

Strasbourg, 6 November 2024

T-PD(2024)47RAPAbr_EN

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

(CONVENTION 108)

47th Plenary Meeting

Agora, Room G03
Strasbourg, 4-6 November 2024

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 in 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.
- As regards Costa Rica, the Committee took note of the information provided by the Chair and the Secretariat on the latest developments regarding the internal legislative process.
- Item 4 **Transborder data flows of personal data (MCC, Interoperability, other possible tools)**
The Committee took note of the presentation by the expert, Mr Eduardo Ustaran and the information provided by the Secretariat. The Committee held a tour de table on the actual and planned use of the adopted MCC and agreed to continue to have regular tour de table on the matter, decided to further reflect on whether to develop more tools or instruments to facilitate free flow of data at next meetings. The Committee also took note of the first forum on interoperability and convergence organised by the Secretariat in the first quarter of 2025.
- Item 5 **Interpretation of Article 11 of modernised Convention 108**
The Committee took note of the information provided by the rapporteur, Mr Gonzalo Sosa and the Secretariat, held an exchange of views on the draft text, invited delegations to send comments by 13 December and instructed the Secretariat, together with the rapporteur and the working group (GT-Art.11), to further amend the text in view of its possible adoption at the next plenary meeting in June and decided to further develop guidance at a later stage.
- Item 6 **Privacy Enhancing Technologies (synthetic data, LLMs)**
The Committee took note of the presentation by the expert Prof Chris Russell (via videocall), the information provided by the Secretariat on the privacy and data protection considerations in the context of federated machine learning and Large Language Models (LLMs). The Committee held an exchange of views and agreed on the importance and relevance of the topic.
- Item 7 **Work Programme 2022-2025 (follow up)**
The Committee held an exchange of views on the state of play of the implementation of the work programme and decided to start to work on privacy and data protection considerations in federated machine learning and Large Language Models (LLMs) as the next topic.
- Item 8 **Draft Guidelines on Data Protection in the context of neurosciences**
The Committee took note of the information provided by the rapporteur, Ms Alessandra Pierucci, the experts Dr Eduardo Bertoni and Dr Marcello Ienca and the Secretariat, held an exchange of views, and invited delegations to send comments by 30 November and instructed the Secretariat, together with the rapporteur to further amend the text for discussion at the next meetings.

- Item 9 **Cooperation with other Council of Europe bodies and entities**
 The Committee took note of the information provided by the Secretariat of the Venice Commission, the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO), and the Committee on Artificial Intelligence (CAI). The Committee encouraged its members to reply to the questionnaire to be sent out by the Secretariat in connection of the update of the Rule of Law Checklist by the Venice Commission.
- Item 10 **Developments and activities in the field of data protection**
 The Committee took note of the information provided by the participants and Secretariat, notably on the following events: Privacy Symposium (10-14 June, Venice), International Working Group on Data Protection in Technology (18–19 June 2024, Oslo), EuroDIG (17-19 June, Vilnius), International Conference QUO VADIS AI (18 June, Athens), GR-J (20 June, Strasbourg), 10th Session of the OECD Working Party on Data Governance and Privacy (28 June, Paris), 37th International Conference on Privacy Laws & Business (1 July, Cambridge), a global privacy sweep by GPEN (July 9 2024), Data Protection Academy for the Western Balkans and Eastern Partnership Region (9-13 September, Brussels), Summer Course on European Data Protection Law (16-20 September, Trier), the first Atlantic Inter-Network Meeting of Personal Data Protection Authorities (26 September 2024, Rabat), EU-LAC High-Level Dialogue on Data Governance (30 September - 1 October, Montevideo), G7 Privacy Roundtable (10 October, Rome) and 46th Global Privacy Assembly (28 October - 1 November, Jersey).
- Item 11 **Cooperation**
 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 and the upcoming VI Programme), notably in Jordan, Lebanon, Libya, Egypt, Algeria and Tunisia as well as on-going and possible future cooperation with data protection authorities under several Council of Europe Action Plans, notably on Moldova, Ukraine and Armenia. The Secretariat provided information also on the potential of further cooperation projects.
- Item 12 **Elections**
 The Committee organised the elections of the Bureau. The following members have been elected: Beatriz de Anchorena, Argentina (Chair), Caroline Gloor Scheidegger, Switzerland (1st Vice-chair), and Anamarija Mladinic, Croatia (2nd Vice-chair). Alessandra Pierucci, Italy, Virpi Koivu, Finland, Gonzalo Sosa Barreto, Uruguay and Ousmane Thiongane, Senegal, were elected as Bureau members.
- The Committee thanked the out-going members for their outstanding contribution to the work of the T-PD and congratulated the in-coming Bureau members.
- Item 13 **Data Protection Commissioner**
 The Committee took note of the information provided by the Data Protection Commissioner and the Secretariat regarding the Commissioner's activities during his ad interim period.
- Item 14 **Observers**
 The Committee took note of the information provided by the observers and participants to the meeting, notably by the representatives of ICRC, Israel, EDPS, GPA, Brazil related to recent and forthcoming events and ongoing internal legal works towards potential future cooperation with the committee.
- Item 15 **Next meetings**
 The Committee took note of the dates of the next plenary meeting to be held on 17-19 June 2025 (48th) in Strasbourg, as well as of the next Bureau meetings on 19-20 March 2025 (63rd) and 17-18 September 2025 (64th) (TBC) in Paris.

