



International Conference of Data
Protection & Privacy Commissioners

**INTERNATIONAL RESOLUTION ON PRIVACY AS A FUNDAMENTAL HUMAN RIGHT
AND PRECONDITION FOR EXERCISING OTHER FUNDAMENTAL RIGHTS**

**41st International Conference of Data Protection and Privacy Commissioners
21-24 October 2019, Tirana, Albania**

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- Office of the Privacy Commissioner, New Zealand
- National Privacy Commission, the Philippines
- Comissão Nacional de Protecção de Dados, Portugal
- Agència Catalana de Protecció de Dades, Spain
- Préposé fédéral à la protection des données et à la transparence, Switzerland
- Information Commissioner's Office, United Kingdom
- Unidad Reguladora y de Control de Datos Personales, Uruguay

Recalling, that member states of the United Nations declared in 1948 that privacy is an inalienable and universal human right and that in 1966 the central role that privacy plays in democracy was restated in the International Covenant on Civil and Political Rights;¹

Recalling also, that numerous regional human rights instruments protect the right to privacy as a fundamental right and its role in both informing and serving as a foundation to other inalienable rights;

Acknowledging, that over eighty countries worldwide have to date enshrined privacy rights for individuals in their national constitutions, legislation or some form of binding regulation;

Ensuring, that digital risks to individuals' data are addressed, and that personal information is treated with the privacy safeguards and protections they deserve, and that individuals affected by breaches are promptly notified.

Noting, increased calls by non-state actors, legal professionals and organizations, such as the International Commission of Jurists, to assert and protect privacy rights of individuals globally, including various regulators, civil society organizations, academia and the media;

Echoing, previous judgments, rulings and recommendations from bodies such as various UN Committees, special Parliamentary bodies, regional and national courts, and special rapporteurs, all of which have called upon various governments and businesses to respect their domestic and international privacy obligations;²

Reasserting, prior calls from data protection authorities at the national and international levels to recognize the fundamental locus of privacy in enabling the enjoyment of other rights like human dignity, freedom of expression, freedom of association and freedom of thought and belief, and;

Reflecting that disclosures around bulk collection, wide scale surveillance, data commodification, undue interference, online harms and surveillance capitalism in recent years signal a clear erosion of privacy rights and public trust globally.

Be it hereby resolved we the ICDPPC members call upon governments, elected officials and legislators to:

Reaffirm a strong commitment to privacy as a right and value in itself, given various international obligations;

Recognize the intrinsic importance that a right to privacy plays for individual citizens in their personal social flourishing and development, as well as their exercise of political freedoms and participation;

¹ [Universal Declaration of Human Rights](#), article 12; [International Covenant on Civil and Political Rights](#), article 17.

² United Nations, [Resolution of the General Assembly on the Right to Privacy in the Digital Age](#); UNOHCHR, [Report of the High Commissioner for Human Rights on the right to privacy in the digital age](#); UN Special Rapporteur on the right to privacy, [2019 Annual Report to the Human Rights Council](#); UNOHCHR, [Guiding Principles on Business and Human Rights](#); International Commission of Jurists, [Assessing Damage, Urging Action: Report of the Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights](#).

Reassert the indispensable link between the protection of the right to privacy and a society's commitment to promote and respect human rights and development;

Acknowledge that, in the development of all new laws or policies, privacy is a precondition for citizens' other freedoms as well as a keystone right for democracy and personal and social development;

Recall, at the same time, that robust data protection laws are a reasonable limit on intrusive government influence upon private life, protection against undue external influence, or response to manipulating political messaging, besides limiting data profiling, automated decisions and discrimination, which technologies like artificial intelligence can amplify;

Realize, that privacy rights and data protection also specifically buttress democratic processes through such electoral facets as secret ballots, protections for sensitive beliefs and party association, safeguards for private communications and internal political belief, and private personal choices in electoral enumeration and exercise of franchise, and;

Reinforce meaningful privacy rights for individuals, in connection with their broader participation in political discourse and democratic process, especially through the use of digital tools.

