

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

T-PD40(2020)OJ

23/10/2020

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

**CONVENTION 108**

**40<sup>th</sup> Plenary meeting**

**DRAFT AGENDA**

**18 November 2020 (10.30 am) – 20 November 2020 (5 pm)**

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

	<b>1. Opening of the meeting</b>
<a href="#">T-PD(2019)RAP39Abr</a>	Abridged report of the 39 <sup>th</sup> Plenary meeting (Strasbourg, 19-21 November 2019)
<a href="#">T-PD-BUR(2019)50RAP</a>	Abridged report of the 50 <sup>th</sup> Bureau meeting (remote, 28-29 September 2020)
<a href="#">T-PD(2019)WP2020-2021final</a>	Work programme of the Committee 2020-2021
<a href="#">T-PD(2017)Rules</a>	Rules of procedure
	<b>2. Adoption of the agenda</b>
	<b>3. Statement by the secretariat</b>
	Jan Kleijssen, Director, Information Society and Fight against Crime Directorate
	<b>4. Modernisation of Convention 108</b>
	<u>Required action:</u> The Committee will take note of the information provided by the secretariat.
	<ul style="list-style-type: none"> <li>• <a href="#">Consolidated text of the modernised version of Convention 108</a></li> </ul>
	<ul style="list-style-type: none"> <li>• <a href="#">Explanatory report of the modernised Convention 108</a></li> </ul>
	<ul style="list-style-type: none"> <li>• <a href="#">Amending Protocol</a></li> </ul>
	<b>5. State of play, ratifications and accessions</b>
<a href="#">Draft Opinion Costa-Rica</a> <i>published 16/11</i>	<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> <p>Expert: Mr Franck Dumortier, Senior Consultant, Cybersecurity-Law</p> <p><u>Required action:</u> The Committee will take note of the information provided by the expert and will hold an exchange of views on the draft Opinion.</p>
	<b>6. Evaluation and follow up mechanism under Convention 108+</b>
	<p>Expert: Ms Cécile de Terwangne, CRIDS, Namur</p> <p><u>Required action:</u> The Committee will take note of the information provided by the expert and will hold an exchange of views on the latest versions of the documents.</p>

<a href="#">Terms of Reference</a>	ToR of the Working Group on the evaluation and monitoring mechanism
<a href="#">T-PD(2018)20rev6</a> <i>published 03/11</i>	Evaluation questionnaire
<a href="#">T-PD(2018)21rev6</a>	Document on the evaluation and follow-up mechanism under Convention 108+: process and rationale
	<b>7. Law enforcement transborder access to data</b>
<a href="#">T-PD(2019)8FIN</a>  Opinion on the provisional text and explanatory report of the draft Second Additional Protocol to the Budapest Convention on Cybercrime (ETS 185) on direct disclosure of subscriber information and giving effect to orders from another Party for expedited production of data	Expert: Mr Gert Vermeulen, Full Professor of (European and international) criminal law and director of the Institute for International Research on Criminal Policy (IRCP).  <u>Required action:</u> The Committee will take note of the information provided by the expert and the Secretariat and will decide on any necessary follow-up.
	<a href="#">T-PD(2019)3</a>  <a href="#">Preparation of a 2nd Additional Protocol to the Budapest Convention on Cybercrime: Consultation with data protection experts - Issues for discussion</a>  <a href="#">T-CY discussion paper: Conditions for obtaining subscriber information –static versus dynamic IP addresses</a>  <a href="#">Answers from the Committee of Convention 108 to the Discussion paper for the Octopus Conference</a>  <a href="#">Key messages of the Octopus Conference 2018</a>  <a href="#">Towards a Protocol to the Convention on Cybercrime: additional stakeholder consultations</a> <i>published 12/11</i>
	<b>8. Facial recognition</b>
<a href="#">T-PD(2020)3rev</a>	Expert: Ms Sandra Azria, Avocat (TBC)  <u>Required action:</u> The Committee will take note of the presentation by the Secretariat and will examine the draft Guidelines with a view to further enhancing the draft.
	<b>9. Data protection in an education setting</b>
<a href="#">T-PD(2019)06BISrev4</a> <i>published 23/10</i> <a href="#">T-PD(2019)06rev</a> <i>published 23/10</i>	Expert: Ms Jen Persson, Director, “defenddigitalme”

<p><a href="#">T-PD(2019)-06Bisrev3Mos2 – Compilation of Comments</a> <i>published 17/11</i></p>	<p><u>Required action:</u> The Committee will endorse the expert report and will examine the draft Guidelines with a view to enabling the finalisation and adoption of the draft.</p>
	<p><b>10. 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</b></p>
<p>Recommendation <a href="#">CM/Rec(2010)13</a> <a href="#">T-PD(2019)07FINAL</a> <a href="#">T-PD(2019)07BISrev3</a> <i>published 23/10</i></p> <p><a href="#">T-PD(2019)-07Bisrev2Mos2 – Profiling – Compilation of Comments</a> <i>published 17/11</i></p>	<p>Experts: Mr Yves Poulet, Honorary Rector of the University of Namur, former Director of the Research Center for Computer Science and Law (CRIDS) and Mr Benoit Frénay, associate professor at the Faculty of Computer Science, CRIDS</p> <p><u>Required action:</u> The Committee will endorse the expert report and will examine the draft Revised recommendation with a view to enabling the finalisation and approval of the draft, for transmission to the Steering Committee on Media and Information Society (CDMSI)</p>
	<p><b>11. Digital identity</b></p>
<p><a href="#">T-PD(2020)4rev</a></p>	<p>Expert: Mr Pat Walshe, Director of Privacy Matters</p> <p><u>Required action:</u> The Committee will take note of the report and will hold an exchange of views with the expert, with a view to enabling the finalisation of the report and deciding on the necessary follow-up.</p>
	<p><b>12. Personal data processing by and for political campaigns</b></p>
<p><a href="#">T-PD(2020)2rev</a></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 report and will hold an exchange of views with the expert, with a view to enabling the finalisation of the report and deciding on the necessary follow-up.</p>
	<p><b>13. Cooperation with other Council of Europe bodies and entities</b></p>
<p><a href="#">CDENF(2020)28 - compilation of comments</a> <i>published 16/11</i></p>	<p><u>Required action:</u> The Committee will take note of the information provided by the Secretariat and will examine the draft declaration jointly prepared with the CDENF in view of its possible approval.</p>
<p><a href="#">Draft Text of the Declaration on the rights of the child in the digital environment</a> <a href="#">Compilation of comments</a> <i>published 16/11</i></p>	<ul style="list-style-type: none"> <li>• <a href="#">CAHAI</a></li> <li>• <a href="#">Steering Committee on the Rights of the child (CDENF)</a></li> <li>• <a href="#">Macolin Convention</a></li> <li>• <a href="#">Steering Committee on Media and Information Society (CDMSI)</a></li> </ul>

