

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 27 November 2018

T-PD(2018)RAP37Abr

**CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION OF
INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA**

37th Plenary meeting

Strasbourg, 20-22 November 2018

ABRIDGED REPORT

Directorate General of Human Rights and Rule of Law

1. The Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108, hereafter 'Convention 108'), established under Article 18 of Convention 108, held its 37th plenary meeting¹ in Strasbourg from 20 to 22 November 2018, with Ms Alessandra Pierucci (Italy) in the chair. The agenda as adopted by the Committee and the list of participants are set out in Appendix 1 and Appendix 2.

The Committee:

2.1. took note of the information provided by Mr Jan Kleijssen, Director of the Information Society and Action against Crime Directorate, regarding: a) the opening for signature of the Amending Protocol to Convention 108 on 10 October 2018, with a total of 21 signatures, and urging delegations to act at national level for a rapid entry into force of Convention 108+, b) the call made by the UN Special Rapporteur on the right to privacy (Mr Joseph A. Cannataci) for UN member states to accede to Convention 108+, c) the work undertaken by the Council of Europe in the field of Artificial Intelligence, d) the budgetary situation of the organisation which may have repercussions on the working conditions of the Committee, e) the importance of a meaningful cooperation with the internet companies and associations having signed the letter of exchange with the Secretary General of the Organisation, f) possible paths for the Committee of Convention 108 of direct communication and reporting to the Committee of Ministers or one of its rapporteurs' group on the work of the Committee;

2.2. took note of the information provided by the Secretariat on the modernisation of Convention 108, especially regarding Article 37 of the Amending Protocol CETS n°223 on the entry into force of Convention 108+;

2.3. took note of the information provided by the Secretariat on the total number of Parties to Convention 108 (53 countries) with the latest accessions, effective on 1 October 2018, of Cabo Verde and Mexico, as well as on the opening for signature of the Protocol, with a total of 22 signatures as at 22 November 2018, with the latest signature of the amending Protocol on 21 November 2018 by Iceland, with a supportive message delivered by Mr Geir Palsson, Permanent Representative of Iceland to the Council of Europe;

2.4. examined the draft explanatory memorandum of the draft Recommendation on the protection of health-related data, held an exchange of views with the expert, Ms Jeanne Bossi Malafosse, and agreed that a revised version of the draft explanatory memorandum would be circulated to delegations for comments in view of the forthcoming meeting of the Bureau (17-19 December) and that before being submitted to the Committee for approval by written procedure, a last consultation for comments would be carried out after the Bureau meeting;

2.5. examined the draft Guidelines on Artificial Intelligence, held an exchange of views with the expert, Mr Alessandro Mantelero and decided that a revised version of the draft Guidelines would be circulated to delegations for comments in view of the forthcoming meeting of the Bureau (17-19 December) and that before being submitted to the Committee for approval by written procedure, a last consultation for comments would be carried out after the Bureau meeting;

2.6. examined the documents concerning the information elements on the evaluation and follow-up mechanism under Convention 108+, held an exchange of views with the expert, Ms Cécile de Terwangne and instructed its Bureau to ensure the necessary follow-up in view of the finalisation of the procedure

¹ 80 participants in all, 37 men, 43 women.

and questionnaire and the consultation of delegations with a view to compiling a first set of information regarding the supervisory authorities;

2.7. took note of the information provided by the Secretariat on ICANN related issues, notably on the dissemination of the Privacy and data protection principles guide for ICANN adopted by the Committee;

2.8. took note of the information provided by the Secretariat on the developments with regard to the Second Additional Protocol to the Budapest Convention and held an exchange of views based on the report "Conditions for obtaining subscriber information in relation to dynamic versus static IP addresses: overview of relevant court decisions and developments" prepared by the Cybercrime Convention Committee (T-CY) and called upon the T-CY to ensure more transparency in the drafting process and to conduct consultations on the draft additional protocol in a time which would enable the Committee to provide comments in a meaningful and coordinated manner with a view to their consideration being ensured prior to any decision being taken;

