

**Speech of Honourable Tassarajen  
Pillay Chedumbrum,**

Minister of Information and  
Communication Technology,

**Data Protection Workshop**

Date: 24 November 2011

Time: 9h00

Venue: La Cannelle, Domaines les  
Pailles

**Honourable Yatindra Nath Varma,  
Attorney General**

**Head of EU Delegation, Mr Alessandro  
Mariani**

**Mrs Tira Greene, EU consultant,**

**Mrs Madhub, Data Protection  
Commissioner,**

**Heads of departments, parastatals,  
ministries and private organisations,**

**Distinguished Guests,**

**Ladies and Gentlemen,**

**Good Morning,**

The Prime Minister, Dr Navinchandra Ramgoolam said on 5th October, 2011 at the first ICT-BPO Conference and networking forum held at Le Méridien:

*“When I first expressed my vision of transforming Mauritius into an ICT-BPO hub,*

*in 1999, many thought that this would not be possible. But if you believe in a vision, you must never listen to people who say it can't be done”*

It should be no surprise that Mauritius chose to adopt data protection laws since 2004, being one of the first countries in Africa to do so and the ICT sector has achieved tremendous importance in Mauritius as the third pillar of the economy. Our society is ever more dependent on the continuous and widespread use of

information and communication technologies.

Whilst they are an indispensable source of economic growth, they also raise the need for more effective protection of our citizens.

The key focus in the current review of the Data Protection Act is firstly to modernise our data protection laws in order to face the growing challenges of new information technologies and globalisation.

Secondly, the right to the protection of personal data is now explicitly recognised internationally as a fundamental human right.

Thirdly, data protection has now become such an important component for other important policy fields that it can be considered as a critical success factor for these policies. So “getting it right” is important for different stakeholders. For example, data protection is a sine qua non condition for trust in e-Health, e-

Government and e-Commerce, and also for trust amongst states whilst exchanging sensitive data.

All these reasons have led to a much greater awareness and political sensitivity for the need of better and more effective data protection policies around the world.

However, this is not the time to reinvent data protection. Instead, much attention will be given to making data protection more effective in practice. This means a greater emphasis on

implementation and enforcement of data protection principles and on the delivery of data subject's rights.

More effective data protection also requires a strengthening of the three main roles of the different actors in data protection: those of the data subject, the responsible organization as data controller and the Data Protection Office. Data subjects should be enabled to exercise their present rights more easily and should be given a



few additional rights to protect their interests where needed.

Data controllers should be mandated to take all necessary measures to ensure that data protection rules are complied with. This is the “principle of accountability” that would require data controllers to be able to demonstrate that they have taken all appropriate measure to ensure compliance. This requirement should of course be related to the context and appreciated

on a case-to-case basis to avoid undue burdens for small and medium enterprises.

The principle of “privacy by design” would fit in the same approach: controllers should be able to demonstrate that appropriate technical measures have been taken to ensure that privacy requirements have been met in the design of their systems.

A legal framework that would provide for all these elements would be in a much better

position to deal with the challenges of technological change and globalization. It is therefore also important to develop more interoperability, not only of technical features, but also of the legal mechanism that is used to provide protection to our citizens.

Therefore, there is not only a need for modernization, but also an urgent need to ensure that data protection principles continue to be fully effective in a changing world. Let me emphasize that “effectiveness” is not only

required in a legal sense, but also and most of all, in a practical sense: legal safeguards are only effective if they are applied in practice, and provide the required protection where they are really needed.

Ladies and gentlemen,

In our quest to make our country a preferred ICT/BPO destination, we are actively pursuing efforts with the European Authorities to ensure that our Data Protection Act ensures the status of 'Pays Adequate'. This will certainly further

strengthen our credibility towards our major European market in BPO activities. We have no doubt that we will soon be globally recognized in matters related to data protection.

Thank You for your attention