



Strasbourg, 10 August 2009

T-PD-BUR (2009) RAP 18

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

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

Strasbourg, 6-7 July 2009

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**ABRIDGED REPORT**

1. The Bureau of the Consultative Committee of Convention 108 (the "T-PD") held its 18<sup>th</sup> meeting at the Council of Europe in Strasbourg on 6 and 7 July 2009. The list of participants and agenda of the meeting are reproduced in Appendices I and II respectively to this report.
2. The Bureau took note of the information provided by the Secretariat on developments since its December 2008 meeting. The Additional Protocol to Convention 108 on supervisory authorities and transborder data flows (ETS No. 181) was signed by Montenegro on 24 February 2009 and was ratified by Ireland on 5 May 2009 (entry into force for 1 September 2009). As a result, the Protocol now has 24 ratifications and 13 signatures non followed by ratification. The Secretariat also provided information on the visit of Homeland Security representatives which took place in May 2009 organised with the aim to learn more about the instruments and activities of the Council of Europe in the field of personal data protection and to discuss possible modalities of co-operation.
3. The Bureau took note of the letter prepared by the Secretariat for the signature of the Secretary General of the Council of Europe inviting non member States to accede to Convention 108. The list of States will be drawn up by the Secretariat and submitted for the approval of the Bureau members.
4. Mr Jörg POLAKIEWICZ, Head of the Law Reform Department, gave an overview of topics discussed during the 2009 Spring Conference of European Privacy and Data Protection Commissioners, Edinburgh, 23-24 April 2009. He also provided information on the 29th Council of Europe Conference of Ministers of Justice, Tromsø (Norway), 18-19 June 2009, and in particular, the resolutions adopted and the fact that the Council of Europe Convention on Access to Official Documents was opened for signature.

5. The Bureau took note of the invitation addressed to members of the T-PD to participate in the working group on anti-doping issues and the working group on predictivity, genetic testing and insurance.
6. The Bureau took note of the observer status request submitted by the International Conference of Data Protection and Privacy Commissioners.
7. The representative of the French-Speaking Association of Personal Data Protection Authorities (AFAPDP) informed participants about the planned activities and the conference it is organising on 3 November in Madrid.
8. The European Commission representative informed participants about the recent Community's legal developments in the area of data protection.
9. The OECD representative informed participants on meetings and seminar dates on data protection issues organised in its framework.
10. The Bureau instructed the Secretariat to launch a call for candidature in view of the elections of three Bureau members at the forthcoming plenary meeting to be held on 2-4 September 2009.
11. The Bureau discussed the programme of futures activities and instructed the Secretariat to draw up a document reiterating the suggested activities with a view to adopting it at the forthcoming plenary meeting.
12. The Bureau instructed the Secretariat to prepare a statement, to be adopted at the forthcoming plenary meeting, on the "Draft of International Standards on the Protection of Privacy with regard to the processing of personal Data" as resulting from the Bilbao meeting.
13. The Bureau of the T-PD continued the third reading of the draft recommendation on the protection of personal data in the context of profiling. It has an exchange of views on the scope of the recommendation and agreed the issue is one to be discussed at the forthcoming plenary meeting.
14. The draft recommendation, resulting from the discussions at the meeting, will be forwarded to the T-PD members for comment by 21 August 2009. The received comments will be examined at the forthcoming plenary meeting on 2-4 September.
15. The Bureau decided to hold its third meeting on 19-20 November 2009.

## APPENDIX I

### LIST OF PARTICIPANTS

#### MEMBERS OF THE BUREAU

##### **AUSTRIA**

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

##### **CZECH REPUBLIC**

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Hana Štěpánková, Head of the Press Department, Spokeswoman, Office for Personal Data Protection

##### **PORTUGAL**

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Excused/excusé

##### **SWITZERLAND**

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

#### MEMBERS OF THE T-PD

##### **FRANCE**

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Excused

##### **ITALY**

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Alessandra Pierucci, Garante per la Protezione dei Dati Personali

##### **MONACO**

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Excused

##### **NETHERLANDS**

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Excused

##### **ROMANIA**

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George Grigore, Department of International Affairs - Romanian DPA

