

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 21 June 2018

T -PD(2018)RAP36Abr

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

36th Plenary meeting

Strasbourg, 19-21 June 2018

ABRIDGED REPORT

Directorate General of Human Rights and Rule of Law

1. The Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108, hereafter 'Convention 108'), established under Article 18 of Convention 108, held its 36th plenary meeting¹ in Strasbourg from 19 to 21 June 2018, with Ms Alessandra Pierucci (Italy) in the chair. The agenda as adopted by the Committee and the list of participants are set out in Appendix 1 and Appendix 2.

The Committee:

2.1. took note of the information provided by Mr Patrick Penninckx, Head of the Department of Information Society, regarding the unique opportunity that the adoption of the Amending Protocol to Convention 108 represents and other activities of the organisation of relevance to the work of the Committee;

2.2. took note of the information relating to the modernisation of Convention 108, welcomed the adoption of the Amending Protocol to Convention 108 on 18 May 2018 and took note of the postponement of the opening for signature of this instrument, calling for a rapid setting of the date of that ceremony and subsequent urgent signature and ratification by the contracted Parties. The Committee furthermore instructed its Bureau to resume the preparatory work concerning the evaluation and follow-up mechanism;

2.3. took note of the state of signatures, ratifications and accessions to Convention 108 and to its Additional Protocol and, in particular, of the deposit of the ratification instrument by the Republic of Cabo Verde, which will become the 52nd Party to Convention 108 as of 1 October 2018;

2.4. examined the draft recommendation on the protection of health-related data, held an exchange of views with the expert, Ms Jeanne Bossi Malafosse, and agreed that a revised version of the draft recommendation reflecting the discussions would be submitted for approval by written procedure and that the draft explanatory memorandum will be submitted to the next Bureau meeting;

2.5. examined the preliminary Report on Artificial Intelligence, held an exchange of views with the expert, Mr Alessandro Mantelero and decided that the draft report will be sent to further written comments before its submission to the next Bureau meeting;

2.6. examined the draft opinion on the compatibility of the ICDPPC Arrangement (including its schedule) with Convention 108+, held an exchange of views with the expert, Mr Gert Vermeulen, and adopted the opinion as amended based on the discussions;

2.7. decided to call for written comments on the draft "Privacy and data protection principles guide for ICANN related data processing" and submit the final revised version of the draft for adoption by written procedure;

2.8. held a joint meeting with the Steering Committee on Media and Information Society and jointly approved the "Guidelines safeguarding privacy in the Media" noting the related statement of one delegation²;

2.9. took note of the information provided by the secretariat on the latest version of the compilation of the case law of the European Court of Human Rights;

¹ 112 participants in all, 54 men and 58 women.

² See the statement in Appendix III.

2.10. took note of the information on co-operation with other Council of Europe bodies and, in particular the work of the Steering Committee on Media and Information Society (CDMSI), of the Committee of experts on Human Rights Dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT), of the Ad-Hoc Committee for the Rights of the Child (CAHENF), of the European Commission for the efficiency of justice (CEPEJ) on predictive justice and of the Committee of the Convention on Cybercrime (T-CY);

2.11. examined the draft answers prepared to the “Discussion Guide for consultations with civil society, data protection authorities and industry” for the Octopus Conference (to be held on 11-13 July 2018), held an exchange of views with the expert, Mr Gert Vermeulen and agreed that a revised version of the draft provisional answers would be submitted for finalisation by written procedure in view of contribution to the Octopus Conference, stressing the importance of this contribution;

2.12. took note of the information provided by the Secretariat concerning co-operation programmes in the data protection field;

2.13. took note of the information presented by the Secretariat regarding the request for accession by the Republic of Kazakhstan underlining the importance of the rapid preparation of an opinion regarding this request;

2.14. took note with interest of the presentation by Mr Lukasz Olejnik and Mr Olivier Dehaye’s on data subjects’ access right and data protection in practice with a focus on security;

2.15. welcomed the new edition of the Handbook on European Data Protection jointly prepared by the Council of Europe, the European Union Fundamental Rights Agency (FRA) and the European Data Protection Supervisor to integrate the recent update of both the EU and the Council of Europe legal frameworks together with the most recent case law of the European Court of Human Rights and European Court of Justice, and took note with interest of the presentations by Mr Mario Oetheimer of the FRA and by judge Robert Spano of the European Court of Human Rights;

