

**PRIVACY AND DATA PROTECTION**

(Presented by Dr. David P. Stewart)

At the 86<sup>th</sup> Regular Session of the Inter-American Juridical Committee (IAJC), held in Rio de Janeiro in March 2015, the Committee adopted its report of Privacy and Data Protection (CJI/doc. 474/15 rev. 2), which included a proposed statement of principles for privacy and personal data protection in the Americas with annotations. That report was forwarded to the OAS General Assembly for its consideration. With regard to that report, the following information is provided for the benefit of the Members of the Committee.

On December 15, 2015, the European Parliament, the Council and the Commission reached agreement on new data protection rules intended to establish a modern and harmonized data protection framework across the European Union. On April 8, 2016 the Council of the European Union adopted the revised Regulation and Directive on privacy and data protection as part of the implementation of its so-called Digital Single Market Strategy. The instrument known as the General Data Protection Regulation (GDPR) and related Directive were adopted by the European Parliament on April 14, 2016. The Regulation entered into force on May 24, 2016.

On July 12, 2016 the Commission adopted its decision on the EU-U.S. “Privacy Shield,” the new framework protecting the fundamental rights of individuals in the EU whose personal data is transferred to the United States. That arrangement replaces the previous EU-US “Safe Harbour” arrangement, which the EU Court of Justice had declared invalid on October 6, 2015. The new arrangement includes strong data protection obligations on companies receiving personal data from the EU, safeguards on U.S. government access to data, effective protection and redress for individuals, and annual joint review to monitor the implementation. The Commission’s “adequacy” decision may be found at [http://ec.europa.eu/justice/data-protection/files/privacy-shield-adequacy-decision\\_en.pdf](http://ec.europa.eu/justice/data-protection/files/privacy-shield-adequacy-decision_en.pdf). “Privacy Shield” became operational on August 1, 2016.

A new edition of the Data Protection Laws of the World Handbook (published by the law firm DLA Piper) (2016) has been published and is now available at <https://www.dlapiperdataprotection.com/#handbook/about-section>.