Declaration on Transborder Data Flows

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Background Information

The Declaration on Transborder Data Flows was adopted on 11 April 1985 on the occasion of the Ministerial Meeting of the Committee for Information, Computer and Communications Policy (now called Committee on Digital Economy Policy). The Declaration aims to promote access to transborder data and services, and avoid unjustified barriers to data exchange. It also aims to seek transparency in related regulations and policies, common approaches, and to consider impact of actions on other countries.

Rapid technological developments in the field of information, computers and communications are leading to significant structural changes in the economies of Member countries. Flows of computerised data and information are an important consequence of technological advances and are playing an increasing role in national economies. With the growing economic interdependence of Member countries, these flows acquire an international dimension, known as Transborder Data Flows. It is therefore appropriate for the OECD to pay attention to policy issues connected with these transborder data flows.

This Declaration is intended to make clear the general spirit in which Member countries will address these issues.

In view of the above, the **GOVERNMENTS OF OECD MEMBER COUNTRIES**:

ACKNOWLEDGING that computerised data and information now circulate, by and large, freely on an international scale;

CONSIDERING the OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data and the significant progress that has been achieved in the area of privacy protection at national and international levels;

RECOGNISING the diversity of participants in transborder data flows, such as commercial and non-commercial organisations, individuals and governments, and recognising the wide variety of computerised data and information, traded or exchanged across national borders, such as data and information related to trading activities, intra-corporate flows, computerised information services and scientific and technological exchanges;

RECOGNISING the growing importance of transborder data flows and the benefits that can be derived from transborder data flows; and recognising that the ability of Member countries to reap such benefits may vary;

RECOGNISING that investment and trade in this field cannot but benefit from transparency and stability of policies, regulations and practices;

RECOGNISING that national policies which affect transborder data flows reflect a range of social and economic goals, and that governments may adopt different means to achieve their policy goals;

AWARE of the social and economic benefits resulting from access to a variety of sources of information and of efficient and effective information services;

RECOGNISING that Member countries have a common interest in facilitating transborder data flows, and in reconciling different policy objectives in this field;

HAVING DUE REGARD to their national laws, do hereby **DECLARE THEIR INTENTION TO:**

a) Promote access to data and information and related services, and avoid the creation of unjustified barriers to the international exchange of data and information;

b) Seek transparency in regulations and policies relating to information, computer and communications services affecting transborder data flows;

c) Develop common approaches for dealing with issues related to transborder data flows and, when appropriate, develop harmonized solutions;

d) Consider possible implications for other countries when dealing with issues related to transborder data flows;

BEARING IN MIND the intention expressed above, and taking into account the work being carried out in other international fora, the **GOVERNMENTS OF OECD MEMBER COUNTRIES:**

AGREE that further work should be undertaken and that such work should concentrate at the outset on issues emerging from the following types of transborder data flows:

i. Flows of data accompanying international trade;

ii. Marketed computer services and computerised information services; and

iii. Intra-corporate data flows.

The **GOVERNMENTS OF OECD MEMBER COUNTRIES AGREED** to co-operate and consult with each other in carrying out this important work, and in furthering the objectives of this Declaration.

About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

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OECD Legal Instruments

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