

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

28/09//2020

T-PD-BUR50(2020)OJ

CONVENTION 108

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

50th meeting

AGENDA

28 September 2020 (10.00 am) – 30 September 2020 (5.00 pm)

www.coe.int/dataprotection

	1. Opening of the meeting
T-PD(2019)RAP39Abr	Abridged report of the 39 th Plenary meeting (Strasbourg, 19-21 November 2019)
T-PD-BUR(2019)49RAP	Abridged report of the 49 th Bureau meeting (Strasbourg, 11-13 December 2019)
T-PD(2019)WP2020-2021final	Work programme of the Committee 2020-2021
T-PD(2017)Rules	Rules of procedure
	2. Adoption of the agenda
	3. Statement by the secretariat
	Jan Kleijssen, Director of the Information Society and Fight against Crime Directorate
	4. Modernisation of Convention 108
	<u>Required action:</u> The Bureau will take note of the information provided by the secretariat.
	<ul style="list-style-type: none"> • Consolidated text of the modernised version of Convention 108
	<ul style="list-style-type: none"> • Explanatory report of the modernised Convention 108
	<ul style="list-style-type: none"> • Amending Protocol
	5. State of play, ratifications and accessions
	<u>Required action:</u> The Bureau will take note of the information provided by the secretariat.
	<ul style="list-style-type: none"> • Convention 108+: chart of signatures and ratification • Convention 108: chart of signatures and ratifications
	6. Evaluation and follow up mechanism under Convention 108+
	Expert: Ms Cécile de Terwangne, CRIDS, Namur Franck Dumortier, Senior Consultant, Cybersecurity-Law
	<u>Required action:</u> The Bureau will take note of the information provided by the experts on the comments received and will hold an exchange of views on the topic
Terms of Reference	ToR of the Working Group on the evaluation and monitoring mechanism
T-PD(2018)20rev5	Evaluation questionnaire

T-PD(2018)21rev5	Document on the evaluation and follow-up mechanism under Convention 108+: process and rationale
	7. Law enforcement transborder access to data
T-PD(2019)8FIN Opinion on the provisional text and explanatory report of the draft Second Additional Protocol to the Budapest Convention on Cybercrime (ETS 185) on direct disclosure of subscriber information and giving effect to orders from another Party for expedited production of data	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 Bureau will take note of the information provided by the Secretariat.
	T-PD(2019)3 Preparation of a 2nd Additional Protocol to the Budapest Convention on Cybercrime: Consultation with data protection experts - Issues for discussion T-CY discussion paper: Conditions for obtaining subscriber information –static versus dynamic IP addresses Answers from the Committee of Convention 108 to the Discussion paper for the Octopus Conference Key messages of the Octopus Conference 2018
	8. Facial recognition
T-PD(2020)3	Expert: Sandra Azria, Avocat <u>Required action:</u> The Bureau will take note of the presentation by the expert and will hold an exchange of views on the draft Guidelines, in light of the comments received, with a view to enabling the finalisation of the draft.
	9. Data protection in an education setting
T-PD(2019)06BISrev3 T-PD(2019)06rev	Expert: Jen Persson, Director, “defenddigitalme” <u>Required action:</u> The Bureau will take note of the presentation by the expert and will hold an exchange of views on the draft Guidelines, in light of the comments received, with a view to enabling the finalisation of the draft.
	10. Update of the Recommendation CM/Rec(2010)13 on the protection of individuals with regard to automatic processing of personal data in the context of profiling
Recommendation CM/Rec(2010)13 T-PD(2019)07BISrev2	Experts: Yves Pouillet, Honorary Rector of the University of Namur, former Director of the Research Center for Computer Science and

T-PD(2019)07rev	<p>Law (CRIDS) and Benoit Fréney, associate professor at the Faculty of Computer Science, CRIDS</p> <p><u>Required action:</u> The Bureau will take note of the draft report and revised instrument will hold an exchange of views with the experts, with a view to enabling the finalisation of the documents.</p>
	<p>11. Digital identity</p>
T-PD(2020)04	<p>Expert: Pat Walshe, Director of Privacy Matters</p> <p><u>Required action:</u> The Bureau will take note of the preliminary report and will hold an exchange of views with the expert, with a view to enabling the finalisation of the report and deciding on the necessary follow-up.</p>
	<p>12. Personal data processing by and for political campaigns</p>
T-PD(2020)2	<p>Expert: Colin Bennett, Professor, Department of Political Science, University of Victoria</p> <p><u>Required action:</u> The Bureau will take note of the preliminary report and will hold an exchange of views with the expert, with a view to enabling the finalisation of the report and deciding on the necessary follow-up.</p>
	<p>13. Cooperation with other Council of Europe bodies and entities</p>
	<p><u>Required action:</u> The Bureau will take note of the information provided by the Secretariat.</p>
	<ul style="list-style-type: none"> • CAHAI • Children's Rights Committee (CDENF) • Macolin Convention • Steering Committee on Media and Information Society (CDMSI)
	<p>14. Overview of activities and major developments in the field of data protection</p>
	<p>COVID-19 related joint statements "Schrems II" decision</p> <p><u>Required action:</u> The Bureau will take note of the information provided by the Secretariat and delegates.</p>
	<p>15. Observers</p>
	<p><u>Required action:</u> The Bureau will take note of the information provided by the observers and by the Secretariat.</p>
	<p>Observers - State of play and admission criteria</p>

Draft agenda	<p>16. Agenda of the 40th plenary meeting</p> <p><u>Required action:</u> The Bureau will discuss and decide on the draft agenda of the 40th plenary meeting (18-20 November)</p>
T-PD-BUR(2020)...	<p>17. Interpretation of provisions</p> <p><u>Required action:</u> The Bureau will discuss the guidance to be provided in the interpretation of provisions of Convention 108+ as requested by a delegation during the 39th plenary meeting</p>
	<p>18. Next meetings</p>
	<p><u>Required action:</u> The Bureau will take note of the dates for the next meetings.</p>
	<p>Dates of next meetings in 2020</p> <p><u>Dates of further Bureau meetings:</u></p> <ul style="list-style-type: none"> • 51st Bureau meeting (16-18 December) <p><u>Dates of the Plenary meetings in 2020:</u></p> <ul style="list-style-type: none"> • 40th Plenary meeting (Strasbourg, 18-20 November)
	<p>19. Any Other Business</p>

DRAFT ORDER OF BUSINESS

Provisional and subject to change in light of the work pace

		28 September	29 September	30 September
<i>Start</i>	10:00 am	Items 1, 2, 3, 4, 5 and 11	Item 10	Item 8
<i>Break</i>	12.30	<i>Break</i>		
<i>Start</i>	2:30 pm	Item 9	Items 7, 17 and 12	Item 6
<i>End</i>	5 pm	<i>End</i>		

Items 13 to 19 to be taken when the order of business allows