

Council of Europe Convention 108+ (Convention for the Protection of Individuals with regard to Automatic



What it is

Convention 108 is the Council of Europe's Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), opened for signature on 28 January 1981 as the first legally binding international instrument in the data protection field. Convention 108+ is its modernized form, created by the amending Protocol CETS No. 223 adopted in May 2018 and opened for signature on 10 October 2018, which updates the principles for today's technologies and strengthens the treaty's follow-up mechanism.

The Council of Europe publishes the treaty and its Committee of Convention 108 (T-PD) oversees implementation. The Convention binds the states that ratify it, which must apply its principles in domestic law; it is open to non-member states, and parties include Argentina, Mauritius, Uruguay, and other countries outside Europe. Convention 108+ enters into force once 38 parties to Convention 108 have ratified the Protocol; as of 26 September 2026 the Treaty Office records 34 ratifications, and the modernized text is already applied by many parties and referenced by the EU in adequacy and transfer decisions.

At a glance

PUBLISHER Council of Europe (CoE)	TYPE Regulation	VERSION Convention 108 (ETS No. 108) as amended by Protocol CETS No. 223 (Convention 108+)
EFFECTIVE Convention 108 in force since 1 October 1985; Protocol CETS No. 223 pending (34 of 38 ratifications at 26 September 2026)	DOMAIN Privacy	FAMILY Global Privacy Regulations
REGION Council of Europe (open to non-member states)	ADOPTION MODEL Regulatory Compliance	IMPLEMENTATION COMPLEXITY Medium

Source: <https://www.coe.int/en/web/data-protection/convention108-and-protocol>

Why it matters

- Anchor a global privacy baseline** Its principles underpin national laws from Europe to Latin America and Africa, so aligning with them reduces divergence across markets.
- Support international data transfers** Parties may treat each other as providing an appropriate level of protection, and the EU references the Convention when assessing third countries.
- Strengthen individual trust** Transparency, access, objection, and rights in algorithmic decision-making show individuals that processing is accountable.

How SmartSuite supports Convention 108+

Convention 108+ Principles Library

Hold each article's obligations as controls linked to the national laws that implement them in every party where you operate.

Ownership, Cadence, and Accountability

Assign owners for processing activities and supervisory authority relationships, with scheduled reviews and re-assessments.

Processing Records and Evidence

Maintain the record of processing, lawful bases, retention limits, and impact assessments with a full audit trail.

Rights Requests and Breach Notification

Track access, rectification, objection, and automated-decision requests and breach notifications against statutory deadlines.

Transborder Flow Safeguards

Record recipient countries, party status, and the safeguards or adequacy basis that supports each transfer.

Multi-Jurisdiction Privacy Reporting

Report compliance status, open requests, incidents, and transfer inventories across parties to leadership and regulators.

Common framework mappings

GDPR

UK GDPR

OECD Privacy Guidelines

APEC PF

APEC CBPR System

Swiss FADP (SR 235.1)

Argentina PDPL (Law 25.326)

Uruguay PDP Law 18.331

KVKK (Law No. 6698)

ISO 27701

ISO 29100

NIST Privacy Framework v1.0

Official resources

Convention 108 and Protocols

Council of Europe overview of Convention 108, its additional protocol, and the amending protocol.
coe.int/en/web/data-protection/convention108-and-protocol

Modernisation of Convention 108

Explains why Convention 108 was modernized and links the key documents for Convention 108+.
coe.int/en/web/data-protection/convention108/modernised

Protocol CETS No. 223 Treaty Details

Official summary of the amending protocol and the innovations it introduces.
coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=223

Chart of Signatures and Ratifications (CETS No. 223)

Live status of the signatures and ratifications needed for Convention 108+ to enter into force.
coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=223

Frequently asked questions

What is Council of Europe Convention 108?

Convention 108 is the Council of Europe's Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. Opened for signature on 28 January 1981 and in force since 1 October 1985, it was the first legally binding international data protection treaty and is open to non-member states.

What is Convention 108+?

Convention 108+ is the modernized Convention 108 as amended by Protocol CETS No. 223, adopted by the Committee of Ministers in May 2018 and opened for signature on 10 October 2018. It updates the principles for new technologies, adds breach notification and privacy by design, expands the sensitive data categories, gives individuals rights in algorithmic decision-making, and strengthens supervisory authorities.

Has Convention 108+ entered into force?

Not yet as of 26 September 2026. The Protocol enters into force once 38 parties to Convention 108 have ratified it; the Council of Europe Treaty Office records 34 ratifications, with the Republic of Moldova the most recent in May 2026. Many parties already apply the modernized principles in national law.

Who is bound by Convention 108+?

The treaty binds the states that ratify it, which must give effect to its principles in domestic law and establish independent supervisory authorities. Organizations are bound through those national laws, and the Convention applies to public and private sector processing alike, including processing for national security purposes subject to conditions.

How does Convention 108+ differ from GDPR?

GDPR is an EU regulation that applies directly to organizations, with detailed obligations and penalties. Convention 108+ is a treaty of principles that states implement in their own laws and that is open to countries worldwide. The two are closely aligned, and the EU refers to Convention 108 when assessing whether third countries provide adequate protection.

Can non-European countries join Convention 108+?

Yes. Convention 108 has been open to accession by non-member states since 1981, and parties include Argentina, Mauritius, and Uruguay, with further countries such as Cabo Verde and Tunisia having signed. Accession is a common route for countries seeking recognized data protection standards and easier data flows with Europe.

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Full framework page and mappings: smartsuite.com/frameworks/council-of-europe-convention-108-plus