



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 25 February 2013

T-PD-BUR(2013)01 rev

**CONSULTATIVE COMMITTEE OF THE CONVENTION FOR
THE PROTECTION OF INDIVIDUALS WITH REGARD TO
AUTOMATIC PROCESSING OF PERSONAL DATA**

(T-PD)

DRAFT TERMS OF REFERENCE OF THE AD HOC COMMITTEE ON DATA PROTECTION

DG I – Human Rights and Rule of Law

Ad hoc Committee on Data Protection (CAHDATA)

Draft Terms of Reference

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 from: **1 January 2013 until 31 December 2013**

Main tasks

Under the authority of the Committee of Ministers, the CAHDATA will finalise and submit to the Committee of Ministers proposals for the modernisation of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), having regard to the proposals prepared by the Consultative Committee of Convention 108 (adopted at its 29th Plenary meeting, 27-30 November 2012) following the mandate it received from the Committee of Ministers (1079th meeting of the Deputies, 10 March 2010).

Pillar/Sector/Programme

Pillar: Rule of Law

Sector: Development of Common Standards and Policies

Programme: Information Society and Internet Governance

Expected results

- (i) a draft amending protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) is prepared and finalised;
- (ii) a consolidated version of the modernised Convention is finalised;
- (iii) the explanatory report to the Convention is updated.

Composition

Members:

The Governments of Council of Europe member states, and where appropriate of other states Parties to Convention 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.

Participants:

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 108 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 but with defrayal of expenses.

The following Council of Europe bodies may send one or more representatives to meetings of the CAHDATA, without the right to vote but with defrayal of expenses at the charge of their respective administrative Budgets:

- the Consultative Committee of Convention 108 (T-PD),
- the Parliamentary Assembly,

- the Congress of Local and Regional Authorities of the Council of Europe,
- the European Court of Human Rights,
- the Commissioner for Human Rights of the Council of Europe,
- the Conference of INGOs enjoying participatory status with the Council of Europe,
- the Steering Committee for Human Rights (CDDH) and its Committee on Bioethics (DH-BIO),
- the European Committee on Legal Co-operation (CDCJ),
- the European Committee on Crime Problems (CDPC),
- the Steering Committee on the Media and Information Society (CDMSI),
- the Data Protection Commissioner of the Council of Europe.

The European Union may send one or more representatives to meetings of the Committee, without the right to vote or defrayal of expenses.

The Governments of States that are not members of the Council of Europe which have observer status (Canada, Holy See, Japan, Mexico and USA) with the Council of Europe 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 and without defrayal of expenses.

Observers:

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

Argentina, Australia, Benin, Bolivia, Brazil, Burkina Faso, Cape Verde, Chile, China, Colombia, Costa Rica, Dubai, Gabon, Ecuador, Israel, India, Indonesia, Kyrgyz Republic, Malaysia, Mauritius, New Zealand, Nicaragua, Peru, Philippines, Republic of Korea, Senegal, South Africa, Tunisia, Vietnam.

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

- International Chamber of Commerce (ICC)
- European Privacy Association (EPA)
- 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)
- the Personal Information Protection Commission (PIPC) of the Republic of Korea
- Internet Society (ISOC)
- United Nations (UN)
- Organization of American States (OAS)
- African Union (AU)
- Economic Community of West African States (ECOWAS)
- Association of SouthEast Asian Nations (ASEAN)
- Mercosur
- Asia Pacific Economic Cooperation (APEC)

Observers from states and organisations other than those referred to above can be admitted to CAHDATA upon request to the Secretary General, on the basis of a unanimous decision by the CAHDATA. In the event where unanimity is not reached, the matter may be referred to the Committee of Ministers at the request of two-thirds of the members of the Committee. The Committee of Ministers shall decide on the matter by a two-thirds majority of all the representatives entitled to sit on it.

Working methods

The assistance of a scientific expert may be requested.

Meetings:

1 meeting in 2013, 2 to 3 days.

Budgetary information

Meetings per year	Number of days	Members	Plenary	Bureau	Subordinate structures/ Working groups	Secretariat (A, B)
1	2/3	50	57000*	-	-	0,5 A ; 0,5 B

*The costs presented above take into consideration the per diem, travel, interpretation, translation and document printing. Other costs which could be linked to committees such as official journeys for staff members or ministerial conferences are not included. Costs calculated on the basis of the per diem and recharged services costs presented in the draft Programme and Budget 2012-13.