



Strasbourg, 19 November 2021

T-PD(2021)42RAPAbr

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

(Convention 108)

42nd Plenary meeting

Strasbourg, 17 – 19 November 2021
Hybrid format

ABRIDGED REPORT

Secretariat of the Council of Europe Convention for the protection of individuals
with regard to automatic processing of personal data

- Item 1 **Opening of the meeting¹**
- Item 2 **Adoption of the agenda**
- Item 3 **Statement by the secretariat**
The Committee took note of the information provided by Mr Jan Kleijssen, Director, Information Society and Action against Crime Directorate (see Appendix III).
- Item 4 **Convention 108+ State of play**
The Committee 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+): 43 signatures out of which, 15 ratifications. Since the last plenary meeting, Italy and Uruguay have ratified respectively in July and August, and Germany and North Macedonia have ratified in October.
- The Committee took note of the information provided by the Costa Rican Representative, the expert working group and the secretariat on the latest developments regarding Costa Rica's request for accession and asked the Secretariat to report on any update at the next meetings with a view to finalising the opinion for adoption by the Committee, including by written procedure.
- Item 5 **Evaluation and review mechanism under Convention 108+**
The Committee took note of the information provided by the expert on the related expert report and questionnaire, and the secretariat. The Committee held an exchange of views and instructed the secretariat to finalise the expert report and questionnaire.
- Item 6 **Digital identity**
The Committee took note of the information provided by the expert on the further developed Draft Guidelines on digital identity, as well as by the secretariat and instructed the secretariat to gather comments on the text by 3 December with a view to further amending the document to be discussed at next meetings in view of its finalisation.
- Item 7 **Personal data processing by and for political campaigns**
The Committee took note of the information provided by the expert on the latest developments of the draft Guidelines on the Protection of Individuals with regard to the Processing of Personal Data by and for Political Campaigns and adopted the document.
- Item 8 **Inter-state exchanges of data for Anti-Money Laundering/Countering Financing of Terrorism, and tax purposes**
The Committee took note of the information provided by the rapporteur, the secretariat and the expert on the Outline of the Draft guidelines on the implications for data protection of mechanisms for inter-state exchanges of data for Anti-Money Laundering/Countering Financing of Terrorism, and tax purposes, held an exchange of views, and instructed the secretariat, under the guidance of the Rapporteur and the Bureau, to gather comments on the text by 3 December with a view to further amending, developing and discussing the document at next meetings.
- Item 9 **Report on the need for a Guidance note on Article 11 of the modernised Convention 108**
The Committee took note of the information provided by the rapporteur, the expert and the secretariat, held an exchange of views and instructed the secretariat, under the guidance of the Rapporteur and the Bureau, to gather comments on the text by 3 December with a view to start drafting the substantial document for discussion at next meetings.

