

TMT Regulatory Landscape in Colombia

2024

The regulatory landscape in Colombia is set to undergo significant changes in the second half of the year with regards to the TMT sector. Amidst the current discussion of new regulations, the Colombian Congress may reach important decisions related to personal data protection, interoperability of information systems of public entities, artificial intelligence ("AI"), and OTT services.



DPA's Draft Bill on Personal Data Protection:

The Colombian Data Protection Agency (DPA) is preparing a Draft bill which intends to revamp the current data protection regime.



ICT Ministry's Draft Bill on interoperability of information systems of public entities:

The ICT Ministry recently submitted Draft Bill 447/2024 which would establish provisions for the submission, exchange, and exploitation of the Colombian State Data Infrastructure and the interoperability of the information systems of public entities.



AI Draft Bills: The Colombian Parliament is currently discussing 6 Draft Bills intended to regulate the use of AI in the country.

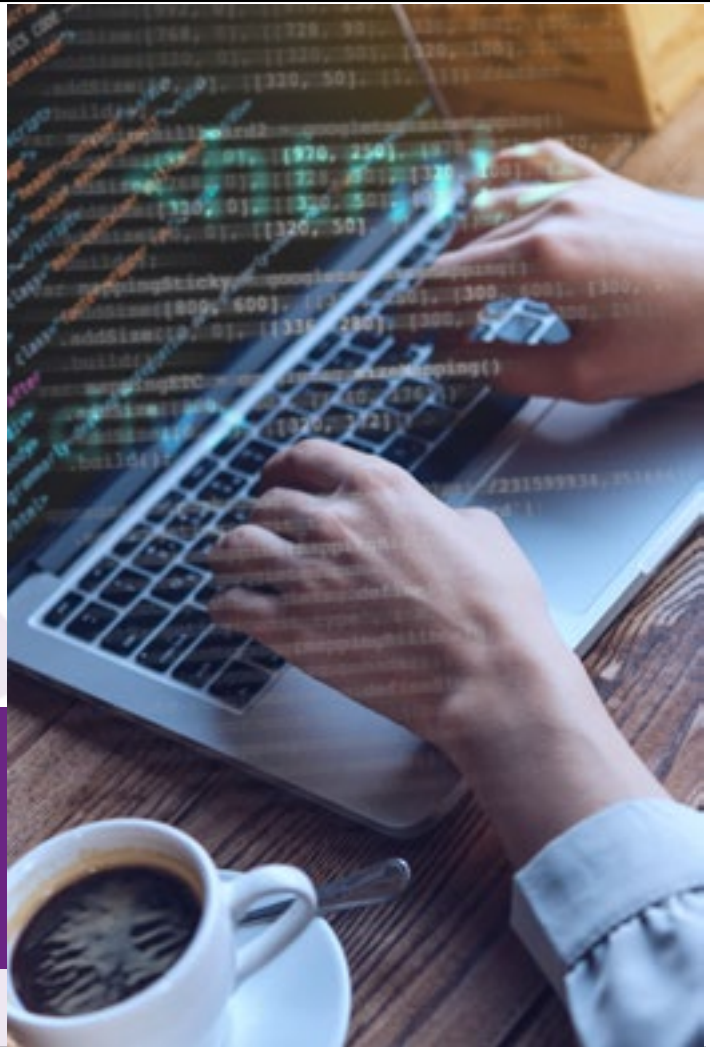


ICT Ministry proposes OTT should contribute economically to the development of telecommunications infrastructure:

In the framework of an academic forum the ICT Vice Minister ponders that "Over the Top" ("OTT") service providers should contribute economically to the deployment of telecommunications infrastructure.

DPA's Draft bill on personal data protection

The Colombian DPA is preparing a Draft bill to amend the current data protection regime, mainly contained in **Law 1581 of 2012**. The authority expects to introduce modifications in the following matters:



- 1** New legal basis for the processing of personal data.
- 2** Extraterritorial scope.
- 3** Designation of legal representatives or branches before the DPA for controllers and processors located abroad
- 4** Implementation of privacy impact assessments -PIAs-.
- 5** Appointment of Data Protection Officers -DPOs-.
- 6** Shortening of notification periods for data breaches.
- 7** Increased fines.
- 8** Establish specific rules for cross-border data



ICT Ministry's Draft bill on interoperability of information systems of public entities

ICT Ministry's Draft Bill 447/2024 would establish provisions for the submission, exchange and exploitation of the Colombian State Data Infrastructure and the interoperability of the information systems of public entities.

- 1** It would establish a system of interoperability of data managed by public entities to support government decision-making.
- 2** The information generated and processed would not be subject to commercialization or economic exploitation.
- 3** The processed personal data would have to undergo anonymization and pseudonymization processes before being transferred.
- 4** Digital security and privacy of information would have to be ensured in the data flows, which would require entities to adopt information security protocols.
- 5** Different types of technologies, such as AI, could be used to analyze the data.



AI Draft Bills

The Colombian Parliament is currently discussing 6 Draft bills intended to regulate the use of AI as follows:

- 1** Draft bill 059/2023 intends to establish public policy guidelines for the development, use, and implementation of AI.
- 2** Draft bill 091/2023 seeks to promote the responsible use of AI.
- 3** Draft bill 130/2023 aims to protect the employee's rights vis-a-vis AI adoption.
- 4** Draft bill 200/2023 intends to harmonize the use and implementation of AI to human rights standards.
- 5** Draft bill 225/2024 seeks to modify the Criminal Code to add an aggravating circumstance to the crime of personal falsehood when it is committed through AI.
- 6** Draft bill 255/2024 would establish guidelines for the use of AI to improve the efficiency in reducing traffic accidents and their costs, automating the processes of analyzing and controlling traffic accident risks in real-time with AI.

**ICT Ministry ponders
that OTT should
contribute
economically to
the development of
telecommunications**



Considering possible illiquidity scenarios of the ICT Fund, the ICT Ministry ponders that OTT service providers should contribute economically to the development of telecommunications infrastructure.

This statement was made by the Vice Minister of ICT during an academic forum, after the publication of a study on the use of OTT services, which reveals the preferences of households and companies in Colombia, proving the acceptance of this type of services in Colombian society.

For more information

Andrés Fernández de Castro

afernandezdecastro@gomezpinzon.com

Director of Technology, Communications and Data Protection.