In terms of specific outcomes, we the ICDPPC also are issuing a Call to Action across member states to encourage progress.

We advocate that:

- **Governments** recognize privacy as a fundamental human right, vital to the protection of other democratic rights – including the integrity of democratic process - and specifically ensure legal protections to prevent privacy intrusion, manipulation, bias or discrimination, given advancement of new technologies like artificial intelligence;
- **Legislators** review and update privacy and data protection laws to ensure they offer strong protection, provide meaningful redress, and offer tangible remedies in light of global political and technological trends;
- **Regulators** apply all relevant law (privacy, data protection, electoral, etc.) to activities of all actors in the political ecosystem, including registered parties, campaign organizations, data brokers, analytics firms, advertisers and social media, in order to ensure their full transparency, fairness and accountability.

We call upon:

- **Businesses** to show demonstrable accountability by actively respecting and protecting privacy, data protection laws and other human rights – across all commercial activities – as key aspects of legal compliance, corporate social responsibility and an ethical business approach;

- **Civil society** organisations, **media** and **citizens** to exert their privacy rights – through the democratic process – by openly voicing concerns about surveillance, monitoring, and use of intrusive technologies in local and national elections;
- **All organizations** (public, private or academic) to assess risks to privacy, equality, fairness, and freedom before using artificial intelligence (including machine learning, automated decision-making and profiling) to conduct research, gather statistics or process personal information, and take the appropriate measures to ensure the protection of the data they process.

Explanatory Note

This Resolution aims to frame the Conference’s position on several of the goals stated in the ICDPPC Policy Strategy – most directly those dealing with human rights and social protection, and democratic rights and political processes.

In the members’ consultation on said Policy Strategy, there was majority support and prioritization for “developing a narrative to highlight the integral relationship of data protection to other rights and freedoms.” Indeed, previous Conference resolutions in 2005, 2008, 2013 and 2016 have all called for recognizing privacy as a fundamental right as well as the nexus between privacy and other human rights.³

The aim with this resolution goes beyond recalling what the ICDPPC has previously stated on privacy as a human right by making a direct Call to Action across member states and to specific stakeholder groups – from across the public and private spheres, including civil society and academia. It aligns with the Conference’s commitment to strengthen its core policy role and global influence in advancing privacy and data protection at the international level. It is also supported by new comparative research commissioned by the UK Information Commissioner’s Office and presented to the Conference by Prof. Colin Bennett.⁴

It is also a direct call to governments around the world as they draft new laws or modernize their current rights framework to consider privacy as a fundamental obligation and commitment in their work. In that regard, privacy commissioners of the ICDPPC are available to share knowledge and experience on international norms.

Further, the vision for this resolution is for it to serve as reference for future, more directed resolutions on specific human rights and other aspects of privacy protection; for example: on the protection of privacy in electoral process, in protecting equality and guarding against discrimination, and in the protection of freedoms – of speech, of congregation, of thought and belief, of scientific research. Similarly, the resolution can serve as reference for

³ [Resolution on the Use of Personal Data for Political Communication](#) (2005); [Resolution on the urgent need for protecting privacy in a borderless world, and for reaching a Joint Proposal for setting International Standards on Privacy and Personal Data Protection](#) (2008); [Resolution on anchoring data protection and the protection of privacy in international law](#) (2013); [Resolution on Human Rights Defenders](#) (2016).

⁴ Colin J. Bennett and Smith Oduro-Marso, “Privacy, Voter Surveillance and Democratic Engagement: Challenges for Data Protection Authorities” (2019) – URL: https://icdppc.org/wp-content/uploads/2019/10/Privacy-and-International-Democratic-Engagement_finalv2.pdf

Conference members in their domestic efforts to advocate for the progress of privacy and data protection rights.

The U.S. Federal Trade Commission abstains from this resolution, which relates to matters outside its jurisdiction.