



Strasbourg, 6 June 2013

T-PD-BU(2013)RAP30Abr

**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)**

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

Strasbourg, 28 – 30 May 2013

---

**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 30<sup>th</sup> meeting in Strasbourg from 28 to 30 May 2013 with Mr Jean-Philippe Walter (Switzerland) in the chair. The agenda, as adopted by the T-PD Bureau, and the list of participants are set out in Appendices I and II.

The Bureau of the T-PD:

1. took note of the information presented by Mr Jan Malinowski, Head of Information Society Department, on the following:

- next steps in the modernisation exercise, in particular on the approval of the draft terms of reference of the Ad hoc Committee on Data Protection (CAHDATA) by the Steering Committee on Media and Information Society (CDMSI) during its plenary in April, for transmission to the Committee of Ministers in July and on the forthcoming adoption of a negotiation mandate by the European Union,
- ratification of Convention 108 by the Russian Federation and accession of Uruguay,
- events related to T-PD's activities, including 'dialogue on network neutrality and human rights' (29-30 May 2013), and a T-CY hearing on current practices and experiences regarding transfrontier access to data (3 June 2013);

2. examined the draft explanatory report of the updated version of the Convention and asked the Secretariat to make the necessary changes so that it could be forwarded to delegations and observers before the summer for comment prior to the 30<sup>th</sup> plenary meeting of T-PD (15-18 October 2013);

3. took note of the information presented on the adoption by written procedure of amendment to Article 22 of the proposals for the modernisation of the Convention, and on the next steps of the work (CAHDATA);

4. took note of the information presented by the Secretariat on the revised proposals concerning evaluation and follow-up mechanism of the updated Convention and invited the participants to submit to the Secretariat their written comments on this document before 15 June 2013; requested that the proposals be sent afterwards to delegations and observers in time for the 30<sup>th</sup> plenary meeting;

5. examined the revised draft Recommendation on protection of personal data used for employment purposes and asked the Secretariat to make the proposed changes and transmit the revised version to participants so that it could be sent to delegations and observers in June for comment and be discussed at the 30<sup>th</sup> plenary meeting;

6. held an exchange of views on the follow up to be given to report entitled " Recommendation (87)15 – Twenty-five years down the line";

7. took note of the final version of the expert's report on collection and processing of biometric data, which would be on the agenda of the 30<sup>th</sup> plenary meeting;

8. examined the draft questionnaire prepared to assess the implementation of Recommendation R(97)5 on protection of medical data and asked the Secretariat to co-ordinate the forthcoming steps, namely the preparation of a different and shorter questionnaire, focusing on use of new technologies in the medical field by member states, to be sent to delegations by end June (deadline for replies - September) for transmission of responses received in October to a multidisciplinary team consisting of legal and technical experts, enabling them to develop a draft report;

9. discussed the Committee's future priorities, taking account of the reports prepared by the scientific experts (report on challenges to rights to privacy and data protection - "Nanotechnology, Ubiquitous Computing and The Internet of Things" and report on trends and technologies, threats and implications "The use of the Internet and related services, private life and data protection") and asked the Secretariat to prepare, in accordance with proposed orientations, a draft work programme for the next biennium 2014-2015 for consideration and finalisation at the plenary meeting;

10. examined the draft agenda of the 30th plenary meeting and asked the Secretariat to finalise it;

11. took note of the information presented by the Secretariat and the Chair relating to:

- the last plenary meeting of the CDMSI,
- the outcome of the 3<sup>rd</sup> meeting of the Committee of Experts on Rights of Internet Users (MSI-DUI),
- the participation of the Chair and the Council of Europe Data Protection Commissioner to the PACE hearing on protection of privacy on the internet and online media on 22 April 2013,
- the draft resolutions to be examined by the Ministerial Conference on "Freedom of expression and democracy in the digital age" on 7-8 November 2013 in Belgrade,
- the holding of a meeting in Strasbourg on 30-31 May 2013 on protection of Whistleblowers,
- the action taken at its plenary meeting on 22-23 March 2013, by the Drafting Group of draft international convention to combat the manipulation of sports competitions, in response to the opinion forwarded by the T-PD Bureau on the draft preliminary convention, and
- the works of the Bioethics Committee (DH-BIO);

