

## Chapter 9

# Parliamentary Diplomacy and Personal Data Protection in the Digital Age: An Unexplored Opportunity for Upholding Human Rights in the European Union and Beyond?

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**Abstract:** The chapter explores the role of the European Parliament in upholding the right to privacy and personal data protection in the EU and its relations with the wider world, by tracing dialogue and cooperation in this realm at the interparliamentary level in practice. Drawing from the work and outcomes of the Euro-Latin American Parliamentary Assembly over the last decade (2013–2023), the chapter shows how parliaments can play a relevant role in promoting these rights in the digital age not only domestically, but also internationally through parliamentary diplomacy. By doing so, the chapter advances the existing literature on this field, introducing a fined-grained examination of a topic that has been largely overlooked. This holds particularly true concerning the studies addressing parliamentary diplomatic activity in the framework of the EU-Latin America and the Caribbean relations.

**Keywords:** European Union, EuroLat, parliamentary diplomacy, privacy and personal data protection, EU-LAC Digital Alliance.

## 1. Introduction

Unlike other global players, the European Union (EU) strongly stands as a normative actor in international relations, promoting principles and values such as respect for human rights—also referred to as fundamental rights in the EU’s legal order and policy— (Manners, 2008).<sup>1</sup> This approach has been incorporated in the EU Treaties themselves,<sup>2</sup>

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<sup>1</sup> On an in-depth analysis of the dual rights language used by the EU, see Wouters and Ovádek (2021, pp. 70–77).

<sup>2</sup> OJ C 202/1, 7.6.2016 (consolidated versions 2016).

which provide that the Union shall promote its values in its relations with the wider world, as well as contribute to the protection of human rights, among others (Articles 2 and 3(5) Treaty on EU –TEU–). In the same vein, it is envisaged that the “Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world”, including “the universality and indivisibility of human rights” (Article 21(1) TEU). Within that context, it “shall define and pursue common policies and actions and shall work for a high degree of cooperation in all fields of international relations, in order to [...] consolidate and support democracy, the rule of law, *human rights* and the principles of international law” (Article 21(2)(b) TEU, emphasis added). The principles and objectives contained in Article 21 TEU reach both the EU’s external action and the external aspects of its internal policies (Article 21(3) TEU, see also Article 205 Treaty on the Functioning of the EU –TFEU–).

In particular, the right to personal data protection is a fundamental right enshrined in Article 8 of the Charter of Fundamental Rights of the EU.<sup>3</sup> The Charter is the “centrepiece of EU fundamental rights law and policy”, which acquired a legally binding status and the same legal value as the EU Treaties since the entry into force of the Lisbon Treaty in 2009 (Wouters & Ovádek, 2021, p. 100). Moreover, Article 7 of the Charter provides for a right to privacy, encompassing private and family life, home and communications. Together, these two articles grant a legal basis for the EU’s data protection regime (Mildebrath, 2023, p. 1).

Internationally, the right to privacy is part of major human rights instruments, such as the 1948 Universal Declaration of Human Rights proclaimed by the United Nations General Assembly. Similar provisions have also been included, for example, in regional human rights treaties. The latter includes the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, which serves as “a formal inspiration” of the general principles of fundamental rights of EU law (Bartels, 2014, pp. 1075, 1077).

This chapter explores the role of the European Parliament (EP) in upholding the right to privacy and personal data protection in the EU and its relations with the wider world, by tracing dialogue and cooperation in

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<sup>3</sup> OJ C 202/389, 7.6.2016.

this realm at the interparliamentary level in practice. Drawing from the work and outcomes of the Euro-Latin American Parliamentary Assembly (EuroLat) over the last decade (2013–2023), the chapter shows how parliaments can play a relevant role in promoting these rights in the digital age not only domestically, but also internationally through parliamentary diplomacy –hereafter PD–. By doing so, the chapter also advances the existing literature on PD, introducing a fined-grained examination of a topic that has been largely overlooked at the time of writing. This holds particularly true concerning the studies addressing parliamentary diplomatic activity in the framework of the EU-Latin America and the Caribbean (LAC) relations (see, e.g., Luciano, 2017; Müller, 2019).

The research is qualitative and is widely based on the analysis of primary data from the EU institutions, excepting the second section. Mainly, these EU institutions include the European Commission (EC), acting individually or jointly with the High Representative of the Union for Foreign Affairs and Security Policy (HR), and the EP in what relates to the EuroLat.

