



Paris, 7 October 2016

T-PD-BUR(2016)39RAP

**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)**

39th meeting of the Bureau

Paris, 5 - 7 October 2016

ABRIDGED REPORT

The Bureau of the Consultative Committee on the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD-BUR) held its 39th meeting from 5 to 7 October 2016 in Paris with Ms Alessandra Pierucci (Italy) 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 on the final adoption of the Opinion on the “Data protection implications of the processing of Passenger Name Records”, on the meeting of the Group of Rapporteurs on Legal Co-operation (GR-J) of the Committee of Ministers of 13 September 2016 and on the accession to Convention 108 by Senegal, becoming the 50th Party as of 1 December 2016;

2. took note of the information provided by the expert Mr Alessandro Mantelero and examined the draft guidelines on “the protection of individuals with regard to the processing of personal data in a world of **big data**”, and agreed that it would be revised on the basis of the discussions, including the exchange of views through video-conference with the Chair of the International Chamber of Commerce’s Commission on the Digital Economy, Joseph Alhadeff, and written comments so that it could be finalised at its 40th meeting for subsequent adoption by written procedure ;

3. examined the draft recommendation on the protection of **health data** presented by the expert, Ms Jeanne Bossi Malafosse, held an exchange of views, agreed that the draft would be revised in the light of the discussions and written observations received with a view to further discussing the draft at its 40th meeting;

4. took note of the presentation given by Mr Philip Kerfs on the developments within the Organisation for Economic Co-Operation and Development (OECD) related to the Common Reporting Standards (CRS) and **automatic exchange of financial data** and held an exchange of views with the expert repeating the need for a cooperation with the Committee on the subject and inviting delegations to enquire at national level on the data protection notification made by their country (‘Annex C’ to the Multilateral Agreement)¹ in order to initiate the exchanges in 2017 based on the Competent Authority Agreement that they have signed (to date, 83 jurisdictions have signed it);

5. took note of the information presented by the Secretariat on the recent developments regarding the **modernisation of Convention 108** at the level of the Group of Rapporteurs on Legal Co-operation (GR-J) and topics to be discussed at the next meeting on 2 November 2016;

6. took note of the information on the **co-operation with other Council of Europe bodies** and in particular, the work of the CDMSI and its Committee of Experts on Internet Intermediaries (MSI-NET), of the Committee of the Cybercrime Convention (TC-Y), the work carried out by its ‘Cloud evidence group’ and the organisation of the Octopus Conference on 16-18 November in Strasbourg on the occasion of the 15th anniversary of the Cybercrime Convention, of the “Action plan on combating transnational organised crime” adopted by the European Committee on Crime Problems (CDPC), the work of the Parliamentary Assembly and especially on the scheduled exchange of views with its Commission on Culture, Science, Media and Education on converging technologies, artificial intelligence and human rights, and the work of the Bioethics Committee (DH-BIO) as well as of the preparation of “Guidelines to empower, protect and support children’s safe access to their rights on the Internet” by the Ad hoc Committee for the Rights of the Children (CAHENF). The Secretariat also enquired about national actions aimed at tackling sexting and revenge-porn with a view to examining the opportunity of a Council of Europe initiative in the field;

¹ See the Annex C to the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information at <http://www.oecd.org/tax/automatic-exchange/international-framework-for-the-crs/multilateral-competent-authority-agreement.pdf>. For EU member states, the content of this Annex C was prepared by an informal Group and Delegations of the EU countries are invited to liaise with national counterparts to obtain the corresponding text.

7. took note of the information presented by the **observers** and in particular, by the representatives of INAI (Mexico) participating for the first time as Observers and expressing a special interest in joining Convention 108, by AEDH on the various activities carried out in the field of the protection of migrants, by the ICRC on several workshops organised in the field of data protection in humanitarian actions and its interaction with the UN Data Privacy Policy Group, by the Francophone Association of Data Protection Authorities (AFAPDP) on its recent Resolution on the right to be forgotten and other outcomes of its Annual Conference organised in Ouagadougou on 22-23 September;

8. confirmed that its 40th meeting would be held in Strasbourg from 30 November to 2 December 2016 and took note of the information provided by the Secretariat regarding steps taken in order to obtain funding for a second annual Plenary meeting, recalling its constant position regarding a necessary increase of the resources of the Secretariat.

APPENDIX I.

