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

28th plenary meeting

Strasbourg, 19-22 juin 2012

ABRIDGED REPORT

DG I – Human rights and rule of law
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 28th meeting in Strasbourg from 19 to 22 June 2012, with Mr Jean-Philippe Walter (Switzerland) in the Chair. 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. took note of information provided by Mr Jan Kleijssen, Director of Information Society and Action against Crime, DGI, on the modernisation of the Convention 108, major developments since the 27th Plenary meeting (29 November-2 December 2011) and changes in the Secretariat of the Consultative Committee;

2. gave a second reading to the proposals for modification of Convention 108, revised by its Bureau following the last plenary meeting and the consultations carried out, and decided to instruct its Bureau to finalise these proposals in the light of the discussions and of comments made, with a view to their examination at the 29th plenary meeting (27 to 30 November 2012);

3. took note of the work being done within its Bureau so as to submit a draft revision of Recommendation (89)2 on the protection of personal data used for employment purposes by the end of the year;

4. invited the scientific expert, Mr Joseph Cannataci, to finalise his report on implementation of Recommendation (87)15 regulating the use of personal data in the police sector in time for examination at the 29th plenary meeting;

5. took note of the information provided on Data Protection Day 2012 and the initiatives with a view to the 2013 edition as well as on activities and major developments in the data protection field since its last plenary meeting and, concerning the latter point, invited its Bureau to consider the advisability of identifying a specific theme for exchanges of information during forthcoming plenary meetings;

6. took note of the information provided concerning the cooperation with other Council of Europe bodies and institutions and, in particular, of the work of the Office of the Commissioner for Human rights and on sport related conventions which may lead to a new cooperation;

7. took note of the information provided on the state of signatures, ratifications and accessions and welcomed the arrival of a 44th party to the Convention (Armenia);

8. confirmed the lines of its work programme for 2012 and 2013 and instructed its Bureau to ensure its implementation and to examine avenues for subsequent action;

9. adopted the text of the opinion on a draft declaration by the Committee of Ministers on risks to fundamental rights stemming from digital tracking and other surveillance technologies and instructed the Secretariat to transmit it to the Steering Committee on Media and Information Society (CDMSI) within the required deadline;

10. examined the draft opinion on the proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the
processing of personal data and on the free movement of such data and the draft opinion on the proposal of a Directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offenses or the execution of criminal penalties, and the free movement of such data and, should the request be formally confirmed, instructed its Secretariat to review them;

11.. took note of the information submitted by the observers and by the Council of Europe Data Protection Commissioner and underlined the need for the Council of Europe to align its internal regulations on the standards it promotes;

12.. took note of the presentation by Mr Luiz Costa on data protection in Brazil;

13.. instructed its Secretariat to contact each delegation with a view to updating the national information on the Internet site and the information on contact points, taking note also of the OECD representative’s invitation to share this information;

14.. elected Mr Walter (Switzerland) as its Chair for a further term of office, Ms Štěpánková (Czech Republic) as 1st Vice-Chair, Ms Catherine Pozzo di Borgo (France), as 2nd Vice-Chair as well as the following four Bureau members: Mr Lommel (Luxembourg), Ms Pierucci (Italy), Mr Puente Escobar (Spain) and Ms Ruzic (Serbia).

15.. took note of the dates of the 29th plenary meeting (27-30 November 2012 in Strasbourg) and of the Bureau meeting (27-28 September 2012 in Strasbourg).
ANNEXE I
LIST OF PARTICIPANTS

Strasbourg, 22 June 2012
T-PD (2012) LP

CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA [ETS 108]
COMITE CONSULTATIF DE LA CONVENTION POUR LA PROTECTION DES PERSONNES A L’EGARD DU TRAITEMENT AUTOMATISE DES DONNEES A CARACTERE PERSONNEL [STE 108]
(T-PD)

28th meeting / 28ème réunion
Strasbourg, 19 – 22 juin/June 2012
Palais – salle 2

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS
MEMBERS OF THE T-PD/MEMBRES DU T-PD

ALBANIA / ALBANIE
Flora Çabej Pogaçe, Albanian Commissioner for Personal Data Protection, Rruga Abdi Toptani, Ish godina e Ministre te Transporteve dhe Telekomunikacionit, Kati i dyte, Tirana

Elka Dafa, Expert of Legal Procedural and Foreign Relations Department, Rruga Abdi Toptani, Nr. 4, Kati i Il-te, Tirana

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Valérie Verbruggen, Conseiller Juridique, Commission de la protection de la vie privée, Rue Haute 139, 1000 Bruxelles

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BULGARIA / BULGARIE (Apologised / excusé)

