

## **Data Governance in Latin America: An Increasing Alignment with the G20**

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Data governance has gained significant prominence in recent years. In an increasingly digitalised world, data has become one of the most valuable and strategic resources. Consequently, the manner in which we manage and protect data has profound implications not only for the economy but also for security, privacy, and human rights. This essay draws upon the opening remarks delivered at the 2024 edition of the Computers Privacy and Data Protection in Latin America conference, organized by the Center for Technology and Society at FGV Law School Rio de Janeiro.<sup>1 2</sup>

The interconnectedness of our economies and digital societies demands a coordinated approach to ensure that data is managed ethically, securely, and equitably. As a unique moment of multistakeholder debate on data protection and information governance at the Latin American level, the CPDP LatAm conference has underscored the urgent need to develop regional data governance frameworks that are coherent with G20 best practices and can collaborate with global initiatives.

### **The Global Context of Data Governance**

Data governance refers to the policies, procedures, and standards that regulate the collection, storage, use, protection, and deletion of data. This concept encompasses a range of dimensions, including information security, personal privacy, and the integrity and availability of data. Data governance is not merely a technical issue but also an ethical and legal one, engaging multiple stakeholders—governments, businesses, academia, civil society organisations, and citizens.

The scope of data governance is broad, extending across sectors and disciplines. In the public sector, data can enhance service delivery, support evidence-based decision-making, and foster transparency. In the private

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<sup>1</sup> This version has been updated as for June 2025, to take into consideration the latest updates regarding data protection regulations in Iberoamerica.

<sup>2</sup> The CPDP LatAm 2024 outcome document can be accessed at [www.cdpd.lat](http://www.cdpd.lat)

sector, data drives innovation, efficiency, and the personalisation of products and services. However, the use of data can also lead to privacy violations, discrimination, and other harms, highlighting the necessity of a robust governance framework.

In the digital economy, data is often likened to the "new oil" due to its value and its potential to drive economic growth. Unlike oil, however, data is not finite, and its value depends on how it is managed and utilised. Effective data governance can yield significant benefits, such as improved operational efficiency, the creation of new products and services, and the capacity for informed, precise decision-making.

Beyond economic implications, data governance directly impacts the protection of human rights. Mismanaged or improperly used personal data can compromise individual privacy and security. Recent cases of large-scale data breaches and unauthorised surveillance have underscored the urgent need to protect personal data and uphold fundamental rights.

Globally, several key trends are evident in data governance:

- The increasing adoption of regulatory frameworks for data protection
- The rise of international cooperation on cybersecurity
- The expansion of advanced technologies such as artificial intelligence and machine learning

Many countries have implemented, or are developing, data protection legislation. The European Union has been a pioneer with the General Data Protection Regulation (GDPR), which sets stringent standards for the collection and use of personal data and serves as a model for other jurisdictions. On 12 July, 2024, the EU published the Artificial Intelligence Regulation<sup>3</sup>, the first legal framework to regulate AI.

On the other hand, the United States of America does not have a comprehensive federal law regarding this issue. Instead, data protection is regulated through sector-specific federal laws and state-level legislation, such as the California Consumer Privacy Act (CCPA).

Meanwhile, China is creating a data regime of its own.

In Latin America, countries such as Brazil, with its General Data Protection Law (LGPD), are following this trend by establishing robust legal frameworks for data protection.

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<sup>3</sup> Entered into force on 1 August, 2024. It has a gradual enforcement timeline. Available at <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>

A critical aspect is the transnational nature of data, which necessitates global cooperation to address challenges such as cybersecurity and privacy. International bodies such as the UN, OECD, and the G20 play a crucial role in facilitating this cooperation. The adoption of international standards and best practices helps harmonise data policies and enables the secure and ethical flow of information across borders.

Since its inception at the 2019 G20 Osaka Summit, Data Free Flow with Trust (DFFT) has been a focal point for international cooperation on data governance.<sup>4</sup> DFFT aims to facilitate the seamless flow of data across borders while ensuring adherence to privacy, security, and intellectual property rights. The framework recognizes that digitalization, powered by data flows, is crucial for economies and societies. However, differing national regulations and concerns about data treatment abroad can lead to restrictions on cross-border data movement.

The most pressing issue today is the rise of advanced technologies—artificial intelligence, the Internet of Things, blockchain—that are transforming how data is collected, managed, and used. While these technologies offer vast opportunities for innovation and development, they also present new challenges for data governance. AI, for example, can process large volumes of data to generate valuable insights, but if not properly managed, it can perpetuate bias and discrimination.

