



January 18, 2017

The Honorable Bob Corker, Chairman  
The Honorable Ben Cardin, Ranking Member  
U.S. Senate Committee on Foreign Relations  
423 Dirksen Senate Office Building  
Washington, DC 20510-6225

**RE: Nomination hearing for Nikki Haley as UN Ambassador**

Dear Chairman Corker and Ranking Member Cardin:

We write to you regarding the nomination of Nikki Haley for UN Ambassador. The next US Ambassador should be a forceful advocate for human rights, particularly Article 12 (the right to privacy) and Article 19 (the right to freedom of expression) set out in the Universal Declaration of Human Rights. The UN Ambassador should also support US ratification of the Council of Europe Privacy Convention, which is critical to the continued flow of personal data around the world.

The Electronic Privacy Information Center was established in 1994 to focus public attention on emerging privacy and civil liberties issues. Over the course of many years, EPIC has worked to strengthen data protection, and to defend the fundamental freedoms that are the bedrock of Constitutional democracies.<sup>1</sup>

Over the last several years, EPIC and a coalition of NGOs in the United States and Europe have urged the EU and the US to strengthen safeguards for transborder data flows.<sup>2</sup> The urgency of this issues has only increased with new government surveillance practices that threaten fundamental freedoms.

---

<sup>1</sup> See, e.g., The Madrid Privacy Declaration, <http://thepublicvoice.org/madrid-declaration/> (“The Madrid Privacy Declaration is a substantial document that reaffirms international instruments for privacy protection, identifies new challenges, and call for concrete actions”).

<sup>2</sup> Letter from EPIC, NGO letter to Commissioner Jourova and Secretary Pritzker (Nov. 13, 2015), available at <http://thepublicvoice.org/EU-US-NGO-letter-Safe-Harbor-11-15.pdf>.

There is now an opportunity for progress. January 28<sup>th</sup> marks International Privacy Day.<sup>3</sup> The Council of Europe Privacy Convention is the only international treaty for privacy and data protection.<sup>4</sup> Convention 108 recognizes both the value of innovation and the importance of fundamental freedoms. The Convention sets out a framework that allocates rights and responsibilities in the collection and use of personal data in the context of modern technology. The Convention builds on Article 12, which sets out the simple premise that privacy is a fundamental human right and that it is entitled to protection in law.<sup>5</sup>

EPIC and consumer organizations have long called for the United States to ratify Privacy Convention.<sup>6</sup> The protection of privacy is a fundamental human right, and in the 21<sup>st</sup> century, it may become one of the most critical human rights of all. Fifty countries around the world, including many outside of the European Union, have ratified the International Privacy Convention.<sup>7</sup> The next UN Ambassador should support United States ratification.

We ask that this letter be entered in the hearing record. EPIC looks forward to working with the Senate Foreign Relations Committee on the protection of the fundamental rights of privacy and data protection.

Sincerely,

Marc Rotenberg

Marc Rotenberg  
EPIC President

Caitriona Fitzgerald

Caitriona Fitzgerald  
EPIC Policy Director

---

<sup>3</sup> Council of Europe, Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data CETS No.: 108, *available at* <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/108>; *Council of Europe Privacy Convention*, EPIC, <https://epic.org/privacy/intl/coeconvention/>.

<sup>4</sup> Council of Europe Privacy Convention, EPIC, <https://epic.org/privacy/intl/coeconvention/>.

<sup>5</sup> Marc Rotenberg, *On International Privacy: A Path Forward for the US and Europe*, 35 *Harvard International Review* (Spring 2014), *available at* <http://hir.harvard.edu/on-international-privacy-a-path-forward-for-the-us-and-europe/>.

<sup>6</sup> Letter from EPIC to Sec. of State Hillary Clinton (Jan. 28, 2010), [https://epic.org/privacy/intl/EPIC\\_Clinton\\_ltr\\_1-10.pdf](https://epic.org/privacy/intl/EPIC_Clinton_ltr_1-10.pdf); The Madrid Privacy Declaration, adopted Nov. 3, 2009, *available at* <http://www.thepublicvoice.org/madrid-declaration/>.

<sup>7</sup> <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/108/signatures>