

Strasbourg, 31 March 2017

T-PD-BUR(2017)41RAP

**BUREAU OF THE CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION
OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING
OF PERSONAL DATA [ETS 108]**

41st meeting of the Bureau

Paris, 29-31 March 2017

Draft ABRIDGED REPORT

The Bureau of the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Data (“Convention 108”) held its 41st meeting in Paris from 29 to 31 March 2017 with Ms Alessandra Pierucci (Italy) in the chair. The agenda, as adopted by the Bureau, and the list of participants are set out in Appendices I and II.

The Bureau of the Committee of Convention 108:

1. expressed its satisfaction that Burkina Faso had been invited to accede to Convention 108 and the additional protocol thereto, and welcomed the participation of Ms Marguerite Ouedraogo Bonane, the Chair of the national data protection agency (“Information Technology and Freedoms Commission”), who informed the Bureau of the action taken following the Committee’s opinion on its request;¹
2. took note of the information presented by the Secretariat on the activities carried out since the beginning of the year (see <http://www.coe.int/fr/web/data-protection/news>);
3. took note of the information on the latest discussions concerning the **modernisation of Convention 108** at the level of the Committee of Ministers’ Rapporteur Group on Legal Co-operation (GR-J) (item on the agenda of its meeting of 6 April);
4. examined the draft recommendation on the protection of **health-related data**, presented by the expert, Ms Jeanne Bossi Malafosse, held an exchange of views, which partly took the form of a joint meeting with the Bureau of the Committee on Bioethics (DH-BIO),² and decided that the draft would be revised in the light of these discussions and distributed to the Committee delegations and the DH-BIO with a view to further consideration at the 34th plenary meeting on the basis of the written comments received;
5. examined the draft practical guide on the use of personal data in **the police sector**, held an exchange of views and decided that the draft would be revised by the Secretariat on the basis of these discussions and distributed to the Committee delegations and to the other committees concerned with a view to further consideration at the 34th plenary meeting, on the basis of the written comments received;
6. took note of the requests for **observer status** made by Japan and the Philippines and asked the Secretariat to consult the delegations by written procedure before the 34th plenary meeting;
7. examined the draft **agenda** of the 34th plenary meeting, for finalisation and dispatch to the delegations within the agreed timeframe, and held an exchange of views on the Committee’s working methods and Rules of Procedure with a view to the possible amendment of the Rules at the 34th plenary meeting;
8. held an exchange of views on the Committee’s draft **work programme** for the 2018-2019 biennium with a view to submission for approval at the 34th plenary meeting;
9. took note of the **activities and major developments related to the work of the Committee**, particularly the forthcoming European Conference of Data Protection Authorities (Limassol, 27 and 28 April 2017) and the activity report by the **UN Special Rapporteur on the Right to Privacy**, Mr Joseph Cannataci. In this connection the Bureau decided to step up its involvement in the activities carried out by the Special Rapporteur (particularly those relating to surveillance measures, co-operation with ICANN health-related data and big data);
10. took note of the presentation by Mr Nigel Hickson (Vice-President, ICANN) and the information given by the Chair of the Committee and the Secretariat on the events of the “**Privacy Day at ICANN58**”, held an exchange of views and confirmed the need to continue to be involved in the work of this organisation;
11. took note of the information on **co-operation with other Council of Europe bodies**, particularly the work of the Steering Committee on Media and Information Society (CDMSI) and its Committee of Experts on Internet Intermediaries (MSI-NET), the work of the Cybercrime Committee (TC-Y) and the Committee on Bioethics (DH-BIO) and the priority areas of co-operation with the DH-BIO (particularly on the genome

¹ Opinion on the request for accession by Burkina Faso, document T-PD(2016)21

² For the list of participants, see the report of the meeting of the DH-BIO Bureau.

and “direct-to-consumer” genetic testing), the Action Plan on Combating Transnational Organised Crime adopted by the European Committee on Crime Problems (CDPC), the preparation of “Guidelines to empower, protect and support children’s safe access to their rights on the Internet” by the Ad hoc Committee for the Rights of the Child (CAHENF) and the work of the Parliamentary Assembly on technological convergence, artificial intelligence and human rights;

12. took note of the latest developments with regard to the Common Reporting Standard (CRS) of the Organisation for Economic Co-operation and Development (OECD) and the **automatic exchange of information on financial accounts**, held an exchange of views on the current situation in this area and invited the delegations to make enquiries at national level about the notification of data protection carried out by their respective countries (see also Appendix C of the multilateral agreement);

13. took note of the information presented by the **observers**, namely recent developments relating to the activities of the ICRC, the AEDH (European Association for the Defence of Human Rights), the AFAPDP (French-Speaking Association of Personal Data Protection Authorities) and the European Commission;

14. confirmed the following **meeting dates for 2017**: 42nd Bureau meeting in Paris from 11 to 13 September and 43rd Bureau meeting in Geneva from 18 to 20 December. The dates of the Committee’s plenary meetings are as follows: 34th plenary meeting from 19 to 21 June and 35th plenary meeting from 22 to 24 November, both in Strasbourg.

APPENDIX I

AGENDA

1. OPENING OF THE MEETING

- [T-PD\(2016\)RAP33Abr](#) Abridged report of the 33rd T-PD Plenary meeting (29 June -1 July 2016)
- [T-PD-BUR\(2016\)40RAP](#) Abridged report of the 40th meeting of the T-PD Bureau (30 November – 2 December 2016)
- [T-PD\(2016\)WP Rev](#) 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

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

- [Consolidated text](#) Consolidated text of the modernised version of Convention 108
- [Draft amending Protocol](#) Draft Protocol amending Convention 108
- [Draft explanatory report](#) Draft explanatory report of the modernised Convention 108
- [CAHDATA\(2016\)RAP Abr](#) Abridged report of the CAHDATA meeting (15-16 June 2016)
- [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. PROTECTION OF MEDICAL DATA

Expert: Ms. Jeanne Bossi Malafosse, Consultant.

