



Strasbourg, 20 December 2013

T-PD-BUR(2013)RAP31Abr

**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)**

**31st meeting of the Bureau**

Strasbourg, 18-20 December 2013

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**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 31st meeting in Strasbourg from 18 to 20 December 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 Kleijssen, Director of Information Society and Action against Crime, in particular concerning the work of the Ad hoc Committee on Data Protection (CAHDATA), which had held its first meeting in November (13-14 November), and recent developments related to the T-PD's work. It took note of the concerns expressed by the Chair of the T-PD regarding the inadequacy of the resources allocated to the T-PD Secretariat;

2. took note of the information concerning the modernisation work of Convention 108 and the follow-up to the CAHDATA's discussions presented by Seamus Carroll, Chair of the CAHDATA;

3. examined the revised draft explanatory report on the modernised version of the Convention and instructed the Secretariat to make the necessary changes in time for the next meeting of the Bureau;

4. examined the latest version of the draft Recommendation on protection of personal data used for employment purposes and instructed the Secretariat to make the proposed changes and transmit the finalised version to the delegations and observers for a final reading at the 31st plenary meeting in June 2014;

5. took note of the information provided by the Secretariat concerning the draft questionnaire to assess the implementation of Recommendation R(97)5 on the protection of medical data and agreed that the short questionnaire (concept note) should be supplemented mainly with questions on the use of new technologies, that the strategic approach to its use also be reviewed and that the recipients be redefined and instructed the Secretariat to make the necessary changes so that the new questionnaire could be finalised at the next meeting of the Bureau;

6. discussed the implementation of the T-PD's work programme for 2014-2015 and held an exchange of views on the priorities to be set, as well as on the activities and relevant procedures, in particular the use of a consultant to draft a report on automatic exchange of data for administrative and tax purposes;

7. took note of the information provided by the Secretariat concerning the Resolutions adopted at the Ministerial Conference on Freedom of Expression and Democracy in the Digital Age held in Belgrade on 7 and 8 November 2013 and underlined the importance of involving the T-PD in any work carried out on the basis of these texts;

8. took note of the letter of 5 December 2013 from Jacob Kohnstamm, Chair of the Article 29 Working Party concerning direct access by third countries' law enforcement authorities to data stored in another jurisdiction, as proposed in the draft elements for an additional protocol to the Budapest Convention on Cybercrime, and of the decision by the Cybercrime Convention Committee (T-CY) at its 10th plenary meeting (2-3 December 2013) to take the time for in-depth consideration of the issues, and agreed, while sharing the concerns expressed in the letter, that it was too early to provide an analysis of the initial proposals and therefore to wait for the draft additional protocol before providing any comments, instructing the Secretariat to prepare a draft reply accordingly;

9. took note of the information provided by the T-CY Secretariat concerning the T-CY's current work and the Octopus Conference (4-6 December 2013) and held an exchange of views with the Secretary of the T-CY on ways of exchanging expertise between the two committees;

10. took note of the information provided concerning the work of the Bioethics Committee (DH-BIO) and proposed that a joint meeting with the Bureau of DH-BIO be held in October to discuss the preliminary draft revised Recommendation (2006) 4 on research on biological materials of human origin, as well as issues of common interest to the two committees with a view to future co-operation;

11. confirmed that the next meeting of the Bureau would be held from 25 to 27 March 2014.

## APPENDIX I.

### AGENDA

Strasbourg, 17 December 2013

T-PD-BUR 31 (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] (TP-D-BUR)**

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

**From 18 December – 9:30 am  
to 20 December 2013 – 4:00 pm**

### DRAFT AGENDA

#### 1. OPENING OF THE MEETING

- T-PD(2013)RAP30Abr\_En Abridged report of the 30<sup>th</sup> Plenary meeting (15-18 October 2013)
- [T-PD-BU\(2013\)RAP30Abr](#) Abridged report of the 30<sup>th</sup> Bureau meeting (28-30 May 2013)
- [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

#### 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 ad hoc committee on data protection (CAHDATA)*

- [T-PD\(2012\)04REV04](#) Final document on the modernisation of Convention 108

- T-PD-BUR(2013)03rev3 Draft Explanatory report

## 5. DATA PROTECTION USED FOR EMPLOYMENT PURPOSES

*Required action: The Bureau will examine the last revised Recommendation, in order to finalise the draft.*

- [T-PD-BUR\(2013\)05rev5\\_en](#) 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.
- [Recommandation \(89\)2](#) on the protection of personal data used for employment purposes

## 6. PROTECTION OF MEDICAL DATA

*Required action: The Bureau will decide on the follow-up steps regarding this work.*

- [Draft questionnaire](#) and concept note
- [Recommendation N° \(97\) 5](#) on the protection of medical data

## 7. WORK PROGRAMME 2014 - 2015

*Required action: The Bureau will decide on actions and modalities necessary to the implementation of the work programme.*

- [T-PD\(2014\)WP 2014-2015](#) Work programme 2014-2015

## 8. 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)
- Cybercrime Committee (T-CY) and Octopus Conference
- Enlarged Partial Agreement on Sport (EPAS) – Sport Conventions Division
- Committee on Bioethics (DH-BIO)

**9. 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 and will decide on the follow-up steps.*

- Article 29 Working Party ([letter of 5 December 2013](#))
- Results of research project "[CONSENT](#)"

**10. OBSERVERS**

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

**11. OTHER ISSUES**

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**DRAFT ORDER OF BUSINESS**  
*(provisional and subject to change in light of the discussions)*

	<b>18 December</b>	<b>19 December</b>	<b>20 December</b>
<i>Opening</i>	9:30 am	9:30 am	9:30 am
	Items 1, 2, 3 and 4	Item 4	Items 5
<i>Lunch</i>	01:00-2:30 pm	01:00-2:30 pm	01:00-2:30 pm
	Item 4	Item 5	Remaining items
<i>End</i>	6:00 pm	6:00 pm	4:00 pm
<i>Informal gathering</i>	8 pm		

**APPENDIX II.**

**LIST OF PARTICIPANTS**

Strasbourg, 16 December / décembre 2013

T-PD-BUR31(2013)LP

**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)**

**31<sup>st</sup> meeting / 31<sup>ème</sup> réunion**

**LIST OF PARTICIPANTS**

**LISTE DES PARTICIPANTS**

**Strasbourg, 18-20 December / décembre 2013  
Building / bâtiment AGORA  
Room / salle G04**

**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, 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, 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 (apologised / excusé)**

### **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

### **SWEDEN / SUEDE**

Naiti del Sante, Legal advisor, Division for Labour Law and Work Environment, Ministry of Employment, 103 33 Stockholm

## **OBSERVERS / OBSERVATEURS**

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

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

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

**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) (apologised / excusé)**

**OTHER PARTICIPANTS / AUTRES PARTICIPANTS**

**AD HOC COMMITTEE ON DATA PROTECTION / COMITÉ AD HOC SUR LA PROTECTION DES DONNÉES (CAHDATA)**

Seamus Carroll, (Chair / Président), Principal Officer, Civil Law Reform Division, Department of Justice and Equality, Bishop's Square, Redmond's Hill, Dublin 2, Ireland.

**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**

**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 / 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**

Renato Leite Monteiro, Study visitor / Visiteur d'études

**INTERPRETERS / INTERPRETES**

Luke Tilden

Chloé Chenetier

Julia Tanner

Grégoire Devictor