

Strasbourg, 28 March 2018

T-PD-BUR(2018)44RAP

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

(Convention 108)

44th meeting of the Bureau

Paris, 26-28 March 2018

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 44th meeting in Paris from 26 to 28 March 2018 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 communication of the Secretariat regarding in particular the budgetary situation of the Organisation and its possible impact on the activities to be carried out;
2. examined the draft recommendation on the protection of **health-related data** presented by the expert, Ms Jeanne Bossi Malafosse. It re-examined the draft based on the written comments of delegations including those of the Committee on bioethics (DH-BIO) and Steering Committee on Media and Information Society (CDMSI) and examined the first part of the draft explanatory memorandum. The Secretariat of the DH-BIO participated in those discussions. The Bureau decided that the draft would be revised in light of the discussions and sent for comments to the participants before being submitted to all delegations in the Committee with a view to finalisation and approval of the draft Recommendation at the 36th plenary meeting of the Committee (19-21 June 2018);
3. 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) of the Committee of Ministers, which held its latest meeting on 22 March 2018 and the outcome of bilateral negotiations on the outstanding issues as well as possible options for the entry into force of the amending Protocol, and possible timeline for the finalisation of this important work;
4. took note of the information provided by the Secretariat concerning the latest development on ICANN related privacy issues, held an exchange of views and decided that the draft "Privacy and Data protection principles **guide for ICANN** related data processing" would be circulated to the participants for final comments before being submitted to all delegations with a view of finalisation and adoption at the 36th plenary meeting of the Committee;
5. examined and finalised the draft **agenda** of the 36th plenary meeting;
6. took note of the information on the **co-operation with other Council of Europe bodies** presented by the Secretariat, in particular regarding the work of the Cybercrime Committee (T-CY) on the second additional protocol to the Budapest Convention, of the fact that the terms of reference of the Protocol Drafting Group include the Consultative Committee of Convention 108 as an observer, thus allowing for formal participation of the Committee in the process of preparation of the Protocol. The Bureau held an exchange of views with the expert, Pr. Gert Vermeulen on the possible issues at stake, underlining that early and meaningful participation in this work would be of the utmost importance. It also took note of the information provided by Ms Agnès Maitrepierre (France) on the contribution of the Bureau to the work on predictive justice carried out by the Working Group on the quality of justice of the Commission on the Efficiency of Justice (CEPEJ). It finally took note of the work of the Committee of experts on Human Rights Dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT) regarding notably the preparation by this Committee of a study on the development and use of new digital technologies and services, including different forms of artificial intelligence and a possible standard setting instrument on the human rights dimensions of automated data processing techniques;
7. took note of the information provided by Gert Vermeulen on the **Mauritius Cooperation Arrangement**, held an exchange of views and decided that a draft opinion on the compatibility of the arrangement and Convention 108 (modernisation proposals) will be prepared with a view to its adoption at the 36th plenary meeting of the Committee;
8. took note of the information provided regarding the inception of the work on artificial intelligence as foreseen under the Committee's **work programme** for the 2018-2019 biennium and held a first exchange of views with the expert, Mr Alessandro Mantelero on the topic and welcomed the proposals made by the expert regarding the preparation of a preliminary draft report for presentation to the 36th Plenary meeting;

9. took note of the **activities and major developments related to the work of the Committee**, in particular celebrations of data protection day, on the Council of Europe's participation in the 11th Conference "Computers, Privacy & Data Protection (CPDP, Brussels, 24 – 26 January 2018); in the OHCHR Expert workshop on the right to privacy (Geneva, 19-20 February 2018), in the International Conference on the Protection of Privacy and Personal Data in Africa (Casablanca, 22 February 2018) and of important events scheduled in 2018;

