



# Latin America and protection of personal data: Facts and figures

(1985-2014)

Nelson Remolina Angarita ©

Associate Professor of Law and Director of the GECTI

nremolin@uniandes.edu.co

Universidad de los Andes

Bogotá, Colombia

## Introduction.

This report and the accompanying map summarize the regulations for the protection of personal data in 20 countries in Latin America from 1985 to March 2014.

The studied countries are: Argentina, Bolivia, Brasil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Haití, Honduras, México, Nicaragua, Panamá, Paraguay, Perú, República Dominicana, Uruguay and Venezuela.



# Latin America and protection of personal data: Facts and figures

(1985-2014)

Nelson Remolina Angarita ©

Associate Professor of Law and Director of the GECTI  
nremolin@uniandes.edu.co  
Universidad de los Andes  
Bogotá, Colombia

## Constitutional conclusions.

- **70%** of Latin American countries incorporate in their Constitution explicit provisions concerning aspects related to the protection of personal data.
- **100%** of the constitutional provisions incorporate the subject's right to access personal data, and **92.85%** explicitly mention the “personal data” or “personal information”.



# Latin America and protection of personal data: Facts and figures

(1985-2014)

Nelson Remolina Angarita ©

Associate Professor of Law and Director of the GECTI

nremolin@uniandes.edu.co

Universidad de los Andes

Bogotá, Colombia

## Constitutional conclusions.

- **85.71%** establish the subject's right to request rectification or correction of erroneous information, while **64.28%** grant the constitutional right to request the suppression, elimination, destruction or cancellation of the personal data.
- **64.28%** considered the updating of the information as a right of the data subject
- **57.14%** establish the "*habeas data*", and 7,14% the "*acción de amparo*" and the "*acción de protección de privacidad*".



# Latin America and protection of personal data: Facts and figures

(1985-2014)

Nelson Remolina Angarita ©

Associate Professor of Law and Director of the GECTI

nremolin@uniandes.edu.co

Universidad de los Andes

Bogotá, Colombia

## Constitutional conclusions.

- **50%** incorporate the right to know the purpose behind the processing of personal data, and **21,42%** the right to know the use of that kind of information.
- **28.57%** considers the confidentiality of personal data as a fundamental human right.
- **14,28%** of the analyzed constitutions expressly grant constitutional rank to the protection of personal data.



# Latin America and protection of personal data: Facts and figures

(1985-2014)

Nelson Remolina Angarita ©

Associate Professor of Law and Director of the GECTI

nremolin@uniandes.edu.co

Universidad de los Andes

Bogotá, Colombia

## Constitutional conclusions.

- Panama (2004), Ecuador (2008) and Mexico (2009) explicitly establish the right to the protection of "*personal information*" and to "*personal data protection*".
- Dominican Republic (2010) is the only country that contains a basic set of constitutional principles (quality, legality, loyalty, security and purpose) which must rule the processing of personal data.
- Panama (2004) and Ecuador (2008) Constitutions require that personal data must be collected with the consent of the data subject.



# Latin America and protection of personal data: Facts and figures

(1985-2014)

