

Strasbourg, 30 March 2016

CAHDATA(2016)ToR

***AD HOC COMMITTEE ON DATA PROTECTION***  
***(CAHDATA)***

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**TERMS OF REFERENCE**

## Ad hoc committee on data protection (CAHDATA)

*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: **31 December 2016**

Main tasks
<p>Under the authority of the Committee of Ministers, the CAHDATA will examine the outstanding issues regarding provisions of the draft amending protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), as listed in document <b>GR-J(2016)2-rev2</b></p> <p>The CAHDATA will submit to the Committee of Ministers a draft amending protocol modified where appropriate.</p>
Pillar/Sector/Programme
<p><b>Pillar:</b> Rule of Law <b>Sector:</b> Development of Common Standards and Policies <b>Programme:</b> Information Society and Internet Governance</p>
Specific tasks
<p>(i) Revise, where appropriate, the draft amending protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108). (ii) Produce a consolidated version of the Convention. (iii) Update the explanatory report to the Convention.</p>
Composition
<p><b>Members:</b> The governments of Council of Europe member States, and where appropriate 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.</p> <p>The Council of Europe will bear the travel and subsistence expenses of one representative from each member of the ad hoc committee. Each member of the committee shall have one vote. Where a government designates more than one representative, only one of them is entitled to take part in the voting.</p> <p><b>Participants:</b> 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 (i.e. Morocco, Mauritius, Senegal and Tunisia) 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.</p> <p>The following Council of Europe bodies may send one or more representatives to the meeting of the CAHDATA, without the right to vote but with defrayal of expenses at the charge of their respective administrative budgets:</p> <ul style="list-style-type: none"><li>- the Parliamentary Assembly;</li><li>- the Congress of Local and Regional Authorities of the Council of Europe;</li><li>- the European Court of Human Rights;</li><li>- the Commissioner for Human Rights of the Council of Europe;</li><li>- the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD);</li><li>- the Conference of INGOs of the Council of Europe;</li><li>- the Steering Committee for Human Rights (CDDH) and its Committee on Bioethics (DH-BIO);</li><li>- the European Committee on Legal Co-operation (CDCJ);</li><li>- the European Committee on Crime Problems (CDPC);</li><li>- the Cybercrime Convention Committee (T-CY);</li></ul>

- the Steering Committee on the Media and Information Society (CDMSI);
- the Data Protection Commissioner of the Council of Europe.

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

- The European Union;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America.

#### **Observers:**

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

Argentina, Australia, Benin, Belarus, Bolivia, Brazil, Burkina Faso, Cape Verde, Chile, China, Colombia, Costa Rica, Gabon, Ghana, Ecuador, Israel, India, Indonesia, Kyrgyz Republic, Madagascar, Malaysia, New Zealand, Nicaragua, Peru, Philippines, Republic of Korea, South Africa, United Arab Emirates and Vietnam.

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

- International Chamber of Commerce (ICC);
- 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);
- International Committee of the Red Cross (ICRC);
- the Personal Information Protection Commission (PIPC) of the Republic of Korea;
- Internet Society (ISOC);
- Australian Privacy Foundation (APF);
- 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 Cooperation (APEC).

#### **Working methods**

##### **Meetings:**

48 members, 1 meeting in 2016, 2 days.

The assistance of a scientific expert may be requested.

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.