2.9. took note of the presentation given by Mr Christopher Docksey, Hon. Director General of the EDPS on the recent case-law of the European Court of Human Rights and Court of Justice of the European Union, as well as the information provided by Mr Eduardo Bertoni relating to the inter-American system of Human Rights in the field of the protection of privacy and personal data;

2.10. took note of the information on co-operation with other Council of Europe bodies and, in particular of the presentation of the Secretariat of the Macolin Convention which highlighted possible avenues for cooperation and instructed its Bureau to follow-up on this, with the Bioethics Committee (DH-Bio), European Commission for the Efficiency of Justice (CEPEJ), Steering Committee on Media and Information Society (CDMSI), Committee of experts on Human Rights Dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT) and the Venice Commission;

2.11. took note of the information provided by the Secretariat concerning the expanding opportunities in the field of co-operation programmes in the data protection field as well as regarding the updating of the HELP data protection course and the undergoing translations of the 2018 Handbook on European data protection law;

2.12. took note of the information presented by the Secretariat regarding the compilation of opinions and in particular on the opinion concerning the request for accession by the Republic of Kazakhstan;

2.13. took note of the major developments at national and international level in the data protection field since its last plenary meeting, in particular on the AGESIC national event on personal data protection (16-19 October 2018, Montevideo, Uruguay), on the 12th Conference of Francophone Personal Data Protection Authorities (AFAPDP), (Paris, 18-19 October 2018), on the 40th International Conference of Data Protection and Privacy Commissioners (ICDPPC) (22-26 October 2018), on the 13th Annual meeting of the Internet Governance Forum (IGF) (Paris, 12-14 November 2018), on the Forum "Mexico and Convention 108" organised by INAI on the occasion of Mexico's accession to Convention 108 (Mexico City, 7- 8 November 2018), on the International Conference on Cyberlaw, Cybercrime & Cybersecurity 2018 (14-16 November 2018, New Delhi, India) and on the future International Conference Computers, Privacy & Data Protection "Data Protection and democracy" (CPDP 2019) (Brussels, Belgium, 30 January-1 February 2019)

2.14. unanimously granted the observer status to European Digital Rights (EDRi) and took note of the updates provided by the representatives of the Chilean Transparency Council, of the AEDH, of the

Data protection Commission of the Philippines, of the Data protection Authority of Argentina (see the respective statements in Appendix III);

2.15 took note of launch of the Stefano Rodota award with a view to a first attribution on the occasion of the 2019 edition of data protection day and of the invitation made to delegations to further disseminate the call for applications;

2.16 confirmed the dates of the Plenary meetings to be held in Strasbourg from 12 to 14 June 2019 and from 19 to 21 November 2019 and of the next Bureau meetings, to be held from the 17 to 19 December 2018 in Strasbourg, from 20 to 22 March 2019 in Paris, from 25 to 27 September in Paris and from 11 to 13 December in Strasbourg. Regarding the next Plenary meeting, the Committee welcomed the initiative of the UN Special Rapporteur on the right to privacy to hold in Strasbourg a consultation on his work on health data, prior to the Plenary meeting (11 June and 12 June morning).

APPENDIX I.

AGENDA

	1. Opening of the meeting
T-PD(2018)RAP36Abr	Abridged report of the 36 th Plenary meeting (Strasbourg, 19-21 June 2018)
T-PD(2018)45RAP	Abridged report of the 45 th Committee meeting (Strasbourg, 24-26 September 2018)
T-PD(2017)WP2018-2019	Work programme of the Committee 2018-2019
T-PD(2017)Rules	Rules of procedure
	2. Adoption of the agenda
	3. Statement by the secretariat
	Mr Jan Kleijssen, Director, Information Society and Action against Crime
	4. Modernisation of Convention 108
	<u>Required action:</u> The Committee will take note of the information provided by the secretariat.
	<ul style="list-style-type: none"> • Consolidated text of the modernised version of Convention 108 • Explanatory report of the modernised Convention 108 • Amending Protocol
	5. State of play, ratifications and accessions
	<u>Required action:</u> The Committee will take note of the information provided by the secretariat.
	<ul style="list-style-type: none"> • Convention 108+: chart of signatures and ratification • Convention 108: chart of signatures and ratifications
	6. Protection of Health-related data
	Expert: Ms Jeanne Bossi Malafosse, Paris, France
	<u>Required action:</u> The Committee will take note of the information provided by the expert and will finalise the draft explanatory memorandum.
T-PD(2018)11Rev	Draft explanatory memorandum
T-PD(2018)06Rev	Recommendation on the protection of health related data