2.16. took note of the major developments at national and international level in the data protection field since its last plenary meeting, in particular the 11th International Conference “Computers, Privacy & Data Protection Conference” (CPDP, held in Brussels, 24-26 January 2018), the International Conference on the Protection of Privacy and Personal Data in Africa (Casablanca, 22 February 2018), the European Conference of Data Protection Authorities (Tirana, 3-4 May 2018), Eurodig (Tbilisi, 5-6 June 2018) and incoming events (notably the Workshop on Data Protection within International Organisations to be held in Copenhagen, on 12-13 July 2018, the 40th International Conference of Data Protection and Privacy Commissioners, on 22-26 October 2018, the IGF in Paris the week of 12 November);

2.17. took note of the information provided by the Data Protection Commissioner and of the presentation of her final activity Report, highlighting the latest cases dealt with since the 35th Plenary meeting and stressing that to date, a revised Regulation for processing carried out by the Council of Europe is not available;

2.18. elected Mr Jean-Philippe Walter as Council of Europe Data Protection Commissioner and expressed its gratitude to Ms Eva Souhrada-Kirchmayer for her commitment and dedication to the protection of personal data in the Council of Europe;

2.19. granted the observer status to the “Abu Dhabi Global Market (ADGM) Registration Authority” and took note of the information provided by the observers³, as well as of the proposal made by Mr Graham Greenleaf to use as future common denomination for the modernised Convention “Global data protection Convention 108+”;

2.20. took note of the finalisation of the setting-up of the Stefano Rodota Award;

2.21. held the elections of the Bureau as follows: Ms Alessandra Pierucci (Italy) as Chair, Ms Tamar Kaldani (Georgia) as first Vice-Chair, Mr Gérard Lommel (Luxembourg) as second Vice-Chair, Mr João Pedro Cabral (Portugal), Ms Agnès Maitrepierre (France), Ms Awa Ndiaye (Senegal), Ms Nevena Ružić (Serbia) and Mr Jean-Philippe Walter (Switzerland) as members;

2.22. confirmed the dates of the Plenary meeting to be held in Strasbourg from 20 to 22 November 2018 and of the next Bureau meetings, to be held from 24 to 26 September 2018 in Paris and from the 17 to 19 December in Strasbourg.

³ The compilation of the texts of the respective interventions shared with the Secretariat will be made available under the related item of the agenda of the meeting.

APPENDIX I.

AGENDA

T-PD36(2018)OJ

Strasbourg, 25/06/2018

CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA (Convention 108)

36th Plenary meeting

Council of Europe, Strasbourg, Palais de l'Europe (Room 9)

19 June 2018, 9:30am - 21 June 2018, 1:00pm

www.coe.int/dataprotection

	1. Opening of the meeting
T-PD(2017)RAP35Abr	Abridged report of the 35 th Plenary meeting (Strasbourg, 22-24 November 2017)
T-PD(2018)44RAP	Abridged report of the 44 th Bureau meeting (Strasbourg, 26-28 March 2018)
T-PD-BUR(2017)43RAP	Abridged report of the 43 rd Bureau meeting (Geneva, 18-20 December 2017)
T-PD(2017)WP2018-2019	Work programme of the Committee 2018-2019
T-PD(2017)Rules	Rules of procedure
	2. Adoption of the agenda
	3. Statement by the secretariat
	Mr Patrick Penninckx, Head of Information Society Department

	4. Modernisation of Convention 108
	<u>Required action:</u> The Committee will take note of the information provided by the secretariat.
	Consolidated text of the modernised version of Convention 108
	Explanatory report of the modernised Convention 108
	Amending Protocol
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. State of play, ratifications and accessions
	<u>Required action:</u> The Committee will take note of the information provided by the secretariat.
	Convention 108: chart of signatures and ratifications
	Additional Protocol: chart of signatures and ratifications
	19 June at 2:30 pm in the Lobby of the Committee of Ministers : deposit of the instrument of accession by Cabo Verde
	6. Protection of Health-related data
	Expert: Ms. Jeanne Bossi Malafosse, Paris, France.
	<u>Required action:</u> The Committee will take note of the information provided by the expert and will examine the revised version of the draft Recommendation together with the draft explanatory memorandum with a view to the approbation of the draft Recommendation and finalisation of the draft explanatory memorandum.
T-PD(2018)06	Draft Recommendation on the protection of health related data Comments on the Draft Recommendation on the Protection of Health-Related Data

