

SCOPE AND APPLICABILITY

Applies to the collection and processing of personal data that occurs in Colombia about its residents or when applicable through int'l laws or treaties.



Recently interpreted to apply to organizations outside of Colombia.

THE PLAYERS

Data Subject

Controller

Processor

Superintendence of Industry and Commerce



PERSONAL DATA

Identified



Identifiable



SENSITIVE DATA

Sensitive data is defined as any data that affects the individual's intimacy or whose improper use may cause discrimination. Sensitive data includes information about:

- racial or ethnic origin
- religious or philosophical beliefs
- political opinion
- trade union or political organization membership
- health or sex life
- biometric data



CONSENT

Consent is generally required for data processing.

Consent must be informed, and given prior to processing. Controllers must explain the purpose of the processing and data subject rights, among other things.

Silence or inaction are not valid consent.

Data subjects can withdraw consent at any time.



PRINCIPLES OF DATA PROCESSING

Legality

Processing data must comply with law.

Purpose

Processing data must be for a legitimate purpose.

Liberty

Processing data generally requires the express and informed consent of data subjects.

Accuracy or Quality

Data must be accurate, complete, clear, up-to-date, verifiable, and comprehensible.

Transparency

Data subjects must be informed about the existence of data related to them.

Access and Limited Circulation

Data processing can only be done by authorized entities. Personal data can't be improperly disclosed.

Security

Personal data must be protected.

Confidentiality

Every person involved in the processing of data must guarantee confidentiality.

National Registry of Databases

Data Protection Officer (DPO) (or designated department)

Respond to Data Subject Requests



Internal Processes and Policies



Time Limits for Data Processing



Accountability

Security



Notice



INDIVIDUAL RIGHTS

Right to Know, Update, and Rectify



Right to Request Proof of Consent

Right to Complain



Right to Revoke Consent and Request Deletion

Right to Access



Right to Know the Use of the Data



Colombia's General Personal Data Protection Law



DATA TRANSFER

Generally, data transfers to third parties require the data subject's consent.

Data transmissions from controllers to their processors don't require consent if there is a contract.



INTERNATIONAL DATA TRANSFER



Requires adequate level of protection for int'l data transfers.

Exceptions to adequacy include consent or conformity declaration by DPA for a specific data transfer.





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A Course by Professor Daniel J. Solove (20 mins)

Course Outline

- ▶ Introduction
- ▶ Scope and Applicability
- ▶ The Players
- ▶ Personal Data
- ▶ Sensitive Data
- ▶ Consent
- ▶ Processing Personal Data Without Consent
- ▶ Principles of Data Processing
- ▶ Individual Rights
- ▶ Responsibilities of Organizations
- ▶ Data Breach Notification
- ▶ Transfer of Personal Data
- ▶ International Data Transfer
- ▶ Enforcement
- ▶ Conclusion



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