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SPECIAL RAPPORTEUR ON THE RIGHT TO PRIVACY

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Excellencies, distinguished delegates,

It is an honor to address the General Assembly today to present the key findings and recommendations from my latest report, focusing on the proposed update to General Assembly Resolution 45/95, adopted in 1990 as the “Guidelines for the Regulation of Computerized Personal Data Files.”

At the time, Resolution 45/95 was groundbreaking, establishing foundational principles for personal data protection.

However, in the three decades since its adoption, the world has been transformed by profound technological advancements.

The internet, smartphones, social media, cloud computing, artificial intelligence, and big data have reshaped how personal data is collected, processed, and shared globally.

These developments have created significant risks and challenges for privacy, making it essential to update this resolution.

This report is the result of extensive consultations and research, aiming to modernize Resolution 45/95 and align it with the socio-technological realities of the 21st century.

Today, personal data is collected on a massive scale, crossing borders instantaneously, often without the knowledge or consent of individuals. The rise of technologies like AI and the Internet of Things has introduced new complexities, where algorithms make decisions that directly impact people’s lives.

While Resolution 45/95 provided a solid foundation, it is now clear that there are significant gaps. Key principles such as transparency, accountability, and confidentiality, which are central to modern privacy regulations, are absent from the original text. These principles ensure that organizations handling personal data are clear about how data is used and can be held responsible for any misuse.

Furthermore, the rights of individuals—or data subjects—are limited under the current resolution. In today’s digital environment, where automated systems and algorithms often drive decisions, it is crucial that individuals have the right to object to data processing, transfer their data between service providers (data portability), and not be subject to decisions made solely by automated systems without human intervention. These rights are fundamental to protecting personal freedoms and ensuring fairness in the digital age.

The current framework also lacks adequate measures for cross-border data transfers, which are increasingly important in our interconnected world. Many privacy regulations today recognize tools like binding corporate rules, standard contractual clauses, and certification mechanisms to ensure that personal data is protected when transferred across borders—tools that the existing resolution does not address.

Moreover, the resolution falls short on proactive measures like privacy by design and privacy by default. These concepts ensure that data protection is embedded into systems from the start, rather than being an afterthought. The requirement for organizations to appoint data protection officers is another critical element missing from the original framework.

To address these gaps, the proposed update introduces several new principles and rights, which are vital for protecting privacy in the digital age. First, it emphasizes legitimacy and transparency in data processing, ensuring that personal data is collected and used for clear, legitimate purposes communicated to individuals. It also introduces the principle of data minimization, ensuring that only the necessary data is collected, reducing the risk of overreach or misuse.

The updated resolution strengthens protections for sensitive data, such as biometrics, genetic information, and neural data—a newly recognized category that includes brain activity and cognitive processes. Given the highly personal nature of this data, it requires the highest standards of protection to safeguard individual autonomy and identity.

Additionally, the resolution expands data subjects' rights, including:

- The right to object to data processing,
- The right to data portability, allowing individuals to transfer their data between services,
- The right to human oversight in automated decision-making, ensuring that key decisions are not left entirely to algorithms.

To improve accountability, the updated resolution introduces privacy by design and by default, which integrate data protection into the architecture of systems and processes. Organizations will also be required to appoint data protection officers to oversee compliance and ensure personal data is handled with care.

The update further strengthens mechanisms for cross-border data transfers, recognizing tools such as binding corporate rules, standard contractual clauses, and certification schemes. These frameworks will ensure that data flows securely across borders while respecting privacy rights, fostering international cooperation and trust.

These proposed changes reflect the evolving challenges to privacy in the digital age. They provide a comprehensive, forward-looking framework that ensures individuals' rights are protected amidst rapid technological advancements. By adopting these updates, we address the limitations of the original resolution and set a global standard for personal data protection in the 21st century.

In light of these proposed updates, I urge all Member States to take decisive action in adopting the revised Resolution 45/95. This modernization is not merely a technical update—it is a necessary response to the rapidly changing digital landscape that impacts the privacy and rights of individuals worldwide. Adopting these new principles will protect individuals' rights, foster innovation, and strengthen trust in digital systems.

I encourage Member States to integrate these principles into their national legal frameworks, not only to enhance local data protection but also to contribute to global harmonization. This harmonization is essential in our interconnected world, where cross-border data transfers are a critical part of economic and social activities.

Furthermore, I call upon Member States to prioritize capacity building and training in data protection, ensuring that regulators, companies, and individuals are equipped to implement and comply with the updated principles. Supporting data protection authorities with the

necessary resources and autonomy is critical to achieving effective and sustainable privacy protections.

Finally, I encourage Member States to participate in international cooperation on data protection, sharing best practices and contributing to the evolution of global standards. The challenges of protecting privacy in the digital age are complex and cannot be tackled by any single nation alone. Global collaboration will be key to ensuring that privacy remains a universal and fundamental human right.

By adopting these updates to Resolution 45/95, we are taking a significant step toward securing the rights of individuals in the digital age. I urge all Member States to support this effort and work together to build a safer, more respectful, and privacy-conscious global digital environment.

Thank you for your attention and commitment.

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