



Strasbourg, 6 February 2009

T PD Bur (2008) RAP 16

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

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

Paris, 17-18 December 2009

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**ABRIDGED REPORT**

1. The Bureau of the T-PD held its 16<sup>th</sup> meeting at the Council of Europe's office in Paris, on 17-18 December 2008. The list of participants and agenda of the meeting are respectively set out in Appendices I and II of this report.
2. The Secretariat informed the Bureau about new developments since its last meeting in October 2008: The budget of the Council of Europe for 2009 had been adopted by the Committee of Ministers on 25 November 2008. As in several sectors, the data protection budget registered a cut of more than 10%, which did however not affect meetings: as was the case this year, the budget of the T-PD foresaw one plenary meeting and 3 Bureau meetings for next year, all of them with a duration of 2 days each.
3. As regards new developments in the field of data protection, Convention 108 did not register any new signature or ratification. Therefore, this Convention still had 40 ratifications and 4 signatures non followed by ratifications. The Additional Protocol to Convention 108 regarding supervisory authorities and transborder data flows had been ratified by Serbia on 8 December 2008 and signed by Estonia on 15 December 2008. As a result, the Additional Protocol had been ratified by 22 states and signed by a further 15. The Amendments to Convention 108 allowing the European Communities to accede had been accepted by Georgia on 12 November 2008. Therefore, there were currently 29 States out of the 40 State parties to the Convention that had accepted them.
4. The Secretariat also informed the Bureau about two recent decisions of the European Court of Human Rights that concerned data protection issues, in the cases of *S. and Marper vs UK* and *K.U vs Finland*. Moreover, the Council of Europe Human Rights Commissioner, Thomas Hammarberg, had published an issue paper on "protecting the right to privacy in the fight against terrorism".
5. The Bureau of the T-PD had an exchange of views on the future of standard setting in the field of data protection and in particular the relations with the European Committee on Legal Co-operation (CDCJ), which terms of reference include data protection. The Secretariat and the Chair reported on the discussion that took place on this issue at the last Bureau meeting of the CDCJ (see document CDCJ-BU (2008) 25). The Bureau of the T-PD:

- agreed to send, after its next meeting, the draft recommendation on profiling and its explanatory memorandum to the CDCJ for preliminary consultation in writing. It would then take into account comments received in its further work on the text;
- agreed that the draft recommendation and explanatory memorandum, once adopted by the T-PD, would be sent on to the CDCJ with a view to its approval and further transmission to the Committee of Ministers for adoption;
- expressed its wish that this process could be accomplished speedily, in order for the recommendation to be adopted by the Committee of Ministers as soon as possible;
- took note of the invitation of the CDCJ to present suggestions for new standards in the area of data protection;
- took note of the suggestion of the CDCJ to consider including it and other relevant steering committees such as the the Steering Committee on Mass Media (CDMC), the Steering Committee on Human Rights (CDDH) and the Steering Committee on Criminal Problems (CDPC) as participants in its Plenary meetings;

6. The Bureau of the T-PD completed the first reading of the draft recommendation on the protection of personal data in the framework of profiling and started the second reading. It agreed to continue this work at its next meeting.

## APPENDIX I

### LIST OF PARTICIPANTS

#### MEMBERS OF THE BUREAU

##### **AUSTRIA/AUTRICHE**

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Eva Souhrada-Kirchmayer, [*First Vice-Chair of the T-PD*], Head of the data protection division, Federal Chancellery, Vienna

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

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Hana Štěpánková, International Department, the Office for Personal Data Protection, Prague

##### **FRANCE**

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Pascale Compagnie, Magistrat, Commissaire du Gouvernement auprès de la CNIL (Commission nationale de l'informatique et des libertés), Services du Premier Ministre, Paris

##### **GERMANY**

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Eva Inés Silbermann, legal Counsel/Judge, Ministry of the Interior, Division: V II 4 Data Protection Law, Berlin

##### **PORTUGAL**

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Joao Pedro Cabral, [*Chair of the T-PD*], Legal Adviser, Ministry of Justice, Lisboa

