

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 18 December 2014

T-PD-BUR(2014)RAP34Abr

**BUREAU OF THE CONSULTATIVE COMMITTEE OF THE CONVENTION
FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO
AUTOMATIC PROCESSING OF PERSONAL DATA
[ETS No. 108]
(T-PD-BUR)**

34th meeting of the Bureau

Strasbourg, Room / salle G05
16-18 December 2014

ABRIDGED REPORT

Directorate General of Human Rights and Rule of Law

The Bureau of the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD) held its 34th meeting in Strasbourg from 16 to 18 December 2014 with Mr Jean-Philippe Walter (Switzerland) in the chair. The agenda, as adopted by the T-PD Bureau and the list of participants are set out in Appendices I and II.

The Bureau of the T-PD:

1. took note of the information presented by **Patrick Penninckx, Head of the Information Society Department** concerning in particular the finalisation of work by the ad hoc Committee on Data Protection (CAHDATA) which approved the text of the modernised Convention 108 at its third and last meeting (1-3 December 2014), and recent events in relation with the work of the T-PD. It took note of the concerns expressed once again by the Chair of the T-PD regarding the inadequacy of the resources allocated to the T-PD;
2. took note of the wish expressed by the Chair of the T-PD to obtain explanations for each of the reservations made by the European Commission on behalf of the European Union regarding the text of the modernised Convention 108;
3. revised the **draft explanatory report** to the modernised version of Convention 108, on the basis of the text approved by the CAHDATA, and instructed the Secretariat to make the necessary changes with a view to transmit it for comments to the CAHDATA delegations, prior to its transmission to the Committee of Ministers;
4. took note of the information presented by the scientific expert, Antoinette Rouvroy, on the discussions and major issues concerning **Big Data** and held an exchange of views with the expert;
5. took note of the information presented by the Secretariat relating to the mechanisms of **exchange** of data for administrative and tax purposes and suggested that this item be placed on the agenda of the 32nd plenary meeting;
6. took note of the **joint statement of the European data protection authorities** assembled in the Article 29 Working Party, held an exchange of views, and decided on the preparation of an opinion for adoption at the 35th meeting of the Bureau;
7. examined the draft opinion on the **request for accession to Convention 108** and to its Additional Protocol by the Republic of Mauritius and instructed the Secretariat to amend it on the basis of the discussions for transmission to the Committee of Ministers within the set deadline;
8. took note of the information presented by the Secretariat of the **Steering Committee on Media and Information Society (CDMSI)** on the work concerning the draft Recommendation on protecting and promoting the right to freedom of expression and the right to private life with regard to **network neutrality**, and the draft recommendation on **free transboundary flow of information on the Internet**, and agreed on the Bureau's preparation of comments on these draft recommendations and of a letter to be sent to the Chair of the CDMSI to emphasise the benefits of the T-PD for all work relating to personal data protection. It took note of the decision taken by the CDMSI during its Plenary meeting to set up a drafting committee on surveillance issues and expressed its willingness to participate in this work;

9. took note of the information presented by the **Secretariat of Bioethics Committee** (DH-Bio) concerning in particular the Committee's activities on genetic testing for health purposes, and on the future activities envisaged, especially the conference on the challenges raised by emerging technologies (4-5 May 2015) in which the T-PD was expected to participate;

10. took note of the communication to the **Cybercrime Convention Committee** (T-CY) of the joint letter from the Chair of the T-PD and the Chair of Article 29 Working Party and stressed the importance of co-operation between the two committees;

11. took note of the information presented by the **observers**;

12. confirmed that its 35th meeting would be held in Paris from 25 to 27 March 2015.

APPENDIX I

AGENDA

1. OPENING OF THE MEETING

- [T-PD-BUR\(2014\)RAP33Abr](#) Draft Abridged report of the 33rd Bureau meeting (30 September - 2 October 2014)
- [T-PD\(2014\)RAP31Abr](#) Abridged report of the 31st Plenary meeting (2-4 June 2014)
- [T-PD\(2014\)WP](#) Work programme of the T-PD
- [T-PD\(2014\)Rules](#) T-PD's rules of procedure

2. ADOPTION OF THE AGENDA

3. STATEMENT BY THE SECRETARIAT

Opening: Patrick Penninckx, Head of Information Society Department

4. MODERNISATION OF CONVENTION 108

Scientific Expert: Ms Cécile de Terwangne, Professor Law Faculty, CRIDS Research Director, Namur University (FUNDP)

Required action: The Bureau will examine the draft Explanatory Report in the light of the discussions of the last CAHDATA meeting, as well as on the basis of the text on the modernisation which was approved by this Committee and will propose the necessary changes.

- [CAHDATA\(2014\)Rap03](#) Abridged report of the 3rd CAHDATA meeting (1-3 December 2014)
- [CAHDATA\(2014\)06](#) Draft Explanatory Report of the modernised version of Convention 108
- [T-PD-BUR\(2013\)02Rev5](#) Information elements on the evaluation and follow-up mechanism

5. BIG DATA

Scientific Expert: Ms Antoinette Rouvroy, Professor at Namur University

Required action: The Bureau will take note of the information provided by the expert and will discuss the follow-up, notably in relation to the content and the set out of the report that will be prepared by the group of experts.

6. AUTOMATIC EXCHANGE OF DATA

Required action: The Bureau will take note of the information provided by the Secretariat.

