



Strasbourg, 17 November 2023

T-PD(2023)45RAPAbrEN

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

(Convention 108)

45th meeting of the Committee

Strasbourg, 15-17 November 2023

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. Since the June plenary meeting, Slovenia, Bosnia and Herzegovina, Switzerland, Portugal, Hungary and San Marino deposited the instruments of ratification of the Amending Protocol CETS No. 223. 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 will hold another tour de table at the next Plenary meeting.
- As regards Costa Rica, the Committee took note of the information provided by T-PD members and the secretariat on the latest developments.
- Item 4 **Elections**
The Committee decided to proceed to an election, following the resignation of one Bureau member in September. Mrs Virpi Koivu has been elected for the remainder of the term, that is until the November 2024 plenary meeting.
- Item 5 **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 second module of the Model Contractual Clauses targeting the transfer of personal data from controllers to processors, held an exchange of views, and adopted module 2 in view of its publication. It also instructed the secretariat to develop, together with the rapporteur, module 3 targeting the transfer of personal data from processors to processors for discussion at next meetings.
- Item 6 **Interpretation of Article 11 of the modernised Convention 108**
The Committee took note of the information provided by the Chair and the secretariat, held an exchange of views, 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 7 **Processing of personal data within the framework of vote and elections**
The Committee took note of the information provided by the secretariat, held an exchange of views, and instructed the secretariat, with the assistance of the expert, to further amend the text and gather written comments on the amended text by 8 December for discussion at next meetings.
- Item 8 **Work Programme**
The Committee took note of the information provided by the secretariat, held an exchange of views, and endorsed the Bureau's proposal. It instructed the secretariat to look for expert(s) with the assistance of the appointed rapporteur and start working on data protection in the context of neurosciences with a view to presenting elements at next Bureau meeting.

- Item 9 **Cooperation with other Council of Europe bodies and entities**
The Committee took note of the information provided by T-PD members and secretaries from MONEYVAL and CD-BIO on their on-going work, as well as potential synergies and cooperation opportunities. It also heard the secretary of the CAI on the on-going drafting process of the future Framework Convention on AI and will continue to follow it closely with the Bureau.
- Item 10 **Developments and activities in the field of data protection**
The Committee took note of the information provided by the delegation from the European Commission, EDPS, Germany, France and the Republic of Moldova, as well as by the secretariat on developments and activities in various parts of the world related to data protection.
- Item 11 **Case law**
The Committee took note of the information provided by the secretariat on the updating of ECtHR Case law compilation.
- Item 12 **Observers**
The Committee took note of the information provided by the delegations from Brazil, Japan, EDPS and the ICRC related to recent and forthcoming events, training activities, and on-going internal legal works towards potential future requests for accession to the modernised Convention.
- Item 13 **Data Protection Commissioner**
The Committee took note of the information provided by the Data Protection Commissioner on its recent work.
- Item 14 **Next meetings**
The Committee took note of the dates of the next plenary meetings to be held on 5-7 June 2024 (46th), 4-6 November 2024 (47th), as well as of the next Bureau meetings on 12-14 December 2023 (60th), 13-15 March 2024 (61st), 11-13 September 2024 (62nd).
- Item 15 **Stefano Rodotà Award**
The Committee took note of the information provided by the secretariat on the launching of the 2024 edition.
- Item 16 **Any Other Business**

APPENDIX I

ANNOTATED AGENDA

	1. Opening of the meeting
	<p style="text-align: center;">Statement by the Chair</p> <p style="text-align: center;">Statement by the Secretariat</p>
T-PD(2023)44RapAbr <i>Pro memoria</i>	Abridged report of the 44 th Plenary meeting (14-16 June 2023)
T-PD-BUR(2023)59RAPAbr <i>Pro memoria</i>	Abridged report of the 59 th Bureau meeting (27-29 September 2023)
T-PD(2021)WP2022-2025 <i>Pro memoria</i>	Work programme of the Committee 2022-2025
TPD43(2022)7 <i>Pro memoria</i>	Rules of procedure
	2. Adoption of the agenda
	3. Convention 108+ State of play
	<p>Tour de table on the state of play of the ratification process in the countries concerned.</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>
<ul style="list-style-type: none"> - Consolidated text of the modernised Convention ETS No. 108 - Explanatory report - Amending protocol CETS No.223 	<ul style="list-style-type: none"> • Convention 108+: chart of signatures and ratification • Convention 108: chart of signatures and ratifications
T-PD(2020)08Rev Expert Report	<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. Elections
	<p>One Bureau member resigned her office in October 2023</p> <p><u>Required action:</u> The Committee is invited to decide on electing a successor for the remainder of the term, and if that is the case, to proceed to an election on 17 November.</p>

