

World Encryption Controls

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Colombia

**By Juan Ignacio Gamboa Uribe
and Felipe Andrés Díaz Alarcón**

'[E]ncryption technologies are the most important technological breakthrough in the last one thousand years. No other technological discovery – from nuclear weapons (I hope) to the internet – will have a more significant impact on social and political life.' Lawrence Lessing

Digital technology has invaded most aspects of personal, business and legal activities which now necessarily involve online communications, e-commerce transactions, online banking, data-file management, artificial intelligence tools and smart contracts, among many others. The attendant increase in the collection and use of data worldwide has raised legal concerns around privacy matters. In this context, encryption technologies have been considered by many as the most important breakthrough in recent years.

As defined by Professor Sharon K Black in her article "Telecommunications Law in the Internet Age", encryption is 'the process of writing a message in code or other secret form so that only persons with the key can decode or decrypt the message to read it'. Encryption technologies have become the most valuable tool for privacy protection and are therefore indispensable for the expansion of digital technologies.

Different jurisdictions around the globe, including Colombia, have been discussing and implementing mechanisms to ensure these privacy rights while coping with important public policy matters such as law enforcement and national security.

In Colombia, rules about and controls on encryption have been progressively developed in a diffusive manner, as independent legal provisions included within separate sectoral regulations including, among others, consumer protection on software products, national security laws and banking and financial services...