

Strasbourg, <...> 2011

T-PD (2011) RAP 27 Abr

**CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION
OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING
OF PERSONAL DATA [ETS 108]
(T-PD)**

27th Plenary meeting

Strasbourg, 29 November – 2 December 2011

ABRIDGED REPORT

The Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD), established under Article 18 of the *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data* [ETS No. 108], held its 27th meeting in Strasbourg from 29 November to 2 December 2011, with Mr Jean-Philippe Walter (Switzerland) in the chair. The agenda, as adopted by the T-PD, and the list of participants are set out in Appendices I and II.

The T-PD:

1. gave a first reading of the **proposals of modifications to Convention 108** drawn up on the basis of the results of a public consultation process and the work carried out in the Bureau, and instructed the latter to review these proposals in the light of the exchange of views and comments made, with a view to a written consultation of delegations in early 2012;
2. took note of the Study on **Recommendation (89)2** on the protection of personal data used for **employment** purposes, drafted by Mr Giovanni Buttarelli and asked its Bureau to finalise the corresponding draft Recommendation in 2012;
3. took note of the preliminary report by Mr Joseph Cannataci and Ms Mireille Caruana on **Recommendation (87)15** on regulating the use of personal data in the **police** sector and invited those delegations which had not already done so to reply to the questionnaire by 28 February 2012. Delegations which had already forwarded their replies could, in the meantime, supplement or amend the information previously provided;
4. took note of the presentation by Mr Joël Sollier from **Interpol** and of the new code on data processing in the light of the challenges of international police co-operation.
5. took note of the information on **Data Protection Day** 2011 and of the initiatives for the 2012 event, and of the major developments and activities in the data protection field since its last plenary meeting;
6. took note of the information presented by Ms Jacqueline Peschard concerning the 33rd **International Conference of Data Protection and Privacy Commissioners** (Mexico, 2-3 November 2011) and thanked her for the opportunity that was provided to promote Convention 108 during this “privacy week”, and in particular at the General Assembly of the Ibero-American Network of Data Protection (RIPD);
7. discussed its **work programme** for the coming years;
8. held an exchange of views with the Steering Committee on the Media and New Communication Services (**CDMC**) and took note of the finalisation by this Steering Committee of the draft recommendations on social networks and on search engines;
9. adopted its **opinion** on Parliamentary Assembly **Recommendation 1984(2011)** on “the protection of privacy and personal data on the Internet and online media”;
10. determined the criteria to be applied in examining the possible admission of new **observers** and took a positive decision on the request from the European Association for the Defence of Human Rights (AEDH) to obtain Observer status.

11. agreed on the amendments to be made to its rules of procedure;
12. elected Ms Nevena Ružić (Serbia) successor member of the Bureau for a term of office lasting until the next plenary meeting;
13. elected Ms Eva Souhrada-Kirchmayer Council of Europe Data Protection Commissioner, and warmly thanked the previous Commissioner, Mr Karel Neuwirt, for his commitment and the excellent quality of his work;
14. took note of the dates of the 28th plenary meeting (19-22 June 2012), as well as of the dates of the Bureau (6-8 February 2012 in Strasbourg and 16-18 April 2012 in Paris).

APPENDIX I
AGENDA

I. OPENING OF THE MEETING

II. ADOPTION OF THE AGENDA

III. STATEMENT BY THE SECRETARIAT

MR THORBJØRN JAGLAND, SECRETARY GENERAL

[NEW ORGANISATION CHART DG I](#) – HUMAN RIGHTS AND RULE OF LAW

- [T-PD \(2010\) RAP 26](#) Report of the 26th Plenary meeting of the T-PD (1-4 June 2010) – [full report](#)
- [T-PD-BUR \(2011\) RAP 23](#) Report of the 23th meeting of the Bureau of the T-PD (22-24 March 2011)
- [T-PD-BUR \(2011\) RAP 24](#) Report of the 24th meeting of the Bureau of the T-PD (28-30 June 2011)
- T-PD-BUR (2011) RAP 25 Report of the 25th meeting of the Bureau of the T-PD (10-12 October 2011)

IV. MODERNISATION OF CONVENTION 108

Required action: The T-PD will consider the proposals of modernisation of Convention 108 and will decide on the orientations to be taken in order to finalise these proposals during the 28th Plenary meeting of the Committee.