¹ 178 participants in total; 91 women and 87 men

- Item 10 **Contractual clauses in the context of transborder data flows**
The Committee took note of the information provided by the rapporteur, the expert and the secretariat, held an exchange of views and instructed the secretariat, under the guidance of the Rapporteur and the Bureau, to prepare the draft revised and updated Model contract and look into the possibility of drafting a new guide, with a view to ensuring appropriate protection in the context of transborder data flows for discussion at the next meetings.
- Item 11 **Cooperation with other Council of Europe bodies and entities**
The Committee held an exchange of views with, and took note of, the information provided by Alessandro Mantelero regarding the latest developments at CAHAI, which is about to complete its mandate. The Committee also took note of the information on the cooperation with other bodies, and notably with the Cybercrime Convention Committee (T-CY), the Steering Committee for the Rights of the Child (CDENF), the Committee on Bioethics (DH-BIO), the Steering Committee on Media and Information Society (CDMSI), the Committee of the Convention on the Manipulation of Sports Competitions (Macolin Convention). The Committee held an exchange of views with the Executive Secretary of the Council of Europe Convention on Access to Official documents, known as the Tromsø Convention. The Committee adopted the draft Macolin Convention Data Protection Principles for transmission to the Committee of the Macolin Convention in view of its subsequent adoption. The Committee took note of the information provided by the secretariat on the draft opinion of the Bureau regarding the Draft recommendation on the impact of digital technologies on freedom of expression transmitted by the Committee of Experts on freedom of expression and digital technologies (MSI-DIG) to provide comments on two specific elements (namely (guideline 1.10, and section 6) and instructed the Bureau to adopt it by 30 November at the latest, for transmission to the MSI-DIG.
- Item 12 **Major developments and activities in the field of data protection**
The Committee took note of the presentation made by Ms. Ana Brian Nougrères, the UN Special Rapporteur on the Right to Privacy and held an exchange of views with her expressing its availability for further cooperation. The Committee welcomed the adoption by the Council of Europe Committee of Ministers of the Recommendation to member States on the protection of individuals with regard to automatic processing of personal data in the context of profiling (revised) on 3 November. It also took note of the presentation by the Secretariat on cooperation projects.
- Item 13 **Observers**
The Committee took note of the information provided by the EDPS and ICO as GPA representatives to the T-PD following the Global Privacy Assembly session held in October in Mexico. In addition, IIHR mentioned the adoption by the OAS General Assembly of a resolution on Data Protection Principles.
- Item 14 **Next meetings in 2021 and 2022**
The Committee confirmed the dates of the next plenary meetings to be held on 15-17 June 2022 and 16-18 November 2022, as well as of the next Bureau meetings on 20-22 December 2021, 23-25 March 2022, 21-23 September 2022, and 14-16 December 2022.
- Item 15 **Stefano Rodotà Award**
The Committee took note of the information provided by the secretariat regarding the state of play of the on-going competition. The meeting was also the occasion for the laureate of the 2020 Stefano Rodotà award, Ms Camilla Tabarrini, to present the work for which she was awarded.
- Item 16 **Data Protection Commissioner**
The Committee took note of the presentation by the Data Protection Commissioner on his latest activities since the 41st plenary meeting. It also took note of the information provided by the secretariat as to the state of play of the procedure of adoption of the new internal regulation on the protection of personal data by the Committee of Ministers (replacing the

Secretary General's Regulation of 17 April 1989 instituting a system of data protection for personal data files at the Council of Europe). Taking into consideration and expressing concerns as to the delay in the adoption of the new Regulation, the Committee, based on the proposal by the Secretariat, decided to turn the June decision of maintaining Mr. Jean-Philippe Walter as Data Protection Commissioner ad interim as a re-election for a second term as foreseen by the 1989 Regulation. Mr. Walter agreed with this proposal and his mandate will therefore expire in June 2024. The Committee calls for a swift adoption of the new Regulation.

Item 17

Any Other Business

APPENDIX I

AGENDA

	1. Opening of the meeting
T-PD(2021)41RAPAbr <i>Pro memoria</i>	Abridged report of the 41 st Plenary meeting (28-30 June 2021)
T-PD-BUR(2021)53RAPAbr <i>Pro memoria</i>	Abridged report of the 53 rd Bureau meeting (28-30 September 2021)
T-PD(2019)WP2020-2021final	Work programme of the Committee 2020-2021
T-PD(2017)Rules <i>Pro memoria</i>	Rules of procedure
	2. Adoption of the agenda
	3. Statement by the Secretariat Jan Kleijssen, Director, Information Society and Action against Crime Directorate
	4. Convention 108+ State of play
	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat.
<ul style="list-style-type: none">- Consolidated text of the modernised version of Convention 108- Explanatory report of the modernised Convention 108- Amending Protocol	<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	Costa-Rica Expert: Mr. Franck Dumortier, Senior Consultant, Cybersecurity-Law Costa-Rica representatives (TBC) <u>Required action:</u> The Committee will take note of the information provided by the Secretariat and will hold an exchange of views.
	5. Evaluation and review mechanism under Convention 108+
Terms of Reference <i>Pro memoria</i>	ToR of the Working Group on the evaluation and review mechanism

