ABRIDGED REPORT

Directorate General of Human Rights and the Rule of Law
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 Kimpián (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 Kimpián 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


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
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(2013)02Rev5** Draft Guidelines on the protection of individuals with regard to the processing of personal data in a world of Big Data


6. **Protection of Medical Data**


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


- **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

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)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)01Bil Compilation of opinions
11. **33rd Plenary Meeting**

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


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
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SERBIA / SERBIE
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SPAIN / ESPAGNE (apologised/excused)
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

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OBSERVERS / OBSERVATEURS

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EUROPEAN DATA PROTECTION SUPERVISOR / LE CONTRÔLEUR EUROPEEN DE LA PROTECTION DES DONNÉES
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Florence Raynal, CNIL, Chef de Service des affaires européennes et internationales

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES
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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

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