The work is divided into five sections. After this introduction, the second section presents the concept of PD. Special attention is paid to the EP, acknowledged as a world leader in the field (Jančić, 2017). The section also refers to the EuroLat, whose creation in 2006 was strongly advocated by the EP to provide the EU-LAC Strategic Partnership with a parliamentary dimension (Fernández Fernández, 2022). The third section addresses, in a nutshell, the inter-governmental digital agenda between the two regions, focusing on the latest developments at the time of writing. Notably, developments include the EU-LAC Digital Alliance endorsed by the third Summit between the Heads of State and Government of the EU and the Community of Latin American and Caribbean States (CELAC, by its Spanish acronym) held in Brussels in July 2023. The fourth section closely analyzes the work and outcomes of the EuroLat regarding the bi-regional digital agenda, especially its contributions to the protection of privacy and personal data. The concluding remarks are presented in section fifth.

## **2. PD and the EP: The Case of the EuroLat**

There is no single definition of PD, although it is an “ever-expanding worldwide phenomenon” (Stavridis, 2021, p. 227). Only over the last

decade and a half, scholars have made conscious efforts to conceptualize it, focusing on its main characteristics, functions and means (*Ibidem* pp. 238–239, 249). For instance, drawing from a series of empirical studies on PD in European and global governance published in early 2017, Stavridis (2017 pp. 369–374) concluded that there are four main characteristics of PD. First, flexibility, which suggests that parliamentarians have more room to operate in sensitive and difficult situations, since they are not necessarily committed to a specific government. Second, informality, which refers to the use of informal means that may be as important as formal ones in shaping international affairs. Third, the consideration of whether PD is aimed at complementing state diplomacy, or whether it should be independent from it, with supporters and detractors conferring arguments towards both approaches. Fourth, the multiplicity of levels and actors inherent to PD, including sub-national, national, regional, and international initiatives, as well as individuals and groups of individuals, state and non-state actors, to name a few (see also Stavridis 2019, 2021).

The diplomatic means employed by parliaments are also various. Yet, they can be encompassed in two main categories, according to the PD literature. On the one hand, there are those used in general in the field of foreign policy, such as the ratification of international agreements, plenary debates and resolutions, hearings, written and oral questions, reports, and budget approvals. On the other hand, there are those specific for the external action of parliaments, including missions to third countries and international organizations, friendship groups, and delegations to maintain relations with peers from individual countries or under the umbrella of international parliamentary assemblies (Stavridis, 2019, pp. 192–193). In the case of the EP, others have distinguished between the establishment of diplomatic contacts worldwide both at bilateral and multilateral levels and non-legislative instruments, namely resolutions, reports, debates, hearings and fact-finding missions, among others (Jančić, 2017, p. 23).

Finally, the functions of PD range from “political accountability for foreign and security policies” and “legitimization of (inter-)regional and global integration processes” to “contribution to conflict resolution” (Stavridis, 2017, pp. 375–381; see also Stavridis, 2021). Another important function relates to parliaments acting as “moral tribunes” in international relations, in view of which they “introduce important normative elements far from the traditional premises and prescriptions of realism

while considering human rights and democratization as components of a more human and moral international system, if only at a discursive level in many cases” (Stavridis & Fernández Molina, 2013, p. 154; see also Stavridis, 2017, p. 378; 2019, pp. 200–201; 2021, p. 244).

The EP alone has 45 standing delegations at the time of writing.<sup>4</sup> This number signals “a dramatic growth in the importance of the external representation of the Parliament since the first direct elections’ (Corbett et al., 2016, p. 207) in 1979, when there were over twenty delegations. This contrast increases even more when considering that delegations only reached over seven prior to such elections (Corbett, 1998, p. 85).

Although the most obvious task of delegations is to maintain and develop the EP’s international contacts with third countries, regions, and organizations, they shall also “contribute to promoting in third countries the values on which the European Union is founded”; according to the principles governing their activities (EP Conference of Presidents 2015). These values include respect for human rights, such as the rights to privacy and personal data protection discussed above. In other words, “the delegations provide one means for the Parliament [...] to assist the EU as a whole in the pursuit of its objectives”, with human rights being among their “specific areas of interest” and “a long-standing concern” (Corbett et al., 2016, pp. 206, 218).

In practice, such moral tribunal role –as called by the literature– has been observed by scholars in relation to different parts of the globe, including Libya (Stavridis & Fernández Molina, 2013), Mexico (Velasco-Pufleau, 2017) and Venezuela (Lamoso González & Stavridis, 2022). In all cases, the EP sought to exert influence over the third countries’ governments as well as other EU institutions with greater or lesser success. The EP’s capacity to shape both the internal and external dimensions of the EU through PD activities has also been evident in the oversight of EU’s international agreements, for instance (Velasco-Pufleau, 2023).

