Strasbourg, 7 June 2024 T-PD(2024)46RAPAbr_EN

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

(CONVENTION 108)

46th Plenary Meeting

Palais, Room 11

Strasbourg, 5-7 June 2024

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ABRIDGED REPORT

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Item 1 **Opening of the meeting / Statement by the Chair and the Secretariat**
The Committee took note of the information provided by the Chair and the Secretariat.

Item 2 **Adoption of the agenda**
The Committee adopted the agenda.

Item 3 **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+): 46 signatures out of which, 31 ratifications. The Committee held a tour de table on the state of play of the internal signature/ratification process of the State Parties, took note of the information provided by the T-PD members, and strongly encouraged all State Parties to sign and ratify Convention 108+ as soon as possible. The Secretariat informed that a conference is planned on 7 November to raise awareness on the urgency of the conclusion of signature/ratification processes in State Parties.

As regards Costa Rica, the Committee took note of the information provided by the secretariat on the latest developments. The Committee welcomed the letter from the Minister of Justice and Peace of Costa Rica confirming the government's engagement with the accession process.

Item 4 **Model contractual clauses for transborder data flows of personal data**
The Committee took note of the information provided by the rapporteur and the Secretariat on the draft third module of the MCC targeting the transfer of personal data from processors to processors, held an exchange of views, and adopted module 3 in view of its publication. Modules 1 and 2 can be found on the Council of Europe Data Protection website.

Item 5 **Interpretation of Article 11 of modernised Convention 108**
The Committee took note of the information provided by the Chair and the Secretariat, held an exchange of views, invited delegations to send comments by 1 July and instructed the secretariat, together with the rapporteur and the working group (GT-Art.11), to further amend the text for discussion at next meetings.

Item 6 **Processing of personal data within the framework of vote and elections**
The Committee took note of the information provided by the Secretariat and the expert, held an exchange of views, and adopted the Guidelines in view of its publication. The Secretariat was encouraged to promote the Guidelines and to raise-awareness on its standards through technical cooperation activities. The committee instructed the Bureau to discuss and propose the next topic for a normative document to be elaborated by the committee in line with Work Program for 2022- 2025.

Item 7 **Data Protection in the context of neurosciences**
The Committee took note of the presentation by the experts, held an exchange of views based on the expert report, endorsed the expert report and instructed the Secretariat, together with the experts, to start elaborating draft guidelines on neuroscience and data protection in coordination, where relevant, with other sectors of the Organisation.

Item 8 **Cooperation with other Council of Europe bodies and entities**
The Committee took note of the information provided by the Secretariat of Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO), Steering Committee on Media and Information Society (CDMSI), Steering Committee on Democracy (CDDEM), Cybercrime Convention Committee (T-CY) and Committee on Artificial Intelligence (CAI). The Committee welcomed the adoption of the new Framework Convention on AI, Human Rights, Democracy and Rule of Law by the Committee of Ministers.

Item 9 **Developments and activities in the field of data protection**
The Committee took note of the information provided by the Parties and Secretariat, inter alia on the following events: CPDP Data Protection Day (25 January, Brussels); Meeting on State of AI Regulations (9 February, Rome); GSMA Ministerial Programme,

MWC (26-28 February, Barcelona), CEEDPA, (29 Feb-1 March, Tbilisi), Technical Dialogue on Transborder Data Flows within the context of the EU-Latin America and Caribbean Digital Alliance (25-26 April, Montevideo), Spring Conference (14-16 May, Riga), Celebration of the 20th anniversary of the Croatian DPA (24 May) CPDP (22-24 May, Brussels), meeting of the Network of African Data Protection Authorities (7-9 May, Nairobi) and Annual Meeting of the Ibero-American Data Protection Network (27-29 May, Cartagena de Indias).

Item 10 **Data Protection Commissioner**

The Committee took note of the information provided by the Data Protection Commissioner regarding his activities and the end of his second mandate (June 2024) as well as his readiness to be prolonged as ad-interim by one more year, which has also been supported by the Bureau with a view to ensuring smooth transition under new Council of Europe Regulations on the Protection of Personal Data and considering the expected entry into force of the amending Protocol CETS No 223. The Committee then decided to prolong him ad interim for a period of one year.

Item 11 **Cooperation activities**

The Committee took note of the various cooperation programmes relevant to data protection, in particular on the on-going institutional support to beneficiaries of the Southern Mediterranean region (South V Programme), as well as on-going and possible future cooperation with data protection authorities under several Council of Europe Action Plans.

Item 12 **Observers**

The Committee took note of the information provided by the observers and participants to the meeting, notably by the representatives of ISOC, Interpol, OAS, Benin, Gabon, EDPS, GPA related to recent and forthcoming events and ongoing internal legal works towards potential future cooperation with the committee or requests for accession to the modernised Convention.

