



Strasbourg, 27 March 2014

T-PD-BUR(2014)RAP32Abr

**BUREAU OF THE CONSULTATIVE COMMITTEE OF THE CONVENTION  
FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO  
AUTOMATIC PROCESSING OF PERSONAL DATA  
[ETS No. 108]  
(T-PD-BUR)**

**32<sup>nd</sup> meeting of the Bureau**

Paris, 25-27 March 2014

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**ABRIDGED REPORT**

The Bureau of the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD-BU) held its 32<sup>nd</sup> meeting in Paris from 25 to 27 March 2014 with Mr Jean-Philippe Walter (Switzerland) in the chair. The agenda, as adopted by the T-PD Bureau, and the list of participants are set out in Appendices I and II.

The Bureau of the T-PD:

1. took note of the information presented by the Secretariat regarding the work done by the Ad hoc Committee on Data Protection (CAHDATA), the forthcoming holding of its 2<sup>nd</sup> meeting (28-30 April 2014) and recent events in relation with the work of the T-PD, such as the launch of the Handbook on European data protection law, prepared in collaboration with the Fundamental Rights Agency, and the side-event organised, during the winter session of the Council of Europe Parliamentary Assembly, to mark the celebration of the international Data Protection Day;
2. examined the draft explanatory report of the modernised version of Convention 108, as revised following discussions at the Bureau's 31<sup>st</sup> meeting, and instructed the Secretariat to make the necessary amendments so that it could be transmitted, for information purposes, to CAHDATA prior to its 2<sup>nd</sup> meeting;
3. examined the revised information document on the "evaluation and follow-up mechanism" and instructed the Secretariat to make the necessary modifications so that it could be transmitted, for information purposes, to CAHDATA;
4. gave a reading of the CAHDATA's working document on the modernisation of Convention 108 so as to enable the Chair of the T-PD to prepare the Bureau's position on the proposals of the working document for work submitted for comments;
5. took note of the information presented by the Secretariat relating to the draft questionnaire intended to make it possible to identify issues at stake and new problem areas relating to health data, in conjunction with possible updating of Recommendation (97)5 on the protection of medical data, and instructed the Secretariat to review the two documents appearing on the agenda so that they could be forwarded transmitted to delegations for suggestions prior to finalisation;
6. took note of the information presented by the OECD representative about the standards relating to automatic data exchanges between tax authorities, and proposed that the Chair send a letter to the OECD as soon as possible in order recall the data protection principles to be taken into account and to announce at the same time the preparation of an opinion by the T-PD on the issue of automatic exchange of data, which would be submitted to the 31<sup>st</sup> plenary meeting (2-4 June 2014) for adoption;
7. took note of the experts' presentations on the automatic exchange of data for administrative and tax purposes, and in the context of the prevention of money laundering, financing of terrorism and corruption, and held an exchange of views on the relevant issues;
8. took note of the final report on the recommendation regulating the use of personal data in the police sector, and held an exchange of views on the recommendations proposed by the expert. It decided to propose at the 31<sup>st</sup> plenary meeting that a proposal should be submitted to the Committee of Ministers to entrust the Consultative Committee (which would if need be have to set up a working group for this purpose) to analyse the needs, possible standard-setting solutions and corresponding proposals, with a view to guaranteeing compliance with the right to data protection in the context of the activities of law enforcement authorities. It re-emphasised the relevance and

validity of the recommendation regulating the use of personal data in the police sector, that subject also being an integral part of the binding international convention, and which should therefore not be reviewed;

9. examined the draft agenda of the 31<sup>st</sup> plenary meeting and instructed the Secretariat to amend it in the light of the discussions;

10. took note of the information presented by the Secretariat on the work of other Council of Europe bodies, and finalised the opinion on the draft recommendation on the use for insurance purposes of personal health-related information, in particular information of a genetic and predictive nature, with a view to its transmission to the DH-Bio;

11. took note of the request submitted by the International Committee of the Red Cross to benefit from observer status within the T-PD and decided to submit that request to the 31<sup>st</sup> plenary meeting;

12. confirmed that its 33<sup>rd</sup> meeting would be held in Paris from 30 September to 2 October 2014.