Specifically, nine EP’s standing delegations exist to ensure dialogue with LAC.<sup>5</sup> Among them is the Delegation to the EuroLat –known as DLAT– currently composed of 75 members representing all political

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<sup>4</sup> The full list is available at: <https://www.europarl.europa.eu/delegations/en/list/byname> (Accessed: 8 December 2023).

<sup>5</sup> The full list is available at: <https://www.europarl.europa.eu/delegations/en/list/byregion> (Accessed: 8 December 2023).

groups in the EP as well as non-attached members, thereby reflecting a high degree of political pluralism.<sup>6</sup> The other half of the EuroLat's membership –this is, 75 members– comes from the Latin American component, which consists of a delegation composed of representatives of the Latin American and Caribbean Parliament –previously, Latin American Parliament–, the Andean Parliament, the Parliament of the Southern Common Market, the Central American Parliament, and the Chilean and the Mexican Congresses (Fernández Fernández, 2022, pp. 379–380). The Executive Bureau is composed of one president and seven vice-presidents from each regional component (EuroLat, 2018a, Article 4(1)).

The EuroLat held its constituent meeting in Brussels in November 2006, becoming one of the various multilateral assemblies established under the auspices of the EP's external relations (see Corbett et al., 2016, pp. 211–215). It emerged from the series of biennial EU-Latin American Interparliamentary Conferences held between 1974 and 2005, characterized for being the first-ever –and for more than a decade, the only– institutionalized forum for political dialogue between both regions (Fernández Fernández, 2022, p. 376).

According to its Rules of Procedure (EuroLat, 2018a), the EuroLat is “the forum for parliamentary discussion, consultation, supervision and monitoring in respect of all questions of concern to the Bi-regional Strategic Partnership” (Article 3). To this end, it meets –in principle– at plenary level once per year, alternating between a LAC country and the EU, preferably in the country hosting the EU-CELAC Summit when applicable (Article 7(1)(2)). The plenary work is prepared by four standing committees (Article 23(1)). The Executive Bureau may also decide to set up, among others, working groups on specific topics charged with the task of drawing up reports and motions for resolutions or recommendations addressed to the Assembly (Article 25(1)). Other official EuroLat's bodies include the Euro-Latin American Women's Forum established to discuss “subjects related to aspects of life that have an impact on women's life” during the EuroLat's sessions (EuroLat, 2023a).

Moreover, the EuroLat's Rules of Procedure (EuroLat, 2018a) provide that the Assembly shall keep close ties with the institutions and bodies

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<sup>6</sup> The full list is available at: <https://www.europarl.europa.eu/delegations/en/dlat/members> (Accessed: 8 December 2023).

of the Bi-regional Strategic Partnership, including the EU-CELAC Summit (Article 5). The EuroLat can adopt non-binding resolutions and recommendations for the attention of the former institutions and bodies, as well as draft opinions and proposals at their request (Article 3, see also Articles 16(1)(5) and 22). Likewise, the Executive Bureau is entitled to adopt messages to the EU-CELAC Summit at the initiative of the Co-presidents (Article 17), who may also issue joint statements –usually, in the form of a declaration– on any matter concerning the Partnership (Article 18).

In the same vein, all the EuroLat’s members have the possibility of tabling questions for written or oral answer to the ministerial bodies of the Latin American regional integration processes, the Presidency-in-Office of the Summit, the Council of the EU, and the EC (*Ibidem*, Articles 20 and 21). In turn, representatives of these institutions and bodies may take part in the sessions and meetings of the Assembly and its bodies (Articles 5 and 14(2)). The same applies to any other person invited by the Assembly; for instance, to provide first-hand information about situations that are of concern (Article 25(3)). It has also become common that the Co-presidents are invited to attend high-level bi-regional meetings. This happened in the EU-LAC Informal Ministerial Meeting held in Berlin in December 2020. Another relevant example is the third EU-CELAC Summit (Brussels, July 2023) that ended an eight-year period in which no summit was held, the last one taking place in June 2015. The declaration issued by the third Summit (Brussels, July 2023) recognizes PD “as an important dimension of the relationship”, including “the constructive role” played by the EuroLat (Council of the EU, 2023, para. 34).

As described in the next section, a major contribution of the long-awaited third EU-CELAC Summit (Brussels, July 2023) was made precisely within the digital realm, by supporting the Digital Alliance between the EU and LAC.