Publication postponed after the September Bureau meeting.	Draft explanatory memorandum
T-PD(2015)07	Presentation report on the possible update of the Recommendation n° R (97) 5 on the protection of medical data by Ms Jeanne Bossi Malafosse
Recommendation N° (97) 5	on the protection of medical data
	7. Artificial intelligence
	Expert: Mr Alessandro Mantelero, Associated Professor, Politecnico di Torino, Italy. <u>Required action:</u> The Committee will take note of the information provided by the expert and will hold an exchange of views on the preliminary report.
T-PD(2018)09	Preliminary report on “Artificial intelligence”
	8. Cooperation Arrangement
	Expert: Mr Gert Vermeulen, full professor of (European and international) criminal law and director of the Institute for International Research on Criminal Policy (IRCP). <u>Required action:</u> The Committee will take note of the information provided by the expert and will examine the draft Opinion for adoption.
T-PD(2018)13	
	“ Arrangement ” Global Cross Border Enforcement Cooperation Arrangement Schedule Resolution Report
	9. ICANN
	<u>Required action:</u> The Committee will examine the draft Guide for adoption.
	Draft Guide
T-PD(2017)20Rev	Letter Article 29 Working Party on WHOIS (11 April 2018) J. Kleijssen’s letter to ICANN et Appendix2 T-PD-BUR(2018)01 Position of the Bureau

	10. Media
T-PD(2017)21	"Draft Guidelines safeguarding privacy in the Media"
	<u>Required action:</u> The Committee will hold a joint session with the Steering Committee on Media and Information Society (CDMSI) (on 20 June from 9:30am to 10:30am in room 1) and will approve the document.
	11. Case-Law
ECHR Compilation	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat and by the representative of the European Commission.
	12. Cooperation with other Council of Europe bodies and entities
	<u>Required action:</u> The Committee will take note of the information provided by the secretariat and by Professor Vermeulen regarding the work of the T-CY.
Study Algorithms and Human Rights - CDMSI	Steering Committee on Media and Information Society (CDMSI)
	<ul style="list-style-type: none"> o MSI-AUT
	CAHENF
	CEPEJ
Draft Answers from the Committee of Convention 108 to the Discussion paper for Octopus Conference	Cybercrime Committee (T-CY)
TC-Y(2018)16	Bioethics Committee (DH-BIO)
	13. Cooperation projects
	<u>Required action:</u> The Committee will take note of the information provided by the secretariat.
HELP in the 28	Data Protection and privacy rights
T-PD(2018)07rev	Cooperation projects of the Council of Europe in the data protection field (Information Document)

	14. Opinions
	<u>Required action:</u> The Committee will take note of the information provided by the secretariat.
	Compilation of opinions
	15. Focus: Data subjects' rights and Data Protection in practice
	<u>Required action:</u> The Committee will take note of Mr Lukasz Olejnik's, (independent security and privacy researcher, consultant) and Mr Paul-Olivier Dehaye's (Founder of PersonalData.IO) interventions and will hold an exchange of views with the invited experts.
	16. Handbook on European Data Protection law
NEW EDITION OF THE HANDBOOK	<u>Required action:</u> The Committee will take note of the information presented by Mr Mario Oetheimer, Head of Sector Information Society, Privacy and Data Protection, European Union Agency for Fundamental Rights (FRA) and the presentation of Mr Robert Spano, Judge, ECHR (Thursday, 21 June at 9:30am).
	17. Overview of activities and major developments in the field of data protection
	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat.
T-PD(2018)12Mos	Compilation on the activities and major developments in the field of data protection
DPD(2018)Mos Compilation	Compilation of "Data Protection Day" forms
	11th International Conference "Computers, Privacy & Data Protection Conference" (CPDP) , (Brussels, 24-26 January 2018) African network - International Conference on the Protection of Privacy and Personal Data in Africa (Casablanca, 22 February 2018) Spring Conference of Data Protection Authorities (Tirana, 3-4 May 2018) Eurodig (Tbilisi, 5-6 June 2018) Workshop on Data Protection within International Organisations (Copenhagen, 12-13 July 2018)

