

Strasbourg, 15 March 2024

T-PD-BUR(2024)61RAPAbrEN

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

(Convention 108)

61st Bureau Meeting

Paris Office, Meeting Room 1
13-15 March 2024

ABRIDGED REPORT

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- Item 1 **Opening of the meeting / Statement by the Chair and the Secretariat**
The Bureau took note of the information provided by the Chair and the secretariat. The Bureau welcomed Ms Albina Ovcearenco in her new role as head of Data Protection Unit of the Council of Europe.
- Item 2 **Adoption of the agenda**
The Bureau adopted the agenda.
- Item 3 **Convention 108+ state of play**
The Bureau took note of the information provided by the secretariat on the signatures and ratifications of the Protocol amending Convention 108 (CETS No. 223, hereafter Convention 108+): 46 signatures out of which, 31 ratifications. A tour de table on the state of play of ratification is scheduled at the next plenary meeting in June 2024.
- As regards Costa Rica, the Bureau took note of the information provided by the Bureau members and the secretariat on the latest developments regarding the internal legislative process. The Bureau welcomed the letter from the Minister of Justice and Peace of Costa Rica confirming the government's engagement with the accession process.
- Item 4 **Model contractual clauses for transborder data flows of personal data**
The Bureau took note of the information provided by the rapporteur and the secretariat on the draft third module of the MCC targeting the transfer of personal data from processors to processors, held an exchange of views, agreed on further amending the text in view of its finalisation and adoption at the June 2024 T-PD plenary meeting. Modules 1 and 2 can be found on the Council of Europe Data Protection website.
- Item 5 **Interpretation of Article 11 of modernised Convention 108**
The Bureau took note of the information provided by the rapporteur and the secretariat, held an exchange of views on the revised document, agreed on further amending the text and instructed the secretariat, together with the rapporteur, to gather written comments on the amended text for discussion at next meetings.
- Item 6 **Processing of personal data within the framework of vote and elections**
The Bureau took note of the information provided by the secretariat and the expert (via videocall), held an exchange of views, agreed on further amending the text based on comments received in view of its finalisation and adoption at the June 2024 T-PD plenary meeting.
- Item 7 **Data Protection in the context of neurosciences**
The Bureau took note of the information provided by the rapporteur, experts and the secretariat (of the Committee on Bioethics (CDBIO) and T-PD), held an exchange of views based on the presentation, and instructed the secretariat, together with the experts, to prepare an expert report on the topic addressing the key areas identified to be presented at the June 2024 T-PD plenary meeting.
- Item 8 **Cooperation with other Council of Europe bodies and entities**
The Bureau took note of the information provided by the secretariat, notably on the finalisation of the text of the draft Framework Convention on Artificial Intelligence within CAI on which the Bureau congratulated the negotiating parties; on the latest development within the CDBIO and notably on the preparation of a report on neuroscience impact on human rights. The Bureau also took note of the various cooperation programmes relevant to data protection, in particular on the on-going

institutional support to beneficiaries of the Southern Mediterranean region (South V Programme), as well as on-going and possible future cooperation with data protection authorities under several Council of Europe Action Plans.

- Item 9 **Developments and activities in the field of data protection**
The Bureau took note of the information provided by the participants and secretariat, notably on the following events: CPDP Data Protection Day (25 January, Brussels); Meeting on State of AI Regulations (9 February, Rome); GSMA Ministerial Programme, MWC (26-28 February, Barcelona) and CEEDPA, (29 Feb-1 March, Tbilisi).
- Item 10 **Data Protection Commissioner**
The Bureau took note of the information provided by the Data Protection Commissioner regarding his activities and the end of his second mandate (June 2024) as well as his readiness to potentially go for an ad-interim extension by one more year, which has also been supported by the Bureau with a view to ensuring smooth transition considering the expected entry into force of the amending Protocol CETS No 223.
- Item 11 **Observers**
The Bureau took note of the information provided by the observers and participants to the meeting, notably by the representatives of the OECD on current initiatives regarding cross-border data flows (“Data Free Flow with Trust”, (DFFT)), on regulatory cooperation, on cross-border payments, health data governance and on regular meetings of the joint expert group on AI and data protection.
- Item 12 **Next meetings**
The Bureau took note of the dates of the next plenary meetings to be held on 5-7 June 2024 (46th), 4-6 November 2024 (47th) in Strasbourg, as well as of the next Bureau meeting on 11-13 September 2024 (62nd) in Venice. In this respect, the Bureau took note of the information provided by the secretariat on the need for operational changes linked to the entry into force of amending Protocol CETS No 223 for further reflection during next meetings.
- Item 13 **Stefano Rodotà Award**
The Bureau took note of the information provided by the secretariat on the competition results of the 2024 edition.
- Item 14 **Any Other Business**