Required action: The Bureau will take note of the information provided by the expert and will examine the revised version of the draft Recommendation.

- [T-PD\(2016\)4REV4](#) Draft Recommendation on the protection of health-related 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
- [Recommendation N° \(97\) 5 on the protection of medical data](#)

6. DATA PROTECTION AND POLICE

Required action: The committee will take note of the information provided by the secretariat and will examine the revised version of the draft practical guide.

- [T-PD\(2016\)02rev3](#) 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

7. 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](#))
- Bioethics Committee ([DH-BIO](#))
 - [Study on the rights of children in biomedicine](#)
 - [Report on Ethical Issues Raised by Emerging Sciences and Technologies](#)
(report by Roger Strand & Matthias Kaiser)
 - [20th anniversary of the Oviedo Convention](#)
- European Committee on Crime Problems ([CDPC](#))
 - [Council of Europe action plan on combating transnational organised crime \(2016-2020\)](#)
- Ad hoc Committee for the Rights of the Child ([CAHENF](#)) and Drafting Group of Specialists on Children and the Digital Environment ([CAHENF-IT](#))
- [Parliamentary Assembly](#)
 - Technological convergence, artificial intelligence and human rights

8. OVERVIEW OF ACTIVITIES AND MAJOR DEVELOPMENTS RELATED TO THE WORK OF THE COMMITTEE

Required action: The Bureau will hold an exchange of views with the UN Special Rapporteur on the right to privacy, Mr Joseph Cannataci and will take note of the information provided by Mr Nigel Hickson (Vice-President; UN and IGO Engagement, ICANN, Geneva, Switzerland).

- [Data protection day](#) [2017 Compilation](#)
- [ICANN58](#) (Copenhagen, 13-17 March 2017)
- [Spring Conference of Data Protection Authorities](#) (Limassol, 27-28 April 2017)

9. 34TH PLENARY MEETING AND WORKING METHODS

- T-PD34(2017)OJ Draft agenda
- T-PD(2017)WPdraft Draft work programme of the committee for 2018-2019
- [T-PD\(2104\)Rules](#) T-PD's rules of procedure

10. OPINIONS

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

- T-PD(2017)02 Compilation of opinions

11. OBSERVERS

Required action: The Bureau will take note of the requests to be granted observer status by Japan and the DPA of Philippines and will decide on the follow-up to give to the requests.

12. ANY OTHER BUSINESS

APPENDIX II
LIST OF PARTICIPANTS

MEMBERS OF THE BUREAU / MEMBRES DU BUREAU

FRANCE

Agnès Maitrepierre, Chargée de mission auprès du Directeur des affaires juridiques du Ministère des affaires étrangères et du développement international, 57 Boulevard des Invalides, 75700 Paris

GEORGIE / GEORGIA

Tamar Kaldani, Personal Data Protection Inspector of Georgia, 7, N. Vachnadze Str., Tbilisi, 0105

ITALY / ITALIE

Alessandra Pierucci, (Chair / Présidente), Piazza di Monte Citorio 121, 00186 Rome

LUXEMBOURG

Gérard Lommel, (second vice-chair / deuxième Vice-président), 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 (apologised / excusée)

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

SWITZERLAND / SUISSE

Jean-Philippe Walter, (first Vice-Chair / premier Vice-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

MALTA / MALTE

Ingrid Camilleri, B.A., LL.D., Head – Legal, Office of the Information and Data Protection Commissioner, Airways House, Second Floor, High Street, Sliema SLM 1549

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Eduard Raducan, Director, National Center for Personal Data Protection of the Republic of Moldova, 48 Serghei Lazo street, MD-2004 Chisinau

Ana Taban, Counsellor on political and economic affairs from the Embassy of the Republic of Moldova to France

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

SENEGAL

Mamoudou Niane, Directeur des affaires juridiques et de la coopération, Commission de protection des données personnelles (CDP), 34, Mermos VDN, Dakar

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

Miroslava Benedikova, Director of Foreign Affairs, Hraničná 12, 820 07 Bratislava 27

TURKEY / TURQUIE

Abdullah Aydin, Magistrat / Conseiller juridique à l'Ambassade de Turquie

16 Avenue de Lamballe, 75016 Paris

OBSERVERS / OBSERVATEURS

BURKINA FASO

Marguerite Ouedraogo Bonane, Présidente, Commission de l'Informatique et des Libertés (CIL), 01 BP 1606 Ouagadougou

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

Marine Revel, 3 Place de Fontenoy - TSA 80715, 75334 Paris cedex 07

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, DG Justice Unit C4, Rue de la Loi 200, 1049 Brussels

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

EXPERTS

Jeanne Bossi-Malafosse, Avocat à la Cour, Paris, France

Marie Georges, Consultante, Paris, France

INVITED GUESTS / INVITES

(Item 8 - Overview of activities and major developments related to the work of the committee)

Joseph Cannataci, UN Special Rapporteur for the right to Privacy, Office of the High Commissioner for Human Rights, Palais Wilson, Geneva, Switzerland

Nigel Hickson, VP, UN and IGO Engagement, ICANN, Geneva, Switzerland

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 Committee / Secrétaire du Comité

Péter Kimpiàn, Programme Advisor / Conseiller de programme

INTERPRETERS / INTERPRETES

Isabel Freeman

Léa Ouedraogo

Punam Puri