<p>T-PD(2021)21rev11 New 18/11/2021 T-PD(2018)21rev10 New 10/11/2021</p> <p>T-PD(2018)21rev10Mos Compilation of comments</p> <p>T-PD(2018)20rev11 New 18/11/2021</p> <p>T-PD(2018)20rev10 New 10/11/2021 T-PD(2018)20rev10Mos Compilation of comments T-PD(2021)9rev</p>	<p>Expert: Ms. Cécile de Terwangne, CRIDS, Namur</p> <p>- Expert report on the evaluation and review mechanism under Convention 108+: process and rationale</p> <p>- Questionnaire</p> <p>Secretariat</p> <p><u>Required action:</u> The Committee will take note of the information provided by the Working Group, the expert, and the Secretariat, will hold an exchange of views on the latest developments and decide on the way forward.</p>
<p>T-PD-BUR(2021)5 Information note on the procedures of various monitoring mechanisms <i>Pro memoria</i></p>	<p>Document prepared by the Secretariat</p>
	<p>6. Digital identity</p>
<p>T-PD(2021)2rev3 New 15/11/2021</p> <p>T-PD(2021)2rev3Mos Compilation of comments</p>	<p>Expert: Mr. Pat Walshe, Director of Privacy Matters</p> <p><u>Required action:</u> The Committee will take note of the presentation by the expert on the draft of the Guidelines together with written comments received, will hold an exchange of views and decide on the necessary follow-up.</p>
	<p>7. Personal data processing by and for political campaigns</p>
<p>T-PD(2021)3rev4 New 18/11/2021</p> <p>T-PD(2021)3rev3</p> <p>T-PD(2021)3rev3Mos Compilation of comments Updated on 15/11/2021</p>	<p>Expert: Mr. Colin Bennett, Professor, Department of Political Science, University of Victoria</p> <p><u>Required action:</u> The Committee will take note of the presentation by the expert on the draft Guidelines together with written comments received, will hold an exchange of views for finalisation and adoption.</p>

	<p>8. Inter-state exchanges of data for Anti-Money Laundering/Countering Financing of Terrorism, and tax purposes</p>
<p>T-PD(2021)8 New 4/11/2021</p> <p>T-PD(2021)8Mos Compilation of comments Updated on 16/11/2021</p> <p>T-PD(2021)4rev <i>Pro memoria</i></p> <p>T-PD(2014)05 <i>Pro memoria</i></p>	<p>Expert: Ms Eleni Kosta, TILT, Tilburg University</p> <p><u>Required action:</u> The Committee will take note of the presentation by the expert, the rapporteur and the Secretariat on the draft Guidelines together with written comments received, will hold an exchange of views, and decide on the necessary follow-up.</p>
	<p>9. Interpretation of Article 11 of the modernised Convention 108</p>
<p>T-PD(2021)7 New 4/11/2021</p> <p>T-PD(2021)7Mos Compilation of comments Updated on 15/11/2021</p>	<p><u>Required action:</u> The Committee will take note of the information provided by the rapporteur and the Secretariat on the draft document together with written comments received, will hold an exchange of views and decide on the necessary follow-up.</p>
	<p>10. Contractual clauses in the context of transborder data flows</p>
<p>T-PD(2021)10 New 15/11/2021</p> <p>Model contract - Transborder data flows</p> <p>Guide to Contractual clauses – Transfer of personal data</p> <p>Standard Contractual Clauses – EU</p>	<p>Expert: Mr. Pablo Palazzi, Director of the Center of Technology and Society (CETyS), Universidad de San Andrés</p> <p><u>Required action:</u> The Committee 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.</p>
	<p>11. Cooperation with other Council of Europe bodies and entities</p>
	<ul style="list-style-type: none"> • CAHAI Information on the latest CAHAI meeting (7-9 July 2021) Expert: Alessandro Mantelero, Associate Professor, Private Law, Polytechnic University of Turin • Cybercrime Convention Committee (T-CY) Information on the state of play of the Draft second Additional Protocol