	<p>40th International Conference of Data Protection and Privacy Commissioners (“ICDPPC”) (22-26 October 2018)</p>
	<p>18. Data Protection Commissioner</p>
<p>Activity report</p>	<p><u>Required action:</u> The Committee will take note of the information provided by the Council of Europe Data Protection Commissioner.</p>
	<p>Secretary General’s Regulation</p>
	<p>19. Observers</p>
<p>T-PD(2018)16Mos</p>	<p><u>Required action:</u> The Committee will examine and decide upon the request received and will take note of the information provided by the observers and by the secretariat.</p> <p>Compilation of interventions</p>
<p>T-PD(2018)04</p>	<p>Observers - State of play and admission criteria</p>
	<p>20. Stefano Rodota Award</p>
<p>T-PD(2017)23Rev</p>	<p><u>Required action:</u> The Committee will take note of the progress of the organisation of this award.</p>
<p>T-PD(2018)14</p>	<p>21. Elections</p>
	<p><u>Required action:</u> The Committee will proceed to the elections.</p> <p>NB.: See the call for applications!</p>
<p>T-PD(2018)10</p>	<p>Memorandum concerning elections</p>
	<p>Elections of the Bureau</p>
	<p>Election of the Council of Europe’s Data Protection Commissioner</p>
	<p>22. Next meetings</p>
	<p><u>Required action:</u> The Committee will take note of the proposed dates for the next meetings.</p>
	<p>23. Any Other Business</p>

APPENDIX II.

LIST OF PARTICIPANTS

Strasbourg, 21 June / juin 2018

T-PD36(2018)LP

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

**LE COMITE CONSULTATIF DE LA CONVENTION POUR LA PROTECTION DES PERSONNES
A L'EGARD DU TRAITEMENT AUTOMATISE DES DONNEES A CARACTERE PERSONNEL**

(Convention 108)

36th meeting / 36^{ème} réunion

Strasbourg, 19-21 June / juin 2018

Palais de l'Europe, Room / salle 9.

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

MEMBERS / MEMBRES

ALBANIA / ALBANIE

Eldor Budo, Head of the Sector of International Relations and Projects, Information and Data Protection Commissioner (IDP)

Redi Skënderaj, Specialist of the Department of Communication and International Relations, Information and Data Protection Commissioner (IDP)

ANDORRA / ANDORRE

Anna Cadena, Data Protection Agency

Joan Crespo, Head of the Data Protection Agency

ARMENIA / ARMENIE

Gevorg Hayrapetyan, Acting Head of Personal Data Protection Agency, Ministry of Justice

AUSTRIA / AUTRICHE

Stefanie Pitsch, Austrian Data Protection Authority

AZERBAIJAN / AZERBAÏDJAN

Farid Gurbanli, Head Legal advisor of the Legal Provision Office of The State Security Service

BELGIUM / BELGIQUE

Ketsia Malengreaux, Attachée, SPF Justice, Direction générale de la Législation et des Libertés et Droits fondamentaux, Service des droits de l'Homme – Protection de la vie privée
Valérie Verbruggen, Conseiller juridique, Autorité de protection des données

BOSNIA AND HERZEGOVINA / BOSNIE HERZEGOVINE

Zdravko Logor, Expert Advisor for inspection supervision, Personal Data Protection Agency in Bosnia and Herzegovina

BULGARIA / BULGARIE (apologised / excusé)

CROATIA / CROATIE

Anto Rajkovača, Director of Croatian Personal Data Protection Agency

CYPRUS / CHYPRE

Maria Michaelidou, Office of the Commissioner for Personal Data Protection

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Jiří Maštálka, Office for Personal Data Protection

DENMARK / DANEMARK - No information received / Absence d'information

ESTONIA / ESTONIE

Kaja Puusepp, Development Director, Data Protection Inspectorate for Data Privacy and Freedom of Information

FINLAND / FINLANDE

Leena Vettenranta, Senior Specialist (Data Protection), Ministry of Justice

FRANCE

Agnès Maitrepierre, Chargée de mission auprès du Directeur des affaires juridiques du Ministère des affaires étrangères et du développement international

GEORGIE / GEORGIA

Tamar Kaldani, Personal Data Protection Inspector of Georgia

GERMANY / ALLEMAGNE

Uwe Wusterhausen, Data Protection Unit (V II 4), Federal Ministry of the Interior

Stefan Niederer, The Federal Commissioner for Data Protection and Freedom of Information
Unit 14 - European and International Affairs

GREECE / GRECE

Ioannis Ath. Vlachos, Advisor to the Minister of Justice, Transparency and Human Rights, Attorney at Law - Thessaloniki

