

Costa Rica's Intervention at the Conference on Convention 108 + as the global privacy standard, building a free data transfer area while preserving human dignity, hosted by the Chair of the Ministers' Deputies, Friday 28 January 2022, Data Protection Day

Ms. Fiorella Salazar, Minister of Justice and Peace, Costa Rica
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Dear Secretary General of the Council of Europe, Dear members of the Committee of Ministers and honorable guests;

It is an honor for me to represent Costa Rica at this high-level event organized to celebrate the International Data Protection Day and the adoption of the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data. This is, without a doubt, the ideal opportunity to remember and insist on the importance of adequate legal regimes capable of guaranteeing the effective protection of this fundamental right, as well as for recognizing the vital role of the Convention 108+ in this task.

The development of new technologies and the speed in which today we share information certainly provides a favorable context for economic and cultural growth and exchange. We are living through unprecedented times. Our cultures, countries and citizens are more connected than ever through social networks and all the available platforms. This celebration by itself demonstrates the infinite possibilities and solutions that technology has provided us with during this unexpected pandemic. The technological means have provided a safe space to bring us closer, share and discuss while physically we are in different offices, countries and even different latitudes.

Nevertheless, the speed and dimension of data and information exchanges also represent risks for the rights to privacy and intimacy, as well as for the protection of human rights. In the previous years, we witnessed the impact of these exchanges and the automatic processing of data at key scenarios, such as presidential elections in different countries, the sale of information to multinationals for publicity's sake and the gathering of information

through social networks in favor of governmental security agencies. There are numerous examples and jurisprudence on the matter, and the need to strengthen the legislation not only at a national level, but also at an international level is no more urgent than ever, as we become an international community. In this regard, the Convention 108+ is a pioneer instrument that offers the possibility of a common international legal regime that guarantees the protection of persons and their personal data, so that they do not become mere objects of algorithmic deduction, control or surveillance. The convention places the person at the center, as a protagonist, and not as a simple object of public policies.

Based on this understanding, Costa Rica decided to ask for the accession to the Convention 108+ on April 2019, thus becoming the first country to access under the modernized convention. Currently we are amidst the process of evaluation and adjustment our national legislation in order to comply with the most ambitious protection standards.

Thanks to the analysis and support of the Council of Europe and its experts, Costa Rica has been able to identify those areas of our legislation that must be strengthened, and currently we are in the process of adopting a new law on data protection, exactly ten years after the country adopted its first law to regulate this matter. This draft bill is an instrument built with the collaboration of different stakeholders which introduces the highest international standards.

Without a doubt, this has been a fruitful process that resulted in the strengthening of the country which is still immersed on the construction of a national culture on the issue of data protection. We trust in the positive results of this process, which will permit that Costa Rica grows into a safe country for the international transfer of data. Simultaneously, this will open a bridge with the European continent that will open new opportunities of commercial and cultural exchange that will benefit both our populations under the auspices of a common legal regime.

Based on this experience, we wish to invite our brothers and sisters of America and other latitudes to also join the convention, as this will allow us to knit a network of coherent national legal regimes that guarantee an adequate protection for our inhabitants in any part

of the world, at the time that we will count with a common legal framework that will allow the international transfer of data. This will definitely have a positive impact on the sustainable economic development of our countries and regions.

In a world that is interconnected in every possible way, we cannot apply disconnected legal solutions that create barriers or protection gaps. On the contrary, it is necessary to aim towards the standardization of the norms in a way that favors communication and so that we can offer our citizen bridges and safe spaces to achieve their life projects and thrive.

Thank you very much for your attention.