<p>Data protection principles</p>	<ul style="list-style-type: none"> • Steering Committee on the Rights of the child (CDENF) Information on the latest developments • Steering Committee on Media and Information Society (CDMSI) Information on the latest developments <p><u>Required action:</u> The Committee will take note of the information provided by the rapporteur.</p> <ul style="list-style-type: none"> • Committee on Bioethics (DH-BIO) Information on the latest developments • Convention on the Manipulation of Sports Competitions (the Macolin Convention) <p><u>Required action:</u> The Committee will take note of the information provided by the Secretariat, will hold an exchange of views on the draft Principles for finalisation and adoption.</p> <ul style="list-style-type: none"> • Council of Europe Convention on Access to Official Documents Tromsø Convention <p><u>Required action:</u> The Committee will take note of the information provided by the experts and the Secretariat, will hold an exchange of views and decide on the necessary follow-up.</p>
<p>T-PD(2021)5rev New 14/11/2021</p>	<p>12. Major developments and activities in the field of data protection</p> <p>Ms Ana Brian Nougères, UN Special Rapporteur on the Right to Privacy</p> <p><u>Required action:</u> The Committee will hold an exchange of views with Ms Nougères.</p> <p>Document of information on cooperation projects</p>
	<p>13. Observers</p>
<p>List of Observers</p> <p>T-PD(2018)04Rev3 <i>Pro memoria</i></p>	<p><u>Required action:</u> The Committee will take note of the information provided by the observers.</p>

	<p>14. Next meetings</p> <p>Dates of next meetings in 2021 and 2022</p> <p><u>Bureau meetings:</u></p> <p>54th Bureau: 20-22 December 2021 55th Bureau: 23-25 March 2022 56th Bureau: 21-23 September 2022 57th Bureau: 14-16 December 2022</p> <p><u>Plenary meetings:</u></p> <p>43rd Plenary: 15-17 June 2022 44th Plenary: 16-18 November 2022</p> <p><u>Required action:</u> The Committee will take note of the dates for the next meetings.</p>
	<p>15. Stefano Rodotà Award</p> <p>Stefano Rodotà Data Protection Award Rules</p> <p>Expert: Ms Camilla Tabarrini, the winner of the Stefano Rodotà 2020 Award</p> <p>State of play as to the 2022 competition</p> <p><u>Required action:</u> The Committee will take note of the information provided by the Secretariat</p>
	<p>16. Data Protection Commissioner</p> <p>Council of Europe Data Protection Regulation</p> <ul style="list-style-type: none"> • Information by the Data Protection Commissioner • Information from the Secretariat. <p><u>Required action:</u> The Committee will take note of the information provided by the Commissioner and the Secretariat.</p>
	<p>17. Any Other Business</p>

APPENDIX II

LIST OF PARTICIPANTS

MEMBERS OF THE COMMITTEE / MEMBRES DU COMITÉ

ALBANIA / ALBANIE

Besnik Dervishi – representative/representant, Commissioner for Personal Data Protection

Eldor Budo – deputy/suppléant, Head of Projects and International Relations Sector, Department of Communication and International Relations, Information and Data Protection Commissioner (IDP)

Pjerina Gaxha, Personal Data Protection Director General, Information and Data Protection Commissioner (IDP)

ARGENTINA / ARGENTINE

Eduardo Cimato – representative/representant, Director of the National Directorate of Personal Data Protection, Access to Public Information Agency (AAIP)

Agustina Sirvén – deputy/suppléant, Legal advisor, Access to Public Information Agency (AAIP)

Anastacia Dozo – adviser/conseiller, Legal advisor, Access to Public Information Agency (AAIP)

Catalina Mora Mujica, Legal Advisor, Access to Public Information Agency (AAIP)

AUSTRIA / AUTRICHE

Michael Adelman – representative/representant, Lawyer, Austrian Data Protection Authority

ARMENIA / ARMENIE

Gevorg Hayrapetyan – representative/representant, Head of the Personal Data Protection Agency

AZERBAIJAN / AZERBAÏDJAN

Khayala Babayeva, Senior Consultant of Personal Data Protection Department at Cyber Security Service, Ministry of Transport, Communications and High Technologies (MTCHT)

Vugar Hasanov, Lead consultant, Innovations and Digital development Department, Ministry of Transport, Communications and High Technologies

Kamal Mammadov, Head of Section, Innovations and Digital development Department, Ministry of Transport, Communications and High Technologies

Gadir Novruzov, Lead consultant, Department of Information and Communication Technologies, Ministry of Justice

BOSNIA AND HERZEGOVINA / BOSNIE ET HERZÉGOVINE

Samira Čampara, Assistant director, Personal Data Protection Agency (AZLP)

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Silvije Fućec, Public Relations Advisor, Personal Data Protection Agency (AZLP)