10. took note of the information presented by the **observers**, namely by Interpol on the latest development related to the organisation's rules on the processing of personal data and the Commission for control of Interpol files, by Senegal on the African network of DPAs with the establishment of a permanent Secretariat (Morocco's CNDP) and election of a Bureau (Presided by Burkina-Faso and vice-presided by Cape Verde and Ghana); by the International Conference of Data Protection and Privacy Commissioners (ICDPPC) on the consultation process launched in relation to the future and strategic planning of the ICDPPC and on the 40th ICDPPC to be held in Brussels and Sofia on 22-26 October 2018, by AEDH on its new initiatives concerning the European Union digital sovereignty, by the AFAPDP concerning its next annual conference to be held in Paris on 18-19 October (TBC) and by the Philippines regarding the training of DPOs and the fact that it recently joined the GPEN and APEC cross border privacy enforcement arrangement;

11. took note of the presentation by Mr Jean-Luc Sauron regarding the **HELP** course on the right to data protection and privacy addressed to legal professionals and on the launch of the second round of the French edition as well as the interest of non-European countries in this distance learning course;

12. confirmed the dates of the Plenary meeting to be held in Strasbourg from 19 to 21 June 2018 and of the next Bureau meeting, to be held from 24 to 26 September 2018 in Paris.

APPENDIX I.

AGENDA

	1. Opening of the meeting
T-PD(2017)RAP35Abr	Abridged report of the 35 th Plenary meeting (Strasbourg, 20-22 November 2017)
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 for 2018-2019
T-PD(2017)Rules	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)• Consolidated text of the modernised version of Convention 108• 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
	Expert: Ms Jeanne Bossi Malafosse, Paris, France. Required action: The Committee will take note of the information provided by the expert and will finalise the drafts further to the written comments received.
T-PD(2018)03	Compilation of comments received
T-PD(2017)05Rev	Draft Recommendation on the protection of health-related data
T-PD(2018)11	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
	Required action: The Committee will take note of the information provided by the Secretariat.
	<ul style="list-style-type: none"> • Letter of J. Kleijssen to ICANN and Annex2 • T-PD-BUR(2018)01 Position du Bureau
T-PD(2017)20Rev	Draft Guide
	7. Mauritius 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)
	Required action: The Committee will take note of the information provided by the expert and will decide on the necessary follow-up.
	<ul style="list-style-type: none"> • Arrangement • Schedule • Resolution • Report
	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"> • CDMSI (CM/Rec(2018)2 - Recommendation internet intermediaries) • Cybercrime Committee (T-CY) - Expert : Mr Gert Vermeulen • CEPEJ (predictive justice) • MSI-AUT
	9. Work programme for 2018-2019
	Expert: Mr Alessandro Mantelero, associate professor, Politecnico di Torino, Italy 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
	“Technological convergence, artificial intelligence and human rights” Parliamentary Assembly (PACE)

	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"> • 11th International Conference “Computers, Privacy & Data Protection Conference” (CPDP), Brussels, 24-26 January 2018 • OHCHR Expert workshop on the right to privacy (Geneva, 19-20 February 2018) • African network - International Conference on the Protection of Privacy and Personal Data in Africa (Casablanca, 22 February 2018) • Spring Conference (Tirana, 3-4 May 2018) • Eurodig (Tbilisi, 5-6 June 2018)
	11. Observers
	Required action: The Committee will take note of the information provided by the observers.
T-PD(2018)04	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.
	13. Any other business
	<p>"Programme HELP" - Mr Jean-Luc Sauron, National Tutor (France) HELP</p> <p>Draft Agenda of the 36th Plenary meeting</p>

APPENDIX II.

LIST OF PARTICIPANTS

MEMBERS OF THE BUREAU / MEMBRES DU BUREAU

CYPRUS / CHYPRE

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FRANCE

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OBSERVERS / OBSERVATEURS

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(apologised / excusé)

INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS / CONFÉRENCE INTERNATIONALE DES COMMISSAIRES À LA PROTECTION DES DONNÉES ET DE LA VIE PRIVÉE (ICDPPC)

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EXPERTS

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

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**Directorate General Human Rights and Rule of Law /
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Bioethics / Bioéthique

Laurence Lwoff, Secretary of DH-BIO / Secrétaire du DH-BIO (by videoconference / par visioconférence)

SECRETARIAT

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 (by videoconference / par visioconférence)

INTERPRETERS / INTERPRETES

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