CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA [ETS 108] (T-PD)

26th Plenary meeting

Strasbourg, 1-4 June 2010

ABRIDGED REPORT

Secretariat document prepared by the Directorate General of Human Rights and Legal Affairs
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 the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data [ETS No. 108], held its 26th meeting in Strasbourg on 1-4 June 2010. The agenda, as adopted by the T-PD, and the list of participants are set out in Appendices I and II.

The T-PD:

1. elected Mr Jean-Philippe Walter (Switzerland) as the Chair, Mrs Hana Stepankova (Czech Republic) as first Vice-Chair and Mrs Catherine Pozzo-di-Borgo (France) as second Vice-Chair;

2. adopted the Modifications of the T-PD’s rules of procedure (T-PD (2010) 01); however decided to expand on the content of Articles 14 and 15 of the procedure at a later stage;

3. elected Mrs Alessandra Pierucci (Italy), Mr Gerard Lommel (Luxembourg), Mr José Leandro Núñez García (Spain) and Mr David Törnqren (Sweden) as the members of the Bureau, to fulfil the terms of office until 2012;

4. took note of the updates provided by the Observers to the Committee: the Organisation for European Co-operation and Development (OECD) and the Commission of the European Union;

5. examined and adopted the draft Recommendation on the protection of individuals with regard to automatic processing of personal data used in the context of profiling (T-PD-BUR(2009)02 rev 6 Fin) and decided to forward it to the Bureau of the European Committee on legal co-operation (CDCJ-BU) for approval;

6. invited members of the T-PD to submit their comments and possible amendments to the draft Explanatory Memorandum to the draft Recommendation on the protection of individuals with regard to automatic processing of personal data used in the context of profiling;

7. took note of the summary presented by the Council of Europe Data Protection Commissioner, Mr Karel Neuwirt concerning his term of office;

8. elected Mr Karel Neuwirt as the Council of Europe Data Protection Commissioner for the second term of office;

9. held an exchange of views on the draft Regulation outlining a data protection system for personal data files in the Council of Europe and the comments on it received from the Legal Advice and Litigation Division with the view to finalising it. The proposed draft Regulation will presented to the Secretary General of the Council of Europe by the Data protection Commissioner;
10. **held** an exchange of views the Data Protection Day 2010 and on major developments in the data protection field since the 25th meeting of the T-PD (2-4 September 2009);

11. **took note** that an updated website on data protection is being developed and **requested** that the Secretariat set up a collaborative space within this updated website.

12. **took note** of the date of the 27th plenary meeting in 2011 (29 November – 2 December 2011).
APPENDIX I

DRAFT AGENDA

OPENING OF THE MEETING

ADOPTION OF THE AGENDA AND THE DRAFT MEETING REPORT OF THE 25TH PLENARY

STATEMENT BY THE SECRETARIAT


- CM/Del/Dec(2010)1079/10.2 Committee of Minister's decision on Draft Abridged report of the 25th Plenary meeting of the T-PD

- CM/Notes/1050/10.6 Instructions to the CDCJ on a new Committee of Ministers' recommendation on profiling


ELECTION OF THE CHAIR, VICE-CHAIRS AND THE BUREAU MEMBERS

Required action: the T-PD will elect its Chair, two Vice-chairs and the Bureau members

OVERVIEW OF DATA PROTECTION ACTIVITIES SINCE THE LAST PLENARY AND PARTICIPATION OF T-PD MEMBERS AT OTHER WORKING GROUPS (CAHTAX, ANTI-DOPING ETC)

Required action: the T-PD members will take note of the participation of the T-PD members at other working parties.
UPDATES FROM OBSERVERS

PROFILING

**Required action:** the T-PD will be called upon to examine the draft recommendation on personal data protection with regards to the process of profiling with a view to its adoption

- T-PD (2008) 1
  Final version of the study on the application of Convention 108 to the profiling mechanisms

  Draft recommendation on the protection of individuals with regard to automatic processing of personal data used in the framework of profiling as resulting from the 21th Bureau meeting (13-15 April 2010)

- T-PD-BUR (2010) 08
  Comments on the 5th version of the draft recommendation on the protection of individuals with regard to automatic processing of personal data used in the framework of profiling

- T-PD-BUR (2010) 02 rev2
  Explanatory memorandum on the draft recommendation on the protection of individuals with regard to automatic processing of personal data used in the framework of profiling

ELECTION OF THE DATA PROTECTION COMMISSIONER

**Required action:** According to Article 1 of the Resolution on the Regulation outlining a data protection system for personal data files in the Council of Europe, the T-PD will elect the Data Protection Commissioner of the Council of Europe.

