

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 21 June 2017

T-PD(2017)RAP34Abr\_en

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

**34<sup>th</sup> Plenary meeting**

Strasbourg, 19-21 June 2017

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**ABRIDGED REPORT**

Directorate General of Human Rights and Rule of Law

1. The Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108, hereafter 'Convention 108'), established under Article 18 of Convention 108, held its 34<sup>th</sup> plenary meeting<sup>1</sup> in Strasbourg from 19 to 21 June 2017, with Ms Alessandra Pierucci (Italy) in the chair. The agenda as adopted by the Committee and the list of participants are set out in Appendix 1 and Appendix 2.

The Committee:

2.1. took note of the information provided by Mr Patrick Penninckx, Head of the Department of Information Society, regarding in particular other activities of the organisation of relevance to the work of the Committee;

2.2. took note of the state of progress of the modernisation of Convention 108 and called for the urgent finalisation of the work by the Committee of Ministers;

2.3. took note of the state of signatures and ratifications of and accessions to Convention 108 and its Additional Protocol and, in particular, the updates provided by the Tunisian Consul in Strasbourg, Mr Mohamed Trabelsi, concerning ratification of the Convention by Tunisia and legislative developments;

2.4. examined the draft recommendation on the protection of health-related data, held an exchange of views with the expert, Ms Jeanne Bossi Malafosse, and agreed that a revised version of the draft recommendation would be submitted for written comments with a view to finalisation and adoption at the next plenary meeting;

2.5. examined the draft practical guide on the use of personal data by the police, held an exchange of views with the expert, Mr David Allen, and agreed that a revised version would be submitted for written comments prior to the launch of a written procedure for adoption;

2.6. took note of the information provided by the Chair on the automatic exchange of personal data in tax matters and the data protection implications of the applicable standards, instructing its Bureau to continue following up the matter, with due regard for the work carried out by the Article 29 Working Party in this field;

2.7. took note of the information on co-operation with other Council of Europe bodies and, in particular, the work of the Ad-Hoc Committee for the Rights of the Child (CAHENF), the Steering Committee on Media and Information Society (CDMSI) and its Committee of Experts on Internet Intermediaries (MSI-NET), the Committee of the Cybercrime Convention (TC-Y), the "Action plan on combating transnational organised crime" adopted by the European Committee on Crime Problems (CDPC), the Parliamentary Assembly and the Bioethics Committee (DH-BIO);

2.8. took note of the information provided by the Secretariat concerning co-operation programmes in the data protection field;

2.9. examined the draft opinion on the request for accession by Argentina (document T-PD(2017)17) and agreed to submit the draft for adoption by written procedure after the plenary meeting;

2.10. took note of the major developments at national and international level in the data protection field since its last plenary meeting (information compiled in document T-PD 2017(08)Mos), in particular the

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<sup>1</sup> 81 participants in all, 39 men, 42 women.

adoption of a resolution on the modernisation of Convention 108 by the Conference of European Data Protection Authorities (Limassol, 27-28 April 2017) and the work done within ICANN;

2.11. adopted its work programme for 2018-2019 (document T-PD(2017)WP2018-2019) and stressed to what extent the actions planned were both necessary and priorities;

2.12. adopted the proposed amendments to the Committee's Rules of Procedure (document T-PD(2017)Rules);

2.13. took note of the information provided by the Secretariat concerning the celebrations held for Data Protection Day;

2.14. welcomed the admission of the Republic of Korea, Japan and the Republic of the Philippines as observers to the Committee and took note of the information provided by these countries' representatives, as well as of the information provided by the representative of the ICRC, regarding in particular the launch of the Handbook on data protection in humanitarian action, of the Chair of the AFAPDP regarding the annual conference which will be held in Tunis on 4-5 September 2017 and of the representative of the AEDH concerning the priorities of the Association ;

2.15. elected Maria Michaelidou (Cyprus) to the Bureau;

2.16. confirmed that the next meetings of the Bureau would be held in Paris from 11 to 13 September and in Geneva from 18 to 20 December respectively and that the next plenary meeting of the Committee would be held in Strasbourg from 22 to 24 November 2017.

## APPENDIX I

### AGENDA

Strasbourg, 27 April 2017

T-PD34(2017)OJ

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

(T-PD)

34<sup>th</sup> Plenary meeting

Council of Europe, Strasbourg (Room 2.)

