



Council of the
European Union

Brussels, 9 February 2022
(OR. en)

6084/22

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NOTE

From: General Secretariat of the Council

To: Delegations

Subject: Joint Declaration on privacy and the protection of personal data
- Approval of an NBI

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (24.03.2022)

Delegations will find attached a note on the Joint Declaration in subject, as received from the Commission services, for the 22 February 2022 meeting of the Ministerial Forum for Co-operation in the Indo-Pacific.

Brussels,
DG JUST/C4

Ares(2022)878225

**NOTE FOR THE ATTENTION OF THE CHAIR OF THE ASIA-OCEANIA WORKING PARTY
(COASI)**

***SUBJECT:* Joint Declaration on privacy and the protection of personal data to be adopted on behalf of the EU at the 22 February 2022 meeting of the Ministerial Forum for Co-operation in the Indo-Pacific**

***CONTACT POINTS:* Commission DG JUST Unit C4**

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REMARKS:

The rotating Council Presidency proposed that the EU and Ministers from Indo-Pacific countries¹ participating to the meeting of the Ministerial Forum for Co-operation in the Indo-Pacific to be held in Paris on the 22 February, endorse a Joint Declaration on privacy and the protection of personal data.

The intention, also in light of the limited time available before the Forum takes place, is that the Joint Declaration would initially be endorsed by the EU and those like-minded Indo-Pacific partners that are in a position to do so on the 22 February. After its launch at the Forum, the Declaration will remain open for endorsement by Indo-Pacific countries.

The draft Ministerial Declaration is attached to this note.

¹ South Africa, Djibouti, Kenya, United Arab Emirates, Oman, Comoros, Madagascar, Mauritius, Seychelles, Bangladesh, India, Maldives, Sri Lanka, Brunei, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Vietnam, Republic of Korea, Japan, Australia, Fiji, New Zealand, Papua New Guinea, Samoa, Federated States of Micronesia.

With the adoption of this Declaration, participants to the Ministerial Forum will recall the importance and benefits of modern data protection rules as a key component of the regulation of the digital economy, and identify a core set of elements shared by the EU and its Indo-Pacific partners. The Declaration notably refers to the benefits of convergence around certain core elements of a modern data protection law and shows the tangible benefits convergence with such standards can bring, in terms of facilitating data flows and thus trade and international cooperation. This Declaration will also be fully in line with the approach followed by the EU in international fora (G20, G7, OECD etc.) on such issues.

Changes to the Declaration could still be introduced, either prior to, or on the day of the adoption of the Declaration. This is due to the possible negotiations and finalisation on the spot with Indo-Pacific countries. The EU is to make sure that any future adjustments to the Joint Declaration on privacy and the protection of personal data, ahead or during the 22 February Ministerial Forum, are in line with existing Union policies and legislation, while contributing to the achievement of the objectives set in the Joint Communication to the European Parliament and the Council ‘The EU strategy for cooperation in the Indo-Pacific’², the 2020 Commission’s Communications on the ‘European Strategy for Data’³ and the two years of application of the General Data Protection Regulation (GDPR)⁴. In other words, the Declaration should contribute to the dissemination of modern data protection standards with partners in the Indo-Pacific region, and in this way promote a human-centric approach to the digital economy based on shared values as well as facilitate data flows.

This Ministerial Declaration is considered to be a multilateral non-binding instrument that contains political statements. Therefore, the wording of the instrument should leave no ambiguity as to its non-binding nature.

As the intention to issue such a Joint Declaration became clear only very recently, it was not possible to start the internal approval procedure earlier, so as to guarantee the 5 weeks consultation period for the Council (before the envisaged adoption date) as is standard practice⁵.

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Attachment: *Draft Ministerial Declaration*

² Joint Communication to the European Parliament and the Council, The EU strategy for cooperation in the Indo-Pacific, 16.9.2021 JOIN(2021) 24 final.

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A European strategy for data, 19.2.2020, COM/2020/66 final.

⁴ Communication to the European Parliament and the Council, Data protection as a pillar of citizens’ empowerment and the EU’s approach to the digital transition - two years of application of the General Data Protection Regulation, 24.6. 2020, COM/2020/264 final

⁵ Arrangement for Non-Binding Instruments, December 2017

EU – [Indopacific countries]

Joint Declaration on privacy and the protection of personal data

Strengthening trust in the digital environment

Rapid technological developments, in particular information and digital technologies, have brought benefits for our economies and societies, as well as new challenges for privacy and the protection of personal data.

To foster Data Free Flow with Trust, which, as acknowledged by G20 Leaders⁶, is key to economic development and to harness the opportunities of the digital economy, it is vital to ensure the protection of individuals' privacy and personal data as a human right and fundamental freedom.

Lack of trust in how data is handled has negative effects on our societies and economies. Without trust, individuals may be reluctant to adopt new technologies, public authorities could be hesitant to share personal data with foreign partners and commercial exchanges may face obstacles. In sum, without that trust, our societies are not able to fully embrace and realise the benefits of the digital revolution.

Together, we share a common vision of a human-centric approach to such transformation, where the protection of personal data plays a crucial role and is a key enabler of cross-border cooperation.

To that end, we intend to promote high privacy standards based on a set of essential elements shared by our respective legal frameworks:

- A comprehensive legal framework covering both the private and public sectors;
- Core principles such as lawfulness, fairness, purpose limitation, data minimisation, limited data retention and data security;
- Enforceable rights of individuals, such as access, rectification, deletion and the possibility to challenge automated decision-making;
- Safeguards for international transfers to ensure that the protection travels with the data;
- Independent oversight by a dedicated supervisory authority and effective redress.

We commit to foster and further develop international policy discussions and cooperation regarding data protection and international data flows with trust, both bilaterally and multilaterally, in order to promote this shared vision and increase convergence in our data protection frameworks. In a world where data moves easily between jurisdictions, this also increasingly requires close cooperation among supervisory authorities across borders.

⁶ See [G20 ROME LEADERS' DECLARATION](#) (§48)