

AG/RES. 2727 (XLII-O/12)

ACCESS TO PUBLIC INFORMATION AND PROTECTION OF PERSONAL DATA

(Adopted at the second plenary session, held on June 4, 2012)

THE GENERAL ASSEMBLY,

RECALLING resolutions AG/RES. 1932 (XXXIII-O/03), AG/RES. 2057 (XXXIV-O/04), AG/RES. 2121 (XXXV-O/05), AG/RES. 2252 (XXXVI-O/06), AG/RES. 2288 (XXXVII-O/07), AG/RES. 2418 (XXXVIII-O/08), AG/RES. 2514 (XXXIX-O/09), AG/RES. 2607 (XL-O/10), and AG/RES. 2661 (XLI-O/11), on access to public information and protection of personal data, reiterating the background and mandates contained therein; and having seen the Annual Report of the Permanent Council to the General Assembly (AG/doc.5240/12 add.1), as it pertains to the status of compliance with resolution AG/RES. 2661 (XLI-O/11);

RECALLING that access to public information, on one hand, and protection of personal data, on the other, are fundamental values that must operate in harmony at all times;

REITERATING the vital role of international instruments in the promotion and protection of access to public information, as well as the essential role of access to public information in electoral and democratic processes; in state governance, transparency, and anticorruption efforts; in the protection and promotion of human rights, especially the right to freedom of thought and expression; and in freedom of the press;

REAFFIRMING the importance of the Model Inter-American Law on Access to Public Information in the promotion of access to public information, as well as the role of member states, the General Secretariat of the Organization of American States (OAS), and civil society in implementing the Model Law;

CONSIDERING the growing importance of privacy and the protection of personal data, and the need to encourage and protect cross-border flows of information in the Americas;

TAKING NOTE of Executive Order No. 12-02 of the OAS Executive Secretariat of May 3, 2012, "Policy on Access to Information," issued pursuant to resolution AG/RES. 2661 (XLI-O/11); and

TAKING NOTE ALSO of the comparative study on different existing legal regimes, policies, and enforcement mechanisms for the protection of personal data, including domestic legislation, regulation, and self-regulation (CP/CAJP-3063/12), presented by the Department of International Law, as well as of resolution CJI/RES. 186 (LXXX-O/12), "Proposed Statement of Principles for Privacy and Personal Data Protection in the Americas," adopted by the Inter-American Juridical Committee,

RESOLVES:

1. To reaffirm the importance of access to information as an indispensable requirement for democracy, as well as the commitment of the member states to respect and uphold the principle of providing access to public information.

2. To encourage member states, in designing, executing, and evaluating their regulations and policies on access to public information, to consider embracing and implementing the Model Inter-American Law on Access to Public Information, contained in resolution AG/RES. 2607 (XL-O/10), and its Implementation Guide.

3. To instruct the General Secretariat of the Organization of American States (OAS), through the Department of International Law, to support, with the assistance of civil society, member states' efforts to adopt the legislative and other appropriate measures needed to guarantee access to public information, in particular for the implementation of the Model Law or for continuing to bring themselves into line with it; and the promotion of contacts and exchanges of best practices among the national authorities (commissioners, ombudsmen, etc.) responsible for implementing access to public information.

4. To instruct the OAS General Secretariat, through the Department of International Law, to prepare and submit to the Committee on Juridical and Political Affairs (CAJP), prior to the forty-third regular session of the General Assembly, a proposal for an inter-American program on access to public information, for its consideration.

5. To encourage member states to hold, with the support of the Department of International Law, domestic and regional seminars on the implementation of the Model Inter-American Law on Access to Public Information in their national contexts and to provide conclusions and recommendations as a means to help incorporate the standards of said Model Law in the legal, judicial, and administrative practices of the member states.

6. To thank the OAS General Secretariat for issuing Executive Order No. 12-02 of May 3, 2012, "Policy on Access to Information," and to instruct the CAJP to follow up on its implementation.

7. To instruct the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) to continue including in the Annual Report of the IACHR a report on the situation/state of access to public information in the region and its effect on the exercise of the right to freedom of expression.

8. To invite member states to consider attending the International Conference of Data Protection and Privacy Commissioners to be held in Punta del Este, Uruguay, from October 22 to 26, 2012.

9. To thank the Department of International Law for presenting the comparative study of different existing legal regimes, policies, and enforcement mechanisms for protection of personal data, including domestic legislation, regulation, and self-regulation (CP/CAJP-3063/12).

10. To thank the Inter-American Juridical Committee for adopting resolution CJI/RES. 186 (LXXX-O/12), "Proposed Statement of Principles for Privacy and Personal Data Protection in the Americas."

11. To instruct the Permanent Council, through the CAJP, to include on its agenda, prior to the forty-third regular session of the General Assembly, a review of the studies received on protection of personal data, and consider the possibility of a regional framework in this area, taking into account the ongoing review of other international instruments on the matter.

12. To instruct the General Secretariat to continue promoting channels of collaboration with other international and regional organizations currently undertaking efforts on the matter of data protection, in order to facilitate the exchange of information and cooperation.

13. To instruct the General Secretariat to identify new resources to support member states' efforts to facilitate access to public information and the protection of personal data; and to encourage other donors to make contributions toward that goal.

14. To request the Permanent Council to report to the General Assembly at its forty-third regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.