12. took note of the information presented by the Secretariat on accession of Uruguay to Convention 108 as of August 2013, as well as ratification of the Convention by the Russian Federation and signature of the additional Protocol by Georgia on 15 May 2013;

13. took note of the information presented by the Secretariat on the events and activities organised by other international bodies, in particular PHAEDRA project on improving co-operation among data protection authorities at international level and the support that the Consultative Committee might give to this project;

14. took note of the information presented by the observers, in particular on 35<sup>th</sup> International Conference of Data Protection and Privacy Commissioners, which will take place in Warsaw on 23-27 September 2013;

15. confirmed that the next plenary meeting would take place from 15 to 18 October 2013.

## APPENDIX I

### AGENDA

#### 1. OPENING OF THE MEETING

- T-PD-BU(2013)RAP29Abr Abridged report of the 29<sup>th</sup> Bureau meeting of the Consultative Committee (5-7 February 2013)
- 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(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

Mr Jan Malinowski, Head of Information Society Department

#### 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)03rev Draft Explanatory report
- T-PD-BUR(2013)01rev Draft terms of reference of the Ad hoc Committee
- T-PD-BUR(2013)02rev 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 USED FOR EMPLOYMENT PURPOSES

*Required action: The Bureau will examine the final revised Recommendation, as well as comments received.*

- T-PD(2013)05Rev 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

## 6. DATA PROTECTION AND POLICE

*Required action: The Bureau will take note of final version of the expert's report 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
- Explanatory memorandum to Recommendation No. R (87) 15 of the Committee of Ministers to member states regulating the use of personal data in the police sector

## 7. BIOMETRICS

*Required action: The Bureau will take note of final version of the expert's report 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"

## 8. PROTECTION OF MEDICAL DATA

*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

## 9. WORKING PROGRAMME 2014 - 2015

*Required action: The Bureau will make proposals on priorities for next biennium 2014 - 2015*

- T-PD(2013)WP 2014-2015 Draft working programme 2014-2015
- Experts' report on challenges to rights to privacy and data protection, "Nanotechnology, Ubiquitous Computing and The Internet of Things" by professors Georgia Miller and Matthew Kearnes of University of New South Wales.
- Expert's report on "The use of the Internet & related services, private life & data protection" by professor Douwe Korff of London Metropolitan University.

## 10. 30<sup>TH</sup> PLENARY MEETING

- T-PD30(2013)OJprov Draft Agenda

## 11. COOPERATION WITH OTHER COUNCIL OF EUROPE BODIES

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

- Steering Committee on Media and Information Society (CDMSI)
- 3rd Meeting of the Committee of Experts on Rights of Internet Users (MSI-DUI)
- Enlarged Partial Agreement on Sport (EPAS) – Sport Conventions Division
- Committee on Bioethics (DH-BIO)

## 12. 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

**13. 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.*

**14. OBSERVERS**

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

**15. OTHER ISSUES**

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

\* \* \*

**DRAFT ORDER OF BUSINESS**

		<b>28 May 2013</b>	<b>29 May 2013</b>	<b>30 May 2013</b>
<i>Opening</i>	<b>09:30 am</b>	Items 1,2,3 and 4	Item 5	Items 9,10 and 11
<i>End</i>	<b>12:30am/1pm</b>	Lunch	Lunch	Lunch
<i>Re-opening</i>	<b>2 pm/2:30pm</b>	Items 4	Items 5,6,7 and 8	Items 12,13,14 and 15
	<b>8 pm</b>	Informal gathering		