HUNGARY / HONGRIE

Attila Péterfalvi, President, National Authority for the Data Protection and Freedom of Information

ICELAND / ISLANDE

Valborg Steingrimsdottir, Legal expert, The Data Protection Authority

IRELAND / IRLANDE

Noreen Walsh, Civil Law Reform Division, Department of Justice and Equality

ITALY / ITALIE

Alessandra Pierucci, (Chair/Présidente), Service for EU and international matters, Data Protection Authority

LATVIA / LETTONIE No information received / Absence d'information

LIECHTENSTEIN No information received / Absence d'information

LITHUANIA / LITUANIE No information received / Absence d'information

LUXEMBOURG (apologised / excusé)

MALTA / MALTE (apologised / excusé)

MAURITIUS / MAURICE

Drudeisha Madhub, Data Protection Commissioner, Data Protection Office

MONACO

Corine Laforest de Minotty, Chargée de Missions auprès du Conseiller de Gouvernement-Ministre des Relations extérieures et de la Coopération, Département des Relations Extérieures et de la Coopération Ministère d'Etat

MONTENEGRO No information received / Absence d'information

NETHERLANDS / PAYS-BAS No information received / Absence d'information

NORWAY / NORVEGE

Jon Lunde, Higher Executive Officer at the Ministry of Justice and Public Security

POLAND / POLOGNE

Edyta Bielak-Jomaa, Inspector General for Personal Data Protection

Urszula Góral, Director of the Social Education and International Cooperation Department, Bureau of the Inspector General for Personal Data Protection

PORTUGAL

João Pedro Cabral, Legal Adviser, Directorate General of Justice Policy, Ministry of Justice

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Eduard Raducan, Director, National Center for Personal Data Protection of the Republic of Moldova

ROMANIA / ROUMANIE No information received / Absence d'information

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Maxim Kiselev, Head of Division of the Department of International Cooperation of the Ministry Digital Development, Communications and Mass Media

Alfia Gafurova, Deputy Head of Directorate for the Protection of Rights of Data Subjects, Head of Division of Legal Protection and Methodology of Ensuring of the Rights of Data Subjects of the Directorate for the Protection of Rights of Data Subjects

Anastasiya Toropova, Attaché of the Legal Department of the Ministry of Foreign Affairs

Olga Zinchenko, Third Secretary, Department for the Protection of Human Rights, Ministry of Foreign Affairs

Anton Markovskiy, Deputy to the Permanent Representative of the Russian Federation to the Council of Europe

SAN MARINO / SAINT MARIN

Dario Rossi, Chargé d'Affaires a.i., Permanent Representation of San Marino to the Council of Europe

SENEGAL

Awa Ndiaye, Présidente, Commission de protection des données personnelles (CDP)

Mamoudou Niane, Directeur des Affaires Juridiques, du Contentieux et de la Conformité, Commission de protection des données personnelles (CDP)

SERBIA/SERBIE

Nevena Ružić, Head of Office, Commissioner for Information of Public Importance and Personal Data Protection

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE No information received / Absence d'information

SLOVENIA / SLOVENIE

Nuša Kavšek, Legal Adviser, Information Commissioner

SPAIN / ESPAGNE No information received / Absence d'information

SWEDEN / SUEDE

Johanna Carlsson, Legal advisor, Division for Constitutional Law, Ministry of Justice

SWITZERLAND / SUISSE

Jean-Philippe Walter, (first Vice-Chair / premier Vice-président), Préposé fédéral suppléant, Préposé fédéral à la protection des données et à la transparence (PFPDT)

Camille Dubois, Office fédéral de la justice

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

Igor Kuzevski, Secretary General, Directorate for Personal Data Protection

TUNISIA / TUNISIE (apologised / excusé)

TURKEY / TURQUIE

Faruk Bilir, President, Personal Data Protection Authority

Demet Aslaner Keklikkiran, Head of Department, Personal Data Protection Authority

Tuba Kendir Tunali, Head of Department, Personal Data Protection Authority

Abdullah Ömeroğlu, Rapporteur Judge

UKRAINE

Iryna Bisyk, acting Head of the Department for personal data protection

UNITED KINGDOM / ROYAUME-UNI

Olufemi Animashaun, Senior Policy Advisor, EU and International Data Protection Policy, Government
Christine Ferguson, International Strategy Adviser, Information Commissioner's Office