### **3. Recent Developments in the EU-LAC Digital Agenda in a Nutshell: The Digital Alliance**

Indeed, a key achievement of the third EU-CELAC Summit (Brussels, July 2023) was the endorsement of a Joint Declaration on the EU-LAC Digital Alliance by all EU Member States and 20 LAC countries (EC,

2023b), following the launching of the initiative in Bogotá in March 2023 (EC, 2023a).<sup>7</sup> Although previous bi-regional summits had to some extent referred to the need of strengthening cooperation regarding the digital economy and the reduction of the digital divide (see, e.g., Council of the EU, 2013a, para. 18; 2013b, section 1; EU-CELAC, 2015a, paras. 43 and 62; 2015b, section 1), the Joint Declaration gave unprecedented political support to the establishment of a first-ever digital partnership between countries of both regions in a context of recovery from the COVID-19 pandemic. This pandemic severely affected LAC, while changing trends of digitalization in society and economy globally (EC, 2021a, p. 1; 2021b, p. 8). As for the EU, it exposed vulnerabilities and high-risk dependencies regarding its digital space, triggering specific EU's targets for its digital transformation by 2030 that stressed the importance of international partnerships with like-minded countries to seize the digital future (EC, 2021a, pp. 1, 18–20; EC & HR, 2023, p. 9).

Against this backdrop, the EU-LAC Digital Alliance was conceived as a comprehensive framework for high-level dialogue and cooperation to enable inclusive digital transformation in LAC based on the “EU's value-based and human-centric approach” to digitalization, while promoting EU's objectives and strategic interests at bi-regional and international levels (EC, 2021b, p. 15). According to the EC, this EU's approach “is gaining ground in the region, fitting with the values of LAC societies and the EU-LAC partnership” (Ibidem). Consolidating the Digital Alliance is therefore crucial to address current challenges in LAC, and to secure the EU a position as key digital partner in the region vis-à-vis competing actors –such as the United States and China–, while trying to influence the global debate from the “European way” with like-minded partners (EC, 2021a, 2021b, pp. 15–17).

Being a Team Europe Initiative, the EU-LAC Digital Alliance promotes a multi-stakeholder approach, including EU institutions and bodies, EU Member States, international financial institutions, the private sector, and civil society. It is embedded in the EU's Global Gateway investment strategy, whose main financial tool is the European Fund for Sustainable Development Plus established under the Neighborhood,

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<sup>7</sup> Discussion on launching a bi-regional digital alliance had taken place before, for instance, in the EU-LAC Informal Ministerial Meeting (Berlin, December 2020), the EU-LAC Leaders' Meeting (online, December 2021), and the third EU-CELAC Ministerial Meeting (Buenos Aires, October 2022).

Development, and International Cooperation Instrument (NDI-CI)-Global Europe,<sup>8</sup> to narrow the global investment gap in infrastructure using private and public resources (EC & HR, 2021; EC, 2021b, pp. 49–50). The Digital 4 Development Hub, which is another Team Europe Initiative but of global reach, ensures the coordination of the EU-LAC Digital Alliance among EU partners such as Luxembourg, France, Germany, Finland, Portugal and Spain.<sup>9</sup> The United Nations Economic Commission for LAC plays an equivalent role for partners in the LAC region (EC, 2023a).

The Digital Alliance puts special emphasis on privacy and personal data protection, drawing inspiration from the EU's General Data Protection Regulation,<sup>10</sup> among other areas of strong potential for cooperation (EC, 2021b, p. 16; EC & HR, 2021, p. 4). It also seeks to build on and advance existing EU-LAC digital cooperation, such as the Building the Europe Link to Latin America (BELLA) program, launched in the 2010s to provide ultra-high speed (inter)connectivity within Latin American and with the EU research and education communities, or the cooperation in the space sector under the EU Space Program (EC, 2021b, p. 16; 2023a, 2023b; EC & HR, 2021, p. 5; 2023, p. 9). For example, the BELLA II program had already started at the time of writing, and progress has been made in the creation of a regional center of the EU's Earth observation program – known as Copernicus – in Panama (Directorate-General for International Partnerships – DG INTPA – 2022; Red Clara, 2023).

Different legally binding and non-binding instruments and tools, some of them already in place, complement the implementation of the EU-LAC Digital Alliance at the bilateral level. These include sectoral agreements for scientific and technological cooperation, as well as sectoral policy dialogues on matters pertaining to digital economy, cybersecurity, and information and communication technology (EC, 2023c). Another example are the chapters or titles on digital trade included in

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<sup>8</sup> OJ L 209/1, 14.6.2021. The Regional Multiannual Indicative Program for the Americas and the Caribbean (2021–2027), approved by the end of 2021, already envisaged the Digital Alliance as a priority area and a Team Europe Initiative to be supported within the Global Gateway (EC, 2021b, pp. 15–19, 49–50).

