



THE on line NETWORK

(DOCUMENT PREPARED BY THE WORKING GROUP MEETING IN SANTA CRUZ DE LA SIERRA, BOLIVIA, ON 3 TO 5 MAY 2006)

SUMMARY: I. INTRODUCTION; II. OBJECTIVES OF THE on line NETWORK; III. DOMAIN; IV. USERS; V. CONTENT. 1. Information on the Network. 2. Information on data protection. 3. Publications and ideas forum. 4. News. 5. Network Observatory; **VI. PROGRAMME OF ACTION, OPERATING RULES AND COMMITMENTS.**

I. INTRODUCTION

The Latin American Data Protection Network (RedIPD), created in 2003 by the Declaration of La Antigua¹, was established during these years as a forum to integrate the knowledge and experience of its members and it has been consolidated as a reality able to deal with and offer rigorous alternatives to the problems surrounding protection of personal data in Latin America.

¹ The Latin American Data Protection Network, open to all the countries in the Latin American Community, and specifically recognised by the 13th Latin American Conference of Heads of State and Government, held at Santa Cruz de la Sierra, Bolivia, in November 2003, was created by Declaration of La Antigua, Guatemala, in June 2003.



The geographic dispersion of its members makes it necessary to provide the Network with agile, effective mechanisms to maintain keep this exchange of experience and information flowing.

The Strategic Document of the Network, adopted by all its members at the 4th Latin American Conference on Data Protection held in Mexico from 2 to 4 November 2005 recognises that diffusion of activities by the Network must be international and be kept permanently updated, so the Internet is considered the ideal instrument. Due to this, it was considered necessary to create a web page and an Internet domain whose maintenance and management would be assigned to the Permanent Secretariat, aided in that task by the Permanent on line Working Group on the Network, created especially for that purpose, formed by all the members with an interest in teamwork on that task. It was also considered that the page must specifically include a forum for publications and ideas proposed by the members of the Network.

Due to this commission, the Working Group met to prepare this document in Santa Cruz de la Sierra, Bolivia, from 3 to 5 May 2006.

The Mexico Declaration, that concluded the 4th Conference, specifically ratifies the need to set up the “*on-line*” Network as an instrument of information and diffusion of the fundamental right to data protection in Latin America.

Based on that situation, a process commenced to equip the Latin American Network (known as RedIPD) with an independent, autonomous web page and an Internet domain.



II. OBJECTIVES OF THE “on-line” Network.

The web page must become the virtual support of the Network in developing its activities, a basic element to divulge its activities and for knowledge of the fundamental right to data protection in Latin America.

The fundamental objectives of the on line Network are diffusion of the activities of the Latin American Data Protection Network, of the organisation and development of the Latin American Conferences on Data Protection, and of the progress of the work by the different Working Groups created within the RedIPD and their results. Moreover, the on line Network must become a reference for consultation within Latin America, in legislation, jurisprudence and information in general, on the fundamental right to data protection, and, lastly, a mechanism to exchange information among the members of the Network, through a forum to publish documents and research papers and an observatory for the evolution of the fundamental right to data protection in the countries in the region.

Since 2004, an information channel has remained open for the activities developed within the Network, through the web page www.agpd.es, the official site of the Spanish Data Protection Agency which, in its duties as Permanent Secretariat on the Network, included a link on its web to the Latin American Network, which may be considered the seed of the RedIPD's own page.

Thus, based on this information, what is proposed is a review of the present content and definition of a new information structure to provide a response to the present and future perspectives of the Network.

Along with the activities already consolidated, the Network aims to approach new challenges and objectives, motivated by the will of all the members to continue to advance, which may lead to greater harmony being achieved and to encourage



knowledge of the Network, and to diffusion and education in respect for data protection.

The Latin American Conferences and Working Groups within the Network have proven their effectiveness as an ideal channel for decision making, to adopt documents and to establish future strategies. Both the organisation of these discussion forums, as well as their results, must obtain major support on the web.

The conclusions of the Working Group on Electronic Governance and Telecommunications also proposes encouraging development of electronic governance and personal data protection systems in telecommunications, by generating a venue for encounters on the RedIPD web site, that allows one to know and apply good management practices and systematically identify relevant experiences that are distributed and allow them to be replicated, with joint learning.