## ANNEXE II

### LISTE DES PARTICIPANTS

#### 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, Pplk. Sochora 27, 170 00 Prague 7

##### **FRANCE**

Catherine Pozzo-di-Borgo, [*Seconde Vice-présidente*], Commissaire du Gouvernement adjoint auprès de la CNIL, Secrétariat Général du gouvernement, 66 rue de Bellechasse, 75700 Paris

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

Pierucci Alessandra, Garante per la Protezione dei Dati Personali, Piazza di Monte Citorio 121, 00186 Rome

##### **LUXEMBOURG**

Gérard Lommel, Président, Commission Nationale pour la protection des données (CNPD), 41, avenue de la Gare, L-1611 Luxembourg

##### **PORTUGAL**

João Pedro Cabral, Legal Adviser, Directorate General of Justice Policy, Ministry of Justice, Avenida D. João II, n.º1.08.01 E, Torre H, Pisos 2/3, 1990-097 Lisboa

##### **SERBIA / SERBIE**

Nevena Ružić, Head of Office, Commissioner for Information of Public Importance and Personal Data Protection, 42 Svetozata Markovica, 11 000 Belgrade

##### **SPAIN / ESPAGNE**

Agustín Puente Escobar, Director, Agencia Española De Protección De Datos, State Attorney -Head of the Legal department, C/Jorge Juan, 6, 28001 Madrid

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

Jean-Philippe Walter, [*Président*], Préposé fédéral à la protection des données et à la transparence (PFPDT), Chancellerie fédérale, Feldeggweg 1, 3003 Berne

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

##### **SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE**

Stanislav Ďurina, Legal Department and Foreign Relation, Office for Personal Data Protection of the Slovak Republic, Hraničná 12, 820 07 Bratislava 27

##### **ROMANIA / ROUMANIE**

George Grigore, data protection specialist, Department of International Affairs, the Romanian National Supervisory Authority for Personal Data Processing, Bd. Magheru no. 28-30, 5th floor, 010336, Bucharest



## **OBSERVERS / OBSERVATEURS**

### **RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

Dmitriy Vyatkin, Deputy Chairman of the State Duma Committee on constitutional legislation and state building

Andrey Fedosenko, Chief Counselor of the Staff of the State Duma Committee on constitutional legislation and state building

Aleksandra Aronova, Counselor of the Department for regulation of radio frequencies and communication networks, Ministry of communication and mass communications of the Russian Federation

### **TURKEY / TURQUIE**

Nurullah Yamali, Counsellor (Rapporteur Judge) / Permanent Representation of Turkey to the CoE, 23 boulevard de l'Orangerie 67000 Strasbourg

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

Katerina Dimitrakopoulou, Policy Officer, Directorate C: fundamental rights and Union citizenship, Unit C3 Data Protection, 1049 Bruxelles, Belgium

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

Anne-Christine Lacoste, Conseil juridique – Coordinateur, Office of the European Data Protection Supervisor (EDPS) / Bureau du Contrôleur Européen de la Protection des Données (CEPD), rue Wiertz 60 - MO 63, B-1047 Brussels, (Office: Rue Montoyer 63, 6th floor)

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

Marise Artiguelong, Déléguée, AEDH, Rue de la Caserne 33 – 1000 Brussels, Belgium

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

Laurent Lim, CNIL, Juriste chargé de mission, Service des affaires européennes et internationales

### **INTERNET SOCIETY / LA SOCIETE DE L'INTERNET (ISOC)**

Robin Wilton, Technical Outreach Director - Identity and Privacy

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**

Eva Souhrada-Kirchmayer, Hohenstaufengasse 3, 1010 Wien, Austria

**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), Rempart de la Vierge n°5, 5B-5000 Namur, Belgique

**SECRETARIAT**

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

**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 / 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

**TRAINEES / STAGIAIRES**

Marot Nina, Trainee / Stagiaire

**INTERPRETERS / INTERPRETES**

Jennifer Griffith  
Nadine Kieffer  
Sara Webster