

**“DATA PROTECTION AND ACCESS TO
INFORMATION, A PROSPECT FROM THE
PARAGUAYAN LAWS”.**

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Data protection and access to information, a prospect from the paraguayan laws.

- ▶ Introduction
- ▶ Personal data protection
- ▶ Habeas data
- ▶ Law of access to public information
- ▶ Protection of data as IP
- ▶ Conclusion



PARAGUAY



- ▶ It's a landlocked country situated in the heart of South América.
- ▶ Population: more than 6 million with the youngest population of the region.
- ▶ Several and dispersed regulations to protect data (*collection, use and enforcement*).



Personal data protection

- ▶ **Article 33** of the Constitution (*personal and family privacy*)
- ▶ **Article 25** of the Constitution (expression of the personality)
- ▶ No explicitly protection of data in the Constitution. **Article 45** provides for a enunciation of rights others that, being inherent in human personality, are not expressly included.
- ▶ American Convention of Human Rights. Article 11
- ▶ Universal Declaration of Human Rights.
- ▶ Paraguayan Penal Code (*injury of privacy-penalty of fine*).



Personal data protection

- ▶ Mercosur digital project of EU and Mercosur.
- ▶ Law N° 4868/2013 of electronic commerce.
- ▶ Law N° 4610/2012 about legal validity of electronic signature. (fine from 5000 to 10000)
- ▶ Law N° 5830/2017 that prohibits advertising that it is not authorized by the holders of mobiles.
- ▶ Databases used by the press are not included.



Habeas Data

- ▶ Incorporated in the Constitution. Article 135
- ▶ “Right of any citizen to *delete, amend* or *rectify* data, wheter public or private registry of a public nature”.
- ▶ **2017**.Project to regulate the procedure



Law of access to public information.

- ▶ **Judgement N° 1306/2013.** The Supreme Court of Justice set as precedent the access to public information as a human right.
- ▶ **Law N° 5189/2014.** Made mandatory the provision of information in the use of public resources on remuneration and other assigned to government officials.
- ▶ **Law N° 5282/2014.** Of free access to public information and government transparency.



Protection of data as IP

- ▶ Broad legislation (trademarks, patents, copyrights, industrial designs, GI's, penal and civil sanctions).
- ▶ Specific provisions for the protection of test data by **Laws N° 3519/2008 (pharmaceutical products)** and **N° 3283/2007 (agroquemical products)** *to comply with article 39 of TRIP's Agreement.*



Conclusion

- ▶ A law with a comprehensive approach of data protection is needed.
- ▶ It should limit the processing of personal data in the *collection, storage, proporcionality, data quality, scope of application, transparency, rendering of accounts and other.*
- ▶ With a human rights perspective
- ▶ Take into account technical advances
- ▶ Independent body as a governing entity
- ▶ It should raise the standards of protection of the EU Directive 95/46 and its regulations.
- ▶ It should not create obstacles to access to public information
- ▶ IP protection must be included.



**THANK YOU
AGUYJE
MUCHAS GRACIAS
SPASIBO VAM**

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