T-PD(2015)07	Presentation report on the possible update of the Recommendation n° R (97) 5 on the protection of medical data by Ms Jeanne Bossi Malafosse
Recommendation N° (97) 5	on the protection of medical data
T-PD(2018)22Mos	Compilation of comments received on the Draft explanatory memorandum on the protection of health-related data
	7. Artificial intelligence
	Expert: Mr Alessandro Mantelero, Associated Professor, Politecnico di Torino, Italy. <u>Required action:</u> The Committee will take note of the information provided by the expert and will examine the report and the proposed guidelines for finalisation.
T-PD(2018)09Rev	Draft report on “Artificial intelligence”
T-PD(2018)17	Draft Guidelines
T-PD(2018)23	Compilation of comments on the Draft Guidelines on Artificial Intelligence
	8. Evaluation and follow up mechanism under Convention 108+
	Expert: Ms Cécile de Terwangne, CRIDS, Namur. <u>Required action:</u> The Committee will take note of the information provided by the expert and will hold an exchange of views on the topic.
T-PD(2018)20	Draft questionnaire on the evaluation and follow-up mechanism
T-PD(2018)21	Information elements on the evaluation and follow-up mechanism
	Compilation of data protection practices
	9. ICANN
	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat and will hold an exchange of views on the topic.

T-PD(2018)18	<ul style="list-style-type: none"> • Privacy and data protection principles guide for ICANN related data processing • ICANN letter European Data Protection Board (EDBP) (05/07/2018) • Letter Article 29 Working Party on WHOIS (11 April 2018)
	<p>10. Law enforcement transborder access to data</p>
<p>T-CY discussion paper: Conditions for obtaining subscriber information – static versus dynamic IP addresses</p> <p>Answers from the Committee of Convention 108 to the Discussion paper for the Octopus Conference</p> <p>Key messages of the Octopus Conference 2018</p>	
	<p><u>Required action:</u> The Committee will take note of the information provided by the Secretariat and will hold an exchange of views on the issues at stake.</p>
	<p>11. Case-Law</p>
	<p>Expert: Mr Christopher Docksey, Hon. Director General, EDPS</p>
<p>ECHR Compilation</p>	<p><u>Required action:</u> The Committee will take note of the information provided by the expert.</p>
	<p>Court of Justice of the European Union Inter-American Court of Human Rights</p>
	<p>12. Cooperation with other Council of Europe bodies and entities</p>
	<p><u>Required action:</u> The Committee will take note of the information provided by the secretariat.</p>
	<ul style="list-style-type: none"> • Bioethics Committee (DH-BIO) • CEPEJ • Macolin Convention • CDPC • PC-OC • Steering Committee on Media and Information Society (CDMSI) <ul style="list-style-type: none"> ◦ MSI-AUT • Venice Commission

	13. Cooperation projects
	<u>Required action:</u> The Committee will take note of the information provided by the secretariat.
HELP in the 28	Data Protection and privacy rights
T-PD(2018)07rev2	Cooperation projects of the Council of Europe in the data protection field (Information Document)
	14. Opinions
	<u>Required action:</u> The Committee will take note of the information provided by the secretariat.
T-PD(2018)05Bil	Compilation of opinions
	15. Overview of activities and major developments in the field of data protection
	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat.
	<ul style="list-style-type: none"> • AGESIC national event on personal data protection (16-19 October 2018, Montevideo, Uruguay) • 12th Conference of Francophone Personal Data Protection Authorities (AFAPDP), (Paris, 18-19 October 2018) • 40th International Conference of Data Protection and Privacy Commissioners (ICDPPC) (22-26 October 2018) • 13th Annual meeting of the Internet Governance Forum (IGF) (Paris, 12-14 November 2018) • Forum "Mexico and Convention 108" (Mexico City, 7- 8 November 2018) • International Conference on Cyberlaw, Cybercrime & Cybersecurity 2018 (14-16 November 2018, New Delhi, India) • International Conference Computers, Privacy & Data Protection "Data Protection and democracy" (CPDP 2019) (Brussels, Belgium, 30 January-1 February 2019)
	16. Observers
	<u>Required action:</u> The Committee will take note of the information provided by the observers and by the secretariat.
T-PD(2018)04Rev2	Observers - State of play and admission criteria
	17. Data Protection Commissioner
	<u>Required action:</u> The Committee will take note of the information provided by the Council of Europe Data Protection Commissioner.
	Secretary General's Regulation

