

WESTERN HEMISPHERE DATA PROTECTION LAWS

August 2009

Note: The following chart was developed by the U.S. Department of Commerce in order to provide information on national data protection laws that have either been enacted or are currently under consideration around the world. The following does not address sectoral laws, local laws, criminal/civil code provisions, or constitutional provisions that may address data protection

The chart is intended for information only and is not an authoritative statement or summary of the actual laws in these countries. The chart also may not reflect all recent changes and legislative updates.

Current Data privacy commissions: <http://www.worldlii.org/catalog/279.html>.

Australia's list by country: <http://www.worldlii.org/catalog/2972.html>.

EPIC Online Guide to Privacy Resources http://www.epic.org/privacy/privacy_resources_faq.html#International_Sites.

Australian Privacy Foundation: <http://www.privacy.org.au/Resources/PLawsWorld.html>.

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COUNTRY	COMPREHENSIVE DATA PROTECTION LAW	EFFORTS TO DEVELOP LAW	KEY DETAILS	GOVERNMENT CONTACT
Argentina	Law for the Protection of Personal Data (LPDP) of 2000 Link to Law (Spanish)		Based on the EU Directive and the Spanish Data Protection Acts Requires registration by data owner Requires foreign “adequacy” and meets EU “adequacy” standard	Dirección Nacional de Protección de Datos (DNPDP), Ministry of Justice Teléfonos: 54-11-4383-8512 infodnpdp@jus.gov.ar http://www.jus.gov.ar/dnpdpnew/
Bahamas	Data Protection (Privacy of Personal Information) Act, 2003 Link to Act	2008 Annual Report of Commissioner stated goal of achieving EU “adequacy” rating	Consistent with OECD and EU principles Establishes Data Protection Commissioner Does not meet EU adequacy standard due to case backlog	Office of Data Protection Commissioner (242) 702-1553/ 702-1534 dataprotection@bahamas.gov.bs www.bahamas.gov.bs/dataprotection
Barbados	No comprehensive law	In 2005, drafted Data Protection Bill regulating the collection, use, and transfer of personal data		Ministry of Commerce Consumer Affairs & Business Development 246-4310056 pscommerce@commerce.gov.bb
Belize	No comprehensive law			
Bermuda	No comprehensive law Sectoral laws	In 2008, government announced plans to draft legislation on data protection to help companies transfer information to the EU		Ministry of Energy, Telecommunications & E-Commerce Telephone: 441.292.4595 Email: gtelecom@gov.bm http://www.mtec.bm
Bolivia	No comprehensive law Sectoral laws			
Brazil	Habeas Data Law of 1997 Link to Law Consumer Protection Code of 1990 Link to Code	In 2003, law was proposed to criminalize unauthorized disclosure of protected information and harvesting of personal information	Habeas Data Law gives grants right to petition for rectification Code requires notification, access, source information, rectification, and approval prior to data transfer	
Canada	Personal Information Protection & Electronic Documents Act (PIPEDA) Link to Act	In April 2009, legislation was introduced to update PIPEDA Link to legislation	Establishes 10 privacy principles and requires opt-out consent Commissioner has broad enforcement power Meets EU “adequacy” standard	Information and Privacy Commissioner/Ontario Tel: 416-326-3333 E-mail: info@ipc.on.ca http://www.privcom.gc.ca/

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Chile	Law for the Protection of Private Life, 1999 Link to Law (Spanish)	In July 2009, announced plans to create a government authority for privacy and transparency	Establishes rights of access and correction; requires individual enforcement Requires registration of Chilean databases Includes rules for financial and health industries	
Colombia	Habeas Data Act of 2008 Link to Act (Spanish)		Guarantees rights of knowledge, access, and rectification Rights extend to foreign databases Enforced via court system	
Costa Rica	Law on Individuals' Protection against Personal Data Treatment of 2009 Link to Legislation (Spanish)		Provides rights of knowledge, consent, quality, safety, and confidentiality	
Dominican Republic	No comprehensive law Sectoral laws			Instituto Dominicano de las Telecomunicaciones Tel: 8290732-3030 http://www.indotel.gob.do/
Ecuador	No comprehensive law	In 2006, data privacy legislation was proposed Link to Legislation (Spanish)		
El Salvador	No comprehensive law			
Guatemala	No comprehensive law	In 2005, legislation governing personal data was proposed Link to bill (Spanish)		
Honduras	No comprehensive law			El Instituto de Acceso a la Información Pública (IAIP) http://www.iaip.gob.hn/
Jamaica	No comprehensive law Electronic Transaction Act Overview of Act			Ministry of Mining and Telecommunications Tel: (876) 929-8990 -9 communications@mct.gov.jm http://www.mmt.gov.jm/eta-page.htm
Mexico	No comprehensive law Sectoral laws	Several EU-like bills (including the Federal Personal Data Protection Bill of 2001) have been introduced but not passed		Federal Institute of Access to Public Information (IFAI) Tel: 01 800 8354324 Office of Federal Attorney for Consumer Protection (PROFECO) Tel. (55)5625 6700

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Nicaragua	No comprehensive law	In 2003, the Access to Information bill was proposed		
Panama	No comprehensive law			
Paraguay	Data Protection Law Link to Law (Spanish)		Regulates data collection, storage, distribution, publication, modification, and use	
Peru	No comprehensive law Sectoral laws	In 2004, the Ministry of Justice published a report on a proposed data protection bill Report on Bill (Spanish)		
Uruguay	The DBA, Law 17.838, 2004 Link to Law (Spanish)		Provides right to access and rectification, limits collection and establishes data protection authority	Ministry of the Economy www.mef.gub.uy/portada.php
Venezuela	No comprehensive law			