



Strasbourg, 13 February 2013

T-PD-BUR(2013)RAP29Abr

**BUREAU OF THE CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION  
OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA [ETS N°  
108]**

**(T-PD-BU)**

**29<sup>th</sup> meeting of the Bureau**

Strasbourg, 5 – 7 February 2013

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**ABRIDGED REPORT**

The Bureau of the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD-BU) held its 29th meeting in Strasbourg from 5 to 7 February 2013 with Mr Jean-Philippe Walter (Switzerland) in the Chair. The agenda as adopted by the Bureau of the T-PD and the list of participants are set out in Appendices I and II.

The Bureau of the T-PD:

1. took note of information presented by Mr Jan Kleijssen, Director, Information Society and Action against Crime, DGI, on the forthcoming stages in the modernisation process following the adoption of the proposals by the T-PD (29<sup>th</sup> plenary meeting, 27 – 30 November 2012), in particular the setting up of an ad hoc committee, and on the major developments since the plenary meeting;

2. examined the draft explanatory report to the modernised version of the Convention and asked the Secretariat to make the necessary changes so that it could be forwarded to delegations and observers at the beginning of March (following the Bureau's validation of the revised version by written procedure) in order to obtain their written comments and to be able to have those comments in time for the 30<sup>th</sup> meeting of the Bureau (28-30 May 2013);

3. took note of information presented with regard to the draft terms of reference of the Ad-Hoc Committee on Data Protection (CAHDATA) and asked the Secretariat to make additions to the draft in order to include, as observers, an extensive list of non-member states and certain international organisations (United Nations, Organization of American States, African Union, Economic Community of West African States, Association of Southeast Asian Nations, APEC) while underlining the necessity to revise the proposed formulation of Article 22 (entry into force) of the modernisation proposals of Convention 108 and asked the Secretariat to organise the modalities of this revision;

4. examined the proposals relating to the mechanism for assessing implementation of the modernised Convention and asked the Secretariat to revise these proposals in the light of the discussions;

5. took note of information presented by the scientific expert, Mr Joseph A. Cannataci, in connection with the report entitled "Recommendation (87)15 – Twenty-five years down the line", which would be on the agenda of the 30<sup>th</sup> plenary session of the T-PD and held an exchange of views on the follow up to this work on the basis of proposals by the expert, who recommended giving consideration to standard-setting work (binding instrument) in this field and also presented his propositions to the members of the Bureau of the Convention Committee on Cybercrime (T-CY);

6. took note of information presented by the scientific expert, Mr Paul De Hert, in connection with the report on the collection and processing of biometric data, which would also be on the agenda of the 30<sup>th</sup> plenary session;

7. examined the draft questionnaire prepared by the scientific expert to assess the implementation of Recommendation R(97)5 on the protection of medical data and asked the Secretariat to co-ordinate the forthcoming stages in this work, namely finalisation of the questionnaire (on the basis of written comments sent by the participants) and sending of the questionnaire to delegations by the end of April at the latest (deadline for replies - 30 June) so that the scientific expert could submit a draft report in September;

8. examined the draft revised Recommendation on the protection of personal data used for employment purposes and asked the Secretariat to make the proposed changes and to forward the revised version to participants so that it could be sent beginning of April at the latest to

delegations and observers for comment beginning of April at the latest (deadline for replies – 10 May) and re-examined at its 30<sup>th</sup> meeting;

9. took note of information presented by the Secretariat of the Enlarged Partial Agreement on Sport (EPAS) on the work in progress on the manipulation of sports results and agreed that the Bureau would prepare an opinion on the preliminary draft Convention against manipulation of sports results, which would be submitted to the Drafting Group at its plenary meeting on 20-22 March 2013;

10. took note of information presented by the Secretariat of the Bioethics Committee (DH-Bio) on the committee's activities in the field of using health related data, including genetic data, for insurance purposes and concerning the research on biological material of human origin and biobanks, as well as future activities on electronic medical file;