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CYPRUS / CHYPRE
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CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE
Hana Štěpánková, Head of the Press Department, Spokeswoman, Office for Personal Data Protection, Pplk.Sochora 27, 170 00 Prague 7

DENMARK / DANEMARK
Jens Teilberg Søndergaard, Head of Constitutional Law Division, Ministry of Justice, Statsretskontoret, Slotsholmsgade 10, 1216 København K

ESTONIA / ESTONIE
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FINLAND / FINLANDE
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GEORGIA / GEORGIE
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<table>
<thead>
<tr>
<th>Country</th>
<th>Name</th>
<th>Title/Position</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Deputy Director, State Data Protection Inspectorate</td>
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<td>Gérard Lommel</td>
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<tr>
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<td>Ingrid Camilleri B.A.</td>
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<tr>
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<td>Conseiller Technique, Département de l’Équipement</td>
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<tr>
<td>Montenegro</td>
<td>Radenko Lacmanovic</td>
<td>Council member of Data Protection Agency of Montenegro</td>
<td>Kralja Nikole 2, Podgorica</td>
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<tr>
<td></td>
<td>Bojana Lakovic</td>
<td>Personal assistant, Nikole Kovacevica 8, Podgorica</td>
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<td>Norway</td>
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<tr>
<td>Poland</td>
<td>Wojciech Rafal Wiewiorowski</td>
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<td>João Pedro Cabral</td>
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<tr>
<td>Moldova</td>
<td>Nicolae Lungu</td>
<td>Head of the Legal Affairs Division and Public Relation for the National</td>
<td>Center for the Data Protection, MD-2012 Chisinau</td>
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<tr>
<td>Romania</td>
<td>Georgeta Basarabescu</td>
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<tr>
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</tbody>
</table>
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Dmitry Vyatkin, Deputy Chairman of the State Duma Committee on Constitutional Legislation and State Building;

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Luiz Costa, Faculté de droit, CRIDS, Rempart de la Vierge, 5, 5000 Namur (Belgique)

COUNCIL OF EUROPE BODIES / ORGANES DU CONSEIL DE L'EUROPE

The European Committee on Legal Co-operation / Le Comité européen de coopération juridique (CDCJ)

Diana Scobioală, Chef de la Direction Générale des relations internationales et intégration européenne, Ministère de la Justice, 31 August 1989 str. No 82, MD - 2012 Chisinau

SECRETARIAT

DG I – HUMAN RIGHTS AND RULE OF LAW /
DG I - DROITS DE L'HOMME ET ÉTAT DE DROIT

Information Society and Action againt Crime Directorate / Direction de la Société de l'Information et de la lutte contre la criminalité

Jan Kleijssen, Director/Directeur

Media, Information Society, Data Protection and Cybercrime Department / Service des médias, de la société de l'information, de la protection des données et de la cybercriminalité

Jan Malinowski, Head of Media, Information Society, Data Protection and Cybercrime Department

• Data Protection and Cybercrime Division / Division de la protection des données et cybercriminalité

Alexander Seger, Head of Division/ Chef de Division

Sophie Kwasny, Secretary of the TPD / Secrétaire du T-PD
Nicolas Wevelsiep, Programme officer / Gestionnaire de programmes

Szilvia Simond, Assistant / Assistante

**Office of the Commissioner for Human Rights / Bureau du Commissaire aux Droits de l’Homme**

Victor Munteanu, Adviser to the Commissioner for Human Rights

**Sport Conventions Divisions / Division des conventions du sport**

Pierre Masson, Head of Sport Conventions Division / Chef de Division des conventions du sport

Liene Kozlovska

**INTERPRETERS/INTERPRETES**

Alison Smith
Derrick Worsdale
Christine Trapp
ANNEXE II

AGENDA

Strasbourg, 15 juin 2012

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

28th Plenary meeting

19 June 2012 (9.30 a.m.)
22 June 2012 (5 p.m.)

Strasbourg, Palais, Room 2

AGENDA

I. OPENING OF THE MEETING

II. ADOPTION OF THE AGENDA

III. STATEMENT BY THE SECRETARIAT
Mr. Jan Kleijsen, Director, Information Society and Action Against Crime

- T-PD-BUR RAP26 Report of the 26th meeting of the Bureau of the T-PD (6-8 February 2012)
IV. MODERNISATION OF CONVENTION 108

Required action: The T-PD will consider in second reading the proposals of modernisation of Convention 108 with a view to their approval and transmission to the Committee of Ministers.

