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ORAL STATEMENT

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UN Global Digital Compact
Thematic Deep Dives: Data Protection
UN Headquarters, New York

Delivered by: Laura O'Brien, Senior UN Advocacy Officer at Access Now

Excellencies, colleagues, thank you for this opportunity to contribute to this Thematic Deep Dive on Data Protection.

Sharing data may bring many benefits. Examples mentioned today showcase how it has become necessary for us to share data for everyday tasks and engage with other people in today's society. But it is not without risks. Data can easily be exploited to harm, and is especially dangerous for vulnerable individuals and communities, such as journalists, activists, human rights defenders, and members of oppressed and marginalized groups. That is why data must be strictly protected.

The international human rights law framework centers the dignity of each person, and provides a clear basis for the promotion and protection of the right to privacy, which covers the collection, processing, sharing and use of personal data. The Global Digital Compact process should therefore employ a human-centric approach, guided by the international human rights law framework as the basis for protecting such data.

No one shall be subjected to arbitrary interference with the right to privacy, which is closely linked to the right to data protection. Any restriction on these rights must be consistent with the principles of legality, necessity and proportionality under international law. In practice, this also means that any collection or processing of individuals' data should be fair, lawful, transparent, and subject to independent oversight, and that affected individuals should be provided with access to effective remedies, and surveillance or interception of data subjected to the highest restrictions if permitted at all.

Rather than maximizing the amount of data produced, collected, processed, and retained, about our bodies, minds, and social lives, and more, the law requires minimization. This principle underpins data protection and security, and, together with the "Purpose" limitation, ensures that data only be collected for a specific purpose, used for only that purpose, and discarded when the purpose is complete.

Effective personal data protection frameworks should prevent use of data-driven discrimination related harms and provide effective remedy in the case of the use of data to observe or infer information on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, age, national origin, medical conditions, disability, genetic or biometric information, or any other characteristic protected by law. On this point, I want to underscore the President of the General Assembly's remarks today on the importance of integrating gender into the GDC process, building off

of the recent Agreed Conclusions from the UN Commission on the Status of Women as a blueprint for moving forward.

Personal data protection efforts should also support and encourage the use of effective cybersecurity measures for safeguarding personal information from malicious hacking or cyberattacks, including by measures to protect strong encryption. Strong encryption strengthens both privacy and security.

Cross-border data sharing agreements should not be used to circumvent existing protections for privacy and personal data protection at the national level, and should contain relevant safeguards to prevent risks to human rights and especially the right to privacy.

Finally, we emphasize that the UN itself, and its many organs, contractors, and partners, must heed the guidance shared today. As more “digital transformation” efforts take place, agencies see incentives to maximize data, and even to condition their services on collection of biometric data of recipients, an unlawful and unethical equation. The GDC should speak to the need for the UN to protect people’s data as a fundamental principle and operational necessity for the legitimacy and safety of its work in the digital age.

Overall, the Global Digital Compact should ensure a coordinated and multi-stakeholder approach to the protection of critical infrastructure, which is key for the protection of personal data and in responding to incidents that may pose risks to individuals' right to privacy.

Thank you.



Access Now (<https://www.accessnow.org>) defends and extends the digital rights of people and communities at risk. As a grassroots-to-global organization, we partner with local actors to bring a human rights agenda to the use, development, and governance of digital technologies, and to intervene where technologies adversely impact our human rights. By combining direct technical support, strategic advocacy, grassroots grantmaking, and convenings such as RightsCon, we fight for human rights in the digital age.

For More Information, please contact:

Peter Micek | General Counsel | peter@accessnow.org

Laura O’Brien | Senior UN Advocacy Officer | laura@accessnow.org