	5. Model contractual clauses for transborder data flows of personal data
T-PD(2023)4rev1 - draft module 2 Compilation of comments Model Contractual Clauses (Module 1)	<p>Presentation 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 on the draft document, will hold an exchange of views, and will be invited to adopt module 2 in view of its publication.</p>
	6. Interpretation of Article 11 of the modernised Convention 108
T-PD(2021)7rev4	<p>Information provided by the secretariat and the Chair</p> <p><u>Required action:</u> The Committee will take note of the information provided by the secretariat, will hold an exchange of views, and decide on the necessary follow-up.</p>
	7. Processing of personal data within the framework of vote and elections
T-PD(2023)2rev2 <i>(only in English)</i> Expert Report <i>(only in English)</i>	<p>Information provided by the secretariat</p> <p><u>Required action:</u> The Committee will take note of the information provided by the secretariat, will hold an exchange of views and decide on the necessary follow-up.</p>
	8. Work Programme
T-PD(2021)WP2022-2025 CDBIO report on Neurotechnologies and human rights framework: do we need new rights?	<p><u>Required action:</u> The Committee is invited to reflect on the proposal of the Bureau to start working on data protection in the context of neurosciences.</p>
	9. Cooperation with other Council of Europe bodies and entities
	<p><u>Required action:</u> The Committee will take note of the information provided by T-PD members and the secretariat.</p>
	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 T-PD members and the secretariat</p>

<i>Pro memoria</i>	11. Case law
T-PD(2023)1 Case Law on Data Protection December 2022 ECHR compilation 2021-22 Guide on Article 8 - ECHR CURIA - Presentation - Court of Justice of the European Union Inter-American Court of Human Rights - Judgments	ECHR compilation – prepared by the secretariat (December 2022) Case law of the EU Court of Justice Case law of the Inter-American Court of Human Rights
	12. Observers
List of Observers T-PD(2018)04Rev3 <i>Pro memoria</i>	<u>Required action:</u> The Committee will take note of the information provided by the observers
	13. Data Protection Commissioner
Activity report 2020-2022 CM Resolution on the new Council of Europe Regulations on the Protection of Personal Data	<u>Required action:</u> The Committee will take note of the information provided by the Commissioner
	14. Next meetings
	<u>Plenary meetings:</u> 46 th Plenary: 5-7 June 2024 47 th Plenary: 4-6 November 2024 <u>Bureau meetings:</u> 60 th Bureau: 13-14 December 2023 61 st Bureau: 13-15 March 2024 62 nd Bureau: 11-13 September <u>Required action:</u> The Committee will take note of the dates of the forthcoming plenary and Bureau meetings
	15. Stefano Rodotà Award
Stefano Rodotà Award	<u>Required action:</u> The Committee will take note of the information provided by the secretariat on the launching of the 2024 edition
	16. Any Other Business

APPENDIX II

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS MEMBERS OF THE COMMITTEE / MEMBRES DU COMITÉ

ALBANIA / ALBANIE

Besnik Dervishi – representative/representant, Commissioner for Personal Data Protection

Pjerina Mema – deputy/suppléante, Director General, Personal Data Protection Department

ARGENTINA / ARGENTINE

Violeta Paulero – deputy/suppléante, Director of Personal Data Protection, Access to Public Information Agency

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, Office of the Data Protection Commission

AZERBAIJAN / AZERBAÏDJAN

Khayala Babayeva – representative/représentante, Head of Personal Data Protection Department, Electronic Security Service, Ministry of Digital Development and Transport

BOSNIA AND HERZEGOVINA / BOSNIE HERZÉGOVINE

Vesna Pehar – representative/représentante, Assistant Director, Department for International Cooperation and Public Relations, Personal Data Protection Agency

CAPE VERDE / CAP VERT

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

CROATIA / CROATIE

Marija Vujeva – deputy/suppléante - Croatian Personal Data Protection Agency (AZOP)

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Eva Sedloňová – representative/représentante, Senior Counsel, Department of Legal Affairs and Coordination, Office of Personal Data Protection

DENMARK / DANEMARK

Anna Rosdahl Christiansen – representative/représentante, Office of Data Protection, Ministry of Justice

ESTONIA / ESTONIE

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

Kristi Värk – deputy/suppléante, Head of the Data Protection Law Division, Ministry of Justice

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 au sein de la sous-direction des droits de l'Homme du 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)

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

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

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

HUNGARY / HONGRIE

Tamas Bendik – deputy/suppléant, general vice-President, National Authority for Data Protection and Freedom of Information (NAIH)

ITALY / ITALIE

Alessandra Pierucci – representative/représentante – Bureau member/membre du Bureau, Garante – National Data Protection Authority

LIECHTENSTEIN

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

LUXEMBOURG / LUXEMBOURG

Dylan Siry– representative/représentant, Chargé de mission, Représentation permanente auprès du Conseil de l'Europe

MALTA / MALTA

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

MONACO

Corinne Laforest de Minotty – representative/représentante, Chargée de Missions auprès du Conseiller de Gouvernement, Ministre des Relations extérieures et de la Coopération,

MOROCCO / MAROC

Souad El Kouhen – deputy/suppléante, Commission nationale de contrôle de la protection des données à caractère personnel (CNDP)

Leila Jirari – adviser/conseiller, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

NORTH MACEDONIA / MACEDOINE DU NORD

Imer Aliu – representative/représentant, Director, Personal Data Protection Agency

NORWAY / NORVEGE

Vilde Aggvin – representative/représentante, Legal Adviser, 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

REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA

Victoria 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

SAN MARINO / SAINT-MARIN

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

SERBIA / SERBIE

Marin Cetinić – deputy/suppléant, Head of Training Group, Commissioner for Information of Public Importance and Personal Data Protection

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

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

SLOVENIA / SLOVÉNIE

Matej Sironić – deputy/suppléant, Personal Data Protection Advisor, Information Commissioner

SPAIN/ESPAGNE

Pablo Manuel Mateos Gascueña – representative/representant – Bureau member/membre du Bureau, Data Protection Sub-inspector, Agency of Data Protection

Enrique Factor Santoveña – deputy/suppléant, Head of Service for Relations with the EU, Commissioner’s Cabinet

SWEDEN / SUÈDE

Emma Majanen – representative/représentante, Legal expert, Department of Justice, Basic Law Unit

SWITZERLAND / SUISSE

Caroline Gloor Scheidegger – representative/représentante – First Vice-Chair/Première Vice-Présidente, 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 / TUNISIE

Khadija Aloui – representative/représentante, Consul général près le Consulat général de Tunisie à Strasbourg
Tunisian Consulate in Strasbourg

TÜRKIYE / TURQUIE

Faruk Göker – representative/representant, Rapporteur Judge, Directorate General for International Relations and EU Affairs, Ministry of Justice

Ahmed Sait Altın – adviser/conseiller, Personal Data Protection Expert, Personal Data Protection Authority

UKRAINE

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

UNITED KINGDOM / ROYAUME UNI

Hajer Al Hamali – representative/représentante, Department for Science Innovation and Technology

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 at UK Home Office

Steven Sanchez, Gibraltar Regulatory Authority, the British Overseas Territory of Gibraltar

URUGUAY

Lilian Massarino – deputy/suppléante, Legal Advisor, Executive Council of the URCDP, AGESIC

OBSERVERS AND PARTICIPANTS / OBSERVATEURS ET PARTICIPANTS

BRAZIL / BRÉSIL

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

JAPAN / JAPON

Seiwa Fujiwara – Director for Information Policy Coordination, Secretariat, Personal Information Protection Commission, Japan

Makoto Hashimoto – Section Chief for International Affairs, Secretariat, Personal Information Protection Commission, Japan

Daichi Ito – Consul/Attorney, Consulate General of Japan

Tetsushi Hirano – Chargé de mission, Consulate General of Japan in Strasbourg

Elea Roger – Assistant, Consulate General of Japan in Strasbourg

EUROPEAN UNION / UNION EUROPÉENNE

Alisa Vekeman, Policy Officer, DG Justice and Consumers Unit 01, International Affairs and Data Flows

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Sami Mohammed, Commissioner of Data Protection, Office of Data Protection, ADGM, Abu Dhabi

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EDPS / CEPD

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OECD

Francesca Casalini, Policy Analyst

**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

**Directorate General Human Rights and Rule of Law /
Direction générale Droits de l'Homme et État de droit (DG I)**

Hanne Juncher, Director, Information Society and Action against Crime / Directrice, Société de l'information et action contre le crime

Livia Stoica Becht, Head of Division, Executive Secretary / Cheffe de division, Secrétaire exécutive, MONEYVAL

Kristian Bartholin, Head of Digital Development Unit, Secretary of the Committee on Artificial Intelligence / Chef de l'unité des développement numériques, Secrétaire du Comité de l'Intelligence Artificielle

Data Protection Unit / Unité de la protection des données

Isabelle Servoz-Gallucci, Secretary of the Committee / Secrétaire du Comité

Péter Kimpiàn, Programme Advisor / Conseiller de programme

Alex Biricik, Principal assistant / assistant principal

Ibrahim Yildirim, trainee / stagiaire

Interpreters / Interprètes

Elisabetta Bassu

Chloe Chenetier

Gregoire Devictor

Sara Webster

Ciarán Pfiffer, trainee / stagiaire