AGENDA

1. OPENING OF THE MEETING

- [T-PD\(2016\)RAP33Abr](#) Abridged report of the 33rd T-PD Plenary meeting (29 June -1 July 2016)
- [T-PD-BUR\(2015\)RAP37Abr](#) Abridged report of the 37th meeting of the T-PD Bureau (9-11 December 2015)
- [T-PD\(2016\)WP Rev](#) Work programme of the T-PD 2016-2017
- [T-PD\(2014\)Rules](#) T-PD's rules of procedure

2. ADOPTION OF THE AGENDA

3. STATEMENT BY THE SECRETARIAT

4. MODERNISATION OF CONVENTION 108

Required action: The Bureau will take note of the information provided by the Secretariat.

- [Consolidated text](#) Consolidated text of the modernised version of Convention 108
- [Draft amending Protocol](#) Draft Protocol amending Convention 108
- [CAHDATA\(2016\)RAP Abr](#) Abridged report of the CAHDATA meeting (15-16 June 2016)
- Draft explanatory report Draft explanatory report of the modernised Convention 108
- [T-PD\(2016\)01](#) Draft questionnaire on the evaluation and follow-up mechanism
- [T-PD-BUR\(2013\)02Rev5](#) Information elements on the evaluation and follow-up mechanism

5. BIG DATA

Expert: Mr Alessandro Mantelero, Professor of Private Law and Innovation Law (Politecnico di Torino), Director of Privacy and Faculty Fellow at the Nexa Center for Internet and Society, Torino, Italy.

Required action: The Bureau will take note of the information provided by the expert and will examine the revised draft Guidelines on the protection of individuals with regard to the processing of personal data in a world of Big Data.

- [T-PD-BUR\(2015\)12Rev3](#) Draft Guidelines on the protection of individuals with regard to the processing of personal data in a world of Big Data
- [T-PD\(2016\)06MosRev](#) Compilation of comments received

- [T-PD-BUR\(2015\)09Rev](#) Report: “Of Data and Men” - Fundamental rights and freedoms in a world of massive data (Report by Antoinette Rouvroy)

6. PROTECTION OF MEDICAL DATA

Expert: Ms. Jeanne Bossi Malafosse, Counsel, DLA Piper France LLP, Paris, France.

Required action: The Bureau will take note of the information provided by the expert and will examine the revised version of the draft Recommendation prepared by the expert.

- [T-PD\(2016\)4REV2](#) Draft Recommendation on the protection of health data
- [T-PD\(2016\)07MosRev](#) Compilation of comments received
- [T-PD\(2015\)07](#) Draft presentation report on the possible update of the Recommendation n° R (97) 5 on the protection of medical data by Ms. Jeanne Bossi Malafosse
- [T-PD\(2015\)02Mos](#) Compilation of replies received on the protection of medical data
- [T-PD\(2014\)07](#) “Medical technologies and data protection issues” Questionnaire
- [Recommendation N° \(97\) 5](#) on the protection of medical data

7. EXCHANGE OF PERSONAL DATA

Expert: Mr Philippe Kerfs, Senior Advisor at the Centre for Tax Policy and Administration of the OECD.

Required action: The Committee will take note of the information provided by the expert.

- [CRS and the right to Privacy - Data Protection](#) Automatic exchange of Personal data in tax matters by Filippo Nosedà
- [Article 29 WP Guidelines](#) Guidelines on the criteria to ensure compliance with data protection requirements in the context of the automatic exchange of personal data for tax purposes
- [T-PD\(2014\)05](#) Opinion on the implications for data protection of mechanisms for automatic inter-state exchanges of data for administrative and tax purposes
- [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. COOPERATION WITH OTHER COUNCIL OF EUROPE BODIES

Required action: The Bureau will take note of the information provided by the Secretariat.

- Steering Committee on Media and Information Society (CDMSI)
- Cybercrime Committee (T-CY)
- Bioethics Committee (DH-BIO)
- European Committee on Crime Problems (CDPC)
 - [Council of Europe action plan on combating transnational organised crime \(2016-2020\)](#)
- Ad hoc Committee for the Rights of the Child (CAHENF)
- Parliamentary Assembly

9. OVERVIEW OF ACTIVITIES AND MAJOR DEVELOPMENTS RELATED TO THE WORK OF THE COMMITTEE

Required action: The Bureau will take note of the information provided by the Secretariat.