• <u>T-PD-BUR(2011)27</u>	Modernisation of Convention 108 : proposals
• <u>T-PD-BUR(2011)01mosRev6</u>	“Consultation concerning the modernisation of Convention 108: results”
• <u>T-PD-BUR(2010)09</u> PROVISIONAL	Report on the lacunae of the Convention for the protection of individuals with regard to automatic processing of personal data (ETS 108) resulting from technological

	developments
<ul style="list-style-type: none">• T-PD-BUR(2010)13rev	Report on the modalities and mechanisms for assessing implementation of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108) and its Additional Protocol
<ul style="list-style-type: none">• T-PD-BUR(2011)15	Modalities for the amendment of Council of Europe treaties
<ul style="list-style-type: none">• T-PD-BUR(2011)25	Secretariat Comments on the strengthening of the Convention's follow up mechanism

- Ms Cécile de Terwangne, Professor Law Faculty, Namur University (FUNDP), CRID Research
Director: the proposals for modification of the Convention.
- Mr Jean-Philippe Moïny, CRID Researcher, Namur University (FUNDP)
- Ms Marie Georges, Scientific Expert: modalities and mechanisms for assessing implementation of Convention 108
- Ibero-American Network
- Treaty Office

V. DATA PROTECTION USED FOR EMPLOYMENT PURPOSES

Required action: The Committee will take note of the information provided on the revision work of the 1989 Recommendation.

- [T-PD-BUR\(2010\)11FIN](#) Study on Recommendation (89)2 on the protection of personal data used for employment purposes and to suggest proposals for the revision of the above-mentioned Recommendation by Giovanni Buttarelli

VI. DATA PROTECTION AND POLICE

Required action: The Committee will take note of the information provided by the Scientific Expert and will decide on the appropriate follow-up.

- [Recommendation \(87\)15](#) of the Committee of Ministers to the member States on regulating the use of personal data in the police sector

“Recommendation (87)15 – Twenty-five years down the line: Preliminary Report “ (**restricted**)

- Mr Joseph Cannataci, Professor, Faculty of Law – University of Groningen (The Netherlands)
- Ms Mireille Caruana, Research Associate, Faculty of Media and Knowledge Sciences, University of Malta

- **Interpol** – The new [Interpol Code](#) on the processing of information facing the challenges of international police cooperation

- Mr Joël Sollier, General Counsel of INTERPOL and Director of the Office of Legal Affairs

VII. OVERVIEW OF DATA PROTECTION ACTIVITIES SINCE THE LAST PLENARY MEETING

Required action: the T-PD members will take note of the participation of the T-PD members in various events and of the information provided.

- [T-PD-BUR\(2011\)16 RevMOS](#) Compilation of reports of T-PD representatives in other committees and fora as well as other events and conferences

EVENTS AND CONFERENCES 2011

- VIENNA – **CONFERENCE ON COUNCIL OF EUROPE STRATEGY ON INTERNET GOVERNANCE 2012- 2015** – FROM 24 TO 25 NOVEMBER
- MONACO – **COUNCIL OF EUROPE CONFERENCE « CONSTRUIRE UNE EUROPE ADAPTEE AUX ENFANTS : CHANGER UNE VISION EN REALITE »** - FROM 20 TO 21 NOVEMBER
- MEXICO CITY – **33RD INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS**, FROM 2 TO 3 NOVEMBER
 - *MS JACQUELINE PESCHARD, PRESIDENT COMMISSIONNER*
- **IGF**, NAIROBI FROM 27 TO 30 SEPTEMBER
- WARSAW – **INTERNATIONAL CONFERENCE ON DATA PROTECTION**, 21 SEPTEMBER
- BUDAPEST – **INTERNATIONAL CONFERENCE ON DATA PROTECTION**, FROM 16 TO 17 JUNE
- **EURODIG**, BELGRADE FROM 30 TO 31 MAY

VIII. DATA PROTECTION DAY

Required action: The Committee will take note of the information provided concerning the events of 2011 and 2012

- [DPD \(2011\) Compilation](#) Compilation of the participation forms received for the 2011 Data Protection Day

IX. MAJOR DEVELOPMENTS IN THE DATA PROTECTION FIELD SINCE THE 26TH MEETING OF THE T-PD (1-4 JUNE 2010)

Required action: The Committee will take note of the information provided and will have an exchange of views on those issues.