T-PD (2010) 03
Election of the Council of Europe Data protection Commissioner

DISCUSSION ON A NEW RESOLUTION ON DATA PROTECTION COMMISSIONER

**Required action:** the T-PD will discuss the amendments proposed to the resolution on the Regulation outlining a data protection system for personal data files in the Council of Europe with a view to sending it to the Secretary General of the Council of Europe.

T-PD-BUR (2010) 06
Draft Regulation outlining a data protection system for personal data files in the Council of Europe
AMENDMENTS TO THE RULES OF PROCEDURE

Required action: the T-PD will be called upon to discuss the proposed amendments to the rules of procedure with a view to its adoption

- T-PD (2010) 01 Draft rules of procedure

DATA INFORMATION ON THE 2010 DATA PROTECTION DAY AND ON MAJOR DEVELOPMENTS IN THE DATA PROTECTION FIELD SINCE THE 25TH MEETING OF THE T-PD (2-4 SEPTEMBER 2010)

Required action: the T-PD will have an exchange of views on those issues. Delegations are encouraged to submit their contributions in writing to the Secretariat by the 15th of May

- DPD (2010) Compilation Compilation of the participation forms received for the 2010 Data Protection Day
- T-PD (2010) 02 MOS Information on recent developments at national level in the data protection field

COMMUNICATION FROM THE SECRETARIAT OF THE STEERING COMMITTEE ON MEDIA AND NEW COMMUNICATION SERVICES (CDMC)

- MC-S-CI (2010) 04 Draft declaration of the Committee of Ministers on the management of the Internet protocol address resources in the public interest

DATE OF THE 27TH PLENARY MEETING OF THE T-PD IN 2011
### APPENDIX II

### LIST OF PARTICIPANTS

### MEMBERS OF THE T-PD

#### ALBANIA/ALBANIA
- Flora Çabej Pogaçe, Albanian Commissioner for Personal Data Protection
- Erton Karagjozi, Director of the Registration Department, Commissioner for Personal Data Protection

#### ANDORRA/ANDORRE
- Joan Crespo Piedra, Chef de l’Agence, Agencia Andorrana de Proteccio de Dades Personals
- Anna Cadena Turiella, Inspectrice, Agencia Andorrana de Proteccio de Dades Personals

#### AUSTRIA/AUTRICHE
- Eva Souhrada-Kirchmayer, Head of the data protection division, Federal Chancellery

#### BELGIUM/BELGIQUE
- Joëlle Jouret, SPF Justice, Direction générale de la législation et des libertés et droits fondamentaux, Service des droits de l’homme

#### BOSNIA AND HERZEGOVINA / BOSNIE HERZEGOVINE
- Vesna Pehar, Assistant Director of the Department for International Cooperation and Public Relations, Agency for personal data protection

#### CROATIA/CROATIE
- Sanja Vuk, Chef du département pour l’UE et des affaires juridiques, Agence Croate pour la protection des données

#### CYPRUS/CHYPRE
- Nonie Avraam, Office of the Commissioner for personal data protection
  - Excused / excusé

#### CZECH REPUBLIC/RÉPUBLIQUE TCHÈQUE
- Hana Štěpánková [First Vice-Chair of the T-PD], Head of the Press Department, Spokeswoman, Office for Personal Data Protection
  - Excused / excusée