Nelson Remolina Angarita ©

Associate Professor of Law and Director of the GECTI

nremolin@uniandes.edu.co

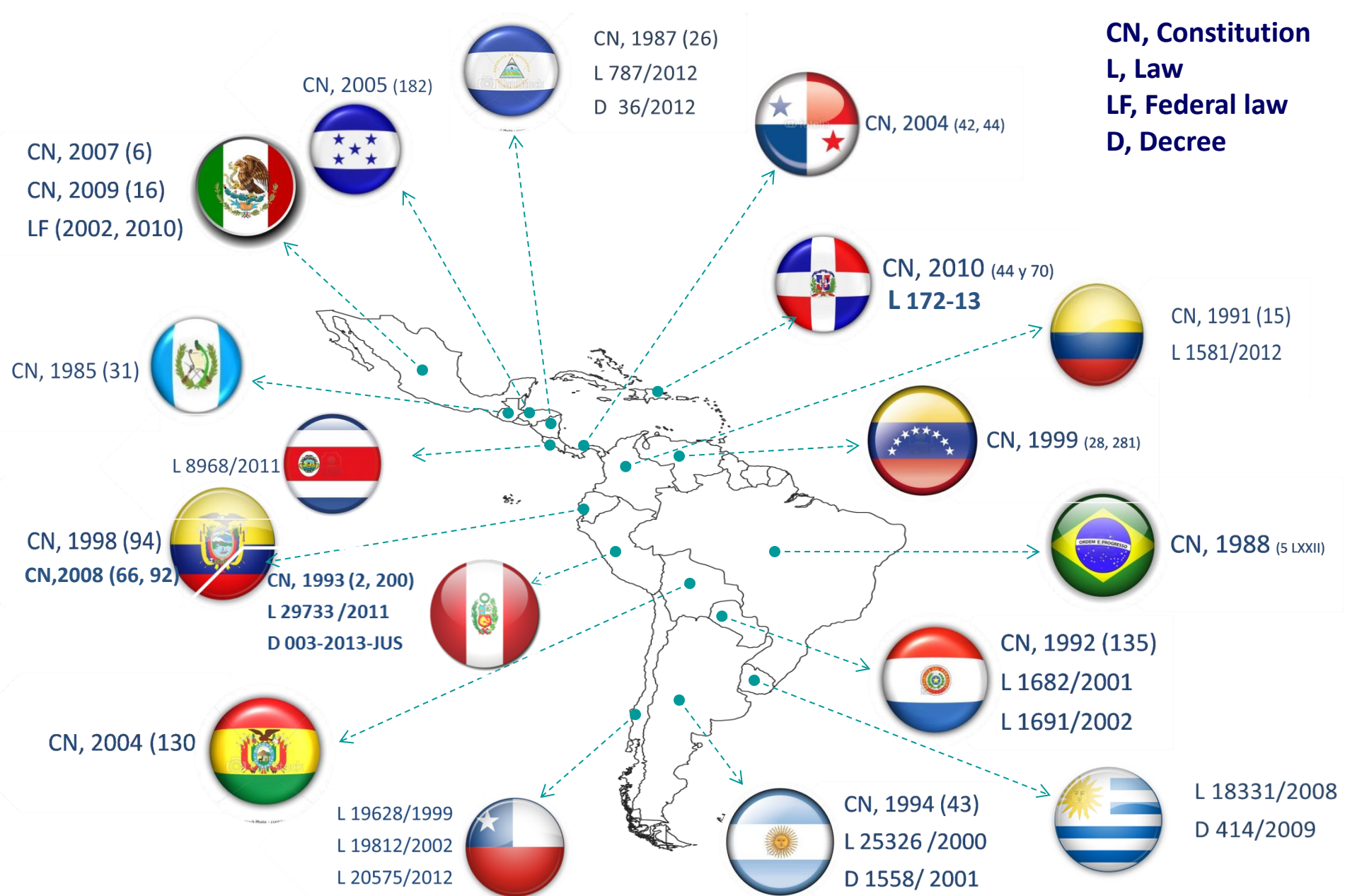
Universidad de los Andes

Bogotá, Colombia

## Some data protection law conclusions

- 100% of the countries have sectorial data protection laws on, among others, medical records and population census.
- 50% have general data protection laws (comprehensive data protection law)
- 100% of the general data protection laws govern the international transfer of personal data, but only 12.5% refer to the international collection of personal information.
- During 2010-2014, the number of general data protection laws increased significantly. The European Union's data protection regulation has been the most influential in Latin American legislative developments.

**CN, Constitution**  
**L, Law**  
**LF, Federal law**  
**D, Decree**



**Data protection regulation of Latin America: Constitutions and general laws (1985-2014/March)**

Nelson Remolina Angarita©, Universidad de los Andes, Bogotá, Colombia



# Latin America and protection of personal data: Facts and figures

(1985-2014)

Nelson Remolina Angarita ©

Associate Professor of Law and Director of the GECTI  
nremolin@uniandes.edu.co  
Universidad de los Andes  
Bogotá, Colombia

## Resources

Remolina Angarita, Nelson (2013). *Tratamiento de datos personales: aproximación internacional y comentarios a la ley 1581 de 2012*. Legis Editores. Bogotá, Colombia

Remolina Angarita, Nelson. (2012)

- *Aproximación constitucional de la protección de datos personales en Latinoamérica*. Revista Internacional de Protección de Datos Personales -RIPDP-. Red Académica Internacional de Protección de Datos Personales (1):1-13.
- *Insuficiencia de la regulación latinoamericana frente a la recolección internacional de datos personales a través de internet*. Capítulo de libro publicado en "Quaestiones Disputatae de la colección del Doctorado en Ciencias Jurídicas de la Pontificia Universidad Javeriana, Bogotá. Disponibles en:  
[http://habeasdatacolombia.uniandes.edu.co/?page\\_id=474](http://habeasdatacolombia.uniandes.edu.co/?page_id=474)

**GECTI:** <http://gecti.uniandes.edu.co/> or <http://gecti.org/>

**OBSERVATORIO CIRO ANGARITA BARÓN SOBRE PROTECCION DE DATOS PERSONALES:**

<http://habeasdatacolombia.uniandes.edu.co/> or  
<http://habeasdata.org.co/>