



Computer, Privacy and Data Protection Conference (CPDP)

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(Halles de Schaerbeek - Rue Royale-Sainte-Marie 22, Brussels 1030)

Modernising Convention 108 in the face of the IT revolution

**Speech by Ambassador Torbjørn FRØYSNES,
Special Representative of the Secretary General of the Council
of Europe to the European Union in Brussels**

Ladies and Gentlemen,

It is my pleasure to be with you here today, participating in the success of this multi-stakeholder event, which has been growing in importance and influence year after year since its first edition in 2007.

Last year we celebrated the 30th anniversary of the Convention on data protection, that you all know and refer to as Convention 108. Its next anniversary will be tomorrow, 28 January, a date that the Council of Europe proposed six years ago to mark as Data protection Day. Six years on, this day of awareness-raising and promotion of data protection matters is not only celebrated all over Europe, but also throughout the world, across the Atlantic for instance as 'Privacy Day'.

We are proud of the international success of the annual day aimed at making privacy and data protection issues better known to the public at large.

The Council of Europe has been promoting and investing in multi-stakeholder dialogue for many years now. We are an intergovernmental Organisation and our principal stakeholders are the governments of 47 countries. But we understood a long time ago that to set standards that are achievable, sound and workable, it is necessary to associate all those who will be implementing them. This is how the Consultative Committee of Convention 108 functions. It is open to and welcomes the participation of observers from the private sector and civil society.

The Committee is now focusing on the crucial task of modernising Convention 108. The work started just a year ago with the launch of a public consultation aimed at defining the key points to be addressed in the modernisation process. It has been advancing rapidly. At the end of last year, the Consultative Committee, representing all states parties, already discussed a first set of proposals. Observers have participated from Canada, Mexico, the United States, the European Commission, the International Conference of Data Protection and Privacy Commissioners, the French-Speaking Association of Personal Data Protection Authorities and the International Chamber of Commerce. As a result of those discussions, revised draft proposals have been issued which you will examine this afternoon.

We call for your contribution to this important work and hope that this session will give an important input into the work of the Consultative Committee.

The panel which follows will enable you to broach one of the most fundamental aspects of the modernisation: the question of transborder data flows. Just the notion of 'transborder' already gives a clear illustration of how far the reality of data flows has moved beyond purely national regulating systems.

If technology has evolved to a point that no-one could foresee 30 years ago, the purpose of Convention 108 which is to secure for every individual the right to privacy, remains as valid today as it was then. It is our duty to take into account new challenges arising from new technologies. We owe it to our citizens in general and to our children in particular. They require special protection.

An important feature of this Conference is its international dimension. We are in Europe, but we are addressing global concerns: there is a growing call from data protection authorities, governments, the business community and civil society for international privacy standards.

The Council of Europe has been striving for some time to highlight the global potential of Convention 108.

The global outreach of the Convention has always been part of its roots ever since a number of non-European States -Australia, Canada, Japan and the United States - participated in the drafting process 30 years ago.

This approach has influenced legislations and policies around the world. The imminent accession of Uruguay to the Convention demonstrates the development. It is the first non-member state of our Organisation, and, I am confident, the first of many others. *(Mexico ?)*

2012 is a crucial year for our work, and it certainly is a defining moment for privacy worldwide.

Similar review exercises are currently being carried out by the European Union and the Organisation for Economic Co-operation and Development (OECD). I am pleased of the good co-operation we have with those partners as it would be pointless to try to solve such a challenge on our own.

The European Commission presented its proposals for a new legislative framework two days ago. I would like to seize this opportunity to commend the Commission for trying to harmonise the legislation throughout the EU to the benefits of individuals and businesses.

We may also ask the question how will Convention 108 fit in this new European context?

If we all agree that the current global patchwork of fragmented and unpredictable rules is no longer sustainable, EU legislation alone will not be enough. We need a truly multilateral tool, flexible and effective at the same time, to enforce international standards that are coherent with the EU framework. In that sense, the Convention is an excellent complement to EU legislation.

The right to privacy belongs to everybody, wherever he or she lives. Individuals are entitled to have control over the collection, use and disclosure of information about themselves. This right is the foundation of other freedoms and liberties that define our open societies, in particular freedom of expression and association.

Last year, the modernisation process of Convention 108 was successfully launched. Let me conclude by calling on all interested parties to actively participate in it, to make Convention 108 an even stronger and truly international instrument.

Thank you for your attention.