	<b>14. Case-Law</b>
<a href="#">ECHR Compilation</a> <i>published 12/11</i> <a href="#">Court of Justice of the European Union</a> <a href="#">Inter-American Court of Human Rights</a>	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat.
	<b>15. Overview of activities and major developments</b>
<a href="#">T-PD(2018)24rev2</a> <i>published 10/11</i>  <a href="#">T-PD(2020)Mos - Information on the recent developments in the data protection field</a> <i>publié le 18/11</i>	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat and delegates.  Data Protection Report 2020: “Digital solutions to fight Covid-19”  Joint Statements  <a href="#">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</a>  <a href="#">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</a>  <a href="#">“Better protecting individuals in the context of international data flows: the need for democratic and effective oversight of intelligence services” Joint statement by Alessandra Pierucci, Chair of the Committee of Convention 108 and Jean-Philippe Walter, Data Protection Commissioner of the Council of Europe</a>  DPAs Governance models – updated version
	<b>16. Observers</b>
<a href="#">List of Observers</a>  <a href="#">Observers - State of play and admission criteria</a>  <a href="#">T-PD(2020)09</a> <i>new: published 17/11</i>	<u>Required action:</u> The Committee will decide upon the requests received and will take note of the information provided by the observers.
	<b>17. Stefano Rodotà Award</b>
<a href="#">2021 Competition rules</a>	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat in respect of both the 2020 and the 2021 Edition of the Award.

	<b>18. Automatic Exchange of data</b>
<a href="#">T-PD(2014)05</a> Opinion on the implications for data protection of mechanisms for automatic inter-state exchanges of data for administrative and tax purposes	Expert: Eleni Kosta, Professor of Technology Law and Human Rights, Tilburg Institute for Law, Technology, and Society (TILT), Tilburg University  <u>Required action:</u> the Committee will take note of the presentation by the expert and will hold an exchange of views on the topic.
	<b>19. Interpretation of provisions</b>
<a href="#">T-PD(2020)06</a> <i>published 26/10</i>	Required action: The Committee will discuss the guidance to be provided in the interpretation of provisions of Convention 108+ as requested by a delegation during the 39 <sup>th</sup> Plenary meeting.  The Committee will decide on the opportunity to initiate work on the interpretation of Article 11 of Convention 108+ as supported by its Bureau.
	<b>20. Elections</b>
<a href="#">T-PD(2020)05</a> Memorandum concerning elections	<u>Required action:</u> The Committee will proceed to the elections
	<b>21. Cooperation projects</b>
<a href="#">T-PD(2020)07</a> <i>published 03/11</i>	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat
	<b>22. Data Protection Commissioner</b>
<a href="#">Activity report DPCOM Report 2018-2020</a> <i>published 02/11</i>	<u>Required action:</u> The Committee will take note of the information provided by the Commissioner.

	<b>23. Next meetings</b>
	<u>Required action:</u> The Committee will take note of the dates for the next meetings.
	<p>Date of the next meeting in 2020</p> <p><u>Date of the Bureau meeting:</u></p> <ul style="list-style-type: none"> <li>• 51<sup>st</sup> Bureau meeting (16-18 December, online)</li> </ul> <p>Dates of next meetings in 2021</p> <p><u>Dates of Bureau meetings:</u></p> <p>52<sup>nd</sup> Bureau : 24-26 March 2021  53<sup>rd</sup> Bureau : 28-30 September 2021  54<sup>th</sup> Bureau : 20-22 December 2021</p> <p><u>Dates of Plenary meetings:</u></p> <p>41<sup>st</sup> Plenary : 28-30 June 2021  42<sup>nd</sup> Plenary : 17-19 November 2021</p>
	<b>24. Any Other Business</b>

## DRAFT ORDER OF BUSINESS

*Provisional and subject to change in light of the work pace*

	<b>All times indicated CET</b>	<b>18 November</b>	<b>19 November</b>	<b>20 November</b>
<i>Start</i>	<b>10.30 am</b>	Items 1 to 4, 9 and 13 (draft declaration)	Item 10	Items 5 and 6
<i>Break</i>	<b>1pm</b>	<i>Break</i>		
<i>Start</i>	<b>2.30 pm</b>	Items 7, 11 and 12	Items 8, 16 and 20	Items 18 and 19
<i>End</i>	<b>5 pm</b>	<i>End</i>		

Items 13, 14, 15, 17, 21 to 24 to be taken when the order of business will allow it