

Strasbourg, 5 March 2025

T-PD(2025)2

**CONSULTATIVE COMMITTEE OF THE CONVENTION
FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO
AUTOMATIC PROCESSING OF PERSONAL DATA**

(CONVENTION 108)

**MEMORANDUM PREPARED BY THE SECRETARIAT
ON REQUESTS FOR OBSERVER STATUS BEFORE THE COMMITTEE**

The Chair of the Committee of Convention 108+ received four requests for observer status before the Committee to be examined by the Committee at its 48th Plenary session.

Those requests are from:

- The Network of African Data Protection Authorities (NADPA) on 30 December 2024;
- Superintendencia de Protección de Datos Personales (Ecuador) on 28 January 2025;
- Chilean Association of Professionals in Personal Data Protection on 28 January 2025;
- Colombian Data Protection Authority (Deputy Superintendent for the Protection of Personal Data) on 5 March 2025.

The present document has been prepared by the Secretariat to recall the applicable rules and provide further background information on these requests, to facilitate their consideration by Delegations, for the decision to be made by the Committee on 17-19 June 2025 at the 48th Plenary meeting.

I. General Rules on granting observer status

1. Convention 108

According to point 3 of article 18 of Convention ETS No 108: “*The Consultative Committee may, by unanimous decision, invite any non-member State of the Council of Europe which is not a Party to the Convention to be represented by an observer at a given meeting*”. In this case, it is the country which is invited as observer before the committee and can decide on sending a representative.

2. Rules of Procedure

The Rules of Procedure also provide – among others – rules on granting an observer status before the Committee of Convention 108 that are contained in the document T-PD43(2022)7 of 18 November 2022 (Rules of procedure). Article 4 bis.1 of the Rules of procedures stipulates that: “*The Committee may, by unanimity of the votes cast, decide to invite international institutions and Organisations to send one or more delegates to attend its meeting.*”

Article 3.3 of the Rules of procedure furthermore provides that:

“*Abstentions, which may be accompanied by an explanatory statement, shall not prevent the Committee from reaching a decision in accordance with Article 18, paragraph 3 of the Convention.*”

3. Admission Criteria for Observers

Admission criteria for Observers are set forth in the document T-PD(2018)04Rev3 on “Observers - State of play and admission criteria”.

Article 4 bis of the Rules of Procedures foresees that:

“The following criteria could be used by the Committee when examining a request to be granted observer status:

- broad experience in the field of data protection and privacy;*
- ability to actively contribute to the work of the Committee;*
- representativeness at European level or at another regional level;*
- willingness to promote the Convention, its values and potential beyond the Council of Europe;*
- interest for the Committee to provide a multi-stakeholder dimension to its work and to associate other stakeholders to it.”*

II. Information on the Specific Requests

1. Network of African Data Protection Authorities (NADPA)

a. Procedure

The Network of African Data Protection Authorities (NADPA) sent its request on 30 December 2024 to the Chair of the Committee of Convention 108 expressing the willingness to be invited on a regular basis as observer to the meeting of the committee.

[Delegations can request that the underlying documents are made available by the Secretariat.]

b. Admission Criteria

Main points supporting the request:

A. Broad experience in the field of data protection and privacy

In the case of NADPA, the experience, although not evenly distributed between members, but evident. The network was created for data protection authorities and institutions operating on the African continent. NADPA was established in September 2016.

According to the Article 3 of the Constitution of NADPA¹, the objectives of the Network are to:

- “ - Organise close cooperation between its members, in order to foster the sharing of ideas and experiences on issues related to their missions.*
- Support States in the drafting of laws on the protection of privacy and personal data and the establishment of supervisory authorities.*
- Give opinions or make statements on specific issues relating to the protection of privacy and personal data.*
 - Provide a framework for consultation on the privacy and data protection issues and challenges facing Africa.*
 - Promote African legal instruments for the protection of privacy and personal data and to ensure their adequacy with the realities of the continent.*
 - Co-operate with other African and international bodies and associations in the consolidation of the right to privacy and personal data protection.*
 - Lead the harmonization of the rules on data protection in the region.*
 - Enable a standardised and a consistent approach to the delivery of the data protection and privacy mandate.*
- Enable a continental level of protection of people’s data and their privacy as a fundamental human right.”*

NADPA is actively engaged on an international level through hosting international events, capacity building and awareness-raising activities in the field.²

B. Ability to actively contribute to the work of the Committee

NADPA would be able to contribute actively to the work of the Committee. NADPA’s participation could help bringing in African perspective and specificities in the area of data protection while at the same time making available the work carried at the Committee of Convention 108 for all members in the African continent. NADPA can share experiences on data protection enforcement, cross-border data flows, and regulatory challenges in an African contexts. It can also advocate for African perspectives in global discussions on notably AI governance, and data subjects’ rights.

