

Ministers' Deputies

CM Documents

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Consultative Committee of the Convention for the Protection of Individuals with regards to Automatic Processing of Personal Data (CETS No. 108) (T-PD)

Abridged report of the 20th plenary meeting (Strasbourg, 28-30 June 2004)

Document prepared by the DGI – Legal Affairs

1. 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 that Convention (ETS No. 108, hereinafter “Convention 108”), held its 20th meeting from 28 to 30 June 2004, with Ms Charlotte Marie PITRAT (France) in the chair.
2. Under Article 20, para. 3 of Convention 108, “after each of its meetings, the Consultative Committee shall submit to the Committee of Ministers of the Council of Europe a report on its work and on the functioning of the Convention”. This report is accordingly addressed to the Committee of Ministers, which is invited to take note of it as a whole.¹
3. The T-PD examined a draft progress report on the application of the principles of Convention 108 to the collection and processing of biometric data, prepared by its Bureau with the assistance of a scientific expert, Mr Alexander PATIJN, Adviser at the Ministry of Justice of the Netherlands. The preparation of a draft progress report was preferred to that of draft guiding principles, because it would help shed light on certain aspects of biometrics by putting the relevant issues in context and taking account of the current state of the technology and the debate under way on this subject in other bodies, such as the European Union’s Article 29 Working Party, the OECD and the International Civil Aviation Organisation (ICAO) – with which the T-PD had moreover decided to join forces – as well as national data protection authorities. The T-PD approved this approach and underlined the urgency of this task. It thus instructed its Bureau to pursue its work on this topic, notably on the basis of consultations with representatives of the member states and to present the draft report for approval at its next plenary meeting in January 2005.

¹ The Committee of Ministers decided, at its 506th meeting (January 1994), “that in future the reports of Conventional Committees and the following other bodies will not be automatically placed on their agenda, unless action by the Committee of Ministers is required or unless a delegation so requests ...”.

4. The T-PD then examined an initial draft report on the application of data protection principles to worldwide telecommunication networks, prepared by Professor Yves POULLET and his team of the CRID (Research Centre – Computer Science and Law, University of Namur, Belgium). The final draft will be presented to the T-PD at its next plenary meeting for a discussion on the main points and a decision on what further action should be taken in this area in 2005-2006.
5. The T-PD took note of the information provided by Mr Karel NEUWIRT, Vice-Chair of the T-PD, and by the Secretariat, on the multilateral conference to be held in Prague on 14-15 October 2004 on the *Rights and Responsibilities of Data Subjects*. The T-PD stressed the importance of this subject, which is the third focal point of the T-PD's work in the coming years, and agreed to discuss the conclusions and follow-up to the Conference at its plenary meeting in January 2005.
6. The T-PD adopted a draft partial amendment of its Internal Rules of Procedure, which adds to Article 14.1 the following sentence: *"On a proposal from the Chair, the Committee may decide that certain items on its agenda are to be dealt with solely in the presence of representatives of Council of Europe member states"*.
7. The T-PD elected its officials as follows:
 - Mr Emilio ACED FELEZ (Spain) was elected member of the Bureau following the resignation of Mr Graham SUTTON (United Kingdom);
 - Ms Anne-Marije FONTEIN (Netherlands) was elected member of the Bureau following the resignation of Mr Luis AGUILERA RUIZ (Spain).
8. The T-PD decided, subject to adoption of the budget for 2005 by the Committee of Ministers, to hold its 21st plenary meeting from 19 to 21 January 2005 and took note of the dates of its Bureau's forthcoming meetings on 13-15 October and 6-8 December 2004.

APPENDIX**AGENDA**

- I. Opening of the meeting**
- II. Adoption of the agenda**
- III. Communication by the Secretariat:**
- IV. Exchange of views on major developments in the field of data protection since the 19th meeting of the T-PD (26-28 November 2003)**
- V. Application of the principles of Convention ETS No. 108 to new technological developments: examination of the progress report on the application of the principles of Convention 108 to the collection and processing of biometric data**
- VI. Application of data protection principles to the Internet**
- VII. Multilateral meeting on the rights and responsibilities of data subjects (Prague, 14-15 October 2004)**
- VIII. Working methods of the T-PD**
- IX. Election of two members of the Bureau of the T-PD**
- X. Other business**
- XI. Date of the 21st meeting of the T-PD**

19-21 January 2005