

Committee: Disarmament and Security Committee (GA1:DISEC)

Topic: Weaponization of Data and Cyber Security

Country: Argentina

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Argentina, located southern portion of South America, bordering between Chile and Uruguay. With the total area of 2,780,400 sq km world's eighth largest country, Argentina occupies an area more extensive than most of the South American countries, being the second biggest country in the continent, making it the largest Spanish speaking country by area. Its diverse geographical landscapes range from tropical climate to tundra. Based on the recent counts Argentina houses approximately 46 million people. After three centuries of Spanish colonization, Argentina declared independence in 1816. Argentina is ruled with democracy with its capital being Buenos Aires. In 2000, Argentina became the first Latin American country to adopt a data privacy law modeled after the European Union. Indeed, the DPA was derived from Spanish data protection laws, and the EU has stated that Argentina provides "sufficient data protection."

The Personal Data Protection Law is Argentina's most comprehensive statutory legislation governing the protection of personal data (Data Protection Law)

The general rule under the Data Protection Law is that any treatment of personal data must have the data subject's explicit consent. Such consent must be freely given, based on previously provided knowledge (informed), and conveyed in writing or by analogous means, depending on the circumstances. The data subject has the right to retract consent at any moment, but it will not be retroactive.

The DPA defines personal data as "any information relating to identified and/or identifiable individuals and/or entities." It's a broad definition that includes nearly any type of knowledge about a subject. Data "treatment," on the other hand, is broadly defined as "the systematic operations or procedures, by electronic means or otherwise, allowing the storage, conservation, modifications, relationship, evaluation, lock, destruction, and in general data processing of personal data, as well as assignment to third parties through communications, interconnections, or transfer."

The Argentine Agency of Access to Public Information is the data protection regulator in charge of enforcing the DPA in Argentina (AAPI)

AAPI has the authority to conduct DPA compliance audits. Due to operational constraints, audits are conducted in a non-aggressive manner.

The DPA recently released a Draft Data Protection Bill, which, if passed by the Argentine Congress, would completely replace the Data Protection Law. Its major goal is to update the national rule based on technology advancements and the DPA's experience, adjusting it to the current international context, particularly in light of the European Parliament and Council's ratification of Regulation (EU)

The bill broadens the scope of the law to include the complete protection of personal data, as well as revising and adding new definitions to the Data Protection Law. The bill's legal basis for the treatment of personal data is still the data subject's express consent (although under specific circumstances, consent may be implicit). Furthermore, it exempts databases storing personal data from the registration requirement and includes responsibility duties.

There are also a few non-governmental organizations (NGOs) in Argentina dedicated solely to data protection issues. The following are some of the non-governmental organizations that study and promote privacy-related issues:

-The Civil Rights Association (Asociación por los Derechos Civiles) is a non-governmental organization that promotes social and civil rights in Argentina and other Latin American countries. There is an area inside this NGO called "ADC Digital" that acts as a venue for debate and critical

analysis of policies implemented by public and private players, including themes like big data, cybersecurity, data protection, and so on.

-Argentina Cibersegura (Argentina Cyber Secure) is a non-profit organization that creates awareness materials to promote communication and education about the personal risks associated with internet use, such as privacy, cyberbullying, and grooming

Argentina has in place a robust data protection policy which is in the process of being revised based on technical improvements and on the experience gained by the DPA, adapting it to the new international situation, particularly to EU regulations. Simultaneously, legislative measures to govern cybercrime have been launched, with varying degrees of success, such as the submission of a bill in Congress to adopt the Budapest Convention on Cybercrime.

Cyber crime has not been specifically regulated through legislations until November 2017 a congress passed , ratifying Argentina's adherence to the Budapest Convention on Cybercrime. As all states that ratify or accede to the Convention commit to ensure that their domestic laws criminalize acts listed therein, such law will be able to have a significant impact on Argentina's criminal law linked to data cybercrime. The Budapest Convention on Cybercrime's principal goal is to pursue a unified criminal strategy aimed at protecting society from cybercrime, particularly through the adoption of suitable laws and the promotion of international cooperation.

There is no particular legal obligation under Argentine law to report data breaches to the authorities. Although an Exhibit to Regulation AAPI states that data controllers shall maintain a security incidents registry, this need has not been legislated, and no specific reports to authorities or impacted individuals have been developed.

It's worth noting that the AAPI is now working on a bill that would completely rebuild the DPA – and is still being debated in Congress – and would handle data breach occurrences and the procedures to be followed in the event of a breach. In this regard, such a bill aims to align with the EU GDPR.