

Strasbourg, 7 December 2017

T-PD(2017)10

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

**Observers - State of play and admission criteria**

Directorate General of Human Rights and Rule of Law

## **Convention 108 - Chapter V – Consultative Committee**

### **Article 18 – Composition of the committee**

1. A Consultative Committee shall be set up after the entry into force of this convention.
2. Each Party shall appoint a representative to the committee and a deputy representative. Any member State of the Council of Europe which is not a Party to the convention shall have the right to be represented on the committee by an observer.
3. The Consultative Committee may, by unanimous decision, invite any non-member State of the Council of Europe which is not a Party to the convention to be represented by an observer at a given meeting.

### **Rules of Procedure**

#### **Article 3: Observers**

1. Any member State of the Council of Europe which is not a Party to the Convention shall communicate to the Secretary General of the Council of Europe the name, address and functions of the person appointed as its observer and, if necessary, of his adviser. The person appointed as observer shall retain office until the member State has notified the Secretary General of the Council of Europe that he has been replaced.
2. Any non-member State of the Council of Europe that is not a Party to the Convention shall communicate the name, address and functions of the person appointed as its observer, in accordance with the conditions laid down in Article 18, paragraph 3 of the Convention.
3. Abstentions, which may be accompanied by an explanatory statement, shall not prevent the Committee from reaching a decision in accordance with Article 18, paragraph 3 of the Convention.
4. The following Council of Europe bodies may send a delegate to meetings of the Committee, without the right to vote but with defrayal of expenses at the charge of their respective Votes of the Ordinary Budget:
  - the Parliamentary Assembly
  - the Congress of Local and Regional Authorities of the Council of Europe
  - the European Court of Human Rights
  - the Commissioner for Human Rights of the Council of Europe
  - the Conference of INGOs enjoying participatory status with the Council of Europe
  - the Steering Committee for Human Rights (CDDH)
  - the European Committee on Legal Co-operation (CDCJ)
  - the European Committee on Crime Problems (CDPC)
  - the Steering Committee on the Media and New Communication Services(CDMC)<sup>1</sup>.
5. The Data Protection Commissioner of the Council of Europe may also participate in the meetings of the Committee, without the right to vote but with defrayal of his or her expenses.
6. Meetings are by default open to observers and experts referred to in Articles 3, 4 and 4 bis unless stated otherwise.

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<sup>1</sup> Currently the Steering Committee on Media and Information Society (CDMSI).

#### **Article 4: Experts**

1. The Committee may, by a majority of the votes cast, decide to invite a person or an Organisation to appoint an expert to participate in the work of the Committee on a specific subject or to be available for consultation during an entire meeting or for part of it.
2. The Organisation concerned shall communicate to the Secretary General of the Council of Europe, the name, address and functions of the appointed representative.

#### **Article 4 bis: International Institutions and Organisations**

1. The Committee may, by unanimity of the votes cast, decide to invite international institutions and Organisations to send one or more delegates to attend its meeting.
2. The Committee may, by a majority of the votes cast, decide to withdraw such an invitation.

#### **Admission criteria of 'international institutions and organisations' (article 4bis of the rules of procedure)**

##### **Proposal**

The following criteria could be used by the T-PD when examining a request to be granted observer status:

- broad experience in the field of data protection and privacy;
- ability to actively contribute to the work of the T-PD;
- representativeness at European level or at another regional level;
- willingness to promote the Convention, its values and potential beyond the Council of Europe;
- interest for the T-PD to provide a multi-stakeholder dimension to its work and to associate other stakeholders to it.

#### **Observers as of June 2016**

(by alphabetical order)

- Australian Privacy Foundation (APF)
- Australia
- Canada
- Data Protection Commission of Ghana
- European Union
- European Association for the Defence of Human Rights (AEDH)
- Europol
- French-Speaking Association of Personal Data Protection Authorities (AFADPD)
- Hague Conference (no participation)
- Indonesia

- Interpol
- International Conference of data protection and privacy Commissioners
- Ibero-American Network of Data Protection (RIPD)
- International Chamber of Commerce
- International Commission on civil status (ICCS)
- International Committee of Red Cross (ICRC)
- Internet Society (ISOC)
- Japan
- Korea
- Mexico
- Organisation for Economic Co-operation and Development (OECD)
- Philippines
- Privacy Commission of New Zealand
- Privacy International
- State of Israel
- Transparency Council of Chile
- United-States of America