

Strasbourg, 2 December 2016

T-PD-BUR(2016)40RAP

**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)**

40th meeting of the Bureau

Strasbourg, 30 November – 2 December 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 40th meeting from 30 November to 2 December 2016 in Strasbourg 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 opening statement of Patrick Penninckx, Head of Information Society Department on the importance of the work carried out by the Committee in bringing a balance to the issues related to security and the right to respect for private life and the protection of personal data and to this, of the re-establishment for 2017 of two yearly plenary meetings. It welcomed this decision while recalling its concerns regarding the adequacy of Secretariat resources in light of the tasks to be carried out;
2. took note of the information presented by the Secretariat on the recent developments regarding the modernisation of convention 108 at the level of the Rapporteur Group on Legal Co-operation at its meetings of 2 November 2016 and 1 December 2016 and on the request of Burkina Faso to be invited to join Convention 108;
3. 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 written comments received and discussions and that it would be submitted to adoption by written procedure after the Bureau meeting;
4. examined the draft practical guide on the use of personal data in **police sector** as revised by the Secretariat, held an exchange of views with the expert, Ms Evelien van Beek, agreed that the draft would be revised by the Secretariat in the light of the discussion and would be sent for written contributions with a view to further discussion at the 41st Bureau meeting;
5. examined the draft recommendation on the protection of **health-related 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 with a view to finalising the draft at the 41st Bureau meeting;
6. examined the draft opinion on the **request for accession by Burkina Faso** and agreed that after finalisation of the draft by the Bureau it would be sent to delegations for adoption by written procedure;
7. 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), its ‘Cloud evidence group’ and the Octopus Conference (16-18 November 2016, Strasbourg), of the Bioethics Committee (DH-BIO), of the “Action plan on combating transnational organised crime” adopted by the European Committee on Crime Problems (CDPC), of the work of the Parliamentary Assembly;
8. took note of the report on the participation in the 38th International Conference of Data Protection and Privacy Commissioners (17-20 October 2016, Marrakech) and in the 57th ICANN meeting (2-9 November 2016, Hyderabad) and of the preparation of a Privacy Day in 58th ICANN meeting (11-16 March 2017, Copenhagen) inviting delegations to actively contribute to this important event;
9. took note of the information presented by the Secretariat on the IGF (5-9 December 2016, Guadalajara);
10. confirmed the meeting dates for 2017, as follows: 41st Bureau meeting in Paris on 29-31 March, 42nd Bureau meeting in Paris on 11-13 September and 43rd Bureau meeting in Strasbourg on 18-20 December. Dates for the plenary meetings in 2017 are as follows: 34th plenary meeting on 19-21 June, 35th plenary meeting on 22-24 November. Both plenary meetings will be held in Strasbourg.

APPENDIX I.

AGENDA

Bureau of the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic processing of Personal Data [ETS 108] (T-PD-BUR)

40th meeting, Strasbourg, Council of Europe, Agora building, Room G06.

From 30 November 2016 – 9.30 am.
to 2 December 2016 – 1.00 pm.

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\(2016\)RAP39Abr](#)

Abridged report of the 39th meeting of the T-PD
Bureau (5-7 October 2016)

[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

Patrick Penninckx, Head of Information Society Department

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

[Draft explanatory memorandum](#)

Draft explanatory report of the modernised
Convention 108

[CAHDATA\(2016\)RAP Abr](#)

Abridged report of the CAHDATA meeting (15-16
June 2016)

[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\(2015\)12Rev4](#)

Draft Guidelines on the protection of individuals with regard to the processing of personal data in a world of Big Data

[T-PD-BUR\(2015\)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, Consultant.

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

[T-PD\(2016\)4REV3](#)

Draft Recommendation on the protection of health data

Draft explanatory memorandum

Draft explanatory report

[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

[Recommendation N° \(97\) 5](#)

Recommendation N°(97)5 on the protection of medical data

7. Data protection and police

Expert: Ms. Evelien van Beek, expert.

Required action: The Committee will take note of the information provided by the expert and will examine the revised version of the draft practical guide prepared on the basis of the Plenary discussions.

[T-PD\(2016\)02rev](#)

Draft practical guide on the use of personal data in the police sector

[T-PD\(2013\)11](#)

Recommendation No. R (87) 15 - "Twenty-five years down the line – Final report" by Joseph A. Cannataci

[Recommandation N° R \(87\) 15](#)

Recommendation No. R(87) 15 regulating the use of personal data in the police sector

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)
- Ad hoc Committee for the Rights of the Child (CAHENF)

- Parliamentary Assembly
[Council of Europe action plan on combating transnational organised crime \(2016-2020\)](#)

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.

[T-PD\(2016\)11Mos](#) Compilation of experts' reports

[ICANN57](#) (Hyderabad, 3-9 November 2016)

[38th International Conference of Data Protection and Privacy Commissioners: Opening new territories for privacy](#) (Marrakech, 17-20 October 2016)

[Internet Governance Forum \(IGF\)](#) (Guadalajara, Mexico, 6-9 December 2016)

10. Opinion

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

T-PD(2016)20 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.

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

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

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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

MONACO

Gabriel Revel, Adjoint au Représentant, Permanent de la Principauté de Monaco auprès du Conseil de l'Europe, 9, rue de Arquebusiers, 67000 Strasbourg

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

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OBSERVERS / OBSERVATEURS

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

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

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EUROPEAN COMMISSION / COMMISSION EUROPEENNE

Lukasz Rozanski, DG Justice Unit C4, Rue de la Loi 200, 1049 Brussels

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

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

Massimo Marelli, Lawyer/Head of Data Protection Project, Communication & Information Management Department, ICRC Geneva, Switzerland

Maria-Elena Ciccolini, Deputy Data Protection Officer for Europe and Central Asia, International Committee of the Red Cross (ICRC), Rue Guimard 7, 1040 Brussels, Belgium

COUNCIL OF EUROPE DATA PROTECTION COMMISSIONER / COMMISSAIRE A LA PROTECTION DES DONNEES DU CONSEIL DE L'EUROPE

Eva Souhrada-Kirchmayer

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Jeanne Bossi-Malafosse

Evelien van Beek

Alessandro Mantelero

COUNCIL OF EUROPE BODIES / ORGANES DU CONSEIL DE L'EUROPE

Office of the Commissioner for Human Rights / Bureau du Commissaire aux droits de l'homme
Matthieu Birker, Adviser / Conseiller

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

Laurane Raimondo, Legal assistant / assistante juridique

INTERPRETERS / INTERPRETES

Rebecca Bowen

Derrick Worsdale

Katia di Stefano