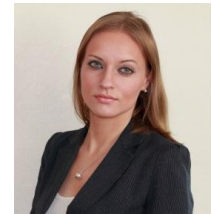


## Latin America: Uruguay receives adequacy recognition from EU Commission

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The EU Commission recognised Uruguay's legal framework as providing 'adequate protection' for personal data under the EU Data Protection Directive 95/46/EC, in a decision issued on 23 August 2012 - almost two years after the EU Article 29 Working Party delivered a favourable Opinion (6/2010) on the country's data protection regime. 'The legal data protection standards applicable in the Eastern Republic of Uruguay cover all the basic principles necessary for an adequate level of protection for natural persons, and also provide for exceptions and limitations in order to safeguard important public interests', read the decision. 'These legal data protection standards and the exceptions reflect the principles laid down by Directive 95/46/EC.' The adequacy finding will allow EU Member States to freely transfer personal data to Uruguay without additional guarantees.



"This is a much expected decision and another reminder of the interesting developments taking place outside the EU", Eduardo Ustaran, Partner at Field Fisher Waterhouse LLP, told DataGuidance. "Uruguay and its privacy authority have been working hard to get this right, so full credit must be given to them. In particular, Uruguay's approach to international data transfers make something like Binding Corporate Rules (BCRs) very useful for global organisations."

The Uruguayan data protection framework is largely based on the standards set out in Directive 95/46/EC and are laid down in Act No 18.331 on the Protection of Personal Data and 'Habeas Data' Action of 11 August 2008. This Act is further complemented by Decree No 414/009, which details the regulation, powers and functioning of the data protection supervisory authority.

'To achieve this distinction, Uruguay has had to prove to the competent authorities, the appropriate adoption and compliance with the provisions on protection of personal data', read a statement by the Uruguayan independent regulator - the Unit for the Regulation and Control of Personal Data (Unidad Reguladora y de Control de Datos Personales (URCDP)). 'It's a recognition of Uruguay as a country in a position to take on the challenge of complying with the controls required by the European Union on the use of personal data and the work carried out by the URCDP. [This will favour] the increase in investments in different sectors in the country.'

The EU Commission also stated that the enforcement of the legal data protection standards is guaranteed by administrative and judicial remedies, in particular, by 'habeas data' action, which enables a data subject to take a data controller to court in order to enforce his/her right of access, rectification and deletion.

'The EU recognition will open the possibility for major European investments; in particular it will help Uruguay boost its outsourcing industry (call centers, data centers, technology parks) and attract more EU-based companies looking for providers of administrative, financial and other data processing services in Latin America', stated the Uruguayan Investment and Export Promotion Institute.

Other countries recognised as providing 'adequate' data protection are Argentina, Andorra, Australia, Canada, Switzerland, Faeroe Islands, Guernsey, Israel, Isle of Man, Jersey and the US Safe Harbor. Uruguay's adequacy recognition makes Latin America the second most 'adequate' continent behind Europe itself.

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