<sup>9</sup> A tracker of the Team Europe Initiatives worldwide is available at: [https://capacity4dev.europa.eu/resources/team-europe-tracker\\_en](https://capacity4dev.europa.eu/resources/team-europe-tracker_en) (Accessed: 8 December 2023).

<sup>10</sup> OJ L 119/1, 4.5.2016; OJ L 127/2, 23.5.2018.

EU's international agreements as part of its trade policy, such as the agreement with Mexico that is in process to be updated at the time of writing.<sup>11</sup>

Arguably, the EP has (in)directly participated in shaping the EU-LAC Digital Alliance via legislative and non-legislative instruments, including its budgetary powers regarding the approval of the 2021–2027 Multiannual Financial Framework. The same holds true for the adoption of the EU's external financing instruments subject to the Ordinary Legislative Procedure, including the NDICI-Global Europe (Lilyanova, 2019). In the same vein, the EP can exert scrutiny over the actions of other EU institutions –mainly, the EC– but also over those of EU agencies and bodies (Corbett et al., 2016, pp. 365–366; Lilyanova, 2019, p. 10). The latter applies to the European Investment Bank, which is a major player in the implementation of the Global Gateway strategy (EC & HR, 2021, pp. 9–11). Following the entry into force of the Lisbon Treaty, the EP should also give consent to virtually any international agreement prior to its conclusion by the Council of the EU (Corbett et al., 2016, p. 299). This will be the case of the modernized agreement with Mexico, including their digital trade provisions, when the time comes.<sup>12</sup>

The next section examines how the EP has dealt with digital matters within EU-LAC relations through its PD, with special focus on the protection of privacy and personal data rights. PD understood here *stricto sensu*, that is as the EP's international relations *per se* (Jančić, 2017 p. 21) via the EuroLat.

#### **4. The EuroLat in Action: Contributions to the EU-LAC Digital Agenda Regarding the Right to Privacy and Personal Data Protection**

The EuroLat has adopted over 50 non-binding plenary resolutions and recommendations in the last decade.<sup>13</sup> Various of these documents

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<sup>11</sup> On this modernization, see the policy papers co-edited by the European Institute of International Studies and the Konrad-Adenauer-Stiftung (Mexico), available at: <https://www.ieeiweb.eu/publications> (Accessed: 8 December 2023).

<sup>12</sup> On the role of the EP in the modernization of the EU-Mexico agreement, see Velasco-Pufleau (2023).

<sup>13</sup> Available at: <https://www.europarl.europa.eu/eurolat/en/plenary/resolutions> (Accessed: 8 December 2023).

refer to digital issues at some point in the text. A recent example is the resolution “Parliamentary scrutiny of trade negotiations and the evaluation and monitoring of free-trade agreements”, adopted in the fifteenth Ordinary Plenary Session (Madrid, July 2023) (EuroLat, 2023g, para. 5).

Principally, two plenary resolutions address digital matters in a monographic way. The first one is named “Resolution on a Digital Agenda in the EU and the LAC countries” (EuroLat, 2016c) and was adopted based on a report by the Committee on Sustainable Development, Environment, Energy Policy, Research, Innovation and Technology in the ninth Ordinary Plenary Session (Montevideo, September 2016). The resolution dedicates a whole section to regulation and rights protection, containing specific recommendations to shape official relations from a parliamentary perspective. Among others, it urges both sides of the Atlantic to guarantee the right to privacy and the protection of personal data, including promoting the security of and confidence in Internet use, strengthening and harmonizing the EU and LAC countries’ legal frameworks on consumer protection, and pursuing a common agenda at multilateral level that upholds human rights and fundamental values both online and offline (*Ibidem* paras. 27, 29–30). In the same vein, two joint declarations by the EuroLat’s Co-presidents publicly supported the importance of implementing the new digital agenda ahead of and after the adoption of the resolution (EuroLat, 2016a, para. 17; 2016b, para. 21).

As suggested in the text of the 2016 resolution (EuroLat, 2016c, citations; see also EuroLat, 2015, pp. 4–6), its content heavily draws from policy documents adopted to boost the EU and LAC digital economies and societies, respectively. Among them is the Europe 2020 strategy that established a “Digital Agenda” for the EU itself to attain growth targets in the post-economic and financial crisis period of 2008, based on the strengthening of knowledge and innovation (EC, 2010, pp. 11–14). Still, the EuroLat’s resolution remained innovative by introducing formal discussions on a digital agenda into the EU-LAC relations at the parliamentary level.