Item 16

Stefano Rodotà Award

The Committee took note of the information provided by the Secretariat on the changes to the competition rules, held an exchange of views, and instructed the Secretariat to finalise the new rules of procedures together with the Bureau and prepare to launch the new award in 2025.

APPENDIX I ANNOTATED AGENDA

	1. Opening of the meeting
	Statement by the Chair Statement by the Secretariat M. Gianluca Esposito, Director General of Human Rights and Rule of Law of the Council of Europe
<u>T-PD(2024)46RAPAbrEN</u> <i>Pro memoria</i>	Abridged report of the 46 th Plenary meeting (5-7 June 2024)
<u>T-PD-BUR(2024)62RAPAbr</u> <i>Pro memoria</i>	Abridged report of the 62 nd Bureau meeting (11-12 September 2024)
<u>T-PD(2021)WP2022-2025</u> <i>Pro memoria</i>	Work Programme of the Committee 2022-2025
<u>T-PD43(2022)7</u> <i>Pro memoria</i>	Rules of procedure
	2. Adoption of the agenda
	3. Convention 108+ State of play
	<p>Information provided by the Secretariat:</p> <p><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.</p> <p>Delegations coming from a country which already ratified Convention 108+ wishing to present preparatory work with regard to the entry into force of the new instrument will have the possibility to take the floor.</p>
<ul style="list-style-type: none"> <u>Consolidated text of the modernised Convention ETS No. 108</u> <u>Explanatory report</u> <u>Amending protocol CETS No.223</u> 	<ul style="list-style-type: none"> <u>Convention 108+: chart of signatures and ratification</u> <u>Convention 108: chart of signatures and ratifications</u>
<u>Expert Report</u>	<p>Costa-Rica</p> <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 latest developments and decide on the necessary follow up.</p>
	4. Transborder data flows of personal data (MCC, Interoperability, other possible tools)
<u>Model Contractual Clauses</u>	<p>Presentation by the Secretariat.</p> <p><u>Required action:</u> The Committee will take note of the presentation by the expert Mr Eduardo Ustaran (Hogan Lovells) and the information provided by the Secretariat and will hold a tour de table on the use of the approved MCC. The Committee will also have a discussion on the need to develop more tools or instruments to enable or facilitate the free flow of data as well as the new initiative by the Secretariat on a forum on interoperability and decide on the necessary follow up.</p>
	5. Interpretation of Article 11 of modernised Convention 108
<u>T-PD(2021)7rev4</u> <i>(This document has been sent to the T-PD members via e-mail. It will also be made available in the meeting room.)</i>	<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>

