



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 4 June 2010

T-PD (2010) RAP 26 Abr

**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 Törngren (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 be 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

- T-PD (2009) RAP 25 Draft report of the 25th Plenary meeting of the T-PD (Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data [ETS No. 108]) (2-4 September 2009)

- 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

- T-PD-BUR (2009) RAP 19 Report of the 19th meeting of the T-PD-BUR (18-20 November 2009)

- T-PD-BUR (2010) RAP 20 Report of the 20th meeting of the T-PD-BUR (2-4 March 2010)

- T-PD-BUR (2010) RAP 21 Report of the 21th meeting of the T-PD-BUR (13-15 April 2010)

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
- T-PD-BUR(2009)2Rev5
Fin 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

ALBANIE/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

FINLAND/FINLANDE

Leena Vettenranta, Legal Adviser, Ministry of Justice

FRANCE

Mme Catherine Pozzo-di-Borgo [*Second Vice-Chair of the T-PD*], Commissaire du Gouvernement adjoint auprès de la CNIL

GERMANY/ALLEMAGNE

Claudia Thomas, Federal Ministry of the Interior, Division V II 4 Data Protection Law

GEORGIA/GEORGIE

Otar Kakhidze, Head of Analytical Department, Ministry of Justice
Excused / excusée

GREECE/GRECE

Zoe Kardasiadou, Lawyer, Ministry of Justice, Hellenic Data Protection Authority

HUNGARY/HONGRIE

Kinga Szurday, Senior Legal Councillor, Ministry of Justice and law enforcement

IRELAND/IRLANDE

Caroline Donnellan, Deputy to the Permanent Representative, Council of Europe permanent representation

Noreen Walsh, Civil Law Reform Division, Department of Justice, Equality and Law Reform,

ITALY/ITALIE

Alessandra Pierucci, Civil Servant at the Italian Data Protection Authority, Garante per la Protezione dei Dati Personali
Excused / excusée

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

LATVIA/LETTONIE

Signe Plumina, Director, Data State Inspectorate of Latvia

Aiga Balode, Deputy Director, Data State Inspectorate of Latvia

LITHUANIA/LITUANIE

Rita Vaitkevičienė, Deputy Director, State Data Protection Inspectorate

LIECHTENSTEIN

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

***COUNCIL OF EUROPE DATA PROTECTION COMMISSIONER /
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

***FRENCH-SPEAKING ASSOCIATION OF PERSONAL DATA PROTECTION
AUTHORITIES / ASSOCIATION FRANCOPHONE DES AUTORITÉS DE
PROTECTION DES DONNÉES PERSONNELLES (AFAPDP)***

Olivier Matter, CNIL, Secrétariat Général de l'AFAPDP

**ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) /
ORGANISATION DE COOPERATION ET DE DEVELOPPEMENT ECONOMIQUES
(OCDE)**

Michael Donohue, Information security, privacy, and consumer policy, OECD, DSTI,
ICCP

UNITED STATES OF AMERICA / ETATS-UNIS D'AMERIQUE

Lauren Saadat, US Dept. of Homeland Security, Privacy Office, International Privacy
Policy, U.S. Department of Homeland Security,

SECRETARIAT

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DIRECTION GENERALE DES DROITS DE L'HOMME ET DES AFFAIRES JURIDIQUES**

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