To that end, the members of the Group propose inclusion, among others, of a replicable case data base, electronic governance products (web sites, on line services, etc.), statistical comparisons and bibliography.

Thus, the Working Groups must have space on the web, publishing their activities, their conclusions and, when appropriate, updating the information with case studies.

The publications and ideas forum must ensure they obtain the essential contributions from the members and observers, which as indicated in the Strategic Document, will be extremely valuable, as they will allow first hand knowledge of the concerns, priorities and evolution of the different sectors involved in the data protection.



The independence of the RedIPD web site from the Spanish Data Protection Agency will reinforce the identity of the Network. Undoubtedly, this new area to share resources to serve the right to data protection, provided by the Internet, will contribute to extending our territorial horizon to take advantage of the experience and knowledge of all the members. This is the objective of the Network's web page: to encourage and co-ordinate the tasks of the Network in order to provide greater quality, effectiveness and rigor to the activities on the Network, providing all the users with updated information on these.

Bearing these objectives in mind, among the immediate tasks of the Permanent Work Group on the on-line Network there is to establish a name for the Internet domain that will identify the web page, to define and organise the web home page, determine the content and structure of the information to be published, its classification and assignment of access to the different users of the page and definition of the web maintenance model.

III. DOMAIN

To make the web page independent as established, formalities will be commenced for it to be assigned the domain name: www.RedIPD.org. Due to the composition of the Network and considering its territorial scope, it is to be assigned a first level generic domain .org (intended for non profit organisations), and it is considered that the name assigned to reserve the domain identifies the Network clearly and simply.



IV. USERS

The design of the page and definition of the content must take its future users into consideration. In addition to the members, observers and collaborators of the Network, the Working Group intends it to provide a benchmark for experts and researchers in the matter and, in general, any citizen who accesses it from the Internet in order to know his rights on processing of his personal data.

The potential groups of end users of the network must be present in the definition of contents and structure of the page to define the information that is to be published.

V. CONTENT

Notwithstanding the fact that the new page must be managed through mechanisms that allow inclusion of new sections and dynamic reorganisation according to the use and needs that might be generated, the following list describes the different categories of initial content.

The information to be published, taking into account the nature and different profiles of users that must access this, is classified on three levels:

- Static level, or information with no subsequent amendment after generation, for free access to any user of the network. That level contains information on the RedIPD, and information on the fundamental right to data protection.

- Free access dynamic level, or areas that require periodic inclusion of content, for free access to any user of the network. This category includes the Publication



Forum, the News section, including events organised by the RedIPD or its members.

- Interactive level, or area where there is continuous exchange of information, that includes the Network Observatory.

1. Information on the Network

The section on information on the Network is foreseen to include information on the Latin American Data Protection Network, the members forming it, the Latin American Conferences and the Working Groups.

Latin American Data Protection Network

In the relation with the RedIPD, the network must provide information on:

- What is it?
- Organisation and functions
- Chairmanship
- General Meeting
- Permanent Secretariat
- Pro-tempore Secretariat
- Working Groups
- Operating strategy

Members of the Network

The web must provide information on the countries and institutions that are represented on the RedIPD.



Optionally, if the actual Network considers it appropriate, one may determine inclusion of all the members of the Network in the Directory.

Latin American Conferences

For each of the Conferences, information must be included on the preparatory activities, the programme, the countries represented, and when appropriate, the conclusions, or the final declaration issued by the Conference.

The information on the Conference in preparatory phase will have a direct link from the home page, through the News-Events section. While preparation of the following Conference has not commenced, that information will be linked to the last one held.

Working Groups

Information will be provided on the creation, members, activities, work and results of the active working groups, either temporary or permanent.

Once the work by a group is concluded, the conclusions will be recorded in the documents adopted by the Network to be included in the relevant section.

2. Information on data protection

This section must publish documents of any nature that contribute to better knowledge of the fundamental right to data protection and to the state of the art on this matter.



The fundamental right to data protection

The section on the fundamental right to data protection is mainly aimed at citizens and must include information to divulge the subject. The Network may prepare guidelines containing recommendations for citizens, to ensure they know their rights concerning any processing of personal data.