	6. Privacy Enhancing Technologies (synthetic data, LLMs, federated learning)
	<p>Presentation by the expert Prof Chris Russell (University of Oxford) on the data protection considerations in the context of large language models (via videocall).</p> <p><u>Required action:</u> The Committee will take note of the presentation by the expert, will hold an exchange of views and decide on the necessary follow-up.</p>
	7. Work Programme 2022-2025 (follow up)
	<u>Required action:</u> The Committee will hold an exchange of views on the state of play of the implementation of the work programme and decide on the necessary follow-up.
	8. Draft Guidelines on Data Protection in the context of neurosciences
<p><u>T-PD(2024)2</u></p> <p><u>Expert report</u></p> <p><u>CDBIO report on Neurotechnologies and human rights framework: do we need new rights?</u></p>	<p>Information and the presentation provided by the rapporteur and the experts Dr Eduardo Berton (American University Washington College of Law) and Prof Marcello Lenca (Technical University of Munich).</p> <p><u>Required action:</u> The Committee will take note of presentation by the experts and will hold an exchange of views and decide on the necessary follow-up.</p>
	9. Cooperation with other Council of Europe bodies and entities
<p><u>CDL-AD(2016)007</u></p> <p>Rule of Law Checklist (Venice Commission)</p>	<p><u>Required action:</u> The Committee will take note of the information provided by the Secretariat and following CoE bodies and entities:</p> <ul style="list-style-type: none"> • Ms Simona Granata-Menghini, Director, Secretary of the Venice Commission on the update of the Rule of Law Checklist, • Ms Laurence Lwoff, Secretary to Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO), • Mr Kristian Bartholin, Secretary to Committee of Artificial Intelligence (CAI).
	10. Developments and activities in the field of data protection
	<p><u>Required action:</u> The Committee will take note of the information provided by the participants and the Secretariat, notably the following events:</p> <p>Privacy Symposium (10-14 June, Venice), EuroDIG (17-19 June, Vilnius), International Conference QUO VADIS AI (18 June, Athens), GR-J (20 June, Strasbourg), 10th Session of the OECD Working Party on Data Governance and Privacy (28 June, Paris), 37th International Conference on Privacy Laws & Business (1 July, Cambridge), Data Protection Academy for the Western Balkans and Eastern Partnership Region (9-13 September, Brussels), Summer Course on European Data Protection Law (16-20 September, Trier), G7 Privacy Roundtable (10 October, Rome) and 46th Global Privacy Assembly (28 October-1 November, Jersey).</p>
	11. Cooperation
	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat
	12. Elections
<u>T-PD(2024)4</u>	<p><u>Required action:</u> The Committee will proceed to the elections of the Bureau.</p> <p>Deadline for application: Monday 4 November, 18.00</p>

	13.Data Protection Commissioner
<ul style="list-style-type: none"> • <u>Activity report 2022-2024</u> • <u>CM Resolution on the new Regulations on the Protection of Personal Data</u> 	<u>Required action:</u> The Committee will take note of the information provided by the Commissioner.
	14. Observers
<ul style="list-style-type: none"> • <u>List of Observers</u> • <u>T-PD(2018)04Rev3 - State of play and admission criteria</u> <i>Pro memoria</i> 	<u>Required action:</u> The Committee will take note of the information provided by the observers.
	15. Next meetings
	<u>Plenary meetings:</u> 48 th Plenary: 17-19 June 2025, Strasbourg <u>Bureau meetings:</u> 63 rd Bureau: 19-20 March 2025, Paris 64 th Bureau: 17-18 September 2025, Paris <u>Required action:</u> The Committee will take note of the dates of the forthcoming meetings.
	16. Stefano Rodotà Award
<u>Stefano Rodotà Award</u>	The Secretariat will provide information on on-going preparation for the next edition of the award. <u>Required action:</u> The Committee will take note of the information provided by the Secretariat and decide on the necessary follow-up.
	17. Any Other Business

