protection Day shows a global recognition that the right to privacy and specifically the right of the individual with regard to the processing of their personal data are of fundamental importance in today’s digitised world. The Data Protection Day is also a moment to take stock of the current work within the Committee. With its commitment to the evolution of data protection beyond regional borders, it is in a unique position to address data protection issues combining perspectives from across continents.

In this spirit, the Committee has recently adopted new Guidelines for the processing of personal data for Anti-Money Laundering/Countering Financing of Terrorism purposes filling a need for guidance in an area of great public interest. The Committee has also adopted new Model Contractual Clauses, which will give data exporters an instrument to safely transfer personal data, thus supporting the free flow of personal data in today’s globalised world.

The Data Protection Day is an opportunity and an international effort to raise the awareness on the right to data protection and privacy. And once again, it is also a day where we can use the opportunity to appreciate a Convention that has been opened for signature 43 years ago and continues – at a global level - to lay the foundation for the autonomy and human dignity in a globalised and digitised world.

Happy Data Protection Day!

Elsa Mein, Chair of the Consultative Committee of Convention 108