Hannah McCausland, Group Manager, International, Information Commissioner's Office

URUGUAY

Laura Nahabetián Brunet, Data Protection Unit, Citizens Rights Manager at E-government Agency

OBSERVERS / OBSERVATEURS

ARGENTINA / ARGENTINE

Eduardo Andres Bertoni, Director of the Access to Information Agency (DPA)

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

Maryse Artiguelong, Déléguée, AEDH, Brussels, Belgium

AUSTRALIAN PRIVACY FOUNDATION / FONDATION AUSTRALIENNE POUR LE RESPECT DE LA VIE PRIVÉE (APF / AFP)

Graham Greenleaf AM, Professor of Law & Information Systems, UNSW Australia, Co-Director, Australasian Legal Information Institute (AustLII), Asia-Pacific Editor, Privacy Laws & Business International Report (PLBIR)

BURKINA FASO

Marguerite Ouédraogo Bonane, Présidente, Commission de l'Informatique et des Libertés (CIL)

Ahmed Ouedraogo, Secrétaire général de la Commission de l'Informatique et des Libertés (CIL)

Timothée Traoré, membre de la Commission de l'Informatique et des Libertés (CIL)

CABO VERDE / CAP VERT

Janine Lelis, Minister of Justice and Labor

Janisa Alves, Advisor to the Minister

Sonia Andrade, First Secretary, Permanent Mission to the EU, Brussels

Faustino Varela Monteiro, President, National Commission of Data Protection (CNDP)

Djamilson Lenine Estrela Vigano Pinto, membre de la Commission Nationale pour la Protection des Données (CNPDP)

CHILE / CHILI

Marcelo Drago, President, Council for Transparency

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

Jean-Philippe Walter, Chair / Président

Marguerite Ouédraogo Bonane, Vice-Chair / Vice-Présidente

Marine Revel, Chargée de mission, Association francophone des autorités de protection des données personnelles (AFAPDP)

EUROPEAN DATA PROTECTION SUPERVISOR (EDPS) / LE CONTRÔLEUR EUROPEEN DE LA PROTECTION DES DONNÉES (CEPD)

Olivier Matter, Legal and Policy Officer

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

Alisa Vekeman, Policy Officer, European Commission, DG Justice and Consumers, Unit C4 - International Data Flows and Protection, MO59 03/083, B-1049 Brussels/Belgium

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS / AGENCE DES DROITS FONDAMENTAUX DE L'UNION EUROPÉENNE (FRA)

Mario Oetheimer, Head of Sector Information Society, Privacy and Data Protection, Freedoms and Justice Department, European Union Agency for Fundamental Rights

GHANA

Patricia Adusei-Poku, Chair, Data Protection Commission

INTERNATIONAL COMMITTEE OF THE RED CROSS / COMITÉ INTERNATIONAL DE LA CROIX-ROUGE (ICRC / CICR)

Julie Tenenbaum, Regional Legal Adviser for Europe

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

Nana Botchorichvili, Juriste, Service des Affaires européennes et internationales, CNIL

INTERPOL

Sabine Berghs, legal officer, Data Protection Office

ISRAEL

Sharon Azarya, Privacy Protection Authority

Tzili Nae, Department of Public and Constitutional Law, Ministry of Justice

JAPAN / JAPON

Tomoyasu Nakai, Senior Researcher, Secretariat of the Personal Information Protection Commission

Shiori Nakayama, Section Chief, Secretariat of the Personal Information Protection Commission

Kosuke Yuki, Consul, Consulat Général du Japon à Strasbourg, « Bureaux Europe »

MEXICO / MEXIQUE

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

Santiago Oñate Laborde, Ambassadeur, Observateur Permanent du Mexique, auprès du Conseil de l'Europe

María Noemí Hernández Téllez, Observateur Permanent Adjoint du Mexique auprès du CoE

MOROCCO / MAROC

Lahoussine Aniss, Secrétaire Général, Commission Nationale de contrôle de la protection des données à Caractère Personnel (CNDP)

Mohamed Ritane, Head of administrative and financial department, Commission Nationale de contrôle de la protection des données à Caractère Personnel (CNDP)

NEW ZEALAND / NOUVELLE ZÉLANDE

John Edwards, Privacy Commissioner

PHILIPPINES (apologised / excusé)

