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

28th T-PD Bureau Meeting

Strasbourg, 27-28 September 2012

ABRIDGED REPORT

DG I – Human Rights and Rule of Law
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 28th meeting in Strasbourg on 27 and 28 September 2012, with Jean-Philippe Walter (Switzerland) in the chair. The agenda, as adopted by the T-PD Bureau, and the list of participants appear in Appendices I and II respectively.

The T-PD Bureau:

1. took note of the information presented by Jan Kleijssen, Director, Information Society and Action against Crime, DGI, on the modernisation of Convention 108 and the major developments since the 28th plenary meeting of the Consultative Committee (19-22 June 2012);

2. considered the revised proposals for modernisation of Convention 108 (document T-PD(2012)4rev of 17 September) and instructed the secretariat to review these proposals in the light of the discussions, with a view to their submission to the delegations and examination at the 29th plenary meeting (27 to 30 November 2012);

3. took note of the request from the Kingdom of Morocco to be invited to accede to Convention 108 and other Council of Europe conventions, and asked its secretariat to send the relevant draft opinion to the delegations, underlining the need to be part, as of now, of the wider effort to improve the effectiveness of the implementation of the convention and to allow such requests to be discussed in plenary in the future;

4. took note of the revised draft Recommendation on the protection of personal data used for employment purposes and asked the secretariat to send this draft to the delegations for comments and consideration at the 29th plenary meeting;

5. took note of the information provided on future events and personal data protection activities, in particular:

   - the 34th International Conference of Data Protection and Privacy Commissioners (23-24 October, Punta del Este, Uruguay)
   - the Internet Governance Forum (IGF) (6 – 9 November, Baku, Azerbaijan)
   - the 4th International Workshop on data protection in international organisations (8 and 9 November, World Customs Organization, Brussels, Belgium)
   - the International Telecommunication Union’s World Conference on International Telecommunications (WCIT) to review the International Telecommunications Regulations (3-14 December, Dubai, United Arab Emirates);

6. took note of the co-operation between the Council of Europe and the Agency for Fundamental Rights in preparing a “Handbook on European data protection law”;

7. took note of the request received by the secretariat concerning the current work to amend ICANN’s (“Internet Corporation for Assigned Names and Numbers”) Registrar Accreditation Agreement, and of the Article 29 group’s position in this regard, and asked its secretariat to reply to the request from NCUC (Non-Commercial Users Constituency);
8. took note of the timetable for consulting the delegations about the requests for observer status from the Internet Society and the Personal Information Protection Commission of South Korea, and also of the information presented by the observers, in particular the holding of the 6th Conference of Francophone Personal Data Protection Commissioners in Monaco on 22 and 23 November 2012;

9. examined the draft agenda for the 29th plenary meeting and decided to invite the delegations to hold, during this forthcoming meeting, an exchange of views on the data protection issues which may arise in the context of the use of Google’s services.
ANNEXE I.

Strasbourg, 17 September 2012

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

28th meeting, Strasbourg, Agora room G01

From 27 September 2012 – 9:30 am
to 28 September 2012 – 5 pm

AGENDA

1. OPENING OF THE MEETING

- T-PD(2012)RAP28Abr Abridged report of the 28th Plenary meeting of the Consultative Committee (19-22 June 2012)
- T-PD-BUR(2012)RAP26 Report of the 26th meeting of the Bureau of the Consultative Committee (6-8 February 2012)
- T-PD(2011)RAP27Abr Abridged report of the 27th Plenary meeting of the Consultative Committee (29 November-2 December 2011)
- T-PD(2012)WP Work programme of the T-PD
2. **ADOPTION OF THE AGENDA**

**STATEMENT BY THE SECRETARIAT**

Mr Jan Kleijsen, Director, Information Society and Action Against Crime

3. **MODERNISATION OF CONVENTION 108**

- Ms Cécile de Terwangne, Professor Law Faculty, CRID Research Director, Namur University (FUNDP): Presentation of the proposals for modification of the Convention.
- Mr Jean-Philippe Moiny, CRID Researcher (Research Center on IT, Law and Society), Namur University (FUNDP)

- **T-PD(2012)04REV**  
  *New document*  
  Final document on the modernisation of Convention 108

- **T-PD(2012)04MOS**  
  Final document on the modernisation of Convention 108

- **T-PD-BUR(2012)01Rev2**  
  Modernisation of Convention 108: new proposals

- **T-PD-BUR(2012)03Mos**  
  Compilation of comments on the modernisation of Convention 108

- **T-PD-BUR(2012)01Rev**  
  Modernisation of Convention 108: new proposals

- **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(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)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
4. **OPINIONS**

**DRAFT OPINION**

- T-PD(2012)09  Request of Morocco to accede to Convention 108
  *New document*

**FINALISED AND TRANSMITTED OPINIONS**

- T-PD(2012)01  Compilation of opinions

5. **OBSERVERS**

- Request from the Internet Society (ISOC)

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

  - **34TH INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS**
    (23 - 24 OCTOBER, PUNTA DEL ESTE)

  - **INTERNET GOVERNANCE FORUM (IGF)**
    (6 - 9 NOVEMBER, BAKU)

  - **ITU - WORLD CONFERENCE ON INTERNATIONAL TELECOMMUNICATIONS (WCIT)**
    (3-14 DECEMBER, DUBAI)

  - **AGENCY FOR FUNDAMENTAL RIGHTS – HANDBOOK ON EUROPEAN DATA PROTECTION LAW**

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

7. **OTHER ISSUES**

- Draft 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 – propositions for the revision of the above-mentioned Recommendation by Mr Giovanni Buttarelli

  - **Recommendation (89)2**

- **ICANN**
8. **Next Meetings**

- Draft agenda of the 29th Plenary meeting of the T-PD (27-30 November 2012)
ANNEXE II.

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-BUREAU)

LIST OF PARTICIPANTS

LISTE DES PARTICIPANTS

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

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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

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

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Daniel Johns, EU and International Data Protection Policy, Ministry of Justice

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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 PRIVÉE

Laurent Lim, CNIL, Juriste chargé de mission, Service des affaires européennes et internationales EUROPEAN DATA PROTECTION SUPERVISOR (EDPS) / LE CONTRÔLEUR EUROPEEN DE LA PROTECTION DES DONNÉES (CEPD)

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

TURKEY / TURQUIE

Izzettin Usumez, Judge, Ministry of Justice of Turkey, General Directorate of International Law and Foreign Relations

Mustafa Taskin, Head of Department, Ministry of Justice of Turkey, General Directorate of Laws

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)

Jean-Philippe Moiny, Chercheur au CRIDS (Centre de Recherches Informatique, Droit et Société), Doctorant FNRS, Facultés Universitaires Notre-Dame de la Paix (FUNDP)

SECRETARIAT

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

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Jan Kleijsse, Director/Directeur

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

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