- [African Forum on Personal Data Protection and 9th Conference of the French-Speaking Association of Personal Data Protection Authorities \(AFAPDP\) \(in French\)](#) (Ouagadougou, Burkina Faso, 20-21 and 22-23 September 2016)
- [38th International Conference of Data Protection and Privacy Commissioners: "Opening new territories for privacy"](#) (Marrakech, Morocco, 17-20 October 2016)
- [T-PD\(2016\)11Mos](#) Compilation of experts' reports

10. OPINION

Required action: The Bureau will take note of the information provided by the Secretariat.

- [T-PD-BUR\(2016\)18Rev](#) Opinion on the Data protection implications of the processing of Passenger Name Records
- [T-PD\(2016\)17](#) Compilation of opinions

11. OBSERVERS

Required action: The Bureau will take note of the information provided by the observers.

12. ANY OTHER BUSINESS

APPENDIX II.

MEMBERS OF THE BUREAU / MEMBRES DU BUREAU

FRANCE

Agnès Maitrepierre, Chargée de mission auprès du Directeur des affaires juridiques du Ministère des affaires étrangères et du développement international, 57 Boulevard des Invalides, 75700 Paris

GEORGIE / GEORGIA

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ITALY / ITALIE

Pierucci Alessandra, (Chair / Présidente), Piazza di Monte Citorio 121, 00186 Rome

LUXEMBOURG

Gérard Lommel (second vice-chair / deuxième Vice-président), Commissaire du gouvernement à la protection des données, Ministère d'Etat, Bâtiment Zurich, 3 boulevard Roosevelt, L-2450 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 (apologised / excusée)

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

SWITZERLAND / SUISSE

Jean-Philippe Walter, (first Vice-Chair / premier Vice-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

BELGIUM / BELGIQUE

Valérie Verbruggen, Conseiller Juridique, Commission de la protection de la vie privée, Rue de la presse 35 1000 Bruxelles

GERMANY / ALLEMAGNE

Heiko Haupt, The Federal Commissioner for Data Protection and Freedom of Information, Section 14 European and International Affairs, Husarenstraße 30, D-53117 Bonn

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Eduard Raducan, Director, National Center for Personal Data Protection of the Republic of Moldova, 48 Serghei Lazo street, MD-2004 Chisinau

Ana Taban, Councilor on political and economic affairs from the Embassy of the Republic of Moldova to France

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

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TURKEY / TURQUIE

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OBSERVERS / OBSERVATEURS

MEXICO / MEXIQUE

María Patricia Kurczyn, Commissaire de l'institut National de Transparence, d'accès à l'information et protection des données du Mexique (INAI)

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

Jean-Philippe Walter, Chair / Président, Association francophone des autorités de protection des données personnelles, 8 rue Vivienne, CS 30223, 75083 Paris Cedex 2

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

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

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

Lukasz Rozanski, Data protection Unit, DG Justice, European Commission.

EUROPEAN DATA PROTECTION SUPERVISOR / LE CONTRÔLEUR EUROPEEN DE LA PROTECTION DES DONNEES

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INTERNATIONAL CHAMBER OF COMMERCE (ICC) / CHAMBRE INTERNATIONALE DU COMMERCE (CIC)

Jacques Beglinger, Attorney-at-law, D.E.S.S., Member of the Executive Committee, Swiss Holdings, Federation of Industrial and Service Groups in Switzerland – Bern

Sophie Tomlinson, Assistant Policy Manager, Digital Economy / BASIS, International Chamber of Commerce (ICC), 33-43 Avenue President Wilson, 75116 Paris, France

Joseph Alhadeff, (participation via videoconference / participation par vidéoconférence), Chair of the ICC Commission on the Digital Economy 33-43 avenue du Président Wilson 75116 Paris, France

INTERNATIONAL COMMITTEE OF THE RED CROSS / COMITÉ INTERNATIONAL DE LA CROIX-ROUGE

Julie Tenenbaum, Regional Legal Adviser for Europe, 10bis, Passage d'Enfer, 75014 Paris, France

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

Philip Kerfs, Senior Advisor at the Centre for Tax Policy and Administration of the OECD

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Jeanne Bossi-Malafosse, Avocat à la Cour – Counsel, DLA Piper France LLP, 27 rue Laffitte 75009 Paris, France

Agathe Mougel, consultante, Paris, France

Alessandro Mantelero, Tenured Aggregate Professor at Politecnico di Torino, Italy

SECRETARIAT

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

Data Protection Unit / Unité de la protection des données

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

Péter Kimpiàn, Programme Advisor / Conseiller de programme

INTERPRETERS / INTERPRETES

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