	18. Stefano Rodota Award
	<u>Required action:</u> The Committee will take note of the progress of the organisation of this award.
	19. Next meetings
	<u>Required action:</u> The Committee will take note of the dates for the next meetings.
	<p><u>Dates of the next Bureau meeting in 2018:</u></p> <ul style="list-style-type: none"> • 46th Bureau meeting (Strasbourg, 17-19 December 2018) <p><u>Dates of the Bureau meetings in 2019:</u></p> <ul style="list-style-type: none"> • 47th Bureau meeting (Paris, 20-22 March 2019) • 48th Bureau meeting (Paris, 25-27 September 2019) • 49th Bureau meeting (Strasbourg, 11-13 December 2019) <p><u>Dates of the Plenary meetings in 2019:</u></p> <ul style="list-style-type: none"> • 38th Plenary meeting (Strasbourg, 12-14 June 2019) • 39th Plenary meeting (Strasbourg, 19-21 November 2019)
	20. Any Other Business

APPENDIX II.

LIST OF PARTICIPANTS

ALBANIA / ALBANIE

Besa Velaj, Adviser to the Commissioner, Information and Data protection Commissioner of Albania (IDP)

Pamela Beleraj, Inspector, Department of Administrative Investigation, Information and Data protection Commissioner of Albania (IDP)

ANDORRA / ANDORRE

Anna Cadena, Data Protection Agency

Joan Crespo, Head of the Data Protection Agency

ARMENIA / ARMENIE

Gevorg Hayrapetyan, Head of Personal Data Protection Agency, Ministry of Justice

AUSTRIA / AUTRICHE

Michael Adelman, LL.M., Austrian Data Protection Authority, Wickenburggasse 8-10, 1080 Vienna

AZERBAIJAN / AZERBAÏDJAN

Farid Gurbanli, Head Legal advisor of the Legal Provision Office of The State Security Service

BELGIUM / BELGIQUE

Ketsia Malengreaux, Attachée, SPF Justice, Direction générale de la Législation et des Libertés et Droits fondamentaux, Service des droits de l'Homme, Protection de la vie privée

Valérie Verbruggen, Conseiller juridique, Autorité de protection des données

BOSNIA AND HERZEGOVINA / BOSNIE HERZEGOVINE (apologised/excusé)

BULGARIA / BULGARIE

Plamen Angelov, Director for, Legal Affairs and International Cooperation Commission for Personal Data Protection of the Republic of Bulgaria

CABO VERDE / CAP VERT

José Maria de Pina, membre de la Commission Nationale pour la Protection des Données (CNPD)

CROATIA / CROATIE

Iva Perin Tomičić, Senior Advisor, Specialist, Department for International Cooperation, European and Legal Affairs, Croatian Personal Data Protection Agency, Martićeva 14, 10000 Zagreb

CYPRUS / CHYPRE

Maria Michaelidou, Office of the Commissioner for Personal Data Protection

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Jiří Maštálka, Office for Personal Data Protection

DENMARK / DANEMARK - No information received / Absence d'information

ESTONIA / ESTONIE

Kaja Puusepp, Development Director, Data Protection Inspectorate for Data Privacy and Freedom of Information

FINLAND / FINLANDE

Leena Vettenranta, Senior Specialist (Data Protection), Ministry of Justice

FRANCE

Agnès Maitrepierre, Chargée de mission auprès du Directeur des affaires juridiques du Ministère des affaires étrangères et du développement international

GEORGIE / GEORGIA

Tamar Kaldani, Personal Data Protection Inspector of Georgia

GERMANY / ALLEMAGNE

Uwe Wusterhausen, Data Protection Unit (V II 4), Federal Ministry of the Interior