11. took note of the invitation to the Kingdom of Morocco to accede to Convention 108 and of the recent adoption in Uruguay of the law ratifying Convention 108, suggesting that this country would shortly be acceding to the Convention;

13. decided to postpone to its 30<sup>th</sup> meeting the information items not covered (revision of the document on the case law of the European Court of Human Rights relating to data protection and the Data Protection Day);

14. confirmed that its next meeting would take place from 28 to 30 May 2013 (the 31<sup>st</sup> meeting being at present scheduled for 28 to 30 November 2013).

## APPENDIX I.

Strasbourg, 05 February 2013

T-PD-BUR 29 (2013)OJ\_en

### BUREAU OF THE CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA [ETS n° 108]

29<sup>th</sup> meeting, Strasbourg, Agora room G4

From 5 February 2013 – 9:30 am to 7 February 2013 – 4 pm
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### AGENDA

#### 1. OPENING OF THE MEETING

- T-PD (2012) RAP 29 Abr\_en      Abridged report of the 29<sup>th</sup> Plenary meeting of the Consultative Committee (27-30 November 2012)
- T-PD-BUR(2012)RAP28      Report of the 28<sup>th</sup> meeting of the Bureau of the T-PD (27-28 September 2012)
- T-PD(2012)WP      Work programme of the T-PD
- T-PD(2012)Rules      T-PD's rules of procedure

#### 2. ADOPTION OF THE AGENDA

#### 3. STATEMENT BY THE SECRETARIAT

Jan Kleijssen, Director, Information Society and action against crime

#### 4. MODERNISATION OF CONVENTION 108

Scientific Expert: Ms Cécile de Terwangne, Professor Law Faculty, CRID Research Director, Namur University (FUNDP)

*Required action: The Bureau will examine the draft explanatory report and will take note of the information provided concerning the evaluation and follow-up mechanism and concerning the ad hoc committee*

- T-PD(2012)04REV03      Final document on the modernisation of Convention 108
- T-PD-BUR(2013)03      Draft Explanatory report
- T-PD-BUR(2013)01      Draft terms of reference of the Ad hoc Committee

- T-PD-BUR(2013)02 Information elements concerning the evaluation and follow-up mechanism
- T-PD-BUR(2010)13rev Report on the modalities and mechanisms for assessing implementation of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108) and its Additional Protocol
- T-PD-BUR(2011)25 Secretariat Comments on the strengthening of the Convention's follow up mechanism

## 5. DATA PROTECTION AND POLICE

Scientific expert: Mr Joseph A. Cannataci, Professor at the University of Groningen, Faculty of Law, Netherlands

*Required action: The Bureau will take note of the information provided by the scientific expert and will decide on the next steps to be taken as regards to this works.*

- "Recommendation (87)15 – Twenty-five years down the line: Report" (restricted)
- Recommendation (87)15 of the Committee of Ministers to the member States on regulating the use of personal data in the police sector

## 6. BIOMETRICS

Scientific expert: Professor Paul De Hert, Head of the Department Interdisciplinary Legal Studies at Tilburg University, Netherlands

*Required action: The Bureau will take note of the information provided by the scientific expert and will decide on the next steps to be taken as regards this work.*

- Experts' Report on the application of the principles of Convention 108 to the collection and processing of biometric data
- 2005 Progress report on the application of the principles of Convention 108 to the collection and processing of biometric data
- Resolution 1797 (2011) of PACE "The need for a global consideration of the human rights implications of biometrics"
- Recommendation 1960(2011) of PACE "The need for a global consideration of the human rights implications of biometrics"

## 7. PROTECTION OF MEDICAL DATA

Scientific expert: Mr Joseph A. Cannataci, Professor at the University of Groningen, Faculty of Law, Netherlands

*Required action: The Bureau will take note of the information provided by the scientific expert and will decide on the next steps to be taken as regards this work.*