Item 13 **Next meetings**

The Committee took note of the dates of the next plenary meetings to be held on 4-6 November 2024 (47th) in Strasbourg, as well as of the next Bureau meeting on 11-13 September 2024 (62nd) in Venice. In this respect, the Committee took note of the information provided by the secretariat on the need for operational changes linked to the entry into force of amending Protocol CETS No 223 for further reflection during next meetings.

Item 14 **Stefano Rodotà Award**

The winners of the 2024 Rodotà Award, Dr. Konrad Kollnig and Lin Kyi in the “PhD thesis” category and the “articles” category respectively, presented their work, exchanged with the Committee and received their awards from the Chair.

Item 15 **Any Other Business**

The Committee took note of the information provided by the Secretariat, notably on the publication by the Council of Europe of a call for candidates for the secondment for Data Protection Unit, aiming to support the transition from Convention 108 to 108+, as well as the further promotion of the ratification of Convention 108+

APPENDIX I

ANNOTATED AGENDA

	1. Opening of the meeting
	Statement by the Chair **Statement by Ms Hanne Juncher, Director of Security, Integrity and Rule of Law** **Statement by the Secretariat**
T-PD(2023)45RAPAbrEN Pro memoria	Abridged report of the 45th Plenary meeting (15-17 November 2023)
T-PD-BUR(2024)61RAPAbr *Pro memoria*	Abridged report of the 61st Bureau meeting (13-15 March 2024)
T-PD(2021)WP2022-2025 *Pro memoria*	Work programme of the Committee 2022-2025
TPD43(2022)7 *Pro memoria*	Rules of procedure
	2. Adoption of the agenda
	3. Convention 108+ State of play
	Information provided by the Secretariat Required action: The Committee will take note of the information provided by the secretariat and will hold a tour de table inviting those Parties who have signed but not ratified Convention 108+ yet, as well as those who have neither signed, nor ratified it yet, to present the state of play of their internal signature/ratification processes.
- Consolidated text of the modernised Convention ETS No. 108 - Explanatory report - Amending protocol CETS No.223	• Convention 108+: chart of signatures and ratification • Convention 108: chart of signatures and ratifications
Expert Report	Costa-Rica Required action: The Committee will take note of the information provided by the secretariat, will hold an exchange of views on the latest developments and decide on the necessary follow up.
	4. Model contractual clauses for transborder data flows of personal data
Draft Model Contractual Clauses (Module 3) Compilation of comments Model Contractual Clauses (Module 1) Model Contractual Clauses (Module 2)	Presentation by the rapporteur and the secretariat Required action: The Committee will take note of the information provided by the rapporteur and the secretariat and will hold an exchange of views in view of the adoption of the document.
	5. Interpretation of Article 11 of modernised Convention 108

T-PD(2021)7rev4 *(This document has been sent to the representatives of T-PD. It will also be made available in the meeting room for the participants.)*	Information provided by the rapporteur and the secretariat Required action: 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.
	6. Processing of personal data within the framework of vote and elections
T-PD(2023)2rev5 Compilation of comments Expert Report	Information provided by the secretariat and the expert Required action: The Committee will take note of the information provided by the secretariat and the expert, will hold an exchange of views in view of the adoption of the document.
	7. Data Protection in the context of neurosciences
Expert Report CDBIO report on Neurotechnologies and human rights framework: do we need new rights?	Information provided by the rapporteur and the experts. Required action: The Committee will take note of the information and presentation provided by the rapporteur and the experts and will hold an exchange of views and decide on the necessary follow-up.
	8. Cooperation with other Council of Europe bodies and entities
Convention-cadre sur l'IA Rapport explicative	Required action: The Committee will take note of the information provided by the participants and the secretariat (CDBIO, CDMSI, CDDEM, T-CY and CAI).
	9. Developments and activities in the field of data protection
	Required action: The Committee will take note of the information provided by the participants and the secretariat and decide on the necessary follow-up.
	10. Data Protection Commissioner
Activity report 2023 CM Resolution on the new Regulations on the Protection of Personal Data	Required action: The Committee will take note of the information provided by the Commissioner and the Secretariat.
	11. Cooperation activities
	12. Observers
List of Observers T-PD(2018)04Rev3 *Pro memoria*	Required action: The Committee will take note of the information provided by the observers.
	13. Next meetings
	Plenary meetings: 47th Plenary: 4-6 November 2024 Bureau meetings: 62nd Bureau: 11-13 September 2024 (Venice) Required action: The Committee will take note of the dates of the forthcoming plenary and Bureau meetings.

