



Strasbourg, 03 March 2009

T-PD-BUR (2009) RAP 17

**CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION
OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA
[ETS 108] (T PD)**

17th meeting of the Bureau

Strasbourg, 9 and 10 February 2009

DRAFT ABRIDGED REPORT

1. The Bureau of the T-PD held its 17th meeting at the Council of Europe in Strasbourg on 9 and 10 February 2009. The list of participants and agenda of the meeting are reproduced in Appendices I and II respectively of this report.
2. The Bureau took note of the information provided by the Secretariat on developments since its December 2008 meeting. Convention 108 had been ratified by Monaco on 24 December 2008, bringing the total number of ratifications to 41 and the number of signatures not followed by ratification to 3. The Additional Protocol to Convention 108 regarding supervisory authorities and transborder data flows had also been ratified by Monaco on 24 December 2008. It now had 23 ratifications and 13 signatures. The Amendments to Convention 108 authorising accession by the European Communities had been accepted by Monaco on 29 January 2009. Accordingly, there were currently 31 out of the 41 states parties that had accepted the amendments to the Convention.
3. The Secretariat also provided information on the third Data Protection Day held on 28 January 2009. It had been very successful this year, with events being organised in over 30 member states and in Canada, the United States and Mexico, and by the European Union institutions. The Secretary General's representative in Brussels, Ambassador Torbjørn Frøysnes, along with Commissioner Jacques Barrot and Peter Hustinx, the European data protection supervisor, had attended the prize-giving ceremony organised by Euroschoolnet and Microsoft for the winning videos produced by young people on the subject "*Surf the net – think privacy*". The Secretary of the T-PD had attended a conference organised for Data Protection Day in Albania, during which the deputy Prime Minister and the Minister of Justice had stressed the importance of reform in the data protection field in Albania, and the success of the Council of Europe project.

4. The Bureau of the T-PD continued with the second reading of the draft recommendation on the protection of personal data in the context of profiling. It held an exchange of views on the scope of the recommendation and agreed to consult the T-PD on this point through written procedure.
5. The draft as it resulted from the discussions at the meeting would be forwarded to the T-PD and the CDCJ for consultation, with comments to be received by 15 April 2009. Any such comments would be examined at the next Bureau meeting, to be held on 18 and 19 May 2009, in place of the plenary meeting initially scheduled. The plenary meeting would be held on 3 and 4 September 2009.

APPENDIX I

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

MEMBERS OF THE BUREAU/MEMBRES DU BUREAU

AUSTRIA/AUTRICHE

Eva Souhrada-Kirchmayer, *[First Vice-Chair of the T-PD]*, Head of the data protection division, Federal Chancellery, Vienna

CZECH REPUBLIC/RÉPUBLIQUE TCHÈQUE

Hana Štěpánková, International Department, the Office for Personal Data Protection, Prague

FRANCE

Pascale Compagnie, Magistrat, Commissaire du Gouvernement auprès de la CNIL (Commission nationale de l'informatique et des libertés), Services du Premier Ministre, Paris

PORTUGAL

Joao Pedro Cabral, *[Chair of the T-PD]*, Legal Adviser, Ministry of Justice, Lisboa

SWITZERLAND/SUISSE

Jean-Philippe Walter, *[Second Vice-Chair of the T-PD]*, Office du Préposé fédéral à la protection des données et à la transparence (FPDPT), Chancellerie fédérale, Berne

MEMBERS OF THE T-PD/MEMBRES DU T-PD

DENMARK/DANEMARK

Excused/excuse

ITALY/ITALIE

Alessandra Pierucci, Garante per la Protezione dei Dati Personali, Rome

LUXEMBOURG

Excused/excuse

MOLDOVA

Valentina Popovici, Design Engineer within the Direction for informational systems elaboration, I.S. „Registru”, Ministry of Information Development of the Republic of Moldova, Chisinau

MONACO

Isabelle Rouanet-Passeron, Secrétaire générale, Commission de Contrôle des Informations, Autorité de contrôle de Monaco

SERBIA/SERBIE

Excused/excuse

SPAIN/ESPAGNE

Paula Ortiz López, Asesora Legal- Relaciones Internacionales / Legal Advisor- International Affaires, Agencia Española de Protección de Datos/ Spanish Data Protection Agency, Madrid

