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

**Convention 108**

**WORK PROGRAMME  
FOR THE 2022-2025**

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## 1. Context

In order to outline strategic orientations for the period 2022-2025, the Committee of the Convention for the Protection of Individuals with regard to Automated Processing of Personal Data ("The Committee") adopted its Work Programme at its 41st plenary meeting (28 to 30 June 2021). The Work Programme 2022-2025 was developed by the Bureau of the Committee based on a questionnaire addressed to all Parties and Observers, allowing it for framing key directions of the four-year work Programme. The Committee uses this opportunity to thank all the 70 participants for their valuable contribution to the exercise.

The program aims to ensure the highest level of quality and productivity for the work of the Committee, with concrete achievements and results, depending on the resources available for the Committee (two plenary meetings and three Bureau meetings per year, subject to an annual budget equivalent to the one of the previous exercise) and the Secretariat<sup>1</sup>.

New working methods (use of electronic share points, the implementation of remote participation instruments for instance) of the Committee and its Bureau should aim to facilitate participation of interested delegations, reactivity and rationalisation of the time and resources.

The implementation of the work programme will be done through further participation in regional and international networks, as well as cooperation projects, and the organisation of- and participation in punctual and periodical events which will also contribute to further visibility of Convention 108+.

## 2. Functions of the Convention Committee

The functions, operations and activities of the Committee derive from Articles 19 and 20 of Convention 108, as well as from the Rules of Procedure (T-PD(2017)Rules). As defined in Paragraph 85 of the Explanatory Report, the Committee is to "facilitate the smooth running of the convention and, where necessary, to perfect it".

In this respect, the Committee:

- may make proposals with a view to facilitating or improving the application of the Convention;
- may make proposals for amendment of this Convention in accordance with Article 21;
- shall formulate its opinion on any proposal for amendment of this Convention which is referred to it in accordance with Article 21, paragraph 3;
- may, at the request of a Party, express an opinion on any question concerning the application of this Convention.

In addition, it derives from Article 9bis of the Rules of Procedure that the Committee shall:

1. shall adopt the work programme and determine priorities;
2. shall draw up draft legal instruments with a view to their adoption by the Committee of Ministers;
3. shall adopt opinions and reports;
4. shall decide on the establishment of working parties, on their composition and on their terms of reference;

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<sup>1</sup> The Data Protection Unit currently comprises: a head of unit, a senior administrative assistant, an administrative assistant, and an official seconded by his national administration.

5. shall elect a Chair and two vice-Chairs and the other members of the Bureau following the requirements set out in Articles 10 bis and 10 ter;
6. shall adopt the terms of reference of the Bureau.

### 3. Highlights of the Committee's work carried out in 2020-21

The Committee has been active based on its [Work Programme 2020-21](#):

- in drafting the two main documents ([questionnaire](#) and [process and rationale](#)) for the evaluation and follow-up mechanism under Convention 108+ to be carried out in relation to new powers and functions based on Articles 23-24, and Article 4, paragraph 3 of the modernised Convention 108 which are due to be finalized by the end of 2021;
- in adopting [Guidelines on facial recognition \(T-PD\(2020\)03rev4\)](#), [Guidelines on Children's Data Protection in an Education setting](#) and approved the update of the Recommendation CM/Rec(2010)13 on the protection of individuals with regard to automatic processing of personal data in the context of profiling (currently pending the Committee of Ministers' adoption);
- in cooperating with other committees on issues related to the [manipulation of sports competitions](#) (the Macolin Convention), [cybercrime](#) (the Budapest Convention), [bioethics](#) (Oviedo Convention), elections (Venice Commission) and [the children's rights](#) (CAHENF).

In relation to the Covid-19 situation and other important matters the following documents have been published :

- [Joint Statement on the right to data protection in the context of the COVID-19 pandemic](#) by Alessandra Pierucci, Chair of the Committee of Convention 108 and Jean-Philippe Walter, Data Protection Commissioner of the Council of Europe; [Joint Statement on Digital Contact Tracing](#) by Alessandra Pierucci, Chair of the Committee of Convention 108 and Jean-Philippe Walter, Data Protection Commissioner of the Council of Europe;
- Joint Statement by Alessandra Pierucci, Chair of the Committee of Convention 108 and Jean-Philippe Walter, Data Protection Commissioner of the Council of Europe on "[Better protecting individuals in the context of international data flows: the need for democratic and effective oversight of intelligence services](#)";
- [Report "Digital solutions to fight COVID-19"](#).

