SmartSuite

Framework / Privacy / Global Privacy Regulations

Council of Europe Convention 108+ (Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, as amended by Protocol CETS No. 223)

Convention 108+ is the Council of Europe's modernized data protection treaty (Protocol CETS No. 223), not yet in force; Convention 108 has bound its 55 parties since 1985.



What it is

Convention 108+ is the Council of Europe's modernized treaty on the protection of personal data. Protocol CETS No. 223, opened for signature on October 10, 2018, amends Convention 108, the first legally binding international data protection instrument, which has been in force since October 1, 1985 and has 55 parties. The Protocol itself is not yet in force: on October 14, 2026 it had 34 ratifications and needs 38, or ratification by every party to Convention 108.

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+; consolidated text CM/Inf(2018)15-final)

EFFECTIVE
Convention 108: in force since October 1, 1985. Protocol CETS No. 223: not yet in force (34 of 38 ratifications at October 14, 2026)

DOMAIN
Privacy

FAMILY
Global Privacy Regulations

REGION
Council of Europe (open to non-member states)

ADOPTION MODEL
Regulatory Compliance

IMPLEMENTATION COMPLEXITY
Medium

Source: coe.int/en/web/data-protection/convention108-and-protocol

Why it matters

- **One baseline across many jurisdictions** Parties from Europe, Latin America and Africa have bound themselves to the same principles (articles 5 to 11), which narrows the gaps a multi-country privacy program must manage.
- **Transfers between parties stay open** A party may not prohibit or subject to special authorization a transfer to another party for the sole purpose of protecting personal data, unless there is a real and serious risk of circumventing the Convention (article 14, paragraph 1).
- **Breach notification is a treaty duty** The controller must notify, without delay, at least the competent supervisory authority of breaches that may seriously interfere with data subjects' rights and fundamental freedoms (article 7, paragraph 2).
- **Automated decisions carry a named right** Individuals may not be subject to a decision significantly affecting them based solely on automated processing without having their views considered, and may ask for the reasoning behind processing (article 9, paragraph 1, points a and c).

 © 2026 SmartSuite Inc. All rights reserved.

How SmartSuite supports Convention 108+

Article Library by Country

Record each article's obligations as controls linked to the national law that implements them in every party where you operate (articles 4 to 11).

Processing Inventory and Special Categories

Maintain the inventory of processing activities with purposes, legal bases and retention limits, and flag the special categories of article 6.

Impact Examination and Privacy by Design

Hold the impact examination done before processing starts and the technical and organizational measures chosen for each activity (article 10, paragraphs 2 and 3).

Breach Notice and Rights Requests

Log each breach with the date the supervisory authority was told, and track access, rectification, objection and automated-decision requests (articles 7 and 9).

Transfer Safeguards Register

Record each recipient country, its party status and the safeguard or exception relied on, with the information a supervisory authority may request (article 14, paragraphs 3 to 6).

Cross-Country Privacy Reporting

Build dashboards of open requests, breaches and transfers by country for leadership and for supervisory authority queries (articles 10 and 15).

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

Is Convention 108+ in force?

Not yet. Protocol CETS No. 223 enters into force when all parties to Convention 108 have ratified it or, as from October 11, 2023, once 38 parties have. The Council of Europe Treaty Office chart showed 34 ratifications on October 14, 2026. Convention 108 itself has been in force since October 1, 1985 and has 55 parties.

Who is bound by Convention 108+ and who enforces it?

The treaty binds the states that become parties, which must give effect to it in their own law before they ratify (article 4). Organizations are bound through that national law, and the independent supervisory authority each party designates applies it (article 15). The Convention Committee evaluates how well each party implements the treaty (articles 4 and 23).

What must a controller do after a data breach?

The controller notifies, without delay, at least the competent supervisory authority of breaches that may seriously interfere with the rights and fundamental freedoms of data subjects (article 7, paragraph 2). The text sets no deadline in hours, so any fixed period comes from the law of the party where the controller operates.

Updated Oct 15, 2026 · © 2026 SmartSuite Inc. All rights reserved.

How does it regulate transfers to countries that are not parties?

A transfer to a recipient outside the parties may take place only where an appropriate level of protection is secured by that state's law or by ad hoc or approved standardized safeguards in binding, enforceable instruments (article 14, paragraphs 2 and 3). Limited exceptions apply, such as explicit consent after being told of the risks (paragraph 4). The supervisory authority may require proof of the safeguards and may prohibit, suspend or condition a transfer (paragraphs 5 and 6).

What rights does it give people over automated decisions?

Individuals have the right not to be subject to a decision significantly affecting them that is based solely on automated processing without their views being considered, and the right to know the reasoning underlying processing whose results are applied to them (article 9, paragraph 1, points a and c). A law may authorize such a decision only if it also lays down suitable safeguards (article 9, paragraph 2).

License included / downloadable: Yes The Council of Europe publishes the Convention, the Protocol, the consolidated text and the Explanatory Report on its Treaty Office and data protection pages, and they can be read and downloaded without charge. SmartSuite does not include the text in the platform.

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

© 2026 SmartSuite Inc. All rights reserved.