



GPA Global Privacy and Data Protection Awards 2021

Entry Form

To submit an entry to the GPA Global Privacy and Data Protection Awards please complete and email this form to secretariat@globalprivacyassembly.org no later than **14 June 2021**.

Note: GPA member authorities can submit as many entries as they wish, but a separate form should be used for each different entry, submitted by the deadline above.

Languages: The GPA documentation Rule 6.2¹ applies.

1. CONTACT DETAILS FOR THIS ENTRY

Privacy/Data Protection
Authority:

Superintendence of Industry and Commerce (Colombia)

2. ELIGIBILITY

By submitting this entry, I confirm that (*please tick all boxes to confirm*):

- The Authority is a member of the Global Privacy Assembly
- The initiative described in this entry was undertaken since January 2020.
- I am aware that the information in the entry (other than the contact details in 1(a) above) will be publicised by the GPA Secretariat.

3. CATEGORIES

Please indicate which category you wish to enter.

*Please tick **one**; please use a separate form for each category you wish to enter:*

- Education and Public Awareness
- Accountability
- Dispute Resolution and Enforcement
- Innovation
- People's Choice

4. DESCRIPTION OF THE INITIATIVE

a. Please provide a brief summary of the initiative (no more than 75 words)

The guideline for the implementation of the principle of Accountability in international transfers of personal data contains specialized recommendations so that the cross-border

¹ [GPA Rules and Procedures](#), Rule 6.2 'Assembly documents':

Without prejudice to section 4.2, Assembly documents, including accreditation and observer applications may be submitted in English or in another language. In the latter case, the documents shall be accompanied by an English version. Members with the ability and the resources to do so are encouraged to translate proposed resolutions and other Assembly documents such as the Assembly Rules and Procedures.

circulation of data is carried out respecting the rights of the data subjects whose information is sent to other countries. This guideline is additional and complementary to the one issued by our entity in 2015 (Guide for the implementation of Accountability).

b. Please provide a full description of the initiative (no more than 350 words)

The Superintendence of Industry and Commerce (hereinafter SIC) published on May 28, 2015, the guideline for the implementation of Accountability. However, such document does not refer to the cross-border flow of Personal Data.

Through *Circular Externa of August 10, 2017*, the SIC ordered the following in the first paragraph of numeral 3.2:

"Without prejudice to the transfers of personal data being made to countries that have an adequate level of protection, those Controllers, by virtue of the principle of Accountability, must be able to demonstrate that they have implemented appropriate and effective measures to guarantee the adequate processing of the personal data that they transfer to another country and to grant security to the records at the time of making said transfer".

Thus, at the end of 2019 the SIC considered it necessary to issue a complementary guide that develops what is related to the *Principle of Accountability* in the international transfers of Personal Data. This guideline was revised and updated in 2021 to improve its content and consider recent international documents such as, among others, the Implementing Decision (EU) 2021/914 regarding the standard contractual clauses for the transfer of personal data to third countries.

The specific recommendations embedded in the document are the following:

- Carry out Privacy Impact Assessments (PIA's) before transferring the data to another country.
- Incorporate privacy, ethics, and security by design and by default.
- Verify that you are empowered to transfer or transmit personal data to another country.
- Establish how the accountability measures to transfer personal data will be demonstrable.
- Ensure compliance with the purposes to be achieved with the accountability measures.
- Consider the subsequent transfers of personal data.
- Replicate proactive measures for the Processing of Personal Data to international transfers of said information.
- Articulate the accountability tools in a contract adjusted to the particularities of each transfer.
- Increase trust and transparency with your clients and third-party data subjects.

c. Please explain why you think the initiative deserves to be recognised by an award (no more than 200 words)

The Superintendence of Industry and Commerce of Colombia has permanently worked so that the *Principle of Accountability* is implemented in practice (and not only on paper).

The Principle Accountability was expressly incorporated into Colombian regulation through Decree 1377 of June 27, 2013. Since then, we have issued two guidelines (the first in 2015 and the most recent in 2021). But additionally, we have issued orders and sanctions because the Controllers and Processors do not comply, among others, with the aforementioned principle. During 2020 and 2021 (as of June 5) we have incorporated this principle in 109 resolutions (administrative acts or decisions).

Additionally, in other guidelines we have referred and recommended strategies of Accountability to be implemented in relation to the Processing of Personal Data. For example, this was expressly included in the following guidelines:

- Guide on data processing in horizontal property (pages 19-20)
- Guide on data processing for e-commerce purposes (Pages 4-6)
- Data processing guidelines for marketing and advertising purposes (Pages 8-10)

The 2021 guideline is one of the different works and actions that we have carried out so that the proper processing of personal data is guaranteed in practice and human rights are respected.

d. Please include a photograph or image, if you wish (*This will be published with your entry on the GPA website. The image can be pasted into the box below, be sent as an attachment or a link may be provided*)



e. Please provide the most relevant link on the authority's website to the initiative, if applicable (*The website content does not need to be in English*)

- Access to all the guidelines published by the Superintendence of Industry and Commerce regarding the protection of personal data: https://www.sic.gov.co/centro-de-publicaciones?field_tema_general_tid=5&field_anos_p_value=All
- Text of the guideline for the implementation of the principle of accountability in international transfers of personal data: <https://www.sic.gov.co/sites/default/files/files/2021/2021%20Gu%C3%ADa%20para%20implementaci%C3%B3n%20del%20principio%20de%20responsabilidad%20demostrada%202021.pdf>

f. Please provide any other relevant links that help explain the initiative or its impact or success (*e.g. links to news reports or articles*):

- Access to all the guides published by the Superintendence of Industry and Commerce regarding the protection of personal data:
https://www.sic.gov.co/centro-de-publicaciones?field_tema_general_tid=5&field_anos_p_value=All
- Text of the guideline for the implementation of the principle of accountability in international transfers of personal data:
<https://www.sic.gov.co/sites/default/files/files/2021/2021%20Gu%C3%ADas%20para%20implementaci%C3%B3n%20del%20principio%20de%20responsabilidad%20demostrada%202021.pdf>