



April 26, 2019

Prof. Joseph Cannataci
Special Rapporteur on the Right to Privacy
High Commissioner of the UN for Human Rights

Ref: Communication Regarding the First Official Visit to Argentina by the Special Rapporteur on the right to privacy

Dear Rapporteur,

The [Observatory of the Marrakesh Treaty in Latin America](#) is a subgroup of work with autonomy of the [Ibero-American Network of Experts and Experts in the Convention on the Rights of Persons with Disabilities \(CDPD Network\)](#), which seeks to establish a space for permanent monitoring of the Marrakesh Treaty to facilitate access to published works to blind people, visually impaired or with other difficulties to access the printed text in Latin America.

From the Observatory of the Marrakesh Treaty in Latin America, we would like to send some observations to the Special Rapporteur on the right to privacy, Prof. Joseph Cannataci, on the right to privacy within the framework of the implementation of the Marrakesh Treaty in Argentina and the rest of Latin America. The TM Observatory in partnership with associations and activists for the rights of persons with disabilities, welcomes the progress in the implementation of the Marrakesh Treaty in Latin America and expresses its observations regarding the protection of the right to privacy.

It is observed in the regional framework, the incursion of editorial management bodies on the implementation of the Marrakesh Treaty in different countries of Latin America, under the conclusion of cooperation agreements for the centralized management of national repertoires with the use of proprietary software, for which are restricted the rights of use,



modification or redistribution on it. [Currently, the Regional Center for the Promotion of Books in Latin America and the Caribbean also seeks to conclude similar agreements with Argentina, Chile, Guatemala and Panama.](#)

[The CERLALC materializes its contribution in a software developed especially for its member countries, which will allow building a catalog of metadata of works adapted to accessible formats.](#) From the observatory of the Treaty of Marrakech in America we celebrate the support of a prestigious organization and recognition as the CERLALC, however, we express our concern about the lack of information about the software to use, and that it is a proprietary development, in times of open access and free software for transparency and sustainability of the difficult regional economies.

The security of the data and the privacy of the contents are two issues that require adequate responses for the guarantee and exercise of the rights, both access to information and free expression and respect for privacy. Software providers, such as the example mentioned, in relation to the services of the entities authorized by the Marrakesh Treaty, that is, all the libraries *per se* and all the services of access to information, can collect data on the activities, communications and user transactions, or require the collection of data as a contractual condition, a situation we observe with attentive concern.

In recent days, cooperation agreements have been signed between CERLALC and the Mariano Moreno National Library. [The library reaffirmed its alliance with CERLALC as a model of South-South cooperation and, in particular, with the aim of promoting the construction of a national registry of authorized entities and national catalogs of this type of works.](#) It is important to note that there are previous documents on the protection of privacy and the library sector, such as the [IFLA Declaration on privacy in the library environment](#) and [Library Privacy Guidelines for Library Management Systems](#) of ALA.

We call with care to ensure the anonymity and protection of personal data of the beneficiaries of the Marrakesh Treaty, a collective whose rights have been historically violated, and who may incur a double violation of rights due to disability. The states parties to the [Convention on the Rights of Persons with Disabilities](#) ratify in article 22 on respect for privacy, which will protect the privacy of personal information of persons with disabilities, highlighting on article 31, the respect for guarantees legal provisions, including legislation on



data protection, in order to ensure confidentiality and respect for the privacy of persons with disabilities.

We call to highlight the need to ensure the respect and protection of personal data, on the use and consumption of books and reading exercises in terms of the management of national repertoires, data that could be violated and outsourced to the publishing sector. We consider that the possibility of using personal data referring to types of disability, types of documents consulted, type of literature read or other similar to establish consumption data and reorient market strategies, are attitudes that violate the rights of people with disabilities, and its use can lead to unforeseen dangers in the exercise of free expression and access to information in equal opportunities.

Receive a cordial greeting, and our thanks for your attention.