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REFERENCE:

**Subject: General Assembly Resolution 68/167,  
“The right to privacy in the digital age”**

The Office of the United Nations High Commissioner for Human Rights presents its compliments to all Permanent Missions to the United Nations Offices at Geneva and New York, and has the honour to draw their attention to General Assembly resolution 68/167 entitled “The right to privacy in the digital age”. The resolution is attached for ease of reference.

Paragraph 5 of that resolution “(r)equests the United Nations High Commissioner for Human Rights to submit a report on the protection and promotion of the right to privacy in the context of domestic and extraterritorial surveillance and/or the interception of digital communications and the collection of personal data, including on a mass scale, to the Human Rights Council at its twenty-seventh session and to the General Assembly at its sixty-ninth session, with views and recommendations, to be considered by Member States.”

In preparation of the report of the High Commissioner for Human Rights as requested in resolution 68/167, the Office of the High Commissioner is gathering information from a broad range of sources.

In this regard, the Office would welcome the input of Member States with regard to the following issues as addressed in General Assembly resolution 68/167:

1. What measures have been taken at national level to ensure respect for and protection of the right to privacy, including in the context of digital communication?
2. What measures have been taken to prevent violations of the right to privacy, including by ensuring that relevant national legislation complies with the obligations of Member States under international human rights law?
3. What specific measures have been taken to ensure that procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, are coherent with the obligations of Member States under international human rights law?



4. What measures have been taken to establish and maintain independent, effective domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their interception and collection of personal data?
5. Any other information on the protection and promotion of the right to privacy in the context of domestic and extraterritorial surveillance and/or interception of digital communications and collection of personal data.

The Office of the High Commissioner for Human Rights would be grateful if any information Member States may wish to provide could be sent to OHCHR (United Nations Office at Geneva, CH-11 Geneva 10, Fax +41 22 928 9010, email: [registry@ohchr.org](mailto:registry@ohchr.org)) by **1 April 2014**.

Inputs received from stakeholders will be made available for consultation on the Office's website at [www.ohchr.org](http://www.ohchr.org).

The Office of the High Commissioner for Human Rights avails itself of this opportunity to renew the assurances of its highest consideration to all Permanent Missions to the United Nations Office at Geneva.

26 February 2014

A handwritten signature in black ink, appearing to be 'NJ', written over a horizontal line.



# General Assembly

Distr.: General  
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Sixty-eighth session  
Agenda item 69 (b)

## Resolution adopted by the General Assembly on 18 December 2013

[on the report of the Third Committee (A/68/456/Add.2)]

### 68/167. The right to privacy in the digital age

*The General Assembly,*

*Reaffirming* the purposes and principles of the Charter of the United Nations,

*Reaffirming also* the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights<sup>1</sup> and relevant international human rights treaties, including the International Covenant on Civil and Political Rights<sup>2</sup> and the International Covenant on Economic, Social and Cultural Rights,<sup>2</sup>

*Reaffirming further* the Vienna Declaration and Programme of Action,<sup>3</sup>

*Noting* that the rapid pace of technological development enables individuals all over the world to use new information and communication technologies and at the same time enhances the capacity of governments, companies and individuals to undertake surveillance, interception and data collection, which may violate or abuse human rights, in particular the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, and is therefore an issue of increasing concern,

*Reaffirming* the human right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, and recognizing that the exercise of the right to privacy is important for the realization of the right to freedom of expression and to hold opinions without interference, and is one of the foundations of a democratic society,

*Stressing* the importance of the full respect for the freedom to seek, receive and impart information, including the fundamental importance of access to information and democratic participation,

<sup>1</sup> Resolution 217 A (III).

<sup>2</sup> See resolution 2200 A (XXI), annex.

<sup>3</sup> A/CONF.157/24 (Part I), chap. III.

13-44947 (B)



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*Welcoming* the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,<sup>4</sup> submitted to the Human Rights Council at its twenty-third session, on the implications of State surveillance of communications on the exercise of the human rights to privacy and to freedom of opinion and expression,

*Emphasizing* that unlawful or arbitrary surveillance and/or interception of communications, as well as unlawful or arbitrary collection of personal data, as highly intrusive acts, violate the rights to privacy and to freedom of expression and may contradict the tenets of a democratic society,

*Noting* that while concerns about public security may justify the gathering and protection of certain sensitive information, States must ensure full compliance with their obligations under international human rights law,

*Deeply concerned* at the negative impact that surveillance and/or interception of communications, including extraterritorial surveillance and/or interception of communications, as well as the collection of personal data, in particular when carried out on a mass scale, may have on the exercise and enjoyment of human rights,

*Reaffirming* that States must ensure that any measures taken to combat terrorism are in compliance with their obligations under international law, in particular international human rights, refugee and humanitarian law,

1. *Reaffirms* the right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights<sup>1</sup> and article 17 of the International Covenant on Civil and Political Rights;<sup>2</sup>

2. *Recognizes* the global and open nature of the Internet and the rapid advancement in information and communications technologies as a driving force in accelerating progress towards development in its various forms;

3. *Affirms* that the same rights that people have offline must also be protected online, including the right to privacy;

4. *Calls upon* all States:

(a) To respect and protect the right to privacy, including in the context of digital communication;

(b) To take measures to put an end to violations of those rights and to create the conditions to prevent such violations, including by ensuring that relevant national legislation complies with their obligations under international human rights law;

(c) To review their procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, including mass surveillance, interception and collection, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law;

<sup>4</sup> A/HRC/23/40 and Corr.1.

(d) To establish or maintain existing independent, effective domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their interception and the collection of personal data;

5. *Requests* the United Nations High Commissioner for Human Rights to submit a report on the protection and promotion of the right to privacy in the context of domestic and extraterritorial surveillance and/or the interception of digital communications and the collection of personal data, including on a mass scale, to the Human Rights Council at its twenty-seventh session and to the General Assembly at its sixty-ninth session, with views and recommendations, to be considered by Member States;

6. *Decides* to examine the question at its sixty-ninth session, under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" of the item entitled "Promotion and protection of human rights".

*70th plenary meeting  
18 December 2013*