From 19 June 2017 – 2.00 p.m.  
to 21 June 2017 – 1.00 pm.

### AGENDA

#### 1. Opening of the meeting

• <a href="#">T-PD(2016)RAP33Abr</a>	Abridged report of the 33 <sup>rd</sup> Plenary meeting (Strasbourg, 29 June -1 July 2016)
• <a href="#">T-PD-BUR(2017)39RAP</a>	Abridged report of the 39 <sup>th</sup> Bureau meeting (Paris, 5-7 October 2016)
• <a href="#">T-PD-BUR(2016)40RAP</a>	Abridged report of the 40 <sup>th</sup> Bureau meeting (Strasbourg, 30 November-2 December 2016)
• <a href="#">T-PD-BUR(2017)41RAP</a>	Abridged report of the 41 <sup>st</sup> Bureau meeting (Paris, 29 March-31 March 2017)
• <a href="#">T-PD(2016)WPrev</a>	Work programme of the T-PD 2016-2017
• <a href="#">T-PD(2014)Rules</a>	T-PD's rules of procedure

#### 2. Adoption of the agenda

#### 3. Statement by the secretariat

Mr Patrick Penninckx, Head of Information Society Department

#### 4. Modernisation of Convention 108

a. *Required action: The Committee will take note of the information provided by the secretariat.*

<ul style="list-style-type: none"> <li>• <u>Modernisation proposals</u></li> </ul>	Consolidated version of the modernised Convention
<ul style="list-style-type: none"> <li>• <u>Draft explanatory report</u></li> </ul>	
<ul style="list-style-type: none"> <li>• <u>T-PD(2016)01</u></li> </ul>	Draft questionnaire on the evaluation and follow-up mechanism
<ul style="list-style-type: none"> <li>• <u>T-PD-BUR(2013)02Rev5</u></li> </ul>	Information elements on the evaluation and follow-up mechanism

## 5. State of Play – Accession

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

<ul style="list-style-type: none"> <li>• <u>Convention 108: chart of signatures and ratifications</u></li> </ul>
<ul style="list-style-type: none"> <li>• <u>Additional Protocol: chart of signatures and ratifications</u></li> </ul>

## 6. Protection of Health Related Data

Expert: Ms. Jeanne Bossi Malafosse, Paris, France.

*Required action: The Committee will take note of the information provided by the expert and will examine the revised version of the draft Recommendation, together with written comments received with a view to finalising the draft Recommendation (the draft explanatory memorandum will be prepared for the 35<sup>th</sup> Plenary meeting and both texts will be submitted to the Committee for approval at that meeting).*

<ul style="list-style-type: none"> <li>• <u>T-PD(2017)03</u></li> </ul>	Draft Recommendation on the protection of health-related data
<ul style="list-style-type: none"> <li>• <u>T-PD(2017)04Mos</u></li> </ul>	Compilation of comments received
<ul style="list-style-type: none"> <li>• <u>T-PD(2015)07</u></li> </ul>	Presentation report on the possible update of the Recommendation <sup>o</sup> R (97) 5 on the protection of medical data by Ms. Jeanne Bossi Malafosse
<ul style="list-style-type: none"> <li>• <u>Recommendation N° (97) 5</u></li> </ul>	on the protection of medical data

## 7. Data protection and police

Expert: Mr. David Allen, United Kingdom (to be confirmed).

*Required action: The Committee will take note of the information provided by the expert and will examine the revised version of the draft practical guide together with written comments received with a view to finalising the guide for subsequent adoption.*

- T-PD(2016)02Rev5 Draft practical guide on the use of personal data in the police sector

<ul style="list-style-type: none"> <li>• T-PD(2017)06</li> </ul>	Compilation of comments received
<ul style="list-style-type: none"> <li>• <u>T-PD(2013)11</u></li> </ul>	Recommendation No. R (87) 15 “Twenty–five years down the line” Final report” by Joseph A. Cannataci
<ul style="list-style-type: none"> <li>• <u>Recommandation N° R (87) 15</u></li> </ul>	Recommendation No. R(87) 15 regulating the use of personal data in the police sector

## 8. Automatic exchange of Personal Data

*Required action: The Committee will take note of the information provided by the Chair and the secretariat.*

