

CONVENTION 108

CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH
REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA

CONSULTATIVE COMMITTEE

THE CHAIR

Please quote: T-PD/JPW/SK

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Article 29 Working Party
Mr. Jacob Kohnstamm
Chairman

Strasbourg, 11 February 2014

Dear Mr Kohnstamm,

I would like to thank you for your letter of 5 December 2013 regarding direct access by third countries' law enforcement authorities to data stored in other jurisdiction, as proposed in the draft elements for an additional protocol to the Budapest Convention on Cybercrime.

The Bureau of the Consultative Committee (T-PD) of the Convention for the Protection of individuals with regard to automatic processing of personal data took note of your letter during its 31st meeting (18-20 December 2013) and underlined the need to address the data protection challenges of transborder access to data and the importance of contributing to the reflection and ongoing work.

The T-PD Bureau also took note of the decision adopted by the Cybercrime Convention Committee (T-CY) at its 10th Plenary meeting (2-3 December 2013), in particular noting that it will "put on hold the decision taken at the 9th Plenary regarding the preparation of a Protocol to the [Budapest] Convention" and will request the Transborder Group to continue dialogue with relevant stakeholders, taking into account the results of the current round of T-CY assessments and the need to submit a report with proposals to the T-CY 12th Plenary (end of 2014).

The Bureau thus decided that the T-PD should provide a full analysis of the T-CY proposals once further developed, noting that existing proposals will be reviewed in the year to come.

Furthermore, I understand that the Transborder Group and the T-CY Bureau have proposed an exchange of views with data protection experts (T-PD, Article 29 WP, EDPS) be held before Summer 2014, as well as another public hearing (like the one organised on 3 June 2013).

On the basis of this information, I look forward to exchanging with T-CY representatives in the coming months. I can assure you that the T-PD will follow the development of the T-CY proposals.

Finally, I would like to confirm that, as requested, your letter was transmitted to the Chairman of the Ministers' Deputies of the Council of Europe, who subsequently distributed it to all delegations of the Council of Europe member states.

With my kind regards



Jean-Philippe Walter