

LA ANTIGUA DECLARATION

made on the occasion of the

II SEMINAR ON PERSONAL DATA PROTECTION IN IBEROAMERICA

(SECOND IBERO-AMERICAN SUMMIT ON PERSONAL DATA PROTECTION)

The participants summoned to the Seminar on the Protection of Personal Data in Iberoamerica, sponsored by the Spanish Data Protection Agency with the support of the Spanish International Cooperation Agency (AECI) and the International Foundation for Iberoamerica on Administration and Public Policies (FIIAPP), held in La Antigua, Guatemala, on June 2-6, 2003, from Argentina, Brazil, Chile, Costa Rica, El Salvador, Spain, Guatemala, Mexico, Nicaragua, Peru, Portugal and Uruguay, after having pooled their experience and knowledge of the most salient points of personal-data protection, and bearing in mind the speeches and papers presented and the findings of their discussions,

1. Value the growing interest, concern and commitment that have become evident in the Ibero-American Countries' sphere in relationship with the protection of personal data.
2. The participants reiterate that they regard the protection of personal data as a genuine fundamental right of all persons, especially in regard to respect for personal privacy and persons' ability to control and dispose of their own personal data.
3. Furthermore the participants declare that personal-data processing can boost the development of the Ibero-American Countries within the framework of the Information Society and for the public and private sectors' achievement of their legitimate goals, and they recognize the great benefits that the new information and communications technologies, and specifically Internet, can mean for countries' social and economic development.
4. Nevertheless, the participants state that, despite the strides that have been made in data protection in Iberoamerica, situations continue to occur that prevent or hamper the effective enforcement of the right to personal-data protection.
5. They see the definite need to foster measures that guarantee a high level of data protection, and they perceive the suitability of having national legislative frameworks—inspired by common legal traditions, respect for fundamental rights and the interests of their respective countries—that guarantee good protection in all the Iberoamerican Countries. Such legislative frameworks ought to take into consideration the essential principles of data protection that are recognized in international instruments. The participants therefore look upon the regulatory

initiatives that have been got underway in several of the Iberoamerican Countries as highly positive.

6. The participants stress the importance of strengthening initiatives for pooling experience among the Iberoamerican Countries by establishing permanent channels for dialogue and cooperation in matters of data protection.

7. To this end, and with the object of reinforcing mutual ongoing cooperation among them, advancing upon the basis of the Permanent Forum created on the occasion of the First Encounter, the participants hereby constitute the Iberoamerican Data-Protection Network (henceforth "the Network"), whose membership shall be open to representatives of all the Ibero-American Countries.

The Members of the Network assign an essential role to the dissemination of information and to ongoing cooperation among all Members, likewise to the joint handling of any problems that arise, with the will to seek and, where appropriate, to suggest harmonized solutions, and to the support of initiatives by its Members to disseminate and develop the culture of personal-data protection in the Iberoamerican Countries in a democratic context.

The Network shall promote the publication of working documents and literature enabling the results found in the course of its activities to be disseminated and made known.

The work of coordinating the Network shall be shouldered by a Presidency and the Permanent Secretariat already created on the occasion of the First Encounter. The Spanish Data Protection Agency shall shoulder the said functions until the next Encounter, when a definitive decision shall be made on this point.

8. The participants are aware that the right to protection of personal data fortifies the Rule of Law and helps reinforce democracy in the Iberoamerican Countries and also the prestige and credibility of the Iberoamerican Countries in a globalized world. To that end, and within the legal and institutional framework of their respective countries, the participants shall, within their respective spheres of power, make the necessary efforts so that the protection of personal data is espoused in the Iberoamerican Conference, in the certainty that the dissemination and awareness of this very important fundamental right is thus promoted.

9. The participants state their intention to inform the competent public authorities of the contents of this Declaration and to make the said contents known to the private sector of their countries.

In La Antigua, Guatemala, on this sixth day of June, 2003.

MEMBERS SUBSCRIBING TO THE DECLARATION AFTER ITS APPROVAL

July 2003: Colombia. Office of the Superintendent of the Banking Industry of Colombia.