- Letter Letter of the Chair of the Article 29 Working Party to the OECD
- Article 29 WP Guidelines Guidelines on the criteria to ensure compliance with data protection requirements in the context of the automatic exchange of personal data for tax purposes (adopted on 16 December 2015)  
Opinion on the implications for data protection of mechanisms for automatic inter-state exchanges of data for administrative and tax purposes
- T-PD(2014)05
- T-PD-BUR(2014)01 Report on the implications for data protection of the growing use of mechanisms for automatic inter-state exchanges of personal data for administrative and tax purposes, as well as in connection with money laundering, financing of terrorism and corruption

## 9. Cooperation with other Council of Europe Bodies and Entities

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

- **Steering Committee on Media and Information Society (CDMSI)**  
➤ MSI-NET
- **CAHENF**
- **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)
- **Parliamentary Assembly of the Council of Europe**

Recommendation 2102 (2017) – “Technological convergence, artificial intelligence and human rights”

## 10. Cooperation Projects

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

<ul style="list-style-type: none"> <li>• HELP in the 28</li> </ul>	Data Protection and privacy rights
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- Information Document CoE cooperation projects in the data protection field

### 11. Opinions

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

<ul style="list-style-type: none"> <li>• T-PD(2017)07</li> </ul>	Compilation of opinions
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### 12. Work programme 2018-2019

*Required action: The Committee will examine the proposed work programme as prepared by the Bureau and approve it.*

<ul style="list-style-type: none"> <li>• T-PD(2017)WP</li> </ul>	Work programme 2018-2019
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### 13. Rules of Procedure

*Required action: The Committee will take note of the information provided by the secretariat and will exchange views on means to enhance the efficiency and working methods of the Committee, examining proposed amendments to the Rules of procedure.*

<ul style="list-style-type: none"> <li>• T-PD(2017)Rules-prov</li> </ul>	T-PD's rules of procedure
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### 14. Overview of activities and major developments in the field of data protection

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

- European Conference of Data Protection Authorities, Limassol, 27-28 April 2017

<ul style="list-style-type: none"> <li>• T-PD(2017)08Mos</li> </ul>	Information on the recent developments at national level in the data protection field
<ul style="list-style-type: none"> <li>• T-PD(2017)09</li> </ul>	Compilation of website news

### 15. Data Protection Day

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

- DPD(2017)compilation\_mos                      Compilation of Data Protection Day forms 2017

## 16. Data Protection Commissioner

*Required action: The Committee will take note of the information provided by the Council of Europe Data Protection Commissioner.*

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|---|--|
| <ul style="list-style-type: none"><li>• Activity report</li></ul> |  |
|---|--|
- Secretary General's Regulation of 18 April 1989

## 17. Observers

*Required action: The Committee will take note of the information provided by the observers and by the secretariat.*

- T-PD(2017)10                                      Observers - State of play and admission criteria

## 18. Elections

*Required action: The Committee will proceed to the elections.*

- T-PD(2017)11                                      Memorandum concerning elections

## 19. Next meetings

*Required action: The Committee will take note of the proposed dates for the next meetings.*

## 20. Any Other Business

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**APPENDIX II**  
**LIST OF PARTICIPANTS**

Strasbourg, 21 June / juin 2017

T-PD(2017)LP

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

**COMITE CONSULTATIF DE LA CONVENTION POUR LA PROTECTION DES PERSONNES A  
L'EGARD DU TRAITEMENT AUTOMATISE DES DONNEES A CARACTERE PERSONNEL [STE 108]**

**34<sup>th</sup> meeting / 34<sup>ème</sup> réunion**

Strasbourg, 19-21 June / juin 2017  
Palais de l'Europe, Room / salle 2.

**LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS**

**MEMBERS / MEMBRES**

**ALBANIA / ALBANIE**

Besnik Dervishi, Commissioner

Ardita Shehaj, Director of the Department of the Right to Information

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## **OBSERVERS / OBSERVATEURS**

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**Directorate General Human Rights and Rule of Law /  
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Laurence Lwoff, Secretary of DH-BIO / Secrétaire du DH-BIO

**SECRETARIAT**

**Information Society Department / Service de la société de l'information**

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**Data Protection Unit / Unité de la protection des données**

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