



**PERMANENT MISSION OF THE REPUBLIC OF MAURITIUS TO THE UNITED NATIONS AND
OTHER INTERNATIONAL ORGANISATIONS**

**MISSION PERMANENTE DE LA REPUBLIQUE DE MAURICE AUPRES DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS INTERNATIONALES**

No. 263/2014 (MMG/HR/28/1)

The Permanent Mission of the Republic of Mauritius to the United Nations and other International Organisations in Geneva presents its compliments to the Secretariat of the Office of the High Commissioner for Human Rights and with reference to the latter's Note dated 26 February 2014 has the honour to attach herewith the views and information from the Government of the Republic of Mauritius pertaining to the resolution 68/167 entitled "The right to privacy in the digital age".

The Permanent Mission of the Republic of Mauritius to the United Nations and other International Organisations in Geneva avails itself of this opportunity to renew to the Secretariat of the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 17 October 2014

**The Secretariat of the Office of the
High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva**

General Assembly Resolution 68/167, "The Right to Privacy in the Digital Age"

(1) What measures have been taken at national level to ensure respect for and protection of the right to privacy, including in the context of digital communication?

The component right to privacy in the digital communication is well placed in Mauritius. The provision is integrated in the Electronic Transaction Act 2000 of Mauritius.

The Data Protection Act has been enacted in 2004 and the Office is operational since 2009.

The national level framework on Public Key Infrastructure has been established since 2010 and the Digital Certificates are issued to the Public through the local agent of Certification Authority.

(2) What measures have been taken to prevent violations of the right of privacy, including by ensuring that relevant national legislation complies with the obligations of Member States under international human rights law?

A Data Protection Commission and Office have been established. Under Section 5 of the Data Protection Act, the functions of the Commissioner and the mandate of the Office are as follows:-

- (a) ensure compliance with this Act, and any regulations made under the Act;
- (b) issue or approve codes of practice or guidelines for the purposes in this Act;
- (c) create and maintain a register of all data controllers and data processors;
- (d) exercise control on all data processing activities, either of its own motion or at the request of a data subject, and verify whether the processing of data is in accordance of this Act or regulations made under this Act;
- (e) promote self-regulation among data controllers and data processors;
- (f) investigate any complaint or information which give rise to a suspicion that an offence, under this Act may have been, is being or is about to be committed;
- (g) take such measures as may be necessary so as to bring to the knowledge of the general public the provisions of this Act;
- (h) undertake research into, and monitor developments in, data processing, including data-matching, data linkage and information and communication technologies, and ensure that there are no significant risks of any adverse effects of those developments on the privacy of individuals;
- (i) examine any proposal for data matching or data linkage that may involve an interference with, or may otherwise have adverse effects on the privacy of individuals are minimised;
- (j) do anything incidental or conducive to the attainment of the objects of, and to the better performance of his duties and functions under this Act.

The mission of Data Processing Office is to safeguard the processing of personal data on the present age of information and communication.

- (3) **What specific measures have been taken to ensure that procedures, practices and legislation regarding the surveillance of communications, their inception and the collection of personal data, are coherent with the obligations of Member States under International human rights law?**

The surveillance of communication and the interception for the collection of personal data is not done, but, as part of the Global Action on Cybercrime (European Union Project), government is considering the interception of communication for cybercrime purpose only.

The Data Protection Act provisions apply to all collection of personal information to ensure protection.

The Electronic Transactions Act provides for an appropriate legal framework to facilitate electronic transactions and communications by regulating electronic signatures and the security thereof. The national level framework on Public Key Infrastructure is already established since 2010 and the Digital Signature Certificate is issued to the public through the local agent of the Certification Authority.

- (4) **What measures have been taken to establish and maintain independent, effective domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their inception and collection of personal data?**

The enactment of the Data Protection Act and the Electronic Transaction Act.

Moreover, the Ministry of Information and Communication Technology has informed that this is being considered for cybercrimes control purposes only.

- (5) **Any other information on the protection and promotion of the right to privacy in the context of domestic and extraterritorial surveillance and /or interception of digital communications and collection of personal data.**

Same answer as question 4.