- [T-PD-BUR\(2014\)01](#) Report on the implications for data protection of the growing use of mechanisms for automatic inter-state exchanges of personal data for administrative and tax purposes, as well as in connection with money laundering, financing of terrorism and corruption
- [T-PD\(2014\)05](#) Opinion on the implications for data protection of mechanisms for automatic inter-state exchanges of data for administrative and tax purposes

7. COOPERATION WITH OTHER COUNCIL OF EUROPE BODIES

Required action: The Bureau will take note of the information provided by the Secretariat

- Steering Committee on Media and Information Society (CDMSI)
 - Employment recommendation
 - Draft Recommendation CM/Rec(2014)___of the Committee of Ministers to member States on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality
- Cybercrime Committee (T-CY)
 - [Letter of the Chair of the T-PD and Article 29 WP](#) sent to the Cybercrime Committee of the Council of Europe in relation to the scenarios on transborder access to personal data
 - [Guidance Notes on Spam and on Transborder Access to Data](#) adopted at 12th Plenary of the T-CY
- Commissioner for Human Rights – Issue paper: “[Do not switch human rights off](#)”
- Bioethics Committee (DH-Bio)

8. OVERVIEW OF ACTIVITIES AND MAJOR DEVELOPMENTS IN THE FIELD OF DATA PROTECTION

Required action: The Bureau will take note of the information presented and will hold an exchange of views.

- [Joint statement of the European Data Protection Authorities Assembled in the Article 29 working party](#)
- United nations Resolution – “Right to Privacy in the Digital Age”

9. OPINION

Required action: The Bureau will revise the draft opinion in the light of the comments received.

- [T-PD\(2014\)10](#)

Draft opinion regarding the request of the Republic of Mauritius to accede to Convention 108 and to its additional Protocol

10. OBSERVERS

Required action: The Bureau will take note of the information provided by the observers

11. OTHER ISSUES

APPENDIX II

LIST OF PARTICIPANTS

MEMBERS OF THE BUREAU / MEMBRES DU BUREAU

BELGIUM / BELGIQUE (apologised/excusé)

GEORGIA / GEORGIE

Nino Sarishvili, Head of International Relations and Communications Department, Office of the Personal Data Protection Inspector, 7, Ingorokva Str., 0105, Tbilisi Georgia

ITALY / ITALIE

Pierucci Alessandra, (first vice-chair), Piazza di Monte Citorio 121, 00186 Rome

LUXEMBOURG

Gérard Lommel, Commissaire du gouvernement à la protection des données, Ministère d'Etat, Bâtiment Zurich, 3 boulevard Roosevelt, L-2450 Luxembourg

PORTUGAL

João Pedro Cabral, Legal Adviser, Directorate General of Justice Policy, Ministry of Justice, Avenida D. João II, n.º1.08.01 E, Torre H, Pisos 2/3, 1990-097 Lisboa

SERBIA / SERBIE (apologised/excusée)

Nevena Ružić, (second vice-chair), Head of Office, Commissioner for Information of Public Importance and Personal Data Protection, 42 Svetozata Markovica, 11 000 Belgrade

SPAIN / ESPAGNE (apologised/excusé)

Agustín Puente Escobar, Director, Agencia Española De Protección De Datos, State Attorney -Head of the Legal department, C/Jorge Juan, 6, 28001 Madrid

SWITZERLAND / SUISSE

Jean-Philippe Walter, (Président), Préposé fédéral à la protection des données et à la transparence (PF PDT), Chancellerie fédérale, Feldeggweg 1, 3003 Berne

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

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

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Jiří Maštálka, Office for Personal Data Protection Pplk. Sochora 27, 170 00 Prague 7

HUNGARY / HONGRIE

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OBSERVERS / OBSERVATEURS

TURKEY / TURQUIE

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

Marise Artiguelong, Déléguée, AEDH, Rue de la Caserne 33 – 1000 Brussels, Belgium

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

Paulo Silva, Directorate C: fundamental rights and Union citizenship, Unit C3 Data Protection, 1049
Bruxelles, Belgium

EUROPEAN PARLIAMENT / PARLEMENT EUROPEEN

Michaël Vanfleteren, Administrator, European Parliament, Committee on Civil Liberties, Justice and Home
Affairs (LIBE), Secretariat, 60, rue Wiertz, B-1047 Brussels, Belgium

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

Massimo Marelli, Lawyer/Head of Data Protection Project, Communication & Information Management
Department, ICRC Geneva

Julie Tenenbaum, Regional Legal Adviser for Europe, 10bis, Passage d'Enfer, 75014 Paris, France

OTHER PARTICIPANTS / AUTRES PARTICIPANTS

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

Eva Souhrada-Kirchmayer, Council of Europe, 67075 Strasbourg, France

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Cécile de Terwangne, Professeur à la Faculté de Droit, Directrice de recherche au CRIDS (Centre de
Recherches Informatique, Droit et Société), Facultés Universitaires Notre-Dame de la Paix (FUNDP),
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Antoinette Rouvroy, Professeur à la Faculté de Droit, Namur, Belgique

SECRETARIAT

**Directorate General Human Rights and Rule of Law
Direction Générale Droits de l'Homme et Etat de Droit**

Information Society Department / Service de la société de l'information

Patrik Penninckx, Head/Chef de service

Media Division / Division des médias

Elvana Thaçi, Administrator responsible for the MSI-INT Expert's Committee / Administratrice et Secrétaire du Comité d'experts MSI-INT

Data Protection Unit / Unité de la protection des données

Maria Michaelidou, Programme Advisor / Conseillère de programme

Szilvia Simond, Assistant / Assistante

Bioethics Unit / Unité de la Bioéthique

Laurence Lwoff, Secretary of the Committee on Bioethics (DH-BIO) / Secrétaire du Comité de bioéthique (DH-BIO)

TRAINEE / STAGIAIRE

Carolin Zachmann

INTERPRETERS / INTERPRETES

Luke Tilden
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