APPENDIX II

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

Country	Name	T-PD status	Title	Institution
Albania	Besnik Dervishi	Representative	Comissioner	Information and Data Protection Commissioner of Albania
Albania	Ms Pjerina Mema	Deputy	General Director of the Personal Data Protection Department	Information and Data Protection Commissioner of Albania
Andorra	Resma Harish Punjabi	Representative	Director	Andorran Data Protection Agency
Andorra	Belina Babi	Deputy	Inspector	Andorran Data Protection Agency
Argentina	Beatriz de Anchorena	Representative	Director of Argentina National Authority	Access to Public Information Agency (AAIP)
Armenia	Mr Grigor Nersisyan	Representative	Head of Personal Data Protection Agency	Personal Data Protection Agency of the Republic of Armenia
Austria	Stefanie Dörnhöfer	Representative	Deputy Head	Directorate for Data Protection Federal Ministry of Justice
Bosnia and Herzegovina	Dragoljub Reljić	Representative	Director	Personal Data Protection Agency
Bulgaria	Hristo Alaminov	Adviser	Head of the International Cooperation and Project Management Department	Commission for Personal Data Protection (CPDP)
Cabo Verde	Jose Maria de Pina	Deputy	Member of the CNPD	National Data Protection Commission
Croatia	Anamarija Mladinić	Deputy	Head of Department for Legal Affairs	Cooperation and Projects
Denmark	Ane Caroline Meyer Nilsson	Representative	Head of Section, Department for Data Protection	Ministry of Justice
Estonia	Pille Lehis	Representative	Director General	Estonian Data Protection Inspectorate
Estonia	Kristi Värk	Deputy	Head of the Data Protection Law Division	Ministry of Justice
Finland	Virpi Koivu	Representative	Senior Ministerial Adviser (Data Protection Affairs), Department for Democracy and Public Law, EU Law and Data Protection	Ministry of Justice
France	Irvin HERZOG	Representative	Conseiller juridique	Ministère de l'Europe et des Affaires étrangères
France	Najma Bichara	Deputy	Service des Affaires européennes et internationales	Commission nationale de l'informatique et des libertés (CNIL)
Georgia	Lela Janashvili	Representative	Head of Personal Data Protection Service	Data Protection Service
Georgia	Ana TOKHADZE	Adviser	Head of the Department of International Relations, Analytics and Strategic Development	Personal Data Protection Service
Germany	Elsa Mein	Representative	Data Protection (V II 4)	Federal Ministry of the Interior, Building and Community (BMI)
Germany	Stefan NIEDERER	Adviser		The Federal Commissioner for Data Protection and Freedom of Information - Division 14 - European and International Affairs

Germany	Marc Schlegel	Adviser	Legal Advisor	Division 14 - European and International Affairs, Office of the Federal Commissioner for Data Protection and Freedom of Information Germany (BfDI)
Hungary	Tamas Bendik	Deputy	General Vice-President	National Authority for Data Protection and Freedom of Information (NAIH)
Italy	Alessandra Pierucci	Representative	Chair	Garante per la protezione dei dati personali
Latvia	Ieva Žeimunde	Deputy	Lawyer	Legal Department, Data State Inspectorate
Liechtenstein	Julia Stütz	Deputy	Deputy Data Protection Commissioner	Data Protection Authority
Lithuania	Danguole Morkuniene	Representative	Deputy Director	State Data Protection Inspectorate
Luxembourg	Solène Bennet	Deputy	Commission nationale pour la protection des données, Ministère d'Etat	
Malta	Ingrid Camilleri	Representative	Head of Legal Unit	Office of the Data Protection Commissioner
Monaco	Corinne Laforest De Minotty	Representative	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'Etat
Monaco	Estelle SOURMAILLE	Deputy	Chef de section au Secrétariat Général du Gouvernement	
Morocco	Omar Seghrouchni	Representative	President	Commission nationale de contrôle de la protection des données à caractère personnel (CNDP)
Morocco	Leila Jirari	Deputy		Commission nationale de contrôle de la protection des données à caractère personnel (CNDP)
Morocco	Souhaila Chaoui	Adviser		
North Macedonia	Imer Aliu	Representative	Director	Personal Data Protection Agency
Poland	Maria Owczarek	Representative	Deputy Head of International Cooperation and Education Department	Department of International Cooperation and Education, Personal Data Protection Office (UODO)
Poland	Mirosław Wróblewski	Adviser	President	Personal Data Protection Office (UODO)
Portugal	Maria da Luz Rodrigues do Ó	Representative	Legal Advisor in the Ministry of Justice General Secretariat	Data Protection Officer for the Ministry of Justice
Republic of Moldova	Victoria Muntean	Representative	Director	National Center for the Protection of Personal Data
Republic of Moldova	Zoia Cojocari	Adviser	Head of the External Relations and European Integration Department	
San Marino	Patrizia Gigante	Representative	Vice President	Autorité de Protection des Données de la République de Saint-Marin
Senegal	Ousmane Thiongane	Representative	President	Commission de protection des données personnelles (CDP)
Slovakia	Maria Drabekova	Representative		Office for Personal Data Protection of the Slovak Republic
Sweden	Henrik Starfelt	Representative	Advisor	Division for Constitutional Law, Ministry of Justice
Switzerland	Caroline Gloor Scheidegger	Representative	Cheffe du Domaine de direction Relations internationales, Cantons	Préposée fédérale à la protection des données et à la transparence (PFPDT), Domaine de direction Relations internationales, Législation, Cantons

