

# **Steering Committee on Media and Information Society**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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## **Comments of the Steering Committee on Media and Information Society of the Council of Europe on the Parliamentary Assembly Recommendation 2077 (2015) "Increasing co-operation against cyberterrorism and other large-scale attacks on the Internet"**

1. The Steering Committee on Media and Information Society (CDMSI) has taken note of the Parliamentary Assembly Recommendation 2077 (2015) "Increasing co-operation against cyberterrorism and other large-scale attacks on the Internet."<sup>1</sup>
2. Large-scale attacks through computer systems represent a serious threat not only for national security, public safety, the economic well-being of societies and the integrity of the Internet's infrastructure but also for the exercise and enjoyment of human rights on the Internet, in particular the right to freedom of expression, access to information and the right to privacy.
3. The CDMSI underlines that, should the Committee of Ministers consider necessary to carry out the feasibility studies recommended in paragraphs 3.1. and 3.2. of PACE Recommendation 2077 (2015), there is a need to ensure a holistic approach with regard to safeguarding all relevant fundamental rights and freedoms in compliance with the European Convention on Human Rights (ECHR). The right to private life enshrined in Article 8 of the ECHR, which, as interpreted by the European Court of Human Rights, includes the right to personal data protection, is of particular relevance in the context of transborder access to computer data. Any future work in relation to paragraphs 3.1. and 3.2. should duly take into account the key principles of data protection as provided for by Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS.108).
4. In respect of paragraph 3.3. of the PACE Recommendation 2077 (2015), the CDMSI recalls the relevant Recommendation CM/Rec(2011)8 of the Committee of Ministers to member states on the protection and promotion of the universality, integrity and openness of the Internet which sets out core principles on international cooperation such as notification, information sharing, consultation and mutual assistance. The CDMSI also recalls the Recommendation CM/Rec(2015)6 of the Committee of Ministers to member States on the free, transboundary flow of information on the Internet. Should the Committee of Minister consider it necessary to carry out future work in relation to paragraph 3.3., the CDMSI underlines the need to ensure a holistic approach with regard to safeguarding all relevant fundamental rights and freedoms in compliance with the ECHR.

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<sup>1</sup> Comments of the Representative of the Russian Federation in the CDMSI: "We would like to underline that the Council of Europe Parliamentary Assembly Recommendation 2077 (2015) Increasing co-operation against cyberterrorism and other large-scale attacks on the Internet was adopted without the participation of the Russian parliamentary delegation. Due to the fact that our national approaches were not taken into account while drafting we do not consider this document applicable to the Russian Federation. Moreover, we find incorrect the references to the Recommendation CM/Rec(2015)6 of the Committee of Ministers to member States on the free, transboundary flow of information on the Internet that was not supported by the Russian Federation as well as to the Convention for the Protection of Individuals with regard to Automatic Processing of personal Data (ETS. 108) taking into account that many Council of Europe member-States do not participate in this treaty."