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Ksenia George, Représentation Permanente de la République fédérale de l'Allemagne auprès du Conseil de l'Europe, 6, Quai Mullenheim, Strasbourg

GREECE / GRECE

Sofia Kostoula, Judge of First Instance, Investigating Judge of Chania, Crete, Hellenic Republic, Plateia Eleftherias, 73100, Chania

HUNGARY / HONGRIE (apologised/excusé)

ICELAND / ISLANDE

Matthías Geir Pálsson, Représentant Permanent de l'Islande auprès du Conseil de l'Europe

Valborg Steingrimsdottir, Legal expert, The Data Protection Authority

IRELAND / IRLANDE

Noreen Walsh, Civil Law Reform Division, Department of Justice and Equality

ITALY / ITALIE

Alessandra Pierucci, (Chair/Présidente), Service for EU and international matters, Data Protection Authority

LATVIA / LETTONIE

Kristine Saveja, Senior Expert of Division of European Union and International Cooperation Matters of Data State Inspectorate of Latvia

LIECHTENSTEIN (apologised/excusé)

LITHUANIA / LITUANIE - No information received / Absence d'information

LUXEMBOURG (apologised/excusé)

MALTA / MALTE (apologised/excusé)

MAURITIUS / MAURICE (apologised/excusé)

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Lorena Alvarado Quezada, Adjointe de l'Observateur Permanent, Représentation Permanente du Mexique auprès du Conseil de l'Europe

MONACO

Corine Laforest de Minotty, Chargée de Missions auprès du Conseiller de Gouvernement-Ministre des Relations extérieures et de la Coopération, Département des Relations Extérieures et de la Coopération Ministère d'Etat

MONTENEGRO (apologised/excusé)

NETHERLANDS / PAYS-BAS (apologised/excusé)

NORWAY / NORVEGE

Jon Lunde, Higher Executive Officer at the Ministry of Justice and Public Security

POLAND / POLOGNE

Urszula Góral, Director of the Social Education and International Cooperation Department, Bureau of the Inspector General for Personal Data Protection

PORTUGAL

João Pedro Cabral, Legal Adviser, Directorate General of Justice Policy, Ministry of Justice

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Eduard Raducan, Director, National Center for Personal Data Protection of the Republic of Moldova

ROMANIA / ROUMANIE No information received / Absence d'information

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

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Anton Markovskiy, Deputy to the Permanent Representative of the Russian Federation to the Council of Europe

SAN MARINO / SAINT MARIN

Francesco Morganti, Expert Juridique du Ministère des Affaires Etrangères

SENEGAL

Paul Mendy, Secrétaire Permanent, Commission de protection des données personnelles (CDP)

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Marc Buntschu, du Préposé fédéral à la protection des données et à la transparence

Camille Dubois, Office fédéral de la justice

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / « L’EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE »

Igor Kuzevski, Secretary General, Directorate for Personal Data Protection

TUNISIA / TUNISIE (apologised/excusé)

TURKEY / TURQUIE

Mustafa Özalp, Judge, The Ministry of Justice of Republic of Turkey

UKRAINE

Viktor Barvitskyi, Secretariat of the Ukrainian Parliament, Commission for Human Rights

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AUSTRALIAN PRIVACY FOUNDATION / FONDATION AUSTRALIENNE POUR LE RESPECT DE LA VIE PRIVÉE (APF / AFP) (apologised/excusé)

BRAZIL / BRESIL (apologised/excusé)

BURKINA FASO (apologised/excusé)

CHILE / CHILI

Jorge Jaraquemada, Commissioner, Chilean Transparency Council

COUNCIL OF THE EUROPEAN UNION / CONSEIL DE L'UNION EUROPÉENNE

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Jean-Philippe Walter, Chair / Président de l'AFAPDP

Marine Revel, Chargée de mission, Association francophone des autorités de protection des données personnelles (AFAPDP)

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EUROPEAN COMMITTEE ON LEGAL CO-OPERATION / COMITÉ EUROPÉEN DE COOPÉRATION JURIDIQUE (CDCJ) (apologised/excusé)