Documents on the Network

These include the Declarations by the Latin American Conferences and the Documents adopted by the Network within the working groups. In the initial phase, it will include the Declarations of La Antigua, Cartagena de Indias and Mexico, as well as the Documents adopted in relation to the Network Strategy, Electronic governance and telecommunications, the Reliability of Creation of Control Authorities and Transparency and access to information.

Once the successive Conferences are concluded, as well as the tasks by the Working Groups, the relevant documents adopted will be included.

Legislation and Jurisprudence

This area will establish the following sublevels:

- National legislation
 - Comparative development table
 - National laws
- International legislation
 - International treaties
 - MERCOSUR
 - CAN



OAS

European Union

- Jurisprudence organised by countries

Case studies

Newly created section, will include significant cases provided by the members of the RedIPD network, in relation to the Working Groups, or considered of interest by the Network.

Moreover, as of this option of general information on the right to protection of personal data, one may access the following sections:

Association Agreements

Data Protection Authorities

Publications on the Network

News

Links

3. Publications and ideas forum

Area assigned to publication of documents, monographs and/or research work into personal data protection.



4. News

Assigned to publication of information on different events on the Network, or at the Institutions and members of the Network.

It must be placed prominently on the home page, and it will always have a direct link to the last Latin American Conference held or, when appropriate, that to be held.

5. Network Observatory

This area may provide support to the Forum of members of the Network and contain an anonymous suggestion mailbox for public access.

When the Forum management procedure has been established, the suggestion box will be published.

There will also be the possibility of this area including an on line query section that, in turn, would give rise to a Frequently Asked Questions (FAQ) section.

This content would be accessible from the home page through a simple browser system. That home page would have a link to the web privacy policy.

Content available in Portuguese and English will also be published on the web, through the relevant links from the home page.



VI. PROGRAMME OF ACTION, OPERATING RULES AND COMMITMENTS.

The Spanish Data Protection Agency, in its role as Permanent Secretary, has undertaken the financing and start up of the page, to which end it will arrange the reservation and assignment of the Internet domain www.RedIPD.org, and will provide the necessary physical and logical infrastructure, according to the budget available.

As to the physical site, the Network web page will be hosted on the same Internet server that maintains the AEPD web page.

In this sense, the AEPD undertakes the responsibility of the web portal, as well as managing publication of the content.

The AEPD soon intends to commence the transformation of its web into a portal including a content manager to significantly expedite its maintenance and periodic updating. This project is foreseen to have a section dedicated to the RedIPD, establishing a structured sub-portal with updated content, according to the specifications set forth in this document, with sufficient autonomy to become independent of the AEPD portal and grow into an autonomous web at the moment the Network domain is authorised.

During this first phase, the Publication Forum will also be included on the web page. The initial content of this section is provided by Argentina, Spain, Mexico and Portugal.

Notwithstanding the commitment of all the members of the Network to collaborate actively in maintenance of the web to achieve the objectives stated, they all maintain the wish to review the information now published at www.agpd.es in



relation to RedIPD, for each one of their countries and to notify the Secretariat of the Network of any amendment or novelty, to keep the information up to date.

In particular, the representatives of the National Data Protection Directorate of the Republic of Argentina and the Agency for Development of the Information Society of Bolivia will send the Secretariat of the Network the relevant information on MERCOSUR and the CAN, respectively, which they consider of interest to the RedIPD.

Another general commitment of the participants in the Working Group is the contribution of information to the Secretariat on identification of the official web pages of the institutions they represent, to include them in the links section of the network. In turn, they undertake to guarantee there are links from these institutional web pages to the RedIPD Network.

Another objective set in this first phase is publication of the texts of the Network Documents in Portuguese. The representative of the Data Protection Commission of Portugal has undertaken to translate those texts before 30 September 2006.

The members of the Working Group consider it necessary to have a procedure to manage the Network Observatory, in particular, the Network Members' Forum, prior to its publication on the Internet. The representatives of Bolivia and Costa Rica will prepare this procedure to present it at the next meeting of the Group.

Then, the full development of the content in the new sections must be undertaken.

Once the general objectives of the on line Network are defined, the working group will meet periodically to evaluate the progress of the project, as well as to establish new goals and responsibilities of its members.



Other commitments:

Each representative must inform the Secretariat of the RedIPD what emblematic place in its country it considers should be integrated on the web page.