In this context, data policies play a pivotal role in the digital economy by setting the rules for data collection, use, and protection. Well-designed data policies can foster innovation and economic growth while protecting individual rights. Such policies must be flexible to adapt to rapid technological change and robust to guard against abuse and privacy violation, seeking to operationalize DFFT by addressing barriers to cross-border data flows and promoting interoperability among different frameworks, while guaranteeing secure and trustworthy data transfers.

### **The Latin American Perspective**

Latin America stands at a crossroads regarding data governance. The region, with its cultural and economic diversity, faces unique challenges and significant opportunities in data management and protection. Digitalization is advancing rapidly, driven by expanded internet connectivity, the growth of e-commerce, and

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<sup>4</sup> G20. G20 Osaka Leaders' Declaration. Osaka. 29 June 2019. Available at [https://www.mofa.go.jp/policy/economy/g20\\_summit/osaka19/en/documents/final\\_g20\\_osaka\\_leaders\\_declaration.html](https://www.mofa.go.jp/policy/economy/g20_summit/osaka19/en/documents/final_g20_osaka_leaders_declaration.html)

the adoption of emerging technologies. However, this progress also highlights the urgent need for robust and coherent data governance frameworks.

Several Latin American countries have implemented or are developing specific data protection legislation:

- **Argentina:** One of the first countries in the region to adopt data protection legislation in 2000<sup>5</sup>. This law, currently undergoing significant revision<sup>6</sup>, has served as a model for other jurisdictions.
- **Brazil:** The General Data Protection Law (LGPD)<sup>7</sup>, effective since 2020, is among the region's most advanced frameworks, akin to the EU's GDPR. The LGPD sets out clear principles and obligations for personal data processing and grants significant rights to individuals.
- **Chile:** Enacted the new general regulation, Law 21.719<sup>8</sup>. This law will come into force in December 2026. Its reglamentation is in due process.
- **Uruguay:** Also one of the first countries in the region to adopt data protection legislation in 2008<sup>9</sup>. Continues to strengthen its national legislation to keep pace with GDPR changes and maintain its status as a jurisdiction deemed adequate by the EU.

Notwithstanding, there are significant variations in the scope of these laws, which create challenges for regional interoperability and coherence.

There are also regional data governance initiatives led by organizations such as the Ibero-American Data Protection Network (RIPD)<sup>10</sup> and the Organization of American States (OAS)<sup>11</sup>. The United Nations also encourages the development of standards. From the Office of the Special Rapporteur for Privacy, we have

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<sup>5</sup> Law 25.326, available in Spanish at <https://www.argentina.gob.ar/normativa/nacional/ley-25326-64790>

<sup>6</sup> Available in Spanish at <https://www4.hcdn.gob.ar/dependencias/dsecretaria/Periodo2025/PDF2025/TP2025/1948-D-2025.pdf>

<sup>7</sup> Available at <https://www.gov.br/anpd/pt-br/centrais-de-conteudo/outros-documentos-e-publicacoes-institucionais/lgpd-en-lei-no-13-709-capa.pdf>

<sup>8</sup> Available in Spanish at <https://www.bcn.cl/leychile/navegar?idNorma=1209272>

<sup>9</sup> Available in Spanish at <https://www.impo.com.uy/bases/leyes/18331-2008>

<sup>10</sup> Standards for the Ibero-American States 2017 <https://www.redipd.org/en/documents/standars-for-iberoamerican-states-2017>

<sup>11</sup> Principios Actualizados sobre la Privacidad y la Protección de Datos Personales, available in spanish at [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.oas.org/es/sla/cji/docs/Publicacion\\_Proteccion\\_Datos\\_Personales\\_Principios\\_Actualizados\\_2021.pdf](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.oas.org/es/sla/cji/docs/Publicacion_Proteccion_Datos_Personales_Principios_Actualizados_2021.pdf)

undertaken detailed analysis of "Principles"<sup>12</sup> and "Safeguards"<sup>13</sup> for personal data protection, reviewing global solutions.

The main challenges in the region include:

- **Digital Inequality:** Despite advances in connectivity, significant digital divides persist both between and within countries, limiting many communities' ability to benefit fully from the digital economy.
- **Institutional Capacity:** Many governmental institutions and organizations lack the resources and capacity to effectively implement and enforce data protection policies, including trained personnel, technological infrastructure, and oversight mechanisms.
- **Privacy Culture:** There is a clear need to raise awareness and education about the importance of privacy and data protection among citizens and businesses. Good privacy practices are not always prioritized in the region.
- **Legal Harmonization:** Differences in national regulatory frameworks create barriers to regional cooperation and complicate compliance for businesses operating in multiple countries.