Tunisia	Khadija ALOUI	Deputy	Consul général de Tunisie, Strasbourg	Tunisian Consulate in Strasbourg
Türkiye	Mustafa Celayir	Advisor	Counsellor	Ministry of Justice
Ukraine	Yuliya Viktorivna Derkachenko	Representative	Representative of the Commissioner for Information Rights	
Gibraltar	Gerard Fitzgerald	Adviser	Deputy Head of Information Rights	Gibraltar Regulatory Authority
United Kingdom	Hajer Al-Hamali	Representative	Head of Multilateral Engagement (Department for Science, Innovation and Technology)	
United Kingdom	Natasha Angwin	Adviser	Senior Policy Advisor	UK Home Office
United Kingdom	Blandine CASSOU-MOUNAT	Adviser	Principal Policy Adviser – International Regulatory Cooperation Directorate (International)	Information Commissioner’s Office (ICO)
Uruguay	Mr Gonzalo Sosa Barreto	Representative	Executive Council of the URCDP	AGESIC

AFAPDP	Nafissatou KEPPA	Observer	Chargée de mission	AFAPDP
BERMUDA	Alexander McD White	Observer	Privacy Commissioner	
Brazil	Lucas Costa dos Anjos	Observer	Data Protection Specialist	International Affairs Unit, National Data Protection Authority (ANPD)
Data Protection Commissioner	Jean-Philippe Walter	Observer	Data Protection Commissioner	Council of Europe
Delegation of the European Union to the Council of Europe	Dora Schaffrin	Observer	Legal Adviser	Delegation of the European Union to the Council of Europe
EDPS	Olivier Matter	Observer	Head of International Cooperation	EDPS
ICRC	Stephane Kolanowski	Observer	Regional Data Protection Officer for Europe and Central Asia	ICRC
ISRAEL	Sharon AZAYRA	Observer	Head of International Relations, Innovation and Policy Development Department	Privacy Protection Authority

Eduardo Bertoni	Expert	Center for Human Rights and Humanitarian Law at the American University Washington College of Law.
Marcello Ienca	Expert	School of Medicine and Health, Technical University of Munich (TUM)
Eduardo Ustaran	Expert	Hogan Lovells
Chris Russell (via videocall)	Expert	Oxford Internet Institute, University of Oxford

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

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

Gianluca Esposito, Director General of Human Rights and Rule of Law

Simona Granata-Menghini, Director, Secretary of Venice Commission

Laurence Lwoff, Head of Human Rights and Biomedicine Division / Chef de la division Droits humains et biomédecine (CDBIO)

Kristian Bartholin, Secretary of Committee of Artificial Intelligence (CAI)

Data Protection Unit / Unité de la protection des données

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

Péter Kimpiàn, Secretary of the Committee / Secrétaire du Comité