ANNOTATED AGENDA

	1. Opening of the meeting
	Statement by the Chair Statement by the Secretariat
T-PD(2023)45RAPAbrEN Pro memoria	Abridged report of the 45 th Plenary meeting (15-17 November 2023)
T-PD-BUR(2023)60RAPAbr Pro memoria	Abridged report of the 60 th Bureau meeting (13-14 December 2023)
T-PD(2021)WP2022-2025 Pro memoria	Work programme of the Committee 2022-2025
TPD43(2022)7 Pro memoria	Rules of procedure
	2. Adoption of the agenda
	3. Convention 108+ State of play
	Information provided by the Secretariat <u>Required action:</u> The Bureau will take note of the information provided by the Secretariat and have a discussion on the state of ratifications.
- Consolidated text of the modernised Convention ETS No. 108 - Explanatory report - Amending protocol CETS No.223	<ul style="list-style-type: none"> • Convention 108+: chart of signatures and ratification • Convention 108: chart of signatures and ratifications
T-PD(2020)08Rev Expert Report	Costa-Rica <u>Required action:</u> The Bureau will take note of the information provided by the secretariat, will hold an exchange of views on the latest developments and decide on the necessary follow up.
Draft Model Contractual Clauses (Module 3) Compilation of comments Model Contractual Clauses (Module 1) Model Contractual Clauses (Module 2)	4. Model contractual clauses for transborder data flows of personal data Presentation by the rapporteur and the secretariat <u>Required action:</u> The Bureau will take note of the information provided by the rapporteur and the secretariat, and will hold an exchange of views and decide on the necessary follow-up.
	5. Interpretation of Article 11 of modernised Convention 108
T-PD(2021)7rev4	Information provided by the rapporteur and the secretariat <u>Required action:</u> The Bureau will take note of the information provided by the rapporteur and the secretariat, will hold an exchange of views, and decide on the necessary follow-up.

	6. Processing of personal data within the framework of vote and elections
T-PD(2023)2rev3 Compilation of comments Expert Report	Information provided by the secretariat and the expert (via video call) <u>Required action:</u> The Bureau will take note of the information provided by the secretariat and the expert, will hold an exchange of views and decide on the necessary follow-up.
	7. Data Protection in the context of neurosciences
CDBIO report on Neurotechnologies and human rights framework: do we need new rights?	Information provided by the rapporteur and the experts. <u>Required action:</u> The Bureau will take note of the information and presentation provided by the rapporteur and the experts, and will hold an exchange of views and decide on the necessary follow-up.
	8. Cooperation with other Council of Europe bodies and entities
	<u>Required action:</u> The Bureau will take note of the information provided by the participants and the secretariat
	9. Developments and activities in the field of data protection
	<u>Required action:</u> The Bureau will take note of the information provided by the participants and the secretariat and decide on the necessary follow-up.
	10. Data Protection Commissioner
Activity report 2020-2022 CM Resolution on the new Regulations on the Protection of Personal Data	<u>Required action:</u> The Bureau will take note of the information provided by the Commissioner (via videocall).
	11. Observers
List of Observers T-PD(2018)04Rev3 <i>Pro memoria</i>	<u>Required action:</u> The Bureau will take note of the information provided by the observers
	12. Next meetings
	<u>Plenary meetings:</u> 46 th Plenary: 5-7 June 2024 47 th Plenary: 4-6 November 2024 <u>Bureau meetings:</u> 62 nd Bureau: 11-13 September 2024 (place tbc) 63 rd Bureau: tbc <u>Required action:</u> The Bureau will take note of the dates of the forthcoming plenary and Bureau meetings.
Stefano Rodotà Award	13. Stefano Rodotà Award
	<u>Required action:</u> The Bureau will take note of the information provided by the secretariat on the 2024 edition.
	14. Any Other Business

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS
MEMBERS OF THE BUREAU / MEMBRES DU BUREAU

Elsa Mein, Chair/Présidente

Caroline Gloor Scheidegger, first Vice-Chair / première Vice-présidente

Awa Ndiaye, second Vice-Chair / seconde Vice-présidente - *excused / excusée*

Virpi Koivu, Bureau member / membre du Bureau

Pablo Manuel Mateos Gascueña, Bureau member / membre du Bureau

Anamarija Mladinić, Bureau member / membre du Bureau

Gonzalo Sosa Barreto, Bureau member / membre du Bureau

Alessandra Pierucci, Former T-PD Chair / Ancienne Présidente du T-PD

COMMITTEE MEMBERS AND DELEGATIONS / MEMBRES DU COMITÉ ET DÉLÉGATIONS

GERMANY / ALLEMAGNE

Stefan Niederer – adviser/conseiller, Office of the Federal Commissioner for Data Protection and Freedom of Information

UNITED KINGDOM / ROYAUME UNI

Joe Reid – adviser/conseiller, Multilateral Engagement Policy Advisor at Department for Science, Innovation & Technology

Blandine Cassou-Mounat – adviser/conseiller, Principal Policy Adviser – International Regulatory Cooperation Directorate (International), Information Commissioner's Office (ICO)

OBSERVERS AND PARTICIPANTS / OBSERVATEURS ET PARTICIPANTS

EDPS / CEPD

Olivier Matter, Head of International Cooperation

OECD / OCDE

Clarisse Girot, Head, Data Governance and Privacy Unit
Sergi Gálvez, Policy Analyst

EXPERTS

Colin Bennett, Department of Political Science, University of Victoria, B.C. Canada (video call / appel visio)

Marcello Ienca, School of Medicine and Health, Technical University of Munich (TUM)

Eduardo Bertoni, American University Washington College of Law

**COUNCIL OF EUROPE BODIES AND SECRETARIAT /
ORGANES ET SECRETARIAT DU CONSEIL DE L'EUROPE**

**Council of Europe data protection Commissioner /
Commissaire à la protection des données du Conseil de l'Europe**

Jean-Philippe Walter, Commissioner / Commissaire (video call / appel visio)

**DGI Direction générale droits humains et Etat de droit / DGI Directorate General Human Rights
and Rule of Law**

Laurence Lwoff, Head of Human Rights and Biomedicine Division / Chef de la division Droits humains
et biomédecine (CDBIO)

Data Protection Unit / Unité de la protection des données

Albina Ovcearenco, Head of Data Protection Unit
Péter Kimpiàn, Secretary of the Committee / Secrétaire du Comité