##### **SWITZERLAND/SUISSE**

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

#### MEMBERS OF THE T-PD/MEMBRES DU T-PD

##### **BELGIQUE/BELGIUM**

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Joëlle Jouret, Attachée, SPF Justice, Service des droits de l'homme, Cellule vie privée, Bruxelles, Belgique

##### **ESTONIA/ESTONIE**

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Kaja PUUSEPP, Deputy Director General, Estonian Data Protection Inspectorate's (EDPI), Tallinn

##### **FRANCE**

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Catherine Pozzo Di Borgo, adjointe au Commissaire du Gouvernement auprès de la CNIL, Paris

##### **ITALY/ITALIE**

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Alessandra Pierucci, Garante per la Protezione dei Dati Personali, Rome

##### **THE NETHERLANDS / LES PAYS-BAS**

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Excused/excuseé

##### **SLOVAKIA/SLOVAQUIE**

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Veronika Žuffová-Kunčová, LL.M, Foreign Relations Department, Personal Data Protection Office of the SR, Bratislava

**SPAIN/ESPAGNE**

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José Leandro Nuñez Garcia, Conseiller des relations internationales, Madrid

**UNITED KINGDOM/ROYAUME-UNI**

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

**COUNCIL OF EUROPE MEMBER STATES/  
ETATS MEMBRES DU CONSEIL DE L'EUROPE****MONACO**

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Isabelle Rouanet-Passeron, Secrétaire générale, Commission de Contrôle des Informations, Autorité de contrôle de Monaco

**EXPERTS SCIENTIFIQUES/SCIENTIFIC EXPERTS**

Professeur Yves Poulet, Directeur du CRID (Centre de Recherches Informatique et Droit, Faculté de Droit, Namur, Belgique

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, Namur, Belgique

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

Alain Brun, Chef de l'Unité de protection des données à la Commission Européenne, Commission européenne, Direction générale Justice, Liberté, Sécurité, Bruxelles

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

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Isabelle Rouanet-Passeron, Secrétaire générale, Commission de Contrôle des Informations, Autorité de contrôle de Monaco

Marie Georges, Conseillère du Président pour la prospective et pour le développement / Counsellor of President for Advanced Studies, Development and Cooperation, Commission Nationale de l'Informatique et des Libertés, Paris, France

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

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Excused/excuse

**OECD/OCDE**

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Michael Donohue, Division Information, Informatique et Communications, Paris France

## **SECRETARIAT**

**Directorate General of Human Rights and Legal Affairs / Direction Générale des droits de l'Homme et des affaires juridiques**

**Directorate of Standard-Setting / Direction des activités normatives**

Jörg Polackiewicz, Head of the Law Reform Department / *Chef du Service des réformes législatives*

Sophie Meudal-Leenders, *Secretary of the TPD-BUREAU / Secrétaire du T-PD-BUREAU* ;

Frédérique Bonifaix, Secretariat, Data Protection,

## **INTERPRETERS/INTERPRETES**

Ms Claudine Pierson

Ms Roopa Sukthankar

M. Robert Wolfenstein

## APPENDIX II

### AGENDA

#### 1. OPENING OF THE MEETING

#### 2. ADOPTION OF THE AGENDA

#### 3. STATEMENT BY THE SECRETARIAT

- Abridged report 15<sup>th</sup>  
T-PD-BUR **New** Abridged report of the 15<sup>th</sup> meeting of the T-PD-BUR (Bureau of the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data [ETS No. 108]), (13-14 October 2008)
- T-PD (2008) RAP 24 Report of the 24<sup>th</sup> 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]), (13-14 March 2008)

#### 4. STANDARD SETTINGS IN THE FIELD OF DATA PROTECTION

#### 5. PROFILING

*Required action: the Bureau will continue its examination of the draft text on personal data protection with regard to the process of profiling*

- T-PD (2008) 01 Final version of the study on the application of Convention 108 to the profiling mechanisms
- T-PD-BUR (2008) 08  
**New** Table containing the draft recommendation on the protection of personal data used for the purposes of profiling
- R (97) 18 Recommendation No. R (97) 18 of the Committee of Ministers to member States concerning the protection of personal data collected and processed for statistical purposes

#### 6. CURRENT ISSUES