

Strasbourg, 24 March 2016

T-PD-BUR(2016)38RAP

**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-BUR)**

38th meeting of the Bureau

Strasbourg, 22-24 March 2016

ABRIDGED REPORT

The Bureau of the Consultative Committee on the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD-BUR) held its 38th meeting from 22 to 24 March 2016 in Paris 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 the Secretariat, and in particular the decision of the Rapporteur Group on Legal Co-operation (GR-J), of 10 January 2016, on preparing draft terms of reference for an additional meeting of the CAHDATA to be held in 2016;
2. took note of the information presented by the Secretariat on the draft **questionnaire on the evaluation and follow-up mechanism** prepared by the expert Ms Claire Gayrel, held an exchange of views and agreed to forward its comments in writing to the expert so that a revised draft questionnaire could be submitted to the committee at its Plenary in June;
3. examined the draft recommendation on the protection of **health data** presented by the expert, Ms Jeanne Bossi Malafosse, held an exchange of views, agreed that the draft would be revised in the light of the discussions and written observations received and forwarded for consultation to the delegations and observers (including the DH-Bio) for a second reading before the 33rd Plenary meeting, with a view to its approval and transmission to the CDMSI;
4. took note of the information provided by the expert Mr David Allen, examined the draft practical guide on the use of personal data by the **police** and agreed that the draft would be revised on the basis of the discussions and written observations and forwarded to the other bodies concerned (Europol, Interpol, T-CY) as well as to the delegations and observers for comments before the 33rd Plenary meeting, with a view to its adoption;
6. took note of the information provided by the expert Mr Alessandro Mantelero, examined the draft guidelines on “the protection of individuals with regard to the processing of personal data in a world of **big data**”, and agreed that it would be revised on the basis of the discussions and written comments so that they could be forwarded to the delegations and observers for comments before the 33rd Plenary meeting, with a view to their adoption;
7. took note of the information presented by the Secretariat on the work of other Council of Europe bodies, and in particular the hearing held by the Cloud Evidence Group with data protection experts on 23 May 2016 in Strasbourg, the participation by Mr Péter Kimpian (Hungary) in the first meeting, on 2 February 2016 in Rome, of the drafting group which was to update Recommendation Rec(2005)10 on “special investigation techniques” and the work of the European Committee on Crime Problems (CDPC) in relation to its action plan on transnational organised crime;
8. took note of the information presented by Mr Péter Kimpian on his participation in the 54th meeting of **ICANN** in Marrakech, stressing the importance of T-PD participation in ICANN’s forthcoming meetings;
9. examined the draft **opinion** on passenger name records (PNR) prepared by the Secretariat, held an exchange of views and agreed that the draft opinion would be revised on the basis of the discussions and the written observations received and circulated to the other bodies concerned (Pompidou Group) for consultation before being forwarded to the delegations and observers for a second reading before the 33rd Plenary meeting, with a view to its adoption;
10. examined the draft agenda for the 33rd Plenary meeting and agreed that the draft would be revised in the light of the discussions;
11. took note of the information presented by the **observers**, by the AEDH on the holding, on 27 January 2016, of a conference to mark the 10th Data Protection Day, by the ICRC on the adoption in June 2015 of rules on personal data protection in humanitarian action, and on the workshop on data protection in international organisations held in Geneva on 5 February 2016. Lastly, the Bureau agreed that the

application for observer status submitted by **Privacy International** would be forwarded to the T-PD for consideration through written procedure;

11. examined the draft opinion on the **accession request received from Cape Verde**, instructed the Secretariat to revise it on the basis of the discussions and to then forward it to the T-PD for comments and approval by written procedure so that it could be submitted to the Committee of Ministers within the prescribed time;

12. confirmed that the **33rd plenary** meeting would be held in Strasbourg from 29 June to 1 July 2016.

APPENDIX I.

AGENDA

1. OPENING OF THE MEETING

- [T-PD-BUR\(2015\)RAP37Abr](#) Abridged report of the 37th meeting of the T-PD Bureau (9-11 December 2015)
- [T-PD-BUR\(2015\)RAP36Abr](#) Abridged report of the 36th meeting of the T-PD Bureau (6-8 October 2015)
- [T-PD\(2015\)RAP32Abr](#) Abridged report of the 32nd T-PD Plenary meeting (1-3 July 2015)
- [T-PD\(2016\)WPR](#) Work programme of the T-PD 2016-2017
- [T-PD\(2014\)Rules](#) T-PD's rules of procedure

2. ADOPTION OF THE AGENDA

3. STATEMENT BY THE SECRETARIAT

4. MODERNISATION OF CONVENTION 108

Experts: Ms. Cécile de Terwangne, Professor Law Faculty, Namur University (FUNDP), CRIDS Research Director, Namur, Belgium;

Ms. Claire Gayrel, researcher at CRIDS, FUNDP, Belgium.

