

# Resolution

## Privacy in the digital age

The 36<sup>th</sup> International Conference of Data Protection and Privacy Commissioners

*Recalling* the resolution of the 35<sup>th</sup> Conference on anchoring data protection and the protection of privacy in international law;

*Referring* to the ongoing revelations on the existence and use of mass electronic surveillance programs since the summer of 2013;

*Mindful* that not all members of the Conference have jurisdiction over state surveillance issues;

*Emphasizing* the fundamental nature of the right to privacy and data protection;

*Noting and supporting* the United Nations' General Assembly's resolution 68/167 that affirmed that the same rights that people have offline must also be protected online, including the right to privacy;

*Taking note* of the reports of the United States Privacy and Civil Liberties Oversight Board on programs operated under section 215 of the USA PATRIOT Act and section 702 of the USA Foreign Intelligence Surveillance Act;

*Aware* of the Article 29 Data Protection Working Party's Opinion on surveillance of electronic communications for intelligence and national security purposes;

*Welcoming* with great interest the probing report of the Office of the United Nations High Commissioner for Human Rights on "The right to privacy in the digital age";

1. Affirms its readiness to participate in the multi-stakeholder dialogue that is proposed in the Office of the High Commissioner's Report to address the challenges related to the right to privacy and data protection in the context of modern communications technology;
2. Mandates the Executive Committee to represent the Conference in this dialogue;
3. Calls upon the members of the Conference to advocate for compliance of any electronic surveillance program with at least the general data protection and privacy principles as laid down in the 2009 Madrid Standards, the International Covenant on Civil and Political Rights, the Convention of the Council of Europe for the protection of individuals with regard to automatic processing of personal data and its additional

protocol and other international instruments and to participate in national and international stakeholder dialogues on this subject;

4. Calls upon the members of the Conference to ensure compliance of any electronic surveillance program with these general data protection and privacy principles, if necessary by seeking more effective powers to fit the challenges and risks of surveillance;
5. Invites its members to share any information on mass electronic surveillance programs as well as best practices on the oversight of such programmes with the Executive Committee for further dissemination among the members and observers of the International Conference.

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