Despite these challenges, Latin America has significant opportunities to advance data governance. The region is experiencing a surge in technological innovation and digital entrepreneurship. Supporting these trends with robust data governance frameworks can boost economic growth and global competitiveness. Strengthening cooperation among Latin American countries can facilitate policy harmonization and the creation of common standards. Regional initiatives and multilateral agreements help address shared challenges and foster an inclusive digital economy.

Latin American scholars are increasingly examining the practical challenges of implementing international data transfer frameworks.<sup>14</sup> These frameworks aim to balance the need for cross-border data flows with the protection of personal data and privacy rights. Given the varying levels of data protection laws and enforcement across Latin American countries, the implementation of adequacy decisions presents unique

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<sup>12</sup>A/77/196: Principles underpinning privacy and the protection of personal data. Available in Spanish at <https://www.ohchr.org/es/documents/thematic-reports/a77196-principles-underpinning-privacy-and-protection-personal-data>

<sup>13</sup> A/HRC/55/46: Legal safeguards for personal data protection and privacy in the digital age. Available in Spanish at <https://www.ohchr.org/en/documents/thematic-reports/ahrc5546-legal-safeguards-personal-data-protection-and-privacy-digital>

<sup>14</sup> Belli L, Brian A., Mendoza J., Palazzi P. and Remolina N. Transferência internacional de dados pessoais na América Latina: rumo à harmonização de normas. Rio de Janeiro: Lumen Juris, 2024. <https://hdl.handle.net/10438/36141>

hurdles. Recent scholarship delves into the complexities of navigating these legal and regulatory landscapes, offering insights into how Latin American nations can ensure compliance with international standards while safeguarding their citizens' data. Moreover, the research explores how regional initiatives and multilateral agreements can address shared challenges, promoting greater harmonization and interoperability in data protection practices.

However, on top of policy oriented initiatives, there is a need to invest in education and training programs to enhance institutional capacity and public awareness regarding privacy and data protection. This includes training professionals in cybersecurity and running awareness campaigns for citizens and businesses.

Active participation in international forums such as the G20 and OECD can help Latin American countries align with global best practices and influence the international data governance agenda. Such participation also provides access to resources and technical support to strengthen local capacities.

### **Alignment with the G20**

The G20 represents the world's leading economies, both developed and developing, and plays a crucial role in shaping global economic and governance policies. In recent years, the G20 has placed strong emphasis on data governance, recognizing its importance for the digital economy and the protection of human rights.

The G20's objectives in data governance focus on several key pillars:

- Promotion of interoperable regulatory frameworks to facilitate cross-border data flows. Harmonizing regulations is essential to minimize trade barriers and ensure the safe and efficient movement of data across jurisdictions.
- Ensuring that personal data is adequately protected globally, which involves adopting common principles and standards for privacy and data protection, inspired by frameworks such as the EU's GDPR.
- Protection against cyberattacks, with the G20 working to strengthen international cooperation in cybersecurity and promote policies and practices that safeguard critical infrastructure and data from cyber threats.
- Promotion of digital inclusion, ensuring equitable access to the benefits of the digital economy for all individuals and communities, including closing the digital divide and empowering marginalized groups through access to technology and digital education.

- Support for policies that drive technological development and sustainable economic growth, while guaranteeing the protection of citizens' rights.

Aligning Latin American data governance policies with those of the G20 offers numerous benefits, including strengthening local economies, enhancing the protection of citizens' rights, and increasing the region's global competitiveness. Alignment with G20 standards and practices can attract foreign direct investment and foster the growth of the technology industry in Latin America, as investors and global companies tend to favor stable and coherent regulatory environments.

Adopting data governance frameworks like those of the G20 can make Latin American countries more attractive for investment. Furthermore, by adopting robust data protection policies aligned with international principles, Latin American countries can strengthen the protection of human rights and privacy, which is particularly important in an era of growing concerns over surveillance and misuse of personal data.

Active participation in the G20 enables Latin American countries to collaborate with other advanced and emerging economies, sharing knowledge, resources, and best practices. This cooperation can lead to more effective and coordinated solutions to global data governance challenges.

## **Conclusion**

In conclusion, data governance has become a fundamental pillar for economic and social development in the digital age. Data management, protection, and usage greatly affect privacy, national security, and economic competitiveness. As Latin America becomes more deeply integrated into the global digital economy, the need for a robust and harmonized data governance framework becomes ever more pressing.

The path towards effective data governance is replete with challenges, but also with opportunities. Latin American countries face the imperative of strengthening their legal, institutional, and educational frameworks to ensure that data is managed ethically, securely, and in a manner that benefits all citizens. Regional cooperation and alignment with global standards, particularly those promoted by the G20, are essential steps in this process. By doing so, Latin America can position itself as a competitive and responsible actor in the global digital economy, safeguarding the rights of its citizens and fostering sustainable development.