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS / AGENCE DES DROITS FONDAMENTAUX DE L'UNION EUROPÉENNE (FRA) (apologised/excusé)

GABON

Joël Dominique Ledaga, Président (CNPDCP)

Philomène Mboui, Epouse Biyogo, Commissaire Permanent (CNPDCP)

GHANA (apologised/excusé)

INDONESIA / INDONESIE

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INTERNATIONAL COMMITTEE OF THE RED CROSS / COMITÉ INTERNATIONAL DE LA CROIX-ROUGE (ICRC / CICR)

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Nana Botchorichvili, Juriste, Service des Affaires européennes et internationales, CNIL

INTERPOL (apologised/excusé)

ISRAEL

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JAPAN / JAPON - No information received / Absence d 'information

MOROCCO / MAROC

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NEW ZEALAND / NOUVELLE ZÉLANDE (apologised/excusé)

PHILIPPINES

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PRIVACY INTERNATIONAL (apologised/excusé)

REPUBLIC OF KOREA / REPUBLIQUE DE COREE - No information received / Absence d 'information

OTHER PARTICIPANTS / AUTRES PARTICIPANTS

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Patrick Walshe, Privacy Matters

COUNCIL OF EUROPE SECRETARIAT / SECRETARIAT DU CONSEIL DE L'EUROPE

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Jan Kleijssen, Director / Directeur

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Data Protection Unit / Unité de la protection des données

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Sophie Kwasny, Head of Unit / Chef d'Unité, Secretary of the Committee of Convention 108 / Secrétaire du Comité de la Convention 108

Hélène Lecuivre, trainee / stagiaire

Szilvia Simond, Assistant/assistante

INTERPRETERS / INTERPRETES

Elisabetta Bassu

Rebecca Bowen

Michael Hill

Sara Webster

APPENDIX III.

PRESENTATION BY EDUARDO BERTONI, DIRECTOR OF THE ACCESS TO PUBLIC INFORMATION AGENCY - ARGENTINA - DURING THE 37th PLENARY MEETING OF THE CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA

(CONVENTION 108)

Strasbourg, November 22nd, 2018.

Madam Chair, Dear Colleagues,

Thank you very much for the opportunity to present the advances that took place in Argentina during the last months. I will just do an update of what I informed to this Plenary last June:

Regarding the Argentine DPA.

As from September 2017, the Access to Public Information Agency, created by law in 2016, has become the Argentine data protection authority (DPA) as well as the access to public information agency.

We recently celebrated the first year of the office, and I am glad to inform that we were acting according to the mandate of the law as an autarchic and autonomous entity.

Regarding the Convention 108.

The Senate approved the draft sent by the Executive, and currently the draft should be approved by the House.

The Access to Public Information Agency's Director actively participated in two sessions addressed by the House Commission for Foreign Affairs and General Legislation.

As a result of these sessions, the Commissions submitted a legal opinion recommending the approval of Convention 108 and its Additional Protocol on April 18th by the Plenary of the House.

Regarding a new data protection law.

In October 2018, Argentina's President, Mr. Mauricio Macri sent to the Congress a draft bill to change the current law.

Thank you very much

INTERVENTION – Ms. MARYSE ARTIGUELONG

L'AEDH souhaite alerter les membres de l'Union européenne sur les dangers du projet de *Règlement du parlement européen et du Conseil relatif à la prévention de la diffusion de contenus à caractère terroriste en ligne* :

(<https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:52018PC0640&from=FR>).

Cette proposition vise à améliorer la détection et la suppression des contenus incitant à la haine et à la commission d'actes terroriste. L'AEDH ne peut qu'approuver la lutte contre le terrorisme et notamment la diffusion de ses idées et incitations au passage à l'acte, mais elle estime que ce projet comporte de telles contraintes (déployer des outils de détection automatisés, supprimer les contenus ou en bloquer l'accès dans un délai d'une heure sur injonction de suppression émise notamment par une autorité administrative) que seules les entreprises dominantes pourront les mettre en œuvre, fragilisant encore plus un internet libre et démocratique, accessible à tous.

L'AEDH alertera de ces dangers les parlementaires européens.