## APPENDIX I.

### AGENDA

Strasbourg, 24 March 2014

T-PD-BUR32(2014)OJ\_En

#### 1. OPENING OF THE MEETING

- T-PD-BU(2013)RAP31Abr\_En Abridged report of the 31<sup>st</sup> Bureau meeting (18-20 December 2013)
- T-PD(2013)RAP30Abr Abridged report of the 30<sup>th</sup> Plenary meeting (15-18 October 2013)
- [T-PD\(2014\)WP](#) Work programme of the T-PD
- [T-PD\(2012\)Rules](#) T-PD's rules of procedure

#### 2. ADOPTION OF THE AGENDA

#### 3. STATEMENT BY THE SECRETARIAT

#### 4. MODERNISATION OF CONVENTION 108

Scientific Expert: Ms Cécile de Terwangne, Professor Law Faculty, CRID Research Director, Namur University (FUNDP)

*Required action: The Bureau will examine the revised draft explanatory report, as well as the information elements on the evaluation and follow-up mechanism.*

- T-PD-BUR(2013)03rev04 Draft Explanatory report
- T-PD-BUR(2013)02Rev4 Information elements on the evaluation and follow-up mechanism
- T-PD(2012)04REV04 Final document on the modernisation of Convention 108

#### 5. DATA PROTECTION AND POLICE

*Required action: The Bureau will examine the final report of the expert and will decide on the following work.*

- T-PD(2013)11 Recommendation (87)15 – “Twenty-five years down the line”: Final Report

## 6. PROTECTION OF MEDICAL DATA

*Required action: The Bureau will decide on the follow-up steps regarding this work.*

- Draft questionnaire
- [Recommendation N° \(97\) 5](#) on the protection of medical data

## 7. AUTOMATIC EXCHANGE OF DATA

Scientific Experts: Ms Caroline Porasso, Mr Benjamin Aouizerat and Mr Ben Hayes

*Required action: The Bureau will take note of the report prepared by the experts and will decide on the subsequent steps.*

- [T-PD-BUR\(2014\)01](#) Report on the implications for data protection of the growing use of mechanisms for automatic inter-state exchanges of personal data for administrative and tax purposes, as well as in connection with money laundering, financing of terrorism and corruption

## 8. 31<sup>ST</sup> PLENARY MEETING

*Required action: The Bureau will examine and finalise the draft agenda.*

- [T-PD31\(2014\)OJprov](#) Draft agenda

## 9. COOPERATION WITH OTHER COUNCIL OF EUROPE BODIES

*Required action: The Bureau will take note of the information provided by the Secretariat and will finalise the reply to the DH-Bio.*

- Steering Committee on Media and Information Society (CDMSI)
  - Terms of reference of the Committees of experts MSI-INT and MSI-JO
  - Draft recommendation on a Guide on human rights for Internet users
- Cybercrime Committee (T-CY)
  - Reply of the Chair of the T-PD to the Chairperson of Article 29 WP
- Enlarged Partial Agreement on Sport (EPAS) – Sport Conventions Division
  - Draft Convention against the manipulation of sport competitions
  - Draft explanatory report
  - Comments of the vice-chair of the T-PD on the draft explanatory report
- Committee on Bioethics (DH-BIO)
  - Draft reply concerning the Draft Recommendation on the use of predictive health-related data for insurance purposes
- PACE
  - Resolution 1970 (2014) and Recommendation 2033 (2014): Internet and politics: the impact of new information and communication technology on democracy
  - Introductory memorandum - Rapporteur: Mr Pieter Omtzigt

## 10. OBSERVERS

*Required action:* The Bureau will take note of the information provided by the observers and will decide on the procedural follow-up to be given to the request of the ICRC.

- Request submitted by the ICRC (International Committee of the Red Cross)

## 11. OTHER ISSUES

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### DRAFT ORDER OF BUSINESS

*(provisional and subject to change in light of the work pace)*

	<b>25 March 2014</b>	<b>26 March 2014</b>	<b>27 March 2014</b>
<i>Opening</i>	9:30 am	9:30 am	9:30 am
<i>Morning</i>	Items 1, 2, 3 and 4	Item 7	Items 5,6,8
<i>Lunch</i>	01:00-2:30 pm	01:00-2:30 pm	01:00-2:30 pm
<i>Afternoon</i>	Item 4	Items 4,9	Remaining items
<i>End</i>	6:00 pm	6:00 pm	4:00 pm
<i>Informal gathering</i>	8 pm		

## APPENDIX II.

### LIST OF PARTICIPANTS

Strasbourg, 25 March / mars 2014

T-PD-BUR32(2014)LP(Prov.)

