



Latin America and protection of personal data: Facts and figures

(1985-2012)

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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 December 2012.

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.



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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”.



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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*".



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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.



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Constitutional conclusions.

- Only Panama (2004) 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 is the only country whose Constitution requires that personal data must be collected with the consent of the data subject and for specific purposes.



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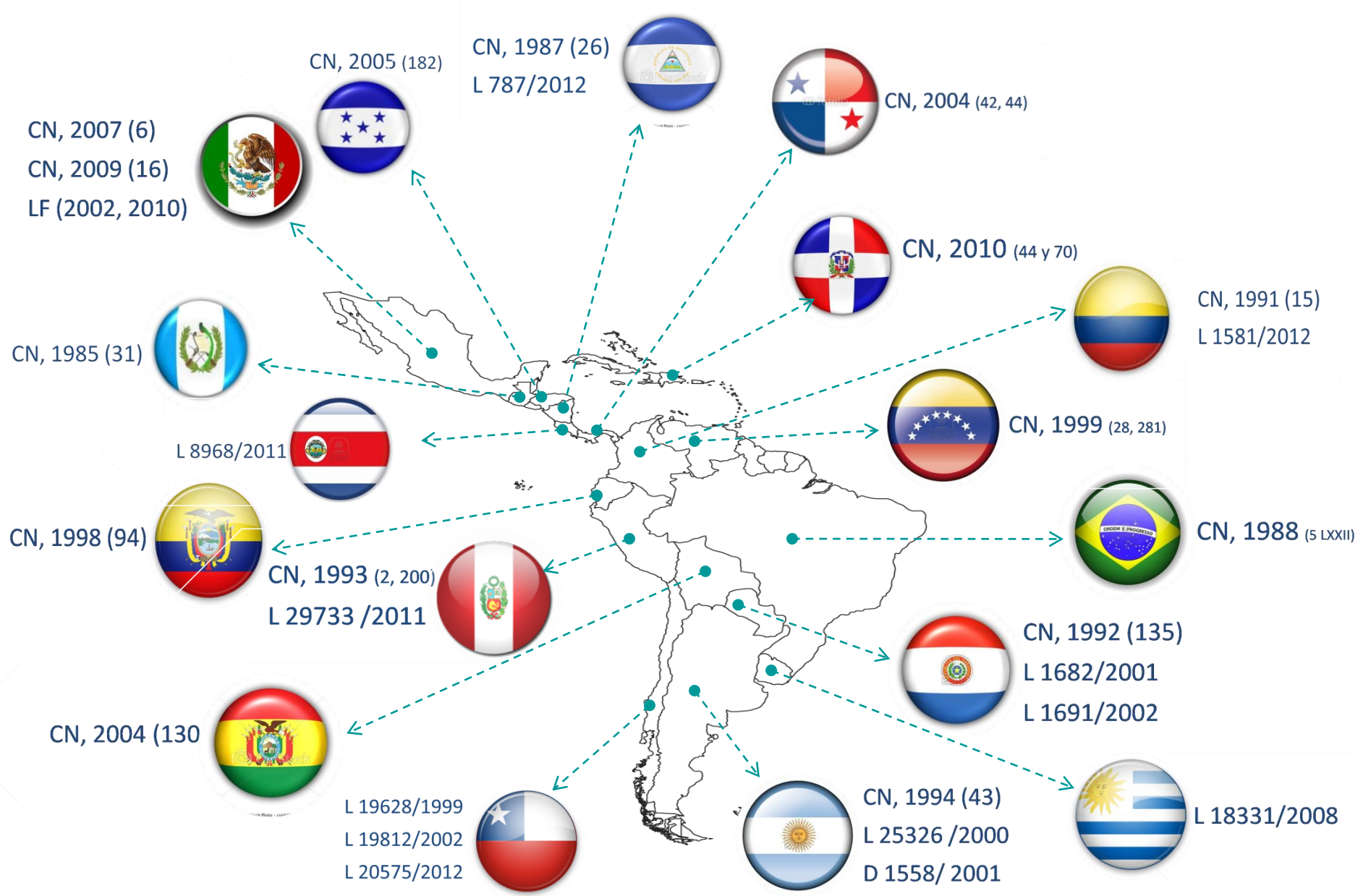
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Some data protection law conclusions

- 100% of the countries have sectorial data protection laws on, among others, medical records and population census.
- 40% 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 2010-2012, 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.



Data protection regulation of Latin America (1985-2012). Nelson Remolina Angarita©



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Resources

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

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/>