At the bi-regional level, the 2016 resolution was in general aligned with official developments on this field reflected at the time, for example, in the official documents of the first EU-CELAC Summit (Santiago de Chile, January 2013) (see Council of the EU, 2013a, para. 18; 2013b, section 1), which preceded the formal process for adoption of the EuroLat’s resolution. This confirms previous findings that the “EuroLat’s

agenda is not entirely different from EU-LAC governmental dialogue” (Luciano, 2017, p. 326; see also Müller, 2019, p. 331), bringing digitalization as another area in which the Assembly and the Summits keep a relevant degree of thematic convergence. However, the EuroLat’s resolution stressed the importance of privacy and data protection by introducing the whole above-mentioned section; an element that was missing in the official documents released by the first EU-CELAC Summit (Santiago de Chile, January 2013). Notably, this brings to light EuroLat’s potential to also innovate at the level of EU-LAC official relations, by drawing attention to publicly unattended topics and asking authorities to incorporate them into further discussions. This parliamentary emphasis on privacy and data protection is far from surprising considering that the EP, in particular, has been a very strong supporter of these rights in EU law and policy over the years, translating its concerns to the EU’s external relations (Mildebrath, 2023, pp. 7–8).

It is also relevant to address at this point the EuroLat’s capacity to offer in-depth expert knowledge to the EU-LAC official relations, based on the professional background of its members in the field of digitalization. An example from the EU component is found in Carlos Zorrinho (Group of the Progressive Alliance of Socialists and Democrats, Portugal), who was co-rapporteur for the 2016 plenary resolution on the EU-LAC Digital Agenda.<sup>14</sup> Zorrinho is well known for his work in this field as a former government representative of Portugal and a member of the EP. Among other responsibilities, he led the development of the Portuguese Digital Agenda as National Coordinator for the Lisbon Strategy and the Technological Plan (2005–2009) and was State Secretary for Energy and Innovation (2009–2011) before becoming a member of the EP in 2014. As a member of this institution, he was rapporteur – appointed on 9 September 2014– of the Industry, Research and Energy Committee for the Program on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA2 program) prior to the adoption of the EuroLat’s resolution.<sup>15</sup> As with his previous work at the Portuguese government, this program was

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<sup>14</sup> This example is used in light of the chapter’s strong focus on the EP. Therefore, it does not intend to place less importance to the work and experience of the co-rapporteur from the LAC component but to provide evidence to support the claim made.

<sup>15</sup> Procedure 2014/0185(COD).

embedded in the challenges posed by the digital transition in the EU and its Member States. It could be highly expected that Zorrinho's professional experience –along with that of other EuroLat's members, including the co-rapporteur from the LAC component– would be incorporated into the resolution in question, which was meant to be transmitted to the Presidency of the EU-CELAC Summit, among other EU and LAC representatives (EuroLat, 2016c, para. 35).

The second monographic EuroLat's resolution dealing with digital matters is named "Digital platforms in the modern economy" (EuroLat, 2023h) and is based on a report by the Committee on Economic, Financial and Commercial Affairs. It was approved at committee level by the end of 2022 (EuroLat, 2022b, p. 2), when the EuroLat's Copresidents also called for the green and digital transitions to be "equitable and inclusive" within the context of recovery from the COVID-19 pandemic (EuroLat, 2022a, para. 19). Eventually, the Assembly adopted the resolution in its fifteenth Ordinary Plenary Session (Madrid, July 2023), held after the third EU-CELAC Summit (Brussels, July 2023). Yet, its process of adoption can be traced back at least to May 2017, when it was agreed to launch a debate on the topic of digital platforms in the course of 2017 or 2018 (EuroLat, 2017, p. 4). This locates the origins of the resolution in a timeframe post-second EU-CELAC Summit (Brussels, June 2015) and prior to the third Summit (Brussels, July 2023). In fact, it is worth noting that the agreement took place during the meetings of the standing parliamentary committees that followed the ninth Ordinary Plenary Session in Montevideo (September 2016), when the 2016 resolution on the EU-LAC Digital Agenda was approved. This suggests that either the Committee on Sustainable Development, Environment, Energy Policy, Research, Innovation and Technology or the Committee on Economic, Financial and Commercial Affairs of the EuroLat have been working at varying capacities on these topics for years now with the goal of producing plenary resolutions.

