

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)**

**46<sup>th</sup> Plenary Meeting**

Palais, Room 11

Strasbourg, 5-7 June 2024

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**ABRIDGED REPORT**

[www.coe.int/dataprotection](http://www.coe.int/dataprotection)

- 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 20<sup>th</sup> 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 (47<sup>th</sup>) in Strasbourg, as well as of the next Bureau meeting on 11-13 September 2024 (62<sup>nd</sup>) 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

	<b>1. Opening of the meeting</b>
	<b>Statement by the Chair</b> <b>Statement by Ms Hanne Juncher, Director of Security, Integrity and Rule of Law</b> <b>Statement by the Secretariat</b>
<a href="#">T-PD(2023)45RAPAbrEN</a> Pro memoria	Abridged report of the 45 <sup>th</sup> Plenary meeting (15-17 November 2023)
<a href="#">T-PD-BUR(2024)61RAPAbr</a> Pro memoria	Abridged report of the 61 <sup>st</sup> Bureau meeting (13-15 March 2024)
<a href="#">T-PD(2021)WP2022-2025</a> Pro memoria	Work programme of the Committee 2022-2025
<a href="#">TPD43(2022)7</a> Pro memoria	Rules of procedure
	<b>2. Adoption of the agenda</b>
	<b>3. Convention 108+ State of play</b>
	Information provided by the Secretariat  <u>Required action:</u> 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.
- <a href="#">Consolidated text of the modernised Convention ETS No. 108</a> - <a href="#">Explanatory report</a> - <a href="#">Amending protocol CETS No.223</a>	<ul style="list-style-type: none"> <li>• <a href="#">Convention 108+: chart of signatures and ratification</a></li> <li>• <a href="#">Convention 108: chart of signatures and ratifications</a></li> </ul>
<a href="#">Expert Report</a>	Costa-Rica  <u>Required action:</u> 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.
	<b>4. Model contractual clauses for transborder data flows of personal data</b>
<a href="#">Draft Model Contractual Clauses (Module 3)</a>  <a href="#">Compilation of comments</a>  <a href="#">Model Contractual Clauses (Module 1)</a>  <a href="#">Model Contractual Clauses (Module 2)</a>	Presentation by the rapporteur and the secretariat  <u>Required action:</u> 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.
	<b>5. Interpretation of Article 11 of modernised Convention 108</b>

<p>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.)</p>	<p>Information provided by the rapporteur and the secretariat</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><b>6. Processing of personal data within the framework of vote and elections</b></p>
<p><a href="#">T-PD(2023)2rev5</a></p> <p><a href="#">Compilation of comments</a></p> <p><a href="#">Expert Report</a></p>	<p>Information provided by the secretariat and the expert</p> <p><u>Required action:</u> 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.</p>
	<p><b>7. Data Protection in the context of neurosciences</b></p>
<p><a href="#">Expert Report</a></p> <p><a href="#">CDBIO report on Neurotechnologies and human rights framework: do we need new rights?</a></p>	<p>Information provided by the rapporteur and the experts.</p> <p><u>Required action:</u> 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.</p>
	<p><b>8. Cooperation with other Council of Europe bodies and entities</b></p>
<p><a href="#">Convention-cadre sur l'IA</a></p> <p><a href="#">Rapport explicative</a></p>	<p><u>Required action:</u> The Committee will take note of the information provided by the participants and the secretariat (CDBIO, CDMSI, CDDEM, T-CY and CAI).</p>
	<p><b>9. Developments and activities in the field of data protection</b></p>
	<p><u>Required action:</u> The Committee will take note of the information provided by the participants and the secretariat and decide on the necessary follow-up.</p>
	<p><b>10. <a href="#">Data Protection Commissioner</a></b></p>
<p><a href="#">Activity report 2023</a></p> <p><a href="#">CM Resolution on the new Regulations on the Protection of Personal Data</a></p>	<p><u>Required action:</u> The Committee will take note of the information provided by the Commissioner and the Secretariat.</p>
	<p><b>11. Cooperation activities</b></p>
	<p><b>12. Observers</b></p>
<p><a href="#">List of Observers</a></p> <p><a href="#">T-PD(2018)04Rev3</a> <i>Pro memoria</i></p>	<p><u>Required action:</u> The Committee will take note of the information provided by the observers.</p>
	<p><b>13. Next meetings</b></p>
	<p><u>Plenary meetings:</u> 47<sup>th</sup> Plenary: 4-6 November 2024</p> <p><u>Bureau meetings:</u> 62<sup>nd</sup> Bureau: 11-13 September 2024 (Venice)</p> <p><u>Required action:</u> The Committee will take note of the dates of the forthcoming plenary and Bureau meetings.</p>

<a href="#">Stefano Rodotà Award</a>	<b>14. Stefano Rodotà Award</b>
	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.
	<b>15. Any Other Business</b>

## 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 Adelman – 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 Albin – 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)

Natalia Ives Camurca de Oliveira, National Data Protection Authority (ANPD)

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

### **ISRAEL / ISRAËL**

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

Shira Gartenberg, Legal Counsel, Department of Public and Constitutional Law, Office of Legal Counsel and Legislative Affairs, Ministry of Justice

### **ABU DHABI – DPA**

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

### **AFAPDP**

Nafissatou KEPPA, Chargée de mission

### **BENIN – DPA**

Luciano Hounkponou, Président de l'APDP

Friggens Jeffrey Adjavon, Conseiller à l'APDP

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

### **EDPS / CEPD**

Olivier Matter, Team Leader for International Cooperation

### **GABON - DPA**

Steve Singault Ndinga, Commissaire Permanen, APDPVP

Marthe Denise Agano Ongotha, Commissaire Permanent, APDPVP

### **INTERPOL**

Caroline Goemans Dorny , Head of the Data Protection Office

### **ISOC**

David Frautschy, Senior Director, European Government and Regulatory Affairs

### **OAS**

Jaime Moreno-Valle, Senior Legal Officer

## **EXPERTS**

Colin Bennett, Department of Political Science, University of Victoria, B.C. Canada

Marcello Ienca, School of Medicine and Health, Technical University of Munich (TUM)

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 Kimpian, Secretary of the Committee / Secrétaire du Comité

Moritz Taylor, Senior Project Manager / Chargé de projet

Caroline Lavoue, Assistant / assistante