BULGARIA / BULGARIE

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Mariya Zlatkova, Senior Expert International Cooperation and Project Management Department,
Commission for personal data protection

CABO VERDE / CAP VERT

Faustino Varela Monteiro, Président, Commission de protection des données (CNPD)

Jose Maria Pina, Membre, Commission de protection des données (CNPD)

CROATIA / CROATIE

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CYPRUS / CHYPRE

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CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Jiří Maštálka – representative/representant, Lawyer, Office for Personal Data Protection

DENMARK / DANEMARK

Lukas Alexander Schomacker – representative/representant, Office of Data Protection, Ministry of Justice

Mads Nordstrøm Kjær, Lawyer, Master of laws, Data Protection Agency (Datatilsynet)

ESTONIA / ESTONIE

Maarja Kirss, Foreign Co-operation Adviser, Estonian Data Protection Inspectorate

FINLAND / FINLANDE

Virpi Koivu – representative/representant, Senior Ministerial Adviser, Department for Democracy and Public Law, EU Law and Data Protection, Ministry of Justice

FRANCE

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Sophie Bory – deputy/suppléant, Legal and Policy Officer, European and International Affairs department, Commission nationale de l'informatique et des libertés (CNIL)

GEORGIA / GÉORGIE

Tamar Kaldani - first Vice-Chair / première Vice-présidente

Tamar Zubashvili – adviser/conseiller, Head of International Relations, Analytics and Strategic Development Department, State Inspector's Service

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ITALY / ITALIE

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LIECHTENSTEIN

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MAURITIUS / MAURICE

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Laura Sofía Gómez Madrigal, Director General for International Affairs, National Institute of Transparency, of Access to Information and Data Protection (INA)

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MOROCCO / MAROC

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Brahim Bouabid, Commissaire, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

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Margarita Belyakova - adviser/conseiller, Deputy Head, Department of Cybersecurity, Ministry of Telecom and Mass Communications

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Anastasia Toropova - adviser/conseiller, Third Secretary, Law Department, Ministry of Foreign Affairs

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SAN MARINO / SAINT MARIN

Nicola Fabiano – representative/representant, President of the San Marino Data Protection Authority

SENEGAL / SÉNÉGAL

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SERBIA / SERBIE

Gordana Mohorović – representative/représentant, Assistant Secretary General, Office of the Commissioner for Information of Public Importance and Personal Data Protection

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SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

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Matej Sironič – adviser/conseiller, Personal Data Protection Advisor, Office of the Information Commissioner

SPAIN / ESPAGNE

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Enrique Factor Santoveña, Data Protection Agency (AEPD)

SWEDEN / SUÈDE

Linda Åkerblom – representative/représentant, Legal Adviser, Division for Constitutional Law, Ministry of Justice

SWITZERLAND / SUISSE

Caroline Gloor Scheidegger – Bureau member, Cheffe du Domaine de direction Relations internationales, Préposé fédéral à la protection des données et à la transparence (FPFDT)

TUNISIA / TUNISIE

Chawki Gaddes, Président de l'Instance Nationale de Protection des Données Personnelles, Président de l'Association francophone des autorités de protection des données personnelles (AFAPDP)

TURKEY / TURQUIE

Demet Arslaner Keklikkiran – representative/représentant, Head of Department for Legal Affairs, Personal Data Protection Authority

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Inna Bernaziuk – representative/représentant, Representative of the Commissioner for the Protection of Personal Data

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URUGUAY

Gonzalo Sosa Barreto – Bureau member, Executive Council of the URCDP, AGESIC

Lilian Massarino, Conseiller Juridique, Unité Régulatrice et de Contrôle des Données Personnelles, URCDP, AGESIC

OBSERVERS / OBSERVATEURS

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Sayid Madar, Head of Operations, Office of Data Protection Commissioner

Sami Mohammed, Commissioner of Data Protection

AUTHORITY FOR PERSONAL DATA PROTECTION OF BENIN (APDP) / AUTORITÉ DE PROTECTION DES DONNÉES À CARACTÈRE PERSONNEL DU BÉNIN (APDP)

Yvon Detchénoù, Président de l'APDP

Amouda Abou Seydou, Conseiller-Rapporteur, l'APDP

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Matheus Knispel da Costa, Assistant, Division for Technology Promotion II, Ministry of Foreign Affairs