As with the first EU-CELAC Summit (Santiago de Chile, January 2013), the second Summit (Brussels, June 2015) highlighted the importance of strengthening bi-regional cooperation regarding the digital economy and the reduction of the digital divide in its final declaration and action plan (EU-CELAC, 2015a, paras. 43 and 62; 2015b, section 1). However, it again omitted going deeper into the question of personal data and privacy protection. Conversely, the EuroLat's resolution on Digital platforms in the modern economy does expressly recognize the

importance of these rights, calling to guarantee them as part of the rights and protection of consumers worldwide (EuroLat, 2023h, paras. 16–17). This importance of dealing with data and privacy protection in relation to consumers had already been underlined during the discussions of the working papers of the resolution in 2019 (EuroLat, 2019, pp. 2–4). Once more, this fact demonstrates the general thematic congruence between the official and parliamentary dimensions of EU-LAC relations. Yet, it also reaffirms the differences in the two approaches towards specific topics such as the protection of privacy and personal data. In this respect, it can be argued that the EuroLat has pursued a more “moral” approach by openly advocating for the upholding of these rights not only in the EU and the LAC region but globally.

Closely related to the previous point is the observation that the gap between both the parliamentary and the government approaches may evolve depending on the time frame of relations. In contrast to the second EU-CELAC Summit (Brussels, June 2015) and in consonance with the EuroLat’s resolution on Digital platforms –adopted in committee in 2022 and at the plenary level in 2023–, the third Summit (Brussels, July 2023) did address the question of privacy in its official declaration. Specifically, it stresses “the importance of cooperating to promote a responsible human-centric, values-based and inclusive model of digital transformation that *protects privacy as a fundamental right*, increases digital connectivity and cybersecurity, aims at closing digital gaps, fosters the trustworthy development and use of Artificial Intelligence, and contributes to trust in the digital economy” (Council of the EU 2023, para. 29, emphasis added). This official position was also aligned with the EuroLat’s Message to the third Summit (Brussels, July 2023) and the statement by the Co-presidency on its participation in this bi-regional event, both of which stress the need of intensifying governments’ efforts to establish the conditions for a fair and inclusive digital transition (see EuroLat, 2023c, para. 36; 2023d).

Although further research is needed to confirm this observation, a possible explanation for changes in the governmental position over time could be related to the specific EU’s strategies towards LAC surrounding each Summit. Indeed, the 2023 Joint Communication by the EC and the HR “A New Agenda for Relations between the European Union and Latin America and the Caribbean”, adopted prior to the third Summit (Brussels, July 2023), envisages supporting partnerships for an inclusive and human-centric digital transformation as a priority. This includes

through Global Gateway and international digital partnerships such as the EU-LAC Digital Alliance (EC & HR, 2023, pp. 6, 9–11).<sup>16</sup> Conversely, the 2009 Communication by the EC “The European Union and Latin America: Global Players in Partnership”, applicable to previous summits, was silent regarding this topic (EC, 2009).

Besides the two monographic resolutions on digital matters cited above, the EuroLat’s plenary and standing committees have organized various exchanges of views with government representatives and external experts dealing with these matters during the period of analysis of this chapter. These exchanges have given the opportunity to the EuroLat’s members to gather relevant information and express their opinions directly to officials, constituting another way of providing parliamentary input to authorities for the development of bi-regional relations. An example is the session “Overcoming the consequences of the pandemic, supporting people and businesses: social and economic recovery” scheduled at the thirteenth Ordinary Plenary Session (Remote, November 2020) (EuroLat, 2020a, pp. 5–9). Following the plenary session, the Co-presidents also issued a joint declaration that heavily focused on the digital transition to address the consequences of the COVID-19 pandemic, urging authorities to cover the topic in further high-level bi-regional meetings (EuroLat, 2020b, para. 17). Without pretending to claim a direct causal link, since more research is needed to confirm this observation, it is true that the topic was indeed discussed in the EU-LAC Informal Ministerial Meeting held in Berlin some weeks later –on 14 December 2020–, with special attention to a future strategic digital partnership (European External Action Service –EEAS– 2020). A new communiqué by the EuroLat’s Co-presidency was released after the meeting, endorsing the conclusions of governmental deliberations (EuroLat, 2020c). In this way, they provide democratic support and legitimacy to the initiative.