- **T-PD(2012) Rules** T-PD’s rules of procedure

- **T-PD(2012)04Mos** Final document on the modernisation of Convention 108 (to be issued after replies by Delegations have been received)
- **T-PD-BUR(2012)03Mos** Compilation of the comments received on the modernisation of Convention 108
- **T-PD-BUR(2011)01mosRev6** “Consultation concerning the modernisation of Convention 108: results”
- **T-PD-BUR(2010)09** Report on the lacunae of the Convention for the protection of individuals with regard to automatic processing of personal data (ETS 108) resulting from technological developments
- **T-PD-BUR(2011)15** Modalities for the amendment of Council of Europe treaties
- **T-PD-BUR(2011)25** Secretariat Comments on the strengthening of the Convention’s follow up mechanism
V. DATA PROTECTION USED FOR EMPLOYMENT PURPOSES

 Required action: The Committee will take note of the information provided on the revision work of the 1989 Recommendation.

- T-PD-BUR(2010)11FIN Study on Recommendation (89)2 on the protection of personal data used for employment purposes and to suggest proposals for the revision of the above-mentioned Recommendation by Mr Giovanni Buttarelli.

- Recommendation (89)2

VI. DATA PROTECTION AND POLICE

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

- Recommendation (87)15 of the Committee of Ministers to the member States on regulating the use of personal data in the police sector

“Recommendation (87)15 – Twenty-five years down the line: Preliminary Report “

(restricted)

VII. OVERVIEW OF DATA PROTECTION ACTIVITIES SINCE THE LAST PLENARY MEETING

 Required action: the T-PD members will take note of the participation of the T-PD members and the Secretariat in various events and of the information provided.

- T-PD-BUR(2012)02Mos Compilation of reports of T-PD representatives in other committees and fora as well as other events and conferences

EVENTS AND CONFERENCES 2012

- Washington – EU Conference – 19 March
- Luxembourp – European DPA Conference (3 – 4 May)
- Skopje – International Conference (30-31 May)
- Stockholm – EuroDIG (14 – 15 June)
- Strasbourg – Octopus Conference (6-8 June)
**FORTHCOMING:**
- **PUNTA DEL ESTE – 34TH INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS** (23 – 26 October)
- **BAKU – INTERNET GOVERNANCE FORUM (IGF)** (6 – 9 November)

VIII. **DATA PROTECTION DAY**

*Required action: The Committee will take note of the information provided.*

- **DPD (2012) Compilation**
  Compilation of the participation forms received for the 2012 Data Protection Day

- **T-PD-BUR(2012)02Mos**
  Compilation of reports of T-PD representatives in other committees and fora as well as other events and conferences


*Required action: The Committee will take note of the information provided and will have an exchange of views on those issues.*

- **T-PD(2012)02Mos**
  Information on the recent developments at national level in the data protection field

- **T-PD(2012)02Mos Add**
  Brazil

- **International Focus**
  *A brief analysis of Data Protection Law in Brazil by Luiz Costa*

X. **WORK PROGRAMME**

- **T-PD (2012) WP**
  Work programme for the T-PD for 2012 and 2013

XI. **COOPERATION WITH OTHER COUNCIL OF EUROPE BODIES**

*Required action: The Committee will take note of the information provided.*

- Steering Committee on Media and Information Society (CDMSI)
- European Committee on Legal Cooperation (CDCJ)
- Council of Europe Parliamentary Assembly (PACE)
- Enlarged Partial Agreement on Sport (EPAS) – Sport Conventions Division
  Link to the document “Data protection issues in anti-doping”
- Committee on Bioethics (DH – Bio)
XII. **OPINIONS**

*Required action: The Committee will take note of the finalised opinions and will consider the draft opinions submitted.*

- **T-PD(2012)01**  
  Compilation of opinions

- Draft opinion on the proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

- Draft opinion on the proposal of a Directive of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offenses or the execution of criminal penalties, and the free movement of such data.

- Draft opinion on the Draft Committee of Ministers Declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies.  
  [Link to the Draft Declaration](#)

- Consultation on “Internet of things”

XIII. **STATE OF SIGNATURES, RATIFICATIONS AND ACCESSION**

*Required action: The Committee will take note of the information provided.*

- **Overview Convention 108**

- **Overview additional Protocol**

XIV. **OBSERVERS**

*Required action: Note will be taken on the information provided by the Observers.*

XV. **DATA PROTECTION COMMISSIONER**

*Required action: The Committee will take note of the information provided.*

- Secretary General’s Regulation

XVI. **CONTACT POINTS AND NATIONAL INFORMATION**

XVII. **NEXT MEETINGS**
Required action: The Committee will take note of the proposed dates for the next meetings of the Bureau of the T-PD and of the Plenary meeting in 2013.

XVIII. ELECTIONS

• **T-PD(2012)03**  Memorandum concerning elections for the T-PD

XIX. OTHER BUSINESS

• International Commission on Civil Status