PRIVACY INTERNATIONAL

Tomaso Falchetta, Head of Advocacy and Policy Team

REPUBLIC OF KOREA / REPUBLIQUE DE COREE

Wook Hur, Vice Chairman, Korea Communications Commission (KCC)

Kiseok Kim, Director, Korea Communications Commission (KCC)

Jeongsu Lee, Deputy Director, Korea Communications Commission (KCC)

Hyun wook Shin, Second Secretary, Ministry of Foreign Affairs (MOFA)

Sang Hee Park, Director General, Personal Information Protection Commission (PIPC)

Hyun Ik Kim, Deputy Director, Personal Information Protection Commission (PIPC)

Jaesuk Yoon, Director, Korea Internet and Security Agency (KISA)

Sooyoun Choung, Deputy Director, Korea Internet and Security Agency (KISA)

OTHER PARTICIPANTS / AUTRES PARTICIPANTS

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

Eva Souhrada-Kirchmayer

EXPERTS SCIENTIFIQUES / SCIENTIFIC EXPERTS

Jeanne Bossi-Malafosse, Consultant / Consultante

Paul-Olivier Dehay, Founder of PersonalData.IO

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

Lukasz Olejnik, Independent security and privacy researcher, consultant

Gert Vermeulen, Full Professor, Department Chair, Department Criminology, Criminal Law and Social Law, Institute for International Research on Criminal Policy (IRCP)

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

European Court of Human Rights / Cour européenne des droits de l'homme

Robert Spano, Judge, European Court of Human Rights (ECHR)

Hildur Hjörvar, Legal assistant, Registry, European Court of Human Rights (ECHR)

SECRETARIAT

Directorate General Human Rights and Rule of Law /

Direction générale Droits de l'Homme et Etat de Droit

European Commission for the efficiency of justice / Commission européenne pour l'efficacité de la justice (CEPEJ)

Clementina Barbaro, Head of the Cooperation Unit, Division for the Independence and Efficiency of Justice

Yannick Meneceur, Division for the Independence and Efficiency of Justice

Office of the Commissioner for Human Rights / Bureau du Commissaire aux droits de l'homme

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Alexander Seger, Executive Secretary of the Cybercrime Convention / Secrétaire exécutif du Comité de la Convention sur la Cybercriminalité (T-CY)

Data Protection Unit / Unité de la protection des données

Anne Boyer-Donnard, Principal Administrative Assistant / Assistante administrative principale

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INTERPRETERS / INTERPRETES

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APPENDIX III.

Statement in the minutes by the Federal Republic of Germany in respect of the adoption of the

“Guidelines on Safeguarding Privacy in the Media”

by the CDMSI and the T-PD

on 20 June 2018

The Federal Republic of Germany fully supports the intention of the Guidelines on Safeguarding Privacy in the Media and considers these Guidelines to be a useful tool for journalists all over Europe. Therefore, the Federal Republic of Germany consented to the adoption of these Guidelines.

However, the Federal Republic of Germany considers that these Guidelines could still be improved. In this regard, the Federal Republic of Germany notes that the present Guidelines “are open for further updates and future improvements”.

The Federal Republic of Germany suggests to further work on Chapter 7 once the revision of these Guidelines will take place. The work on Chapter 7 should especially focus on the following points:

- Chapter 7 should contain an introductory remark stating that the right to privacy and data protection on the one hand, and the right to freedom of expression and information (including the right to freedom of the press) on the other hand are fundamental rights that need to be equally taken into consideration in every balancing process.
- Chapter 7 shortly mentions the rights of the data subjects granted under the EU General Data Protection Regulation (GDPR). However, the text should also mention Article 85 GDPR which plays a central role when it comes to the necessity of reconciling the right to the protection of personal data with the right to freedom of expression and information including processing for journalistic purposes.
- It should be made clearer in Chapter 7 that processing for journalistic purposes cannot be limited to content that is actually published. Due to the importance of the right to freedom of expression in every democratic society, it should be highlighted in Chapter 7 that notions relating to freedom of expression, such as journalism, need to be interpreted broadly (cf. recital 153 of the GDPR).
- Not all of the personal data of employed journalists can be regarded as “ordinary” administrative personal data. There may be administrative personal data of employed journalists which could allow others to draw conclusions about journalistic activities - e.g. the travel expenses of a journalist which allow conclusions about the location, time and number of meetings with a journalistic source. Chapter 7 should further elaborate on these specifics.