

**REPORT ON THE SIXTEENTH ANNUAL MEETING OF THE
IBERO-AMERICAN DATA PROTECTION NETWORK**

(Presented by Dr. Carlos Mata Prates)

The sixteenth annual meeting of the Ibero-American Data Protection Network was held in the auditorium of the Supreme Electoral Tribunal of Costa Rica on November 28 and 29 in proceedings that were open to the public; on November 30, the Ibero-American Data Protection Network met in a closed session.

In order to clarify for the Inter-American Juridical Committee (CJI) certain organizational aspects of the Ibero-American Data Protection Network (RIPD), I should mention that, pursuant to Article 11 of its Rules of Procedure,

- “1. The Meeting of the Ibero-American Data Protection Network is the organ comprising all the members of the RIPD that convenes annually, its character being that of the Network’s General Assembly.*
- 2. The nature of the annual meeting of the RIPD is that of a forum for direct discussion and adoption of decisions and documents.*
- 3. The annual meeting of the RIPD may convene in both open and closed sessions...”*

It is worth bearing in mind, given its importance to the CJI, that, in accordance with Article 3 of the Rules of Procedure of the RIPD, *“The public entities and organizations in the Ibero-American framework ... that meet the following criteria shall have the status of Member of the RIPD:*

- “(a) If they are a public entity created by means of an appropriate legal instrument based on the legal traditions of the country or international organization to which they belong;*
- (b) If they are accorded competencies in the area of protection or privacy of personal data;*
- (c) If the law under which they operate is compatible with the principal international instruments concerning data or privacy protection, and*
- (d) If they are vested with an appropriate array of legal powers to carry out their functions.”*

I participated for the CJI as an invited guest in the closed session of the annual meeting of the RIPD. The importance of the relations between the CJI and the Annual Meeting of the RIPD is based, *inter alia*, on the fact that the Committee prepared the *OAS Principles on Privacy and Personal Data Protection*, approved on March 27, 2015, by resolution CJI/RES. 212 (LXXXVI-O/15), and subsequently adopted on June 5, 2018, by the General Assembly in resolution AG/RES. 2926 (XLVIII-O/18), “International Law,” in which paragraph *“i. Observations and recommendations on the Annual Report of the Inter-American Juridical Committee”* assigns the CJI the mandate to *“begin updating the Principles on Protection of Personal Data, bearing in mind how such data have evolved.”*

Since the CJI has received the above mandate, it is clearly important for it to have fluid communications with that organization for different reasons: First, the preparation by the RIPD of the Standards on Personal Data Protection for Ibero-American States; and second, because it is made up of public organs that are “*accorded competencies in the area of protection or privacy of personal data,*” which naturally generate *administrative practice or administrative precedents* that, leaving aside the extent of their effects on different countries, are an important input, which one might even call *best practices*, when it comes to developing standards on the subject of personal data protection, without forgetting that *such best practices* are representative of, or reflect, broadly speaking countries that hail from the continental legal tradition, as opposed to that of Anglo-Saxon origin.

At the same time, the CJI already has an established link with the RIPD, having invited some of its officers to participate in the Rio Course, who were also invited in that capacity to a meeting of the CJI to share perspectives.

At the closed session of the RIPD the rapporteur delivered a presentation on the OAS Principles on Privacy and Personal Data Protection approved by the CJI on March 27, 2015 [CJI/RES. 212 (LXXXVI-O/15)] and on the recent mandates to update those principles. He also reaffirmed the importance of the collaboration between the CJI and the RIPD.

For its part, the RIPD expressed thanks for the presence of a member of the CJI at its meeting and reaffirmed its willingness to work with the Committee on the subject and in carrying out the work entrusted to it.

Finally, I would like to underscore that it was a meeting that enriched the debate on the complexity and importance of personal data protection in the current context, as well as its necessary correlation with the right to freedom of information and its ancillary right, access to public information.