

Strasbourg, 26 March 2021

T-PD-BUR-(2021)52RAPAbr

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

(Convention 108)

52nd meeting of the Bureau

Strasbourg, 24-26 March 2021
via videoconference

ABRIDGED REPORT

1. The Bureau of the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Data ("Convention 108") held its 52nd meeting¹ via videoconference from 24 to 26 March 2021, with Ms Alessandra Pierucci (Italy) in the chair. The agenda, as adopted by the Bureau, and the list of participants are set out in Appendices I and II.

2. The Bureau of the Committee of Convention 108:

2.1. took note of the information provided by HE Ambassador Christian Meuwly, Permanent Representative of Switzerland to the Council of Europe and Chair of the Group of Rapporteurs on Legal Co-operation (GR-J) of the Committee of Ministers a) on the importance the GR-J attaches to issues related to the protection of privacy and personal data and to the work of the Committee of Convention 108 and its Bureau, b) on the relevance of the Declaration by the Committee of Ministers on Safeguarding the right to data protection in the digital environment published in relation to the celebrations of the 40th anniversary of Convention 108 which notably calls upon "all States Parties to Convention 108 that have not yet done so to ratify its amending Protocol", c) on his high appreciation for the work of the Committee and d) on the invitation of the Chair of the Committee of Convention 108 to a future meeting of the GR-J closer to the 3rd anniversary of the opening for signature of the Protocol amending Convention 108;

2.2. took note of the information provided by Mr Jan Kleijssen, Director, Information Society – Action against Crime (see appendix III):

2.3. took note of the information provided by the Secretariat on the current status of signatures and ratifications of Convention 108+, i.e. a total of 32 signatures and 11 ratifications (the latest to date being the ratification by Spain on 28 January 2021);

2.4. took note of the presentation by Mr Franck Dumortier on the request for accession by Costa-Rica and instructed the Secretariat to prepare a draft opinion based on the expert report, in view of its examination at the 41st Plenary meeting (28-30 June 2021);

2.5. took note of the information provided by Ms Cécile de Terwangne on documents relating to the evaluation and follow-up mechanism under Convention 108+, took note of the information provided by the chair of the Working Group on the evaluation and follow-up mechanism (WG-EFM) in relation to the reflections within the group, held an exchange of views with the expert regarding the proposed modifications to the documents, and agreed that a) revised versions of the draft documents (T-PD(2018)20rev7, T-PD(2018)21rev7) will be circulated with a view to submitting the final versions for adoption at the next Plenary b) the WG-EFM will prepare a report on possible benchmarks regarding the evaluation of the independence of supervisory authorities ;

2.6. took note of the information provided by the Secretariat in relation to the negotiations of the draft Second Additional Protocol to the Budapest Convention on Cybercrime (CETS n°185), reaffirmed the importance of ensuring consistency between the respective legal instruments and confirmed the availability of the Bureau to initiate the preparation of a draft Opinion once the provisions on the safeguards and data protection will be made public, stressing the difficulty of such a probable time-pressured exercise;

2.7. took note of the presentation by Mr Pat Walshe on the possible structure for Guidelines on Digital Identity and Data Protection, held an exchange of views with the expert and decided that the draft Guidelines would be circulated for comments by delegations ahead of the next Plenary meeting;

¹ 138 participants in total; 79 women and 59 men

2.8. took note of the presentation by Mr Colin Bennett on the possible structure for the Guidelines on Political campaigns and Data Protection, held an exchange of views with the expert and decided that the draft Guidelines would be circulated for comments by delegations ahead of the next Plenary meeting;

2.9. took note of the presentation by Ms Eleni Kosta on the possible elements of her report on exchange of financial data and data protection, took note of the presentation by Mr Philip Kerfs, Head of Unit, Centre for Tax Policy and Administration at the OECD on the ongoing work of the OECD concerning the Common Reporting Standard (CRS), took note of the presentation by Mr Igor Nebyvaev, Secretary of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (Moneyval) on the work of Moneyval and of the Financial Action Task Force (FATF), held an exchange of views with the expert and invited speakers and decided that the draft report would address separately the anti-money laundering/counter-terrorism purposes and the tax purposes after a first part on common principles and would be circulated for comments by delegations ahead of the next Plenary meeting;

2.10. took note of the presentation by the Secretariat of the amended version of the document on the interpretation of provisions (T-PD(2020)06rev2) and the legal opinion provided by the Legal Advisor (DLAPIL02/2021_JP/DG1) on the notion of “jurisdiction”, held an exchange of views and decided that a revised version reflecting the latest comments received would be submitted to adoption by written procedure;

2.11. took note of the presentation by Mr Thorsten Wetzling and Ms Charlotte Dietrich on the possible structure for a Guidance note on Article 11 of Convention 108+, took note of the presentation by Mrs Elettra Ronchi, Senior Policy Analyst in the Science, Technology and Innovation Directorate at the OECD on the Guidelines on the Protection of Privacy and Transborder Flows of Personal Data and trusted government access to personal data held by private parties, held an exchange of views with the experts and decided that the elements for the guidance note would be circulated for comments by delegations ahead of the next Plenary meeting;

2.12. took note of the information provided by the Secretariat on the preparation of the next biennium Work programme for 2022-2023 and its articulation with the Strategic framework 2022-2025 proposed by Ms Marija Pejčinović Burić, Secretary General of the Council of Europe, on possible sections and topics to be included, such as notably the issues of digital identity in migration, personal data (including biometric data) and electoral vote or children’s data protection, and instructed the Secretariat to consult delegations on priority areas with a view to preparing a draft Work Programme ahead of the next Plenary meeting;