- Draft questionnaire
- Recommendation N° (97) 5 on the protection of medical data

## 8. DATA PROTECTION USED FOR EMPLOYMENT PURPOSES

*Required action: The Bureau will examine the draft revised Recommendation in order to make the necessary changes before its transmission to delegations and observers for comments.*

- T-PD(2012)12 Draft (revised) Recommendation on the protection of personal data used for employment purposes
- 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 on the protection of personal data used for employment purposes

## 9. DATA PROTECTION DAY

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

- DPD(2013)Compilation\_MOS Activities and events organised by member states and observers

## 10. COOPERATION WITH OTHER COUNCIL OF EUROPE BODIES

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

- Committee on Bioethics (DH – Bio)
- Enlarged Partial Agreement on Sport (EPAS) – Sport Conventions Division

Draft International Convention to combat the manipulation of sports results (*restricted*)

## 11. STATE OF SIGNATURES, RATIFICATIONS AND ACCESSION

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

- Overview Convention 108
- Overview additional Protocol

## 12. EVENTS AND DATA PROTECTION ACTIVITIES AS WELL AS WORK OF OTHER INTERNATIONAL ORGANISATIONS AND INSTITUTIONS: OVERVIEW

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

- 6<sup>th</sup> CPDP Conference « Computers, Privacy and Data Protection » (23-25 January 2013, Brussels)
- International Conference 'Online Privacy: Consenting to your Future' (21-22 March 2013, Malta)

### 13. OBSERVERS

*Required action: The Bureau will take note of the information provided by the observers.*

### 14. OTHER ISSUES

- European Court of Human Rights (ECtHR) case law  
DP (2013) Case Law

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### DRAFT ORDER OF BUSINESS

		<b>5 February 2013</b>	<b>6 February 2013</b>	<b>7 February 2013</b>
<i>Opening</i>	<b>09:30 am</b>	Items 1,2,3 & 5	Item 4	Item 4, 6 and remaining items
<i>End</i>	<b>12:30am/1pm</b>	Lunch	Lunch	Lunch
<i>Re-opening</i>	<b>2 pm/2:30pm</b>	Items 5, 7 and 8	Item 4	Item 6 and remaining items
	<b>8 pm</b>	Informal gathering		

**APPENDIX II.**

Strasbourg, 7 February / février 2013

T-PD-BUR 29(2013)LP(Final)

**BUREAU OF THE CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE  
PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF  
PERSONAL DATA  
[ETS 108]**

**BUREAU DU COMITE CONSULTATIF DE LA CONVENTION POUR LA PROTECTION  
DES PERSONNES A L'EGARD DU TRAITEMENT AUTOMATISE  
DES DONNEES A CARACTERE PERSONNEL  
[STE n° 108]**

**(T-PD-BUR)**

**LIST OF PARTICIPANTS**

**LISTE DES PARTICIPANTS**

**Strasbourg, 5-7 February / février 2013  
Building / bâtiment AGORA  
Room / salle 04**

**DG – I Human Rights and Rule of Law  
DG – I Droits de l'Homme et Etat de droit**



## **MEMBERS OF THE BUREAU / MEMBRES DU BUREAU**

### **CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE**

Hana Štěpánková, [*First Vice-chair*], Head of the Press Department, Spokeswoman, Office for Personal Data Protection

### **FRANCE**

Catherine Pozzo-di-Borgo, [*Seconde Vice-présidente*], Commissaire du Gouvernement adjoint auprès de la CNIL, Secrétariat Général du gouvernement

### **ITALY / ITALIE**

Pierruci Alessandra, Garante per la Protezione dei Dati Personali

### **LUXEMBOURG** (apologised/excusé)

### **PORTUGAL**

João Pedro Cabral, Legal Adviser, Directorate General of Justice Policy, Ministry of Justice