##### **SERBIA**

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

##### **SLOVAKIA**

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

##### **SWEDEN**

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Feryal Mentés, Legal Adviser, Ministry of Justice Sweden/Division for Constitutional Law,

##### **UNITED KINGDOM**

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

Rhys Williams, Ministry of Justice

## SCIENTIFIC EXPERTS

Jean-Marc Dinant, Docteur in informatique, Maître de conférence à l'Université de Namur

## COMMISSION OF THE EUROPEAN COMMUNITIES

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

## OBSERVERS

### **FRENCH-SPEAKING ASSOCIATION OF PERSONAL DATA PROTECTION AUTHORITIES (AFAPDP)**

Fakhri Gharbi, conseiller du président Jacques Saint Laurent, Commission d'accès à l'information du Québec

### **INTERNATIONAL CHAMBER OF COMMERCE (ICC)**

Cedric Burton, avocat, Hunton & Williams, Park Atrium

### **ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)**

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

## SECRETARIAT

### **Directorate General of Human Rights and Legal Directorate of Standard-Setting**

Jörg Polakiewicz, Head of the Law Reform Department  
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Christiane Weltzer, Assistant  
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### **Directorate of Monitoring**

Sophie Meudal-Leenders, Administrator

## INTERPRETERS

Nicolas Guittonneau  
Cynera Jaffrey  
Olivier Obrecht

## APPENDIX II

### AGENDA

#### 1. OPENING OF THE MEETING

#### 2. ADOPTION OF THE AGENDA

#### 3. STATEMENT BY THE SECRETARIAT

- Abridged report 17<sup>th</sup>  
T-PD-BUR  
**New** Abridged report of the 17<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]), (9-10 February 2009)
- 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)
- MCM (2009)011 Political declaration and resolutions adopted during the 1<sup>st</sup> Council of Europe Conference of Ministers responsible for Media and New Communication Service (Reykjavik, 28 and 29 May 2009)
- CDCJ (2009) 15  
(*English only*) Report on the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services

#### 4. PROFILING

Required action: the Bureau will continue its examination of the draft text on personal data protection with regard to the process of profiling, in view of the contributions received.

- T-PD (2008) 01 Study on the application of Convention 108 to the profiling mechanisms
- T-PD-BUR (2008) 08 Rev 3  
**New** Table containing the draft recommendation on the protection of individuals with regard to automatic processing of personal data in the framework of profiling as resulting from the 17th Bureau meeting (February 2009)

- T-PD-BUR (2009) 02 Rev **New** Draft recommendation on the protection of individuals with regard to automatic processing of personal data in the framework of profiling as resulting from the 17th Bureau meeting (February 2009)
- T-PD-BUR (2009) 04 mos
- T-PD-BUR (2009) 04 Eng **New** Comments on the draft recommendation on the protection of individuals with regard to automatic processing of personal data in the framework 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

## 5. CURRENT ISSUES

**DISCUSSION OF THE JOINT PROPOSAL FOR A DRAFT OF INTERNATIONAL STANDARDS ON THE PROTECTION OF PRIVACY WITH REGARD TO THE PROCESSING OF PERSONAL DATA, BILBAO MEETING**  
Required action: to discuss the position of the T-PD regarding the document.

Joint Proposal for a Draft of International Standards on the Protection of Privacy with regard to the procession of Personal Data

### **FUTURE WORK OF THE T-PD**

Required action: with a view to the preparation of the next plenary meeting of the T-PD, the Bureau will have an exchange of views on the update of the work programme of the T-PD and possible proposals for new standard setting activities in the field of personal data protection

- T-PD (2007) WP Work programme for the T-PD for 2007 and beyond as approved by the T-PD at the 23<sup>rd</sup> plenary meeting (Strasbourg, 15-16 March 2007)

### **ELECTION OF THREE BUREAU MEMBERS DURING THE NEXT PLENARY MEETING**

Required action: the Bureau will have an exchange of views on the election of three Bureau members to be carried out during the next plenary meeting, following the resignation of Pascale Compagnie, Stefania Congia and Eva Silbermann.

- T-PD Rules Internal rules of procedure of the T-PD

## 6. DATE OF THE NEXT MEETING OF THE T-PD-BUR IN 2009