

PROPOSAL TRANSMITTED BY THE COORDINATOR OF GROUP 10 TO THE CHAIR ON THE DATE
OF 12 OCTOBER 2023

Article 36. Protection of personal data

1. A State Party transferring personal data pursuant to this Convention shall do so in accordance with its domestic law and any obligations the transferring party may have under applicable international law. States Parties shall not be required to transfer personal data in accordance with this Convention if it cannot be provided in compliance with their applicable laws concerning the protection of personal data.

Where the transfer of personal data would not be compliant with paragraph 1, States Parties may seek to impose appropriate conditions to achieve compliance with their applicable laws, in order to respond positively to a request for personal data.

State Parties are encouraged to establish bilateral or multilateral arrangements to facilitate the transfer of personal data.

2. For personal data transferred in accordance with this Convention, State Parties shall ensure that the personal data received are subject to effective and appropriate safeguards in the Parties' respective legal frameworks.

3. Subject to paragraph 2, State Parties may transfer personal data obtained in accordance with this Convention to another third country or international organisation only with the prior authorisation of the original transferring State Party, who may require that the authorization be provided in written form.