George Lodder, Federal Prosecutor, Public Prosecution Service

Anamara Osório Silva, Federal Prosecutor, Public Prosecution Service

Mariana Talouki, Deputy General Coordinator, Institutional and International Affairs, National Data Protection Authority

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**SÃO TOMÉ AND PRÍNCIPE NATIONAL AGENCY OF PROTECTION OF PERSONAL DATA (ANPDP) /
AGENCE NATIONALE DE PROTECTION DES DONNÉES PERSONNELLES DE SÃO TOMÉ ET
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INVITED GUESTS / INVITES

Ana Ana Brian Nougrères, United Nations Special Rapporteur for Privacy

Camilla Tabarrini, PhD student, University Ca' Foscari in Venice (Italy) and a Fulbright PhD Visiting student researcher at the Cardozo School of Law, Yeshiva University of New-York (USA)

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APPENDIX III

Key Elements of the Statement delivered by Jan Kleijssen, Director, Information Society – Action against Crime, DGI

It is a great pleasure, as usual to welcome you for the plenary meeting of the Committee. Though the meeting remains essentially online, I'm happy to welcome the Chair and the first vice-Chair [*Ms Tamar Kaldani*] of the Committee, present in Strasbourg, as well as the Data Protection Commissioner. Slowly but surely, we're progressing towards better times hopefully, though we have to remain prepared that the "back to business as usual" might still take some time before all meetings can take place under normal conditions. As you all know, the situation though remains unpredictable as to the sanitary conditions all over the world, affecting all of us in different ways, so I thank you even more for your flexibility, readiness and availability in the circumstances.

Some very good news anyway for this last plenary meeting in 2021: since the June Plenary, Protocol 223 has been ratified by Italy, Uruguay, Germany and North Macedonia, thus bringing the number of Parties to Convention 108+ to 15. Having said that, the number of ratifications remains extremely low and the rhythm of the process very slow. More than ever, the process requires the engagement of all concerned, and including you.

You are the architects of the modernised Convention and you have a role to play in bringing it to life. Your active support in reminding your respective authorities of their commitment to sign and ratify the Protocol is essential. The process needs you. Please seize any opportunity in your daily routine work to promote the Modernised Convention in your relations with the relevant authorities in your respective countries.

The Secretariat, of both the Committee and the Council of Europe, is also active in this respect with the help of the GR-J and his dynamic Chair, who on his side regularly reminds the Member States of their commitment and the need for translating words into action in ratifying Protocol 223. And related to that, the Chair of the Committee, Ms Pierucci, will address in person the GR-J on 07 December and carry out an outreach campaign to urge state Parties to quickly sign if not done yet and ratify via their permanent representation in Strasbourg.

In addition, an exchange of views with the Council of Europe Ministers' Deputies will be held on the occasion of the Data Protection Day – 28 January 2022 – in Strasbourg with a view to promoting Convention 108 + as the global privacy standard, building a free data transfer area while preserving human dignity. It will be hosted by the CM Chair and will give the possibility for a panel of prominent speakers to exchange with the Deputies. Ms Ana Brian Nougères, with who you will exchange tomorrow, will also be with us on the occasion of this event.

But, when it comes to the forthcoming entry into force of the Modernised Convention, and go from words to action, your advocacy role should not be underestimated. You are the best placed, in terms of knowledge, expertise and understanding of all what the modernised convention system can bring to all, that is, States, Data Protection Authorities, data controllers, processors, data subjects, as at the end of the day, we're all users of new and emerging data processing techniques and technologies. And if there's something that the fight against the pandemic has taught us, is that we all have a collective and individual interest in making this convention coming to life. Without mentioning that we're never better and stronger but when we're united.

And as to your Committee's work, you've done an impressive job in reflecting on the process and rationale on the evaluation and review mechanism contained in the modernised Convention as you're about to finalise the relevant documents. This reflexion is very important and paves the way to the concrete evaluation and review process to be developed which would be key for the credibility of this instrument. I can only but encourage you to progressively and actively consider applying/trying this in the coming months in the format of a test with one of the countries having ratified Protocol 223 by the time Convention 108+ enters into force, thus making use of article 37.3 and declared its provisional application pending the entry

into force. Trying the mechanism will be a valuable exercise that will help engaging into the concrete mechanism. I won't go further, as I'm sure you will have a fruitful debate under item 5 of your meeting's agenda.