- [T-PD \(2011\) 07RevMOS](#) Information on the recent developments at national level in the data protection field
NEW (06.12.2011)

X. WORK PROGRAMME

- T-PD (2011) 08 Draft work programme for the T-PD for 2012 and beyond

XI. COOPERATION WITH OTHER COUNCIL OF EUROPE BODIES

Required action: The Committee will take note of the information provided and will have an exchange of views with the CDMC.

- [Terms of reference of the CDMSI](#)
- Council of Europe Parliamentary Assembly
 - [Resolution 1833](#) (2011) on the activities of the Organisation for Economic Co-operation and Development (OECD) in 2010-2011
 - [Resolution 1836](#) (2011) on the impact of the Lisbon Treaty on the Council of Europe
 - [Resolution 1843](#) (2011) on the protection of privacy and personal data on the Internet and online media

XII. OPINIONS

Required action: The Committee will take note of the finalised opinions and will consider the draft opinion submitted.

• T-PD-BUR (2011)6	Compilation of opinions
• MC-NM(2010)003Final <i>NEW</i> (07.12.2011)	Draft Recommendation of the Committee of Ministers to member states on the protection of human rights with regard to social networking services
• MC-NM(2010)004Final <i>NEW</i> (07.12.2011)	Draft Recommendation of the Committee of Ministers to member states on the protection of human rights with regard to search engines
• T-PD(2011)09	Draft opinion on Recommendation1984(2011) "The protection of privacy and personal data on the Internet and online media"

XIII. STATE OF SIGNATURES AND RATIFICATIONS

Required action: The Committee will take note of the state of signatures and ratifications.

- [Overview Convention 108](#)
- [Overview additional Protocol](#)

XIV. OBSERVERS

Required action: The Committee will decide on the admission criteria to apply and will decide on AEDH Request.

- [T-PD-BUR \(2011\) 23Rev](#) Observers - State of play and admission criteria
- [AEDH Request](#) Letter from Mr Pierre Barge, President of AEDH
(available only in french)

XV. DATA PROTECTION COMMISSIONER

Required action: The Committee will elect the Council of Europe Data Protection Commissioner, in accordance with Article 1 of the Secretary General's Regulation.outlining a data protection system for personal data files in the Council of Europe.

- Secretary General's [Regulation](#)
from 17 April 1989
- [T-PD \(2011\) 10](#) Election of the Council of Europe Data Protection
Commissioner

XVI. BUREAU ELECTION

XVII. AMENDMENTS TO THE RULES OF PROCEDURE

Required action: the T-PD will consider the proposals on amendments to the rules of procedure with a view to their adoption

- T-PD-BUR(2011) 26 Amendments to the rules of procedure of the T-PD

XVIII. NEXT MEETINGS

Required action: The Committee will take note of the proposed dates for the next meetings of the Bureau of the T-PD and of the next Plenary meeting in 2012.

XIX. OTHER BUSINESS

APPENDIX II

LIST OF PARTICIPANTS

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

ALBANIE / ALBANIA

Flora Çabej Pogaçe, Albanian Commissioner for Personal Data Protection

Erton Karagjozi, Director of the Registration Department, Commissioner for Personal Data Protection

ANDORRA / ANDORRE

Joan Crespo Piedra, Cap de l'Agencia, Agencia Andorrana de Protecció de Dades Personals

Anna Cadena, Inspector, Agencia Andorrana de Protecció de Dades Personals

AUSTRIA / AUTRICHE

Matthias Schmidl, Knowledge officer, Bundeskanzleramt, Verfassungsdienst

AZERBAIJAN / AZERBAÏDJAN

Mr Samir Akhundov, Expert of MNS of Azerbaijan Republic

BELGIUM / BELGIQUE

Valérie Verbruggen, Conseiller Juridique, Commission de la protection de la vie privée

BOSNIA AND HERZEGOVINA / BOSNIE HERZEGOVINE

Vesna Pehar, Assistant Director, Department for International Cooperation and Public Relations, Personal data protection Agency

BULGARIA / BULGARIE

CROATIA / CROATIE

Miriam Lazić, Croatian Personal Data Protection Agency

CYPRUS / CHYPRE

Nonie Avraam, Office of the Commissioner for personal data protection

Konstantinos Georgiadis, Data Protection Officer of the Commissioner for Personal Data protection

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Hana Štěpánková, Head of the Press Department, Spokeswoman, Office for Personal Data Protection