### **SERBIA / SERBIE**

Nevena Ružić, Head of Office, Commissioner for Information of Public Importance and Personal Data Protection

### **SPAIN / ESPAGNE**

Agustín Puente Escobar, Director, Agencia Española De Protección De Datos, State Attorney - Head of the Legal department

### **SWITZERLAND / SUISSE**

Jean-Philippe Walter, [*Président*], Préposé fédéral à la protection des données et à la transparence (PFPDT), Chancellerie fédérale

## **OBSERVERS / OBSERVATEURS**

### **TURKEY / TURQUIE**

Nurullah Yamali, Counsellor (Rapporteur Judge) / Permanent Representation of Turkey to the CoE

### **USA / ETATS-UNIS**

Evan G. Reade, Consul General, Deputy Permanent Observer to the Council of Europe, Consulate General United States of America

### **EUROPEAN COMMISSION / COMMISSION EUROPEENNE**

Katerina Dimitrakopoulou, Policy Officer, Directorate C: fundamental rights and Union citizenship, Unit C3 Data Protection

### **COUNCIL OF THE EUROPEAN UNION / CONSEIL DE L'UNION EUROPEENNE**

Guy Stessens, Council of the European Union, General Secretariat

### **EUROPEAN DATA PROTECTION SUPERVISOR (EDPS) / LE CONTRÔLEUR EUROPEEN DE LA PROTECTION DES DONNÉES (CEPD)**

Alba Bosch Moline, Legal officer, European Data Protection Supervisor (EDPS)

### **ASSOCIATION EUROPEENNE POUR LA DEFENSE DES DROITS DE L'HOMME / EUROPEAN ASSOCIATION FOR THE DEFENSE OF HUMAN RIGHTS (AEDH)**

Marise Artiguelong, Déléguée

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

**INTERNATIONAL CHAMBER OF COMMERCE (ICC) / CHAMBRE DE COMMERCE INTERNATIONALE (CCI)** (apologised/excusé)

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**INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS / CONFERENCE INTERNATIONALE DES COMMISSAIRES A LA PROTECTION DES DONNEES ET DE LA VIE PRIVEE** (apologised/excusé)

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**INTERPOL**

Caroline Goemans-Dorny, Senior Counsel, I.C.P.O.-INTERPOL

**INTERNET SOCIETY / L'INTERNET SOCIETY (ISOC)**

Christine Runnegar, Senior Policy Advisor

**OTHER PARTICIPANTS / AUTRES PARTICIPANTS**

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

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Eva Souhrada-Kirchmayer

**SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES**

Cécile de Terwangne, Professeur à la Faculté de Droit, Directrice de recherche au CRIDS (Centre de Recherches Informatique, Droit et Société), Facultés Universitaires Notre-Dame de la Paix (FUNDP)

Joseph Cannataci, Professor, Chair in European Information & Tech., Department of Business Law, Faculty of Law, University of Groningen, The Netherlands

Paul de Hert, Professor at Tilburg Institute for Law (TILT), Technology, and Society Tilburg University

**SECRETARIAT**

**DG I – Directorate General Human Rights and Rule of Law /  
DG I - Direction Générale Droits de l'Homme et Etat de Droit**

**Information Society and Action against 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 Department / Chef de service

**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 T-PD / Secrétaire du T-PD

Maria Michaelidou, Programme Advisor / Conseillère de programme

Szilvia Simond, Assistant / Assistante

**Bioethics Department / Service de la Bioéthique**

Laurence Lwoff, Secretary of the DH-BIO / Secrétaire du DH-BIO

**DG II. - Directorate general of Democracy  
DG II. - Direction générale de la démocratie**

**Enlarged partial agreement on sport (EPAS) / Accord partiel élargi sur le sport (APES)**

Stanislas Frossard, Executive Secretary / Secrétaire exécutif

**INTERPRETERS/INTERPRETES**

Grégoire Devictor  
Derrick Worsdale  
Isabelle Marchini