

Strasbourg, 20 December 2017

T-PD-BUR(2017)43RAP

**BUREAU OF THE CONSULTATIVE COMMITTEE OF THE CONVENTION
FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO
AUTOMATIC PROCESSING OF PERSONAL DATA [ETS 108]**

43rd meeting of the Bureau

Geneva, 18-20 December 2017

ABRIDGED REPORT

The Bureau of the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Data ("Convention 108") held its 43rd meeting in Geneva from 18 to 20 December 2017 with Ms Alessandra Pierucci (Italy) in the chair. The agenda, as adopted by the Bureau and the list of participants are set out in Appendices I and II.

The Bureau of the Committee of Convention 108:

1. took note of the information presented by the Secretariat regarding the latest developments and in particular regarding the budgetary situation of the Organisation as of 2018 and the invitation made to the United Mexican States to accede to Convention 108 and to its additional Protocol (13 December 2017);
2. took note of the information concerning the **modernisation of Convention 108** at the level of the Group of Rapporteurs on Legal Co-operation (GR-J meeting of 11 December 2017) and Committee of Ministers (meeting of 13 December 2017);
3. examined the draft recommendation on the protection of **health-related data** presented by the Secretariat, held an exchange of views and decided that the draft would be revised in light of these discussions and sent for comments to the Committee on Bioethics (DH-BIO) and Steering Committee on Media and Information Society (CDMSI) in view of a final review of the draft by the Bureau, together with the draft explanatory memorandum, at its next meeting;
4. examined the draft "Privacy and Data protection principles **guide for ICANN** related data processing" presented by the Secretariat, held an exchange of views and decided that the draft would be revised in light of these discussions and circulated to the participants for final comments before being submitted to adoption by written procedure, underlining the importance of delivering this guidance rapidly;
5. took note of the information provided by the Secretariat regarding the Committee's **work programme** for the 2018-2019 biennium in view of its implementation, in particular regarding the preparation of a report on artificial intelligence, the work related to ICANN and the draft Guidelines on safeguarding privacy in the media;
6. took note of the **activities and major developments related to the work of the Committee**, in particular the Council of Europe's participation in the Internet Governance Forum (IGF, Geneva, 18 – 21 December 2017) and in the Computers, Privacy & Data Protection Conference" (CPDP, Brussels, 24 – 26 January 2018);
7. took note of the information on the **co-operation with other Council of Europe bodies**, in particular the work of the Cybercrime Committee (T-CY), calling for the Consultative Committee of Convention 108 to be formally involved in the process of preparation of the second additional protocol to the Budapest Convention and to be consulted on the proposals early enough in the process. It also took note of the participation of a member of the Bureau (France) in the work on predictive justice of the Working Group on quality of the Commission on the Efficiency of Justice (CEPEJ);
8. took note of the information presented by the **observers**, namely by the ICRC on its participation in the IGF and in the CPDP, by Europol on the change of the legal framework governing its activities and the first data protection investigation carried out under this framework, as well as of the organisation by Europol of the conference "1984 – unplugged" on 21-22 November 2018, by the CNDP of Morocco on the organisation of an international conference on 22 February 2018 in Casablanca and of the Network of African DPAs on 23 February 2018, and by Privacy International regarding its latest work on safeguards against government hacking, to be launched at the Privacy Camp in Brussels on 23 January 2018;
9. confirmed the date of the next Bureau meeting, to be held from 26 to 28 March 2018 in Paris and the Plenary meeting to be held in Strasbourg from 19 to 21 June 2018.

APPENDIX I.

AGENDA

	1. Opening of the meeting Ms. Charlotte Lindsey Curtet, Director, Communication and Information Management Department, ICRC
T-PD(2017)RAP35Abr	Abridged report of the 35 th Plenary meeting (Strasbourg, 20-22 November 2017)
T-PD-BUR(2017)42RAP	Abridged report of the 42 nd Bureau meeting (Paris, 11-13 September 2017)
T-PD(2016)WPrev	Work programme of the T-PD 2016-2017
T-PD(2017)WP2018-2019	Work programme of the T-PD 2018-2019
T-PD(2017)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.
	<ul style="list-style-type: none">• PACE Opinion 296(2017)
	<ul style="list-style-type: none">• Consolidated text of the modernised version of Convention 108
	<ul style="list-style-type: none">• Draft explanatory report of the modernised Convention 108
CAHDATA(2016)RAPAbr	Abridged report of the CAHDATA meeting (Strasbourg, 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. Protection of Health-related data
	Required action: The Committee will take note of the information provided by the Secretariat and will finalise the draft further to the written comments received.
T-PD(2017)25	Compilation of comments received
T-PD(2017)04Rev	Draft Recommendation on the protection of health related data
T-PD(2017)15	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
	6. ICANN Guidelines
	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat and will finalise the draft Guide with a view to initiating a written procedure
T-PD(2017)20	ICANN Guide
	Article 29WP Letter

	7. Exchange of views with Jan Philipp Albrecht, MEP
	8. Cooperation with other Council of Europe bodies and entities
	Required action: The Committee will take note of the information provided by the secretariat.
	<ul style="list-style-type: none"> • Cybercrime Committee (T-CY) • CEPEJ (predictive justice)
	9. Work programme 2018-2019
	Required action: The Committee will take note of the information provided by the secretariat and will decide on the necessary follow-up.
T-PD(2017)WP2018-2019	Work programme 2018-2019
	10. Overview of activities and major developments in the field of data protection
	Required action: The Committee will take note of the information provided by the secretariat.
	<ul style="list-style-type: none"> • Internet Governance Forum (IGF), 18-21 December 2017, Geneva, Switzerland
	11. Observers
	Required action: The Committee will take note of the information provided by the observers.
T-PD(2017)10	Observers - State of play and admission criteria
	12. Next meetings
	Required action: The Committee will take note of the proposed dates for the next meetings.
T-PD(2017)21	13. Any other business Guidelines safeguarding privacy in the Media

APPENDIX II.

LIST OF PARTICIPANTS

MEMBERS OF THE BUREAU / MEMBRES DU BUREAU

CYPRUS / CHYPRE (apologised / excusé)

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

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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)

SWITZERLAND / SUISSE

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

GERMANY / ALLEMAGNE

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Nick Schneider, Federal Ministry of Health

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

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SAN MARINO / SAN MARIN

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Loris Cera, Stagière

TURKEY / TURQUIE

Ahmet Ulutaş, Legal Consellor, Permanent Mission of the Republic of Turkey to the UN Office at Geneva

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 PARLIAMENT / PARLEMENT EUROPEEN

Jan Philipp Albrecht, MEP, Member of the European Parliament, Vice Chair of the Civil liberties, Justice and Home affairs Committee, Parliament office: European Parliament, ASP 05 F 343 Rue Wiertz 60, B-1047 Brussels

EUROPOL

Jan Ellermann, Senior Specialist, Data Protection Function, Eisenhowerlaan 73, 2517KK, The Hague, The Netherlands

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

Charlotte Lindsey Curtet, Director, Communication and Information Management Department, ICRC

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Martina Viviani, Associate, Data Protection Office, ICRC Geneva, Switzerland

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Direction Générale Droits de l'Homme et Etat de Droit**

Data Protection Unit / Unité de la protection des données

Sophie Kwasny, Secretary of the Committee / Secrétaire du Comité

Péter Kimpiàn, Programme Advisor / Conseiller de programme