### 4. Objectives of the work programme 2022-2025

#### *Objective 1 : Entry into force of CETS 223*

Despite a rapid flow of signatures from the very day of the opening of Protocol CETS No. 223 amending Convention 108 (32 to date), the number of ratifications remain low : 11 to date. As a reminder, 38 ratifications are need for the Protocol to enter in to force (partially) at the earliest on 11 October 2023). The Committee will therefore continue to pay particular attention to the dynamics of signatures and ratifications of the Protocol CETS No. 223 with a view to ensure the entry into force of Convention 108+ in line with the decision of the Committee of Ministers ([CM/Del/Dec\(2018\)128/5](#)).

An important share of the Committee in the coming years will remain to bring this process to a successful conclusion. To this end, the Committee will continue to provide its expertise for an effective implementation of the protection of personal data in the national legislative framework of Parties and Observers to the Convention, as well as to any country interested in applying the standards and mechanism of Convention 108 +.

### *Objective 2: Follow up on existing normative activities by the Committee*

The Committee will aim to ensure the follow up of its normative activities undertaken under its Work Programme 2020-21 and will continue to work on developing guidance (such as for instance on Article 11, personal data processing by and for political campaigns, digital identity, anti-money laundering/countering financing of terrorism and tax purposes) and provide interpretations of provisions of the modernised Convention 108; prepare necessary documentation (rules of procedures, terms of reference) for the Committee to be set up under the modernised Convention 108; ensure the visibility and promotion of the modernised Convention 108 through events such as the International Data Protection Day and the Stefano Rodotà award.

### *Objective 3 : Data Protection, including biometrics, within in the framework of vote and elections*

The Committee will continue to undertake normative work on the protection of personal data in the context of elections considering that free elections are an absolute necessity in democratic societies, and the increasing use of technology in electoral processes. Particular attention must be paid to biometric data, databases held and processed by political parties and candidates in the context of free and fair elections (freedom of expression, the right to vote, freedom of information, freedom of the media, right to privacy), and artificial intelligence, as well guarantees and safeguards in this context including sensitive data.

Based on that work, the Committee aims to prepare a normative document on the topic of data protection, including biometrics, within the framework of vote and elections.

### *Objective 4 : Digital identity in the context of migration*

Increased digitalisation of border controls, biometric passports, the cross-referencing of data from several information systems and the accuracy of personal data require a response from the Committee. Migration all over the world is undergoing tremendous developments and challenges requiring an increased attention to migration policies, regulatory mechanisms and technological tools by State Parties based on the European Convention on Human Rights and the case-law of the European Court of Human Rights, and Council of Europe standards.

The Committee will prepare a normative document on digital identity in the context of intra and extra European migrations.

### *Objective 5 : Cooperation with other committees, institutions*

The Committee will continue its cooperation with other committees, institutions in particular in the field of sports (the Macolin and other related Conventions), cybercrime (the Budapest Convention and its additional Protocols), bioethics (Oviedo Convention), elections (Venice Commission, PACE), migration (Special Representative of the Secretary General on Migration and Refugees) and the children's rights (CAHENF).

## 5. Tackling new challenges

The Committee should, if necessary, be able to adapt its work program to new needs in order to address other emerging and urgent challenges.

## Appendix

The Committee of the Convention 108 took the initiative to carry out a consultation to establish its work program for 2022-2025. Thus, the Committee sent an online questionnaire to all Parties and Observers with a view to gathering proposals.

The Committee sincerely thanks the 70 participants for their response to the questionnaire. The following graph and table below represent, in percentage terms, the results obtained which the Committee has expressed, as far as possible, in the work program.

		High priority	Subject of interest	Low priority
<b>A</b>	<b>Data protection (including biometrics) in the framework of vote and elections</b>	58	29	11
<b>B</b>	<b>Protection of personal data of children</b>	71	25	2
<b>C</b>	<b>Abuse of data of vulnerable people</b>	41	48	10
<b>D</b>	<b>Smart cities</b>	28	51	19
<b>E</b>	<b>Machine-to-machine (5G &amp; 6G)</b>	38	40	20
<b>F</b>	<b>Digital identity in the context of migrations</b>	45	42	11
<b>G</b>	<b>Hyperaccurate positioning</b>	32	50	16
<b>H</b>	<b>Data trustees</b>	18	57	24
<b>I</b>	<b>Neurosciences</b>	8	45	45

## RESULTS OF WORK PROGRAMME CONSULTATION