2.13. took note of the information provided by the Secretariat on the cooperation with other Council of Europe bodies and entities notably a) regarding the state of play of the draft Declaration of the Committee of Ministers on the need to protect children’s privacy in the digital environment jointly prepared with the Steering Committee for the Rights of the Child (CDENF), b) on the opinion on Recommendation 2185 (2020) of the Parliamentary Assembly of the Council of Europe on “Artificial intelligence in health care: medical, legal and ethical challenges ahead” adopted by the Bureau and transmitted to the Committee of Ministers c) i) on the progress made in relation to the “Macolin Convention Data Protection Principles” jointly elaborated by the Bureau and the Group of Copenhagen, agreeing to submit the draft for endorsement by the Committee at the next Plenary meeting, d) of the presentation by Mr Alessandro Mantelero on ongoing work of the CAHAI and its working groups and subgroups, confirming the importance of following this work on artificial intelligence; e) of the presentation by Ms Urska Umek, Secretary of the Committee of experts on media environment and reform, on the work of that Committee, and expressed its readiness to provide its comments on the Draft recommendation on electoral communication and media coverage of election campaigns, in respect of data protection matters, as soon as the draft will be available;

2.14. held a fruitful exchange with representatives of the Committee on Bioethics (DH-BIO), namely its Chair, Ritva Halila (Finland), Vice-Chair, Siobhan O’Sullivan (Ireland) and Secretariat on the topic of Covid-

19 vaccination certificates and agreed to submit to delegations the draft Statement on “Covid-19 Vaccination, digital attestations and data protection”, as revised during the meeting, for possible comments within two weeks, with a view to submitting the draft version (possibly finalised by the Bureau by email) for rapid adoption by the Committee by written procedure;

2.15. took note a) of the request by the Inter-American Institute of Human Rights to be granted observer status before the Committee and instructed the Secretariat to submit the request to the Committee by written procedure; b) of the information provided by 1) the ICRC on the Digital Humanitarian Forum, Certification programme for data protection officers in the humanitarian field and the research and development activities undertaken in the field of privacy by design and privacy enhancing technologies; 2) Office of Data Protection of the Registration Authority of Abu Dhabi Global Market on the adoption of new benchmarks in line with international and European standards for the protection of personal data and on the appointment of Mr Sami Mohammed as first Commissioner for a term of 4 years;

2.16. took note of the presentation by Mr Ignacio Cofone on "Beyond Data Ownership", laureate of the special mention of the Jury of the 3rd edition of the Stefano Rodotà Award;

2.17. took note of the finalisation of the revised draft Recommendation on profiling, which has been submitted to delegations for written approval until 16 April 2021;

2.18. confirmed the dates of the next Plenary meeting, to be held on 28-30 June 2021 by videoconference and for the 42nd Plenary on 17-19 November 2021, and of the next Bureau meetings on 28-30 September 2021 and on 20-22 December 2021.

APPENDIX I

AGENDA

	1. Opening of the meeting
T-PD(2020)RAP40Abr	Abridged report of the 40 th Plenary meeting (18-20 November 2020)
T-PD-BUR(2020)51RAP	Abridged report of the 51 st Bureau meeting (remote, 16-18 December 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 Ambassador Christian Meuwly Permanent Representative of Switzerland, Chair of the Group of Rapporteurs on Legal Co-operation (GR-J) of the Committee of Ministers
	4. Statement by the secretariat Jan Kleijssen, Director, Information Society and Fight against Crime Directorate
	5. Convention 108+ State of play, ratifications and accessions
	<u>Required action:</u> The Bureau 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
Expert Report - Costa-Rica	<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 Bureau will take note of the information provided by the Secretariat and the expert and will hold an exchange of views.</p>
	6. Evaluation and follow up mechanism under Convention 108+

T-PD-BUR(2021)5 Information note on the procedures of various monitoring mechanisms published 10/03	Expert: Ms Cécile de Terwangne, CRIDS, Namur
	<u>Required action:</u> The Bureau will take note of the information provided by the expert and will hold an exchange of views on the latest developments presented.
Terms of Reference	ToR of the Working Group on the evaluation and monitoring mechanism
T-PD(2018)20rev7 published 11/03	Evaluation questionnaire
T-PD(2018)21rev7 published 15/03	Document on the evaluation and follow-up mechanism under Convention 108+: process and rationale
	7. Law enforcement transborder access to data
Towards a Protocol to the Convention on Cybercrime: additional stakeholder consultations	Expert: Mr Gert Vermeulen, Full Professor of (European and international) criminal law and director of the Institute for International Research on Criminal Policy (IRCP).
T-PD(2019)8FIN	<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.
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	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
	8. Digital identity
T-PD(2020)4rev T-PD-BUR(2021)2	Expert: Mr Pat Walshe, Director of Privacy Matters
	<u>Required action:</u> The Bureau will take note of the presentation by the expert of the preliminary draft of the Guidelines and will hold an exchange of views with the expert.
	9. Personal data processing by and for political campaigns
T-PD(2020)2rev T-PD-BUR(2021)3	Expert: Mr Colin Bennett, Professor, Department of Political Science, University of Victoria

published 16/03	Required action: The Bureau will take note of the presentation by the expert of the preliminary draft of the Guidelines and will hold an exchange of views with the expert.
	10. 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 Automatic Exchange of data presentation published 22/03	Expert: Mrs Eleni Kosta, TILT, Tilburg University Update on the work of the OECD by Mr Philip Kerfs, Head of Unit at the Centre for Tax Policy and Administration. