

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

40th Plenary meeting

DRAFT AGENDA

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

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	1. Opening of the meeting
T-PD(2019)RAP39Abr	Abridged report of the 39 th Plenary meeting (Strasbourg, 19-21 November 2019)
T-PD-BUR(2019)50RAP	Abridged report of the 50 th Bureau meeting (remote, 28-29 September 2020)
T-PD(2019)WP2020-2021final	Work programme of the Committee 2020-2021
T-PD(2017)Rules	Rules of procedure
	2. Adoption of the agenda
	3. Statement by the secretariat
	Jan Kleijssen, Director, Information Society and Fight against Crime Directorate
	4. Modernisation of Convention 108
	<u>Required action:</u> The Committee will take note of the information provided by the secretariat.
	<ul style="list-style-type: none"> • Consolidated text of the modernised version of Convention 108
	<ul style="list-style-type: none"> • Explanatory report of the modernised Convention 108
	<ul style="list-style-type: none"> • Amending Protocol
	5. State of play, ratifications and accessions
Draft Opinion Costa-Rica <i>published 16/11</i>	<ul style="list-style-type: none"> • Convention 108+: chart of signatures and ratification • Convention 108: chart of signatures and ratifications <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>
	6. Evaluation and follow up mechanism under Convention 108+
	<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>

Terms of Reference	ToR of the Working Group on the evaluation and monitoring mechanism
T-PD(2018)20rev6 <i>published 03/11</i>	Evaluation questionnaire
T-PD(2018)21rev6	Document on the evaluation and follow-up mechanism under Convention 108+: process and rationale
	7. Law enforcement transborder access to data
T-PD(2019)8FIN 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.
	T-PD(2019)3 Preparation of a 2nd Additional Protocol to the Budapest Convention on Cybercrime: Consultation with data protection experts - Issues for discussion T-CY discussion paper: Conditions for obtaining subscriber information –static versus dynamic IP addresses Answers from the Committee of Convention 108 to the Discussion paper for the Octopus Conference Key messages of the Octopus Conference 2018 Towards a Protocol to the Convention on Cybercrime: additional stakeholder consultations <i>published 12/11</i>
	8. Facial recognition
T-PD(2020)3rev	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.
	9. Data protection in an education setting
T-PD(2019)06BISrev4 <i>published 23/10</i> T-PD(2019)06rev <i>published 23/10</i>	Expert: Ms Jen Persson, Director, “defenddigitalme”

<p>T-PD(2019)-06Bisrev3Mos2 – Compilation of Comments <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>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</p>
<p>Recommendation CM/Rec(2010)13 T-PD(2019)07FINAL T-PD(2019)07BISrev3 <i>published 23/10</i></p> <p>T-PD(2019)-07Bisrev2Mos2 – Profiling – Compilation of Comments <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>11. Digital identity</p>
<p>T-PD(2020)4rev</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>12. Personal data processing by and for political campaigns</p>
<p>T-PD(2020)2rev</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>13. Cooperation with other Council of Europe bodies and entities</p>
<p>CDENF(2020)28 - compilation of comments <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>Draft Text of the Declaration on the rights of the child in the digital environment Compilation of comments <i>published 16/11</i></p>	<ul style="list-style-type: none"> • CAHAI • Steering Committee on the Rights of the child (CDENF) • Macolin Convention • Steering Committee on Media and Information Society (CDMSI)

	14. Case-Law
ECHR Compilation <i>published 12/11</i> Court of Justice of the European Union Inter-American Court of Human Rights	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat.
	15. Overview of activities and major developments
T-PD(2018)24rev2 <i>published 10/11</i> T-PD(2020)Mos - Information on the recent developments in the data protection field <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 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 “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 DPAs Governance models – updated version
	16. Observers
List of Observers Observers - State of play and admission criteria T-PD(2020)09 <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.
	17. Stefano Rodotà Award
2021 Competition rules	<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.

	18. Automatic Exchange of data
T-PD(2014)05 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.
	19. Interpretation of provisions
T-PD(2020)06 <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 th 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.
	20. Elections
T-PD(2020)05 Memorandum concerning elections	<u>Required action:</u> The Committee will proceed to the elections
	21. Cooperation projects
T-PD(2020)07 <i>published 03/11</i>	<u>Required action:</u> The Committee will take note of the information provided by the Secretariat
	22. Data Protection Commissioner
Activity report DPCOM Report 2018-2020 <i>published 02/11</i>	<u>Required action:</u> The Committee will take note of the information provided by the Commissioner.

	23. Next meetings
	<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"> • 51st Bureau meeting (16-18 December, online) <p>Dates of next meetings in 2021</p> <p><u>Dates of Bureau meetings:</u></p> <p>52nd Bureau : 24-26 March 2021 53rd Bureau : 28-30 September 2021 54th Bureau : 20-22 December 2021</p> <p><u>Dates of Plenary meetings:</u></p> <p>41st Plenary : 28-30 June 2021 42nd Plenary : 17-19 November 2021</p>
	24. Any Other Business

DRAFT ORDER OF BUSINESS

Provisional and subject to change in light of the work pace

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

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