SWITZERLAND/SUISSE

Elsa Dordi, conseillère juridique, Office du Préposé fédéral à la protection des données et à la transparence (PFPDT), Chancellerie fédérale, Berne

UNITED KINGDOM/ROYAUME-UNI

Kevin Fraser, Head of EU Data Protection Policy, Ministry of Justice, London

EXPERTS SCIENTIFIQUES/SCIENTIFIC EXPERTS

Professeur Yves Poullet, Directeur du CRID (Centre de Recherches Informatique et Droit, Faculté de Droit, Namur, Belgique

Jean-Marc Dinant, Informaticien expert auprès de la Commission Belge de la protection de la vie privée, Maître de conférence à l'Université de Namur, Namur, Belgique

COMMISSION OF THE EUROPEAN COMMUNITIES/ COMMISSION DES COMMUNAUTÉS EUROPÉENNES

Alain Brun, Chef de l'Unité de protection des données à la Commission Européenne, Commission européenne, Direction générale Justice, Liberté, Sécurité, Bruxelles

OBSERVERS/OBSERVATEURS

ASSOCIATION FRANCOPHONE DES AUTORITÉS DE PROTECTION DES DONNÉES PERSONNELLES / FRENCH-SPEAKING ASSOCIATION OF PERSONAL DATA PROTECTION AUTHORITIES (AFAPDP)

Isabelle Rouanet-Passeron, Secrétaire générale, Commission de Contrôle des Informations, Autorité de contrôle de Monaco

Fakhri Gharbi, conseiller du président Jacques Saint Laurent, Commission d'accès à l'information du Québec, Québec Canada

INTERNATIONAL CHAMBER OF COMMERCE (ICC) / CHAMBRE DE COMMERCE INTERNATIONALE (CCI)

Excused/excusé

INTERPOL

Excused/excusé

SECRETARIAT

Directorate General of Human Rights and Legal Affairs / Direction Générale des droits de l'Homme et des affaires juridiques

Directorate of Standard-Setting / Direction des activités normatives

Jörg Polackiewicz, Head of the Law Reform Department / *Chef du Service des réformes législatives*

Sophie Meudal-Leenders, *Secretary of the TPD-BUREAU / Secrétaire du T-PD-BUREAU ;*

Frédérique Bonifaix, Secretariat, Data Protection,

INTERPRETERS/INTERPRETES

Mme Chenetier
M. Szymanski
M. Guittonneau

APPENDIX II

AGENDA

1. OPENING OF THE MEETING

2. ADOPTION OF THE AGENDA

3. STATEMENT BY THE SECRETARIAT

- Abridged report 16th
T-PD-BUR
New Abridged report of the 16th meeting of the T-PD-BUR (Bureau of the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data [ETS No. 108]), (17-18 December 2008)
- T-PD (2008) RAP 24 Report of the 24th meeting of the T-PD (Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data [ETS No. 108]), (13-14 March 2008)

4. PROFILING

Required action: the Bureau will continue its examination of the draft text on personal data protection with regard to the process of profiling

- T-PD (2008) 01 Final version of the study on the application of Convention 108 to the profiling mechanisms
- T-PD-BUR (2008) 08 Rev 2
New Revised table containing the draft recommendation on the protection of individuals with regard to automatic processing of personal data used in the framework of profiling and as resulting from the 16th Bureau meeting (December 2008) and "tidied up" by the experts and the Secretariat
- T-PD-BUR (2009) 02
New Draft recommendation on the protection of individuals with regard to automatic processing of personal data used in the framework of profiling as resulting from the 16th Bureau meeting (December 2008) and as "tidied up" by the experts and the Secretariat
- T-PD-BUR (2009) 03 mos
New Comments on the draft recommendation on the protection of individuals with regard to automatic processing of personal data used in the framework of profiling as resulting from the 16th Bureau meeting (December 2008) and as "tidied up" by the experts and the Secretariat
- R (97) 18 Recommendation No. R (97) 18 of the Committee of Ministers to member States concerning the protection of personal data collected and processed for statistical purposes

5. CURRENT ISSUES

Future work and relations of the T-PD with other bodies

- T-PD(2007)WP Draft work programme for the T-PD for 2007 and beyond
- T-PD Rules Internal rules of procedures of the T-PD

DATE OF THE NEXT MEETINGS OF THE T-PD AND T-PD-BUR IN 2009