Stefano Rodotà Award	**14. Stefano Rodotà Award**
	The two winners of the 2024 Rodotà Award respectively in the “PhD thesis” category, and the “articles” category will present their work and receive the award from the Chair.
	15. Any Other Business

APPENDIX II

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

MEMBERS OF THE COMMITTEE / MEMBRES DU COMITÉ

ALBANIA /ALBANIE

Meri Kujxhija, – adviser/conseillère, Director of the Complaints and Harmonization Department, General Directorate of Personal Data Protection

Pamela Begaj – adviser/conseillère, Inspector of the Legal Affairs and Integration Department

ARGENTINA / ARGENTINE

Beatriz de Anchorena – representative/représentante, Director of Argentina National Authority, Access to Public Information Agency (AAIP)

ARMENIA / ARMÉNIE

Grigor Nersisyan – representative/représentant, Head of the Personal Data Protection Agency, Ministry of Justice

AUSTRIA / AUTRICHE

Michael Adelmann – representative/représentant, Lawyer, Austrian Data Protection Authority

BOSNIA AND HERZEGOVINA / BOSNIE HERZÉGOVINE

Dragoljub Reljić – representative/représentant, Director, Personal Data Protection Agency

BULGARIA

Hristo Alaminov adviser/conseiller, Head of the International Cooperation and Project Management Department, Commission for Personal Data Protection (CPDP)

CABO VERDE / CAP VERT

Faustino Varela – representative/représentant, President, National Commission of Data Protection

CZECHIA / TCHEQUIE

Eva Sedloňová – representative/représentante, Office for Personal Data Protection

CROATIA

Anamarija Mladinić – deputy/suppléante, Head of Department for Legal Affairs, Cooperation and Projects

Marija Vujeva – adviser/conseillère, Croatian Personal Data Protection Agency (AZOP)

DENMARK / DANEMARK

Ane Caroline Meyer Nilsson – representative/représentante, Head of Section, Department for Data Protection, Ministry of Justice

ESTONIA / ESTONIE

Pille Lehis – representative/représentante, Director General, Estonian Data Protection Inspectorate

FINLAND / FINLANDE

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

FRANCE

Irvin Herzog – representative/représentant, Conseiller juridique, Ministère de l'Europe et des Affaires étrangères

Najma Bichara – deputy/suppléante, Service des Affaires européennes et internationales, Commission nationale de l'informatique et des libertés (CNIL)

GEORGIA / GÉORGIE

Ana Tokhadze – adviser/conseillère, Head of the Department of International Relations, Analytics and Strategic Development

GERMANY / ALLEMAGNE

Elsa Mein – representative/representante – Chair/Présidente, Data Protection (V II 4), Federal Ministry of the Interior, Building and Community (BMI)

Stefan Niederer – adviser/conseiller, Federal Commissioner for Data Protection and Freedom of Information - Division 14 - European and International Affairs

Marc Schlegel – adviser/conseiller, Legal Advisor, Division 14 - European and International Affairs, Office of the Federal Commissioner for Data Protection and Freedom of Information Germany (BfDI)

HUNGARY / HONGRIE

Tamas Bendik – deputy/suppléant, Senior strategic advisor, National Authority for Data Protection and Freedom of Information (NAIH)

ITALY / ITALIE

Alessandra Pierucci – representative/representante – Bureau member/membre du Bureau, Garante per la protezione dei dati personali

LATVIA / LETTONIE

Evija Kreismane – deputy/suppléante, Head of the Legal division, State Data Protection Inspectorate

LIECHTENSTEIN

Julia Stütz – deputy/suppléante, Deputy Data Protection Commissioner, Data Protection Authority

LUXEMBOURG

Solène Bennet – deputy/suppléante, Commission nationale pour la protection des données, Ministère d'Etat

MALTA / MALTA

Ingrid Camilleri – representative/représentante, Head of Legal Unit, Office of the Data Protection Commissioner

REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA

Victorian Muntean – representative/représentante, Director, National Centre for the Protection of Personal Data

Zoia Cojocari – adviser/conseillère, Head of the External Relations and European Integration Department

MONACO

Corinne Laforest de Minotty – representative/représentante, Chargée de Missions auprès du Conseiller de Gouvernement, Ministre des Relations extérieures et de la Coopération, Département des Relations Extérieures et de la Coopération Ministère d'État

MOROCCO / MAROC

Brahim Bouabid – deputy/suppléant, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

Mouna El Kiss – adviser/conseillère, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

Maryam Loutfi – adviser/conseillère, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