Required action: The Bureau will discuss the reservations on the draft amending Protocol to Convention 108, examine the draft explanatory report to the modernised version of the Convention as it has been revised and the draft questionnaire on the evaluation and follow-up mechanism.

- [Information document](#) Consolidated text of the modernised version of Convention 108 (with revised reservations)
- [Draft amending Protocol](#) Draft Protocol amending the Convention 108 (with revised reservations)
- [CAHDATA\(2014\)RAP03Abr](#) Abridged report of the 3rd CAHDATA meeting (1-3 December 2014)
- Draft explanatory report (English only) Draft explanatory report of the modernised Convention 108 – revised version
- T-PD(2016)01 Draft questionnaire on the evaluation and follow-up mechanism

- [T-PD-BUR\(2013\)02Rev5](#) Information elements on the evaluation and follow-up mechanism

5. BIG DATA

Expert: Mr Alessandro Mantelero, Tenured Aggregate Professor at Politecnico di Torino, Italy

Required action: The Bureau will take note of the information provided by the expert and will examine the draft Guidelines on the protection of individuals with regard to the processing of personal data in a world of Big Data.

- T-PD-BUR(2015)12Rev Draft Guidelines on the protection of individuals with regard to the processing of personal data in a world of Big Data
- [T-PD-BUR\(2015\)09Rev](#) Report: “Of Data and Men” - Fundamental rights and freedoms in a world of massive data (Report by Antoinette Rouvroy)

6. PROTECTION OF MEDICAL DATA

Expert: Ms. Jeanne Bossi Malafosse, Counsel, DLA Piper France LLP, Paris, France.

Required action: The Bureau will examine the revised version of the draft Recommendation prepared by the expert.

- T-PD-BUR(2015)10Rev Draft Recommendation on the protection of health data
- [T-PD\(2015\)07](#) Draft presentation report on the possible update of the Recommendation n° R (97) 5 on the protection of medical data by Ms. Jeanne Bossi Malafosse
- [T-PD\(2015\)02Mos](#) Compilation of replies received on the protection of medical data
- [T-PD\(2014\)07](#) “Medical technologies and data protection issues” Questionnaire
- [Recommendation N° \(97\) 5](#) on the protection of medical data

7. DATA PROTECTION AND POLICE

Experts: Ms. Evelien van Beek, Senior adviseur, Autoriteit Persoonsgegevens, the Netherlands;

Mr David Allen, Head of the UK International Crime Bureau, Intelligence & Operations Directorate National Crime Agency, UK.

Required action: The Bureau will take note of the information provided by the experts and will examine the draft practical guide.

- T-PD(2016)02 Draft practical guide on the use of personal data in the police sector
- [T-PD\(2013\)11](#) Recommendation No. R (87) 15 - “Twenty–five years down the line – Final report” by Joseph A. Cannataci

- [Recommandation N° R \(87\) 15](#) Recommendation No. R(87) 15 regulating the use of personal data in the police sector

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 \(T-CY\)](#)
- [CODEXTER](#)
- [Bioethics Committee \(DH-BIO\)](#)
- [European Committee on Crime Problems \(CDPC\)](#)
- [Council of Europe action plan on combating transnational organised crime \(2016-2020\)](#)

9. OVERVIEW OF ACTIVITIES AND MAJOR DEVELOPMENTS IN THE FIELD OF DATA PROTECTION

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

- [CPDP Conference, Brussels, 27-29 January 2016](#)
- [ICANN \(55th meeting, Marrakech, 5-10 March 2016\)](#)
- [T-PD\(2015\)03Mos](#) Compilation of experts' reports

10. OPINION

Required action: The Bureau will examine the draft Opinion prepared by the Secretariat on the basis of the expert report, as it has been revised.

- [T-PD-BUR\(2015\)11rev](#) Draft opinion on Air Transport Passengers information
- [T-PD-BUR\(2015\)05](#) Report on a draft opinion on Passenger Name Records (PNR), data mining and data protection (French version only)
- [T-PD\(2015\)11](#) Passenger Name Records, data mining & data protection: the need for strong safeguards - Draft Council of Europe's report by Mr Douwe Korff and Ms. Marie Georges
- [T-PD\(2015\)01BiI](#) Compilation of opinions

11. 33RD PLENARY MEETING

Required action: The Bureau will examine and finalise the draft Agenda of the 33rd plenary meeting.

- T-PD33(2016)OJprov_E Draft Agenda

12. DATA PROTECTION DAY

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

- Compilation of Data Protection forms 2016

13. OBSERVERS

Required action: The Bureau will take note of the information provided by the observers and will examine the request for observer status submitted by Privacy International.

- Request for observer status by Privacy International

14. ANY OTHER BUSINESS

APPENDIX II.