#### **MEMBERS OF THE BUREAU / MEMBRES DU BUREAU**

##### **CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE**

Hana Štěpánková, (*First Vice-chair*), Head of the Press Department, Spokeswoman, Office for Personal Data Protection, Pplk.Sochora 27, 170 00 Prague 7

##### **FRANCE**

Catherine Pozzo-di-Borgo, [*Seconde Vice-présidente*], Commissaire du Gouvernement adjoint auprès de la CNIL, Secrétariat Général du gouvernement, 66 rue de Bellechasse, 75700 Paris

##### **ITALY / ITALIE**

Pierucci Alessandra, Piazza di Monte Citorio 121, 00186 Rome

##### **LUXEMBOURG**

Gérard Lommel, Président, Commission Nationale pour la protection des données (CNPD), 41, avenue de la Gare, L-1611 Luxembourg

##### **PORTUGAL**

João Pedro Cabral, Legal Adviser, Directorate General of Justice Policy, Ministry of Justice, Avenida D. João II, n.º1.08.01 E, Torre H, Pisos 2/3, 1990-097 Lisboa

##### **SERBIA / SERBIE**

Nevena Ružić, Head of Office, Commissioner for Information of Public Importance and Personal Data Protection, 42 Svetozata Markovica, 11 000 Belgrade

##### **SPAIN / ESPAGNE**

Agustín Puente Escobar, Director, Agencia Española De Protección De Datos, State Attorney -Head of the Legal department, C/Jorge Juan, 6, 28001 Madrid

##### **SWITZERLAND / SUISSE**

Jean-Philippe Walter, (*Président*), Préposé fédéral à la protection des données et à la transparence (PFPDT), Chancellerie fédérale, Feldeggweg 1, 3003 Berne

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

##### **SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE**

Stanislav Ďurina, Legal Department and Foreign Relation, Office for Personal Data Protection of the Slovak Republic, Hraničná 12, 820 07 Bratislava 27

#### **OBSERVERS / OBSERVATEURS**

##### **TURKEY / TURQUIE**

Abdullah Aydin, Counsellor, Ministry of Justice, Turkish Embassy in Paris

**ASSOCIATION EUROPEENNE POUR LA DEFENSE DES DROITS DE L'HOMME / EUROPEAN ASSOCIATION FOR THE DEFENSE OF HUMAN RIGHTS (AEDH)**

Marise Artiguelong, Déléguée, AEDH, Rue de la Caserne 33 – 1000 Brussels, Belgium

**COUNCIL OF THE EUROPEAN UNION / CONSEIL DE L'UNION EUROPEENNE**

Christina Strömholm, Council of the European Union, General Secretariat - DG D 2b, Fundamental Rights and Criminal Justice, Office JL 20 MN 41, Rue de la Loi, 175, BE-1048 Brussels

**EUROPEAN DATA PROTECTION SUPERVISOR (EDPS) / LE CONTRÔLEUR EUROPEEN DE LA PROTECTION DES DONNÉES (CEPD)**

Alba Bosch Moliné, Legal officer, Policy & Consultation Unit, Postal address: Rue Wiertz 60, B-1047 Brussels, Office address: Rue Montoyer 30, B-1040 Brussels

Elise Latify, Legal Officer, European Data Protection Supervisor - Policy and Consultation, Rue Montoyer 30 B-1000 Brussels

**EUROPEAN COMMISSION / COMMISSION EUROPEENNE**

Katerina Dimitrakopoulou, Policy Officer, Directorate C: fundamental rights and Union citizenship, Unit C3 Data Protection, 1049 Bruxelles, Belgium

**ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) / ORGANISATION DE COOPÉRATION ET DE DÉVELOPPEMENT ÉCONOMIQUE (OCDE)**

Achim Pross

**INTERNET SOCIETY / LA SOCIÉTÉ DE L'INTERNET (ISOC) (apologised / excusé)**

**SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES**

Benjamin Auizerat, Administrateur Juridique de la CCIN, 12 avenue de Fontvieille, 98000 Monaco

Benjamin Hayes, Associate, Human Security Collective & Statewatch, 3 Redworth Terrace, Totnes, Devon, TQ9 5JN, United Kingdom

Caroline Porasso, Secrétaire Général de la CCIN, 12 avenue de Fontvieille - 98000 Monaco

Cécile de Terwangne, Professeur à la Faculté de Droit, Directrice de recherche au CRIDS (Centre de Recherches Informatique, Droit et Société), Facultés Universitaires Notre-Dame de la Paix (FUNDP), Rempart de la Vierge n°5, 5B-5000 Namur, Belgique

**SECRETARIAT**

**DG I – Directorate General Human Rights and Rule of Law  
DG I - Direction Générale Droits de l'Homme et Etat de Droit**

**Information Society and Action against Crime Directorate / Direction de la Société de l'Information et de la lutte contre la criminalité**

**Media, Information Society, Data Protection and Cybercrime Department / Service des médias, de la société de l'information, de la protection des données et de la cybercriminalité**

**Data Protection and Cybercrime Division / Division de la protection des données et cybercriminalité**

Sophie Kwasny, Secretary of the T-PD / Secrétaire du T-PD



Maria Michaelidou, Programme Advisor / Conseillère de programme

**INTERPRETERS / INTERPRETES**

Shan Benson  
Léa Ouedraogo  
Elodie Pasquier