NORWAY / NORVEGE

Julie Larsen – adviser/conseillère, Ministry of Justice and Public Security

POLAND / POLOGNE

Maria Owczarek – representative/représentante, Personal Data Protection Office (UODO), Department of International Cooperation and Education

PORTUGAL

Maria da Luz Rodrigues do Ó – representative/représentante, Legal Advisor in the Ministry of Justice General Secretariat, Data Protection Officer for the Ministry of Justice

SAN MARINO

Patrizia Gigante – representative/représentante, Vice-Présidente de l'Autorité de Protection des Données de la République de Saint-Marin

SENEGAL

Ousmane Thiongane – representative/représentant, Président, Commission de protection des données personnelles (CDP)

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

Maria Drabekova – representative/représentante, Office for Personal Data Protection

SLOVENIA / SLOVÉNIE

Tina Ivanc – deputy/suppléante, Personal Data Protection Advisor, Information Commissioner

SPAIN/ESPAGNE

Cristina Varas Crespo – deputy/suppléante, Head of Service, Agency of Data Protection

SWEDEN / SUÈDE

Johan Albihn – representative/représentant, Deputy Director, Division for Constitutional Law, Ministry of Justice

SWITZERLAND / SUISSE

Caroline Gloor Scheidegger – representative/représentante, Cheffe du Domaine de direction Relations internationales, Préposée fédérale à la protection des données et à la transparence (PFPDT)

TUNISIA / TUNISIE

Badreddine Jelidi – deputy/suppléant, Consul général adjoint près le Consulat général de Tunisie, Strasbourg Tunisian Consulate in Strasbourg

TÜRKIYE / TURQUIE

Mustafa Celayir – advisor/Conseiller, Legal Counselor Ministry of Justice

UKRAINE

Yuliia Derkachenko – representative/représentante, Representative of the Commissioner for Information Rights

UNITED KINGDOM / ROYAUME UNI

Blandine Cassou-Mounat – adviser/conseillère, Principal Policy Adviser – International Regulatory Cooperation Directorate (International), Information Commissioner's Office (ICO)

Natasha Angwin – adviser/conseillère, Senior Policy Advisor, UK Home Office

OBSERVERS AND PARTICIPANTS / OBSERVATEURS ET PARTICIPANTS

BRAZIL / BRÉSIL

Waldemar Gonçalves Ortunho Junior, Director-President, National Data Protection Authority (ANPD)

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Fernanda Teixeira Souza Domingos, Federal Circuit Prosecutor, Brazilian Federal Prosecution Service (MPF)

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Sharon Azayra, Head of International Relations, Innovation and Policy Development Department, Privacy Protection Authority

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Sami Mohammed, Commissioner of Data Protection, Office of Data Protection

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Constant Yves Achade, Directeur Financier et Comptable de l'APDP

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Eduardo Bertoni, American University Washington College of Law

GUESTS / INVITÉS

Konrad Kollnig – Stefano Rodotà awardee
Lin Kyi – Stefano Rodotà awardee

COUNCIL OF EUROPE BODIES AND SECRETARIAT / ORGANES ET SECRETARIAT DU CONSEIL DE L'EUROPE

Council of Europe data protection Commissioner / Commissaire à la protection des données du Conseil de l'Europe

Jean-Philippe Walter, Commissioner / Commissaire

DGI Directorate General Human Rights and Rule of Law / DGI Direction générale droits humains et Etat de droit

Hanne Juncher, Director, Directorate of Security, Integrity and Rule of Law / Directrice, Direction de la sécurité, de l'intégrité et de l'État de droit

Patrick Penninckx, Head of Department, Digital Development and Governance / Chef de Service, Développement et gouvernance numérique

Lee Hibard, Programme Advisor, Human Rights and Biomedicine Division / Conseiller de programme, Division Droits humains et biomédecine (CDBIO)

Vadim Pak, Programme Advisor, Artificial Intelligence / Conseiller de programme, Intelligence artificielle

Giorgi Jokhadze, Programme Advisor, Cybercrime / Conseiller de programme, Cybercriminalité

DGII Directorate General of Democracy and Human Dignity / DGII Direction générale de la démocratie et de la dignité humaine

Artemiza – Tatiana Chisca, Head of Division, Freedom of Expression and CDMSI / Cheffe de Division, Liberté d'expression et CDMSI

Urska Umek, Head of Division, Democratic Institutions and Civil Society / Cheffe de Division, Institutions démocratiques et société civile

Data Protection Unit / Unité de la protection des données

Albina Ovcearenco, Head of Data Protection Unit / Cheffe de l'unité de protection des données

Péter Kimpiàn, Secretary of the Committee / Secrétaire du Comité

Moritz Taylor, Senior Project Manager / Chargé de projet

Caroline Lavoue, Assistant / assistante