In the same context, it is worth noting the debate on “Reinforcing cooperation to protect people’s digital rights” that took place in the

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<sup>16</sup> Before this 2023 Joint Communication, the 2019 Joint Communication “European Union, Latin America and the Caribbean: joining forces for a common future” referred to advancing the digital economy as an area to be strengthened by the EU with LAC partners, but without embracing the full idea of promoting an inclusive and human-centric digital partnership as a key area of relations. Still, this joint document highlighted the importance of enhancing convergence between EU and LAC on personal data protection (EC & HR, 2019, p. 5).

meeting of the Committee on Political Affairs, Security and Human Rights held within the framework of the fifteenth Ordinary Plenary Session (Madrid, July 2023), where two experts were invited (EuroLat, 2023e, pp. 3–4). Previously, members of the Committee on Sustainable Development, Environment, Energy Policy, Research, Innovation and Technology met with representatives of the EC's Directorate-General for Communications Networks, Content and Technology ahead of the adoption of the 2016 resolution on the Digital Agenda, to name but another example (EuroLat, 2015, pp. 4–6).

Moreover, there is evidence that the Euro-Latin American Women's Forum has discussed the challenges women face in the era of digitalization at least in 2018, incorporating a gender perspective into parliamentary debates (EuroLat, 2018b, p. 6). Similarly, the topic of digitalization has been part of EuroLat's meetings with civil society actors from the EU and LAC, allowing them to remain informed on bi-regional developments and express their viewpoints on digital matters outside of parliaments and governments. It is illustrative the "Exchange of views on the reduction of inequalities to promote sustainable development and the strengthening of democracies in Latin America and the Caribbean and in the European Union" held within the framework of the fifteenth Ordinary Plenary Session (Madrid, July 2023), when a DG INTPA representative spoke on the agreement reached at the third EU-CELAC Summit (Brussels, July 2023) on the Global Gateway investment agenda (EuroLat, 2023 f, p. 2).

Following the endorsement of the EU-LAC Digital Alliance by the relevant Heads of State and Government in the third Summit (Brussels, July 2023), EuroLat has paid special attention to the scrutiny of the inter-governmental initiative. The appearance of the DG INTPA representative before EuroLat's members and civil society actors has already been mentioned. More recently, this has been evident in the meetings of the EuroLat's standing parliamentary committees that took place in Santo Domingo (30 October-2 November 2023), where the topic "Digital and Educational Alliance" was one of the three axes framing discussions (EuroLat, 2023b). Remarkably, the so-called Santo Domingo Declaration adopted at the end of the meetings welcomes the EU-LAC Digital Alliance and the related investments foreseen under the EU's Global Gateway strategy (EuroLat, 2023i, para. 21), again providing publicly democratic support and legitimacy to the process.

## **6. Conclusions**

The chapter has examined the opportunities for parliaments to engage in the promotion of the right to privacy and personal data protection in international relations, based on an in-depth understanding of the EuroLat's work and outcomes on digital matters over the last decade (2013–2023). Its insights seek to contribute to upholding these rights in the EU and its relations with the wider world, as well as advancing the literature on PD regarding digital matters.

Indeed, the chapter has shown that PD stands as an important tool for parliaments to address the challenges posed by the global digital transformation, which were exacerbated by the COVID-19 pandemic. In particular, PD granted them the possibility to cope with these challenges in a coordinated way beyond their own polities, through dialogue and collaboration.

The PD contributions to the protection of privacy and personal data in the EU and its partner countries were multiple. For example, it provided parliamentary input representing a wide range of political views, in-depth expert knowledge, and a gender perspective to EU-LAC inter-governmental exchanges; pushed government representatives from both regions to further address these rights in official discussions; advocated for a strong protection of these rights not only in the EU and LAC but globally, following a more moral approach to digitalization; contributed to disseminating information on official developments related to digital matters among parliamentarians and civil society actors from the EU and LAC countries, while allowing them to express concerns; and gave support and legitimation to inter-governmental initiatives, thereby adding a vital democratic layer to international digital governance.

The PD means used by EuroLat were in line with those traditionally available to parliaments in the field of foreign policy. Notably, they included plenary resolutions, committee reports, and exchanges of views with government representatives, external experts and civil society. Likewise, the Co-presidents and the Executive Bureau of the Assembly were particularly active in voicing EuroLat's concerns and recommendations via joint statements.

In sum, the findings demonstrate that parliaments can –and should play– a relevant role in upholding the right to privacy and personal data protection in the EU and beyond through PD. Therefore, the value of

PD in the digital age should not be underestimated but reinforced. All allies, including parliaments embracing liberal democratic values, should be welcomed in the endeavor of promoting a digital transformation that puts human rights at the center.

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