

5. adopted the following interim reply to Assembly Recommendation 1037 (1986):

"1. The Committee of Ministers has studied with great interest Assembly Recommendation 1037 (1986) on data protection and freedom of information.

2. Having consulted the European Committee on Legal Co-operation (CDCJ) on the action suggested by the Assembly in paragraph 13 of the Recommendation, the Committee of Ministers agrees with the Assembly that it would be useful to analyse further the question of reconciling data protection and access to official information, notably in the spirit of its Recommendation No R(81)19 on access to information held by public authorities, its Declaration of 29 April 1982 on Freedom of Expression and Information, and the work of the Colloquy on freedom of expression and information which took place in Seville in 1985.

The contribution which data protection and in particular the right of access procedure could make to the whole issue of access to public information was recognised by the XIVth Colloquy on European law ("Beyond 1984: the law and information technology in tomorrow's society" Lisbon, 1984). The subject was also considered at the XVIIth Colloquy on European law ("Secrecy and openness - individuals, enterprises and public administrations", Zaragoza, 1987).

It should be indicated that the CDCJ invited its Committee of Experts on data protection (CJ-PD) to analyse in greater depth the question raised by the Assembly in paragraph 13.a of its Recommendation. The Committee of Ministers will make a point of keeping the Assembly informed of the tenor of the conclusions and the action it takes on them following the examination of this question by the CJ-PD and the CDCJ.

4. As regards paragraph 14 of Recommendation 1037, the Committee of Ministers notes with satisfaction that the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data has already been ratified by seven member States (Federal Republic of Germany, France, Luxembourg, Norway, Spain, Sweden, the United Kingdom) and that it may be ratified shortly by other States which already have data protection legislation or which are about to adopt such legislation.";

6. authorised, subject to the adoption of the Intergovernmental Programme of Activities for 1989 and under the usual conditions for such Symposia, the convening in 1989 in Bonn (Federal Republic of Germany) and at the expense of the Council of Europe, of the 9th Symposium on legal data processing on the theme "Artificial intelligence-based systems in the legal field", as well as the holding of two meetings in 1989 of the Organising Committee for this Symposium;

7. having regard to decisions 1 to 6 above, took note of the report of the 48th meeting of the CDCJ (CM(88)25 and Addendum) as a whole.