DENMARK / DANEMARK

Louise Black Mogensen, Head of Section, Data Protection Agency

ESTONIA / ESTONIE

Kaja Puusepp, Supervision Director, Estonian Data Protection Inspectorate

FINLAND / FINLANDE

Leena Vettenranta, Legal Adviser, Ministry of Justice

FRANCE

Mme Catherine Pozzo di Borgo, Commissaire du Gouvernement adjoint auprès de la CNIL

GEORGIA / GEORGIE

Nino Sarishvili, Head of Research and Analysis Unit, Analytical Department Ministry of Justice

GERMANY / ALLEMAGNE

Claudia Thomas, Desk Officer Data Protection Unit, Bundesministerium des Innern

GREECE / GRECE

HUNGARY / HONGRIE

Katalin Somogyvári, Data Protection Expert

ICELAND / ISLANDE

IRELAND / IRLANDE

Seamus S. Carroll, Principal Officer, Department of Justice and Equality

ITALY / ITALIE

Mario Guglielmetti, Service for EU and International matters, Garante per la Protezione dei Dati Personali

LATVIA / LETTONIE

LIECHTENSTEIN

Philipp Mittelberger, Datenschutzbeauftragter, Stabsstelle für Datenschutz

LITHUANIA / LITUANIE

Rita Vaitkevičienė, Deputy Director, State Data Protection Inspectorate

LUXEMBOURG

Gérard Lommel, Président de la Commission Nationale pour la protection des données

MALTA / MALTE

Ingrid Camilleri B.A., Head of Legal Unit, Office of the Data Protection Commissioner

MOLDOVA

Nicolae Lungu, Head of the Legal Affairs Division and Public Relation fo the National Center for the Data Protection

Valentina Popovici, Deputy Head of Analytical Researches Division, Ministry of Information of Technology and Communications

MONACO

Isabelle Rouanet-Passeron, Conseiller Technique, Département de l'Équipement, de l'Environnement et de l'Urbanisme

Michel Sosso, Président de la Commission de Contrôle des Informations Nominatives

Caroline Porasso, Secrétaire Général de la Commission de Contrôle des Informations Nominatives

MONTENEGRO

Radenko Lacmanovic
Bojana Lakovic

NETHERLANDS / PAYS-BAS

Langius Manon, Ministry of Security and Justice, Legislation Department

NORWAY / NORVEGE

Anne Sofie Hippe, Higher Executive Officer, Ministry of Justice and the Police

POLAND / POLOGNE

Wojciech Rafal Wiewiorowski, Inspector General for Personal Data Protection, Social Education and International Cooperation

PORTUGAL

Joao Pedro Cabral, Directorate General of Justice Policy, Ministry of Justice

ROMANIA / ROUMANIE

SERBIA / SERBIE

Nevena Ruzic, Commissioner for Information of Public Importance and Personal Data Protection

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

Veronika Žuffová–Kunčová, State Counselor, Foreign Relations Department, Personal Data Protection Office of the SR

SLOVENIA / SLOVENIE

Marijan Conc, State Supervisor for personal data , Information Commissioner Office

SPAIN / ESPAGNE

José Leandro Núñez García, Legal Advisor, International Section of the Spanish Data Protection Agency, Agencia Española de Protección de Datos

SWEDEN / SUEDE

David Törngren, Legal Adviser, Ministry of Justice

SWITZERLAND / SUISSE

Jean-Philippe Walter, *[Chair of the T-PD]*, Office du Préposé fédéral à la protection des données et à la transparence (PFPDT)

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / « L’EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE »

Dimitar Gjeorgjievski, Director of the Directorate for Personal Data Protection of the Republic of Macedonia

UKRAINE

Olena Zerkal, Director of Department for Interaction with Government Authorities, Ministry of Justice

UNITED KINGDOM / ROYAUME-UNI

John Bowman, Head of EU Data Protection Policy, Ministry of Justice

Ollie Simpson, Policy advisor, Information & Devolution Policy, Justice Policy Group, Ministry of Justice

OBSERVERS/OBSERVATEURS

CANADA

Magali Clervoix, Senior Counsel, Department of Justice

U.S.A. / ETATS-UNIS

Lara Ballard, Special Advisor for Privacy and Technology Office of Communications and Information Policy U.S. Department of State – Washington DC

Hugh Stevenson, US Federal Trade Commission International Affairs section

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

Floriane Leclercq, Chargée de mission, Commission nationale de l'informatique et des libertés

INTERNATIONAL CHAMBER OF COMMERCE (ICC) / CHAMBRE DE COMMERCE INTERNATIONALE (CCI)