LIST OF PARTICIPANTS

MEMBERS OF THE BUREAU / MEMBRES DU BUREAU

GEORGIA / GEORGIE

Nino Sarishvili, Head of International Relations and Communications Department, Office of the Personal Data Protection Inspector, 7, Ingorokva Str., 0105, Tbilisi

HUNGARY / HONGRIE

Péter Kimpian, International Affairs and Public Relations Department, National Authority for the Data Protection and Freedom of Information, H-1125 Budapest, Szilágyi Erzsébet fasor 22/C

ITALY / ITALIE

Pierucci Alessandra, (first vice-chair), Piazza di Monte Citorio 121, 00186 Rome

LUXEMBOURG

Gérard Lommel, Commissaire du gouvernement à la protection des données, Ministère d'Etat, Bâtiment Zurich, 3 boulevard Roosevelt, L-2450 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, (second vice-chair), Head of Office, Commissioner for Information of Public Importance and Personal Data Protection, 42 Svetozata Markovica, 11 000 Belgrade

SPAIN / ESPAGNE (apologised/excusé)

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

DENMARK / DANEMARK

Nanna Østerrøgd Bødker, Head of Section, The Danish Ministry of Justice, Data Protection Division Slotsholmsgade 10, DK-1216 Copenhagen K

GERMANY / ALLEMAGNE

Stefan Niederer, Senior Data Protection Officer, Unit VII - European and International Affairs The Federal Commissioner for Data Protection and Freedom of Information, Husarenstr. 30, 53117 Bonn

MONACO

Corinne Laforest de Minotty, Inspection générale de l'administration, Chef de l'Inspection Générale de l'Administration, Ministère d'Etat - Place de la Visitation, 98000 Monaco

OBSERVERS / OBSERVATEURS

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

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

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

Lukasz Rozanski

Paulo Silva, European Commission, DG Justice and Consumers, Rue de la Loi 200, 1049 Brussels

EUROPEAN DATA PROTECTION SUPERVISOR / LE CONTRÔLEUR EUROPEEN DE LA PROTECTION DES DONNEES

Anne-Christine Lacoste, Conseil juridique-Coordinateur

Postal address: Rue Wiertz 60, B-1047 Brussels; Office address: Rue Montoyer 63, B-1047 Brussels, Belgium

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

Floriane Leclercq, Chargée de mission, Commission nationale de l'informatique et des libertés, 8 rue Vivienne - CS 30223 - 75083 PARIS Cedex 08, France

INTERNATIONAL COMMITTEE OF THE RED CROSS / COMITÉ INTERNATIONAL DE LA CROIX-ROUGE

Massimo Marelli, Lawyer/Head of Data Protection Project, Communication & Information Management Department, ICRC Geneva, Switzerland

Julie Tenenbaum, Regional Legal Adviser for Europe, 10bis, Passage d'Enfer, 75014 Paris, France

« INTERNET SOCIETY » / « SOCIÉTÉ DE L'INTERNET » (ISOC)

Robin Wilton, Technical Outreach Director - Identity and Privacy

INTERPOL

Caroline Goemans Dorny, Counsel, I.C.P.O - INTERPOL, Secrétariat Général, 200 quai Charles de Gaulle, 69006 Lyon, France

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) / ORGANISATION DE COOPÉRATION ET DE DÉVELOPPEMENT ÉCONOMIQUE (OCDE)

Claire Hilton, Digital Economy and Policy Division, Directorate for Science, Technology and Industry 2, rue André Pascal, 75775 Paris Cedex 16

INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS / CONFÉRENCE INTERNATIONALE DES COMMISSAIRES A LA PROTECTION DES DONNEES ET DE LA VIE PRIVÉE

Florence Raynal, CNIL, Chef de Service des affaires européennes et internationales

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

David Allen, Head of the UK International Crime Bureau, Intelligence & Operations Directorate, National Crime Agency, United Kingdom

Jeanne Bossi-Malafosse, Avocat à la Cour – Counsel, DLA Piper France LLP, 27 rue Laffitte 75009 Paris, France

Alessandro Mantelero, Tenured Aggregate Professor at Politecnico di Torino, Italy

Sophie Stalla-Bourdillon, Associate Professor in IT/IP law, Director of Ilaws & iCLIC, University of Southampton School of law, Southampton, Member of the Committee of experts on Internet Intermediaries (MSI-NET)

SECRETARIAT

**Directorate General Human Rights and Rule of Law
Direction Générale Droits de l'Homme et Etat de Droit**

Data Protection Unit / Unité de la protection des données

Sophie Kwasny, Secretary of the T-PD / Secrétaire du T-PD

Maria Michaelidou, Programme Advisor / Conseillère de programme

INTERPRETERS / INTERPRETES

Shan Benson
Ina Kang
Léa Ouedraogo