



Strasbourg, 10 July 2013

CAHDATA(2013)ToR

AD HOC COMMITTEE ON DATA PROTECTION
(CAHDATA)

TERMS OF REFERENCE

DG I – Human Rights and Rule of Law

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: Ad hoc committee

Terms of reference valid from: **1 August 2013 until 31 December 2013**

Main tasks

Under the authority of the Committee of Ministers, the CAHDATA will finalise and submit to the Committee of Ministers proposals for the modernisation of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), having regard to the proposals prepared by the Consultative Committee of Convention No. 108 (adopted at its 29th Plenary meeting, 27-30 November 2012) following the mandate it received from the Committee of Ministers (1079th meeting of the Deputies, 10 March 2010).

Pillar/Sector/Programme

Pillar: Rule of law

Sector: Development of common standards and policies

Programme: Information Society and Internet Governance

Expected results

- (i) A draft amending protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) is prepared and finalised;
- (ii) a consolidated version of the Convention is finalised;
- (iii) the explanatory report to the Convention is updated.

Composition

Members:

The governments of Council of Europe member States, and of other States Parties to Convention No. 108, are entitled to appoint as members of the CAHDATA a representative of the highest possible rank from their national ministry or from the relevant public authority responsible for data protection policies.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

Participants:

The governments of States that are not members of the Council of Europe which have been invited by the Committee of Ministers to accede to Convention No. 108 are entitled to appoint to the CAHDATA a representative of the highest possible rank from their national ministry or from the relevant public authority responsible for data protection policies, without the right to vote.

The following Council of Europe bodies may send one or more representatives to meetings of the CAHDATA, without the right to vote but with defrayal of expenses at the charge of their respective administrative budgets in the Ordinary Budget:

- the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) (T-PD),
- the Parliamentary Assembly,
- the Congress of Local and Regional Authorities of the Council of Europe,
- the European Court of Human Rights,
- the Commissioner for Human Rights of the Council of Europe,
- the Conference of INGOs enjoying participatory status with the Council of Europe,
- the Steering Committee for Human Rights (CDDH) and its Committee on Bioethics (DH-BIO),
- the European Committee on Legal Co-operation (CDCJ),
- the European Committee on Crime Problems (CDPC),
- the Steering Committee on the Media and Information Society (CDMSI),
- the Data Protection Commissioner of the Council of Europe.

The European Union may send one or more representatives to meetings of the Committee, without defrayal of expenses. The Committee of Ministers will decide on the issue of the right to vote of the European Union at a later stage, prior to the first meeting of the CAHDATA.

The governments of States that are not members of the Council of Europe which have observer status (Canada, Holy See, Japan, Mexico and USA) with the Council of Europe are entitled to appoint to the CAHDATA a representative of the highest possible rank from their national ministry or from the relevant public authority responsible for data protection policies, without the right to vote and without defrayal of expenses.

Observers:

The following States may send representatives, without the right to vote and without defrayal of expenses:

Argentina, Australia, Benin, Bolivia, Brazil, Burkina Faso, Cape Verde, Chile, China, Colombia, Costa Rica, Dubai, Gabon, Ecuador, Israel, India, Indonesia, Kyrgyz Republic, Malaysia, Mauritius, New Zealand, Nicaragua, Peru, Philippines, Republic of Korea, Senegal, South Africa, Tunisia and Vietnam.

The following organisations may send representatives, without the right to vote and without defrayal of expenses:

- International Chamber of Commerce (ICC),
- European Privacy Association (EPA),
- European Association for the Defence of Human Rights (AEDH),
- International Conference of data protection and privacy Commissioners,
- Europol,
- Interpol,
- Organisation for Economic Co-operation and Development (OECD),
- French-Speaking Association of Personal Data Protection Authorities (AFADPD),
- Ibero-American Network of Data Protection (RIPD),
- International Commission on civil status (ICCS),
- the Personal Information Protection Commission (PIPC) of the Republic of Korea,
- Internet Society (ISOC),
- United Nations (UN),
- Organization of American States (OAS),
- African Union (AU),
- Economic Community of West African States (ECOWAS),
- Association of South East Asian Nations (ASEAN),
- Mercosur,
- Asia Pacific Economic Co-operation (APEC).

Observers from States and organisations other than those referred to above can be admitted to CAHDATA upon request to the Secretary General, on the basis of a unanimous decision by the CAHDATA. In the event where unanimity is not reached, the matter may be referred to the Committee of Ministers at the request of two-thirds of the members of the Committee. The Committee of Ministers shall decide on the matter by a two-thirds majority of all the representatives entitled to sit on it.

Working methods

The assistance of a scientific expert may be requested.

Meetings:

50 members, 1 meeting in 2013, 3 days.

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.