Christopher Kuner, Special Advisor on Data Protection, Privacy and E-business issues, Hunton & Williams

**INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY
COMMISSIONERS / CONFERENCE INTERNATIONALE DES COMMISSAIRES A LA
PROTECTION DES DONNEES ET DE LA VIE PRIVEE**

Anton Battesti, Chargé des relations institutionnelles, Service des affaires européennes et internationales, Commission Nationale de l'Informatique et des Libertés (CNIL)

**IBERO-AMERICAN DATA PROTECTION NETWORK / RESEAU IBERO-AMERICAIN
DE PROTECTION DES DONNEES**

Jacqueline Peschard, President Commissioner, Federal Institute for Access to Information and Data Protection (IFAI)

Alfonso Oñate, Director General for International Affairs, Federal Institute for Access to Information and Data Protection (IFAI)

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

Liene Balta, Policy Officer in Data Protection Unit of DG JUSTICE

INTERPOL

Joël Sollier, Conseiller Juridique et Directeur du Bureau des affaires juridiques

Caroline Goemans Dorny, Counsel, I.C.P.O - INTERPOL, Secrétariat Général

**ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) /
ORGANISATION DE COOPERATION ET DE DEVELOPPEMENT ECONOMIQUE (OCDE)**

EUROPEAN PRIVACY ASSOCIATION

OTHER PARTICIPANTS / AUTRES PARTICIPANTS

**EUROPEAN DATA PROTECTION SUPERVISOR / LE CONTRÔLEUR EUROPEEN DE LA
PROTECTION DES DONNÉES**

Jaroslav Lotarski, Administrator/Legal Officer

EXPERTS SCIENTIFIQUES / SCIENTIFIC EXPERTS

Marie Georges, Consultante

Cécile de Terwangne, Professeur à la Faculté de Droit, Directrice de recherche au CRIDS (Centre de Recherches Informatique, Droit et Société)

Jean-Philippe Moïny, Chercheur au CRIDS (Centre de Recherches Informatique, Droit et Société)

Joseph Cannataci, Professor, Chair in European Information & Tech., Department of Business Law, Faculty of Law, University of Groningen

Mireille Caruana, Research Associate, Department of information Policy & Governance, Faculty of Media and Knowledge Sciences, University of Malta

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

The Steering Committee for Human Rights / Le Comité directeur pour les droits de l'Homme (CDDH)

Ms Inga Reine, Government Agent, Representative of the Government of Latvia before International Human Rights Organizations, Ministry of Foreign Affairs

The European Committee on Legal Co-operation / Le Comité européen de coopération juridique (CDCJ)

Diana SCOBIOALĂ, Chef de la Direction Générale des relations internationales et intégration européenne, Ministère de la Justice, Moldova

The Steering Committee on the Media and the New Communication Services / Le Comité directeur sur les médias et les nouveaux services de communication (CDMC)

Andris MELLAKAULS, Head of International Relations, National Broadcasting Council of Latvia – Chair of the CDMC

CDMC Delegations which attended the 15th Steering Committee / Délégations du CDMC qui ont participé à la 15th réunion du Comité Directeur

SECRETARIAT

DG I – HUMAN RIGHTS AND RULE OF LAW / DG I - DROITS DE L'HOMME ET ÉTAT DE DROIT

Thorbjørn Jagland, Secretary General of the Council of Europe / Secrétaire Général du Conseil de l'Europe

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

Jan Kleijssen, Director/Directeur

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

Alexander Seger, Head of Division/ Chef de Division

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

Alessandra Pierucci, Administrator / Administrateur

Corinne Gavrilovic, Assistant / Assistante

• **Information Society / Société de l'Information**

Lee Hibbard, Head of Unit / Chef d'unité

Elvana Thaci, Administrator / Administrateur

Human Rights Directorate / Direction des droits de l'Homme

Jörg Polakiewicz, Head of Human Rights Policy and Development Department / Chef du service des politiques et du développement des droits de l'Homme

• **Bioethics Division / Division de la Bioéthique**

Laurence Lwoff, Head of Division / Chef de la Division

Treaty Office Unit / Unité du Bureau des Traités

Elise Cornu

Parliamentary Assembly / Assemblée Parlementaire

Rudiger Dossow, Secretary to the Committee on Culture, Science and Education / Secrétaire de la Commission de la culture, de la science et de l'éducation

INTERPRETERS/INTERPRETES

Chloé CHENETIER

Julia TANNER

Luke TILDEN