Since the last meeting, the Committee and the Council of Europe have taken part in various events, thus continuing to demonstrate the wide-reaching interest of many stakeholders in the work of your Committee and the Organisation related to the protection of privacy and personal data, notably:

- the Fundamental Rights Forum 2021
- The third European Intelligence Oversight Conference
- the Global Privacy Assembly (both open and closed sessions)
- the second preparatory session of the IGF 2021 parliamentary track
- the opened awareness raising work seminar for the youth sector in Tunisia
- the #Tech4Rights Expo held by the South African Centre for Human Rights (CHR)
- the celebration of Japan and the USA observer status with the Council of Europe

And for the record, I reported at the September Bureau meeting that your vice-chair, Ms Kaldani was invited to a hearing organised in September by the PACE legal affairs committee in relation to the Pegasus spyware issue.

Regarding other areas of work of interest to your Committee:

- the GR-H, Group of Rapporteur on Human Rights, has finally completed its work on the draft Recommendation of the Committee of Ministers to member States on the protection of individuals with regard to the processing of personal data in the context of profiling (revising Recommendation (2010)13), and the CM adopted it on 3 November. One can only but welcome this long-expected very positive development.
- CAHAI 5th Plenary session was held the week following your June Plenary session Committee (on 5-7 July). CAHAI also held a number of other meetings in the perspective of the end of its mandate at the end of the year. In this respect, M. Alessandro Mantelero will provide the Committee with a comprehensive presentation of the main outcomes of CAHAI's work in the perspective of the future new legal framework on AI.
- CDMSI: the 5 decisions, namely the Final Declaration, Resolution on freedom of expression and digital technologies, the Resolution on the safety of journalists, the Resolution on the changing media and information environment, the Resolution on the impacts of the COVID-19 pandemic on freedom of expression taken by ministers responsible for Media and Information Society on 10 and 11 June 2021 have been endorsed by the Committee on Ministers on 3 November. This is a welcome development underlying the need to address the radical changes in the media and information environment brought on by massive digitalisation, with dramatic effects for the exercise of freedom of expression and substantial impact on other human rights and freedoms which could also have direct relevance to your field of work.
- Turning to the Budapest Convention, I'm particularly pleased to announce that the "2nd Additional Protocol to the Convention on Cybercrime on Enhanced Co-operation and Disclosure of Electronic Evidence" has just been adopted today. It should be open for signature next Spring. By the way, yesterday a high-level event was organized on the occasion of the 20th anniversary of the Budapest Convention.

Some announcements for the forthcoming plenary: Ms Ana Brian Nougères, the newly elected UN Special Rapporteur on the Right to Privacy, has been invited to address the Committee this afternoon. This will also be the occasion for an exchange of views with the Committee. Needless to say, that Ms Nougères is very well-known in the DP community and has an extensive experience in this field and we can only but warmly welcome her election.

Next to this, I understand you have a particularly busy meeting with a number of documents which will be finalised notably regarding political campaigns and the evaluation and review mechanism. And you will also adopt the Macolin Data Protection Principles.

You will also have the possibility to hear and exchange with the Secretary of the Council of Europe Convention on Access to Official Documents – the Tromsø Convention – Ms Elvana Thaci, on Thursday morning. The Tromsø Convention is another important tool and is the first binding international legal instrument recognizing a general right of access to official documents held by public authorities, and as such converges in many respects with your work. And I am pleased also to welcome the Authority for the Protection of Personal Data of the Republic of Benin whose institution has been granted the possibility to take part in the work of the Committee under article 4 bis of the Rules of Procedure – the President [Mr Yvon DETCHENOU] will address this Committee tomorrow.

And last but not least, the 2020 Stefano Rodotà award winner, Ms Camilla Tabarrini, who could not formally present the work (“*Understanding the Big Mind - Does the GDPR Bridge the Human-Machine Intelligibility Gap?*”) last year due to the pandemic, will be able to do so on Friday morning.

I wish you a successful meeting.