C. Representativeness at European level or at another regional level

NADPA is representative at an African level.

¹ Constitution of the Network of African Data Protection Authorities NADPA-RAPDPP | NADPA-RAPDP.

² Network News | NADPA-RAPDP.

D. Willingness to promote the Convention, its values and potential beyond the Council of Europe

NAPDA engages with the African Union, Ecowas, and most notably with the Smart Africa Alliance.

E. Interest for the Committee to provide a multi-stakeholder dimension to its work and to associate other stakeholders to it

By seeking observer status, NAPDA would demonstrate its aim to actively participate in the Convention Committee's discussions, contributing to, and aligning with international data protection standards.

NADPA Most Recent Activities

In 2022, NADPA-RAPDP signed a Memorandum of Understanding with Smart Africa to support the harmonization of data protection laws and strengthen enforcement capacities among African nations. In May 2024, during its 9th Annual General Meeting in Nairobi, Kenya, NADPA-RAPDP selected Nigeria to host the 10th edition of its Conference and Annual General Meeting in 2025. Nigeria, which joined the network in 2022, has been actively involved, notably coordinating the Regulatory Harmonization working group. The 2025 conference in Abuja aimed at providing a platform for Data Protection Authorities across Africa to collaborate and share insights on emerging trends and best practices in data protection and privacy.

2. Superintendencia de Protección de Datos Personales (Ecuador)

a. Procedure

The request was received on 28 January 2025 and was accompanied by a formal letter detailing the request for the Superintendencia de Protección de Datos Personales (SPDP), representing Ecuador, to be invited as an observer to the Convention 108 and its Additional Protocol.

The letter to the Chair of the Committee highlighted that the “Superintendencia de Protección de Datos Personales” is the regulatory authority responsible for the protection of personal data in Ecuador. As a human right enshrined in Constitution of Ecuador, their dedication to ensuring the privacy and protection of personal data for both Ecuadorian citizens and foreign residents is being emphasized. Ecuador has recently established the Law on the Protection of Personal Data (Ley Orgánica de Protección de Datos Personales (LOPDP)) and is eager to align its practices with international standards, including the standards set by the Convention 108+.

Through this request, they aim to strengthen their international collaboration and further develop their regulatory framework on data protection.

[Delegations can request that the underlying documents are made available by the Secretariat.]

b. Admission Criteria

The application for observer status by the SPDP meets several criteria listed under Part I of this document, notably:

A. *Broad Experience in the Field of Data Protection and Privacy*

Ecuador's Constitution, published on 20 October 2008, guarantees the right to data protection (Article 66), which laid the foundation for the LOPDP, passed on 26 May 2021. This law provides the legal framework for the protection of personal data, establishing its principles (legality, fairness, transparency, purpose limitation, relevance and minimization, proportionality, confidentiality, quality and accuracy, storage limitation, security, proactive and demonstrated responsibility, favourable application to the data subject, and independence of control), the eight legal bases for legitimizing the processing of personal data (the data subject's consent, the necessity for the controller to comply with a legal obligation, legitimate interest, etc.), and the rights of data subjects (including the rights to information, access, rectification and updating, erasure, objection, portability, suspension of processing, not being subject to a decision based solely or partially on automated processing, consultation, and digital education). It also establishes the SPDP.

B. *Ability to Actively Contribute to the Work of the Committee*

The SPDP was established with the mandate to supervise, investigate, and sanction violations related to data protection. Its functions as an independent body within Ecuador's oversight institutions, ensuring effective protection of personal data.

C. *Representativeness at European Level or at Another Regional Level (Latin America)*

The SPDP's influence also extends to international relations, as it actively engages in the exchange of knowledge, experiences, and regulatory frameworks on data protection with global partners. It is working towards Ecuador's full adherence to international data protection standards, such as those set out by the Council of Europe's Convention 108+.

D. *Willingness to Promote the Convention and Its Values Beyond the Council of Europe*

The role of the SPDP is crucial for Ecuador as it has recently enacted the LOPDP, which regulates the protection of personal data in the country. Ecuador's participation in the Convention 108+ would be instrumental in enhancing international cooperation and adopting best practices in data protection.

E. Interest for the Committee to Provide a Multi-stakeholder Dimension to Its Work and to Associate Other Stakeholders to It

The SPDP is committed to promoting data protection across Latin America and the world, with the goal of strengthening data governance and regulatory standards through cooperation with international bodies. As part of this commitment, the SPDP actively participates in the Ibero-American Data Protection Network, collaborating with authorities and experts from the region to foster the exchange of best practices, harmonize standards, and address emerging challenges in the field of privacy and data security. Through these efforts, the SPDP seeks to contribute to a more cohesive and resilient global data protection framework.