#### DENMARK/DANEMARK
- Louise Black Mogensen, Head of Section, The Danish Data Protection Agency

#### ESTONIA/ESTONIE
- Kaja Puusepp, Supervision Director, Estonian Data Protection Inspectorate
<table>
<thead>
<tr>
<th>Country / Pays</th>
<th>Name and Role</th>
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<tbody>
<tr>
<td>FINLAND/FINLANDE</td>
<td>Leena Vettenranta, Legal Adviser, Ministry of Justice</td>
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<tr>
<td>FRANCE</td>
<td>Mme Catherine Pozzo-di-Borgo [Second Vice-Chair of the T-PD], Commissaire du Gouvernement adjoint auprès de la CNIL</td>
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<tr>
<td>GERMANY/ALLEMAGNE</td>
<td>Claudia Thomas, Federal Ministry of the Interior, Division V II 4 Data Protection Law</td>
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<tr>
<td>GEORGIA/GEORGIE</td>
<td>Otar Kakhidze, Head of Analytical Department, Ministry of Justice</td>
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<tr>
<td>GRECE/GRECE</td>
<td>Zoe Kardasiadou, Lawyer, Ministry of Justice, Hellenic Data Protection Authority</td>
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<tr>
<td>HUNGARY/HONGRIE</td>
<td>Kinga Szurday, Senior Legal Councillor, Ministry of Justice and law enforcement</td>
</tr>
<tr>
<td>IRELAND/IRLANDE</td>
<td>Caroline Donnellan, Deputy to the Permanent Representative, Council of Europe permanent representation</td>
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<td>Noreen Walsh, Civil Law Reform Division, Department of Justice, Equality and Law Reform,</td>
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<tr>
<td>ITALY/ITALIE</td>
<td>Alessandra Pierucci, Civil Servant at the Italian Data Protection Authority, Garante per la Protezione dei Dati Personali</td>
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<td></td>
<td>Clizia D’Agata, Substitute representative of Ms. Alessandra Pierucci / Représentant remplaçante de Mme Alessandra Pierucci, Service for Community and International Matters of the Italian Data Protection Authority, Garante per la Protezione dei Dati Personali</td>
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<tr>
<td>LATVIA/LETTONIE</td>
<td>Signe Plumina, Director, Data State Inspectorate of Latvia</td>
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<td></td>
<td>Aiga Balode, Deputy Director, Data State Inspectorate of Latvia</td>
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<tr>
<td>LITHUANIA/LITUANIE</td>
<td>Rita Vaitkevičienė, Deputy Director, State Data Protection Inspectorate</td>
</tr>
<tr>
<td>LIECHSTENSTEIN</td>
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Philipp Mittelberger, Datenschutzbeauftragter, Stabsstelle für Datenschutz (Data Protection Office),

**LUXEMBOURG**
Gérard Lommel, Président de la Commission Nationale pour la protection des données (CNPD),

**MALTA/MALTE**
Ingrid Camilleri B.A., Head of Legal Unit, Office of the Data Protection Commissioner

**MOLDOVA**
Nicolae Lungu, Head of the Directorate for Legal Affairs and Public Relations, National Center for Personal Data Protection

**NETHERLANDS/PAYS-BAS**
Victoire Lucieer, Senior policy officer, Dutch Data Protection Authority

**NORWAY/NORVEGE**
Jan Eivind Norheim, Adviser, Ministry of Justice and Police, Department of Legislation

**POLAND/POLOGNE**
Urszula Góral, Director, Social Education and International Cooperation Department, Bureau of the Inspector General for Personal Data Protection

**PORTUGAL**
Joao Pedro Cabral, Directorate General of Justice Policy, Ministry of Justice

**ROMANIA/ROUMANIE**
Georgeta Basarabescu, President of the National Supervisory Authority for Personal Data Processing

George Grigore, Department of European Integration, and International Affairs - Romanian DPA

Raluca Popa, Department of International Affairs, National Supervisory Authority for Personal Data Processing

**SERBIA/SERBIE**
Nevena Ruzic, Head of the Office, Commissioner for Information of Public Importance and Personal Data Protection

**SLOVAKIA/SLOVAQUIE**
Veronika Žuffová–Kunčová, State Counselor, Foreign Relations Department, Personal Data Protection Office of the SR

**SLOVENIA/SLOVENIE**
Marijan Conc, State Supervisor for personal data, Information Commissioner Office

**SPAIN/ESPAGNE**
José Leandro Núñez García, Advisor on International Affairs, International Section of the Spanish Data Protection Agency, Agencia Española de Protección de Datos

**SWEDEN/SUEDE**

David Törngren, Legal Adviser, Ministry of Justice, Justitiedepartementet

**SWITZERLAND/SUISSE**

Jean-Philippe Walter [Chair of the T-PD], Office du Préposé fédéral à la protection des données et à la transparence (PFPDT), Chancellerie fédérale

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / « L’EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE »:

Elena Stojanovska, Advisor for International Cooperation and Public Relations, Directorate for Personal Data Protection

**UNITED KINGDOM/ROYAUME-UNI**

Kevin Fraser, Head of EU Data Protection Policy, Ministry of Justice

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**COUNCIL OF EUROPE DATA PROTECTION COMMISSIONNER / COMMISSAIRE A LA PROTECTION DES DONNEES DU CONSEIL DE L’EUROPE**

Karel Neuwirt, Czech Republic

**EXPERTS SCIENTIFIQUES/SCIENTIFIC EXPERTS**

Yves Pouillet, Directeur du CRID (Centre de Recherches Informatique et Droit)

Jean-Marc Dinant, Informaticien expert auprès de la Commission Belge de la protection de la vie privée, Maître de conférence à l’Université de Namur

**COMMISSION OF THE EUROPEAN COMMUNITIES/ COMMISSION DES COMMUNAUTÉS EUROPÉENNES**

Hana Pecháčková, Directorate General Justice, Freedom and Security, D5 Data Protection Unit

**OBSERVERS/OBSERVATEURS**

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