3. Chilean Association of Professionals in Personal Data Protection

a. Procedure

The Chilean Association of Professionals in Personal Data Protection (AGDP Chile) submitted its request for observer status on 28 January 2025 to the Secretary of Committee of Convention 108. The President and Secretary of the AGDP supplied a Background Document detailing the activities of AGDP on 11 April 2025 to support their application for observer status. As an observer, the authority aims at gaining insights into the Committee's work and collaborating on the international scale to further shared data protection objectives.

[Delegations can request that the underlying documents are made available by the Secretariat.]

b. Admission Criteria

A. Broad Experience in the Field of Data Protection and Privacy

The AGDP is a nonprofit organisation that has been established in Chile for less than one year ago – since 28 August 2024 – and is working to grow its engagement and activities. Thus far, it has grown from 30 founding members to 61, becoming increasingly active in the Chilean community with goals of encouraging national/international multi-stakeholder collaboration, engagement, and understanding of data protection principles and their implementation. To support this goal, it has organized educational webinars, live sessions, and in-person events to foster discussion regarding new data protection laws and the challenges in implementing them. AGDP has also broadened its work to publishing articles on data protection.

B. Ability to Actively Contribute to the Work of the Committee

The AGDP can contribute to a comprehensive Latin American perspective to the Committee due to their member's diverse representation of different sectors. Professionals from legal, technical, academic, and public sectors comprise the AGDP. The knowledge gained through these stakeholders will add and contribute to a Latin American perspective to discussions surrounding emerging technologies. Its sole focus on personal data protection could add further depth of perspective in this domain to the Committee.

C. Representativeness at European Level or Another Regional Level

The AGDP is representative of Chile and Latin America, and engages with national, regional, and international data protection regulations through encouraging the collaboration of their multi-sectoral professional network.

D. Willingness to Promote the Convention and its Values Beyond the Council of Europe

The AGDP has demonstrated a strong willingness to promote the values and rules of the Convention in Latin America. Their recent webinars included "Challenges in Implementing Data Protection: Lessons from the European Experience", which engaged with the European Union's experience with implementing data protection and potential solutions for Chile's regulatory demand. Other webinars have included discussions surrounding AI regulation and cybersecurity, focus topics for the Convention.

4. The Colombian Data Protection Authority (Deputy Superintendent for the Protection of Personal Data)

a. Procedure

The Colombian Data Protection Authority, or Deputy Superintendent for the Protection of Personal Data (hereinafter the "Data Protection Authority"), sent its request for observer status on 5 March 2025 to the Chair of Committee of Convention 108. As an observer, the Data Protection Authority aims at furthering its efforts in data protection and fostering stronger international cooperation.

[Delegations can request that the underlying documents are made available by the Secretariat.]

b. Admission Criteria

A. Broad Experience in the Field of Data Protection and Privacy

The Deputy Superintendence is the designated authority responsible for ensuring compliance with Colombia's data protection framework. It holds the legal mandate to carry out a wide range of functions, including, but not limited to:

- Monitor and enforce the protection of personal data, including temporarily blocking data when rights are violated and deciding appeals/requests for data recall;
- Formulate, reform, and advise on data protection policy;
- Managing cross-border data flows; including requiring collaboration of international entities when rights are affected outside Colombia.
- Engage and educate the public, which involves providing support to the Office of Consumer Services and Business Support in the development of outreach, promotion, and training.

B. Actively Contribute to the Work of the Committee

The Data Protection Authority can provide insight into legislative development and implementation in Colombia and Latin America due to its dual role as a regulator and policy advisor. Its contribution to other international and regional forums underscores its capacity to productively engage with the Committee. Given its central role as Colombia's national data protection authority, its participation as an observer is both relevant and necessary to ensure informed contributions and promotion of the Council's data protection principles.

C. Representativeness at the European Level or Another Regional Level

The Deputy Superintendence is a highly active participant in Latin American and global networks, including:

- International Conference of Officers of Data Protection and Privacy;
- The Latin American Network for the Protection of Personal Data (RIPD) as an Executive Committee Member;
- The Global Privacy Enforcement Network (GPEN);
- Asia-Pacific Privacy Authorities (APPA);
- OECD's Working Party on Information Security and Privacy;
- Asia-Pacific Forum on Economic Collaboration Privacy Subgroup – Privacy Subgroup to the Electronic Committee.

D. Willingness to Promote the Convention and its Values Beyond the Council of Europe

The Deputy Superintendence has consistently demonstrated a commitment to advancing standards of data protection on the international and national levels. It has

held leadership positions in regional data protection entities and participated in global forums, contributing to international dialogue on privacy, digital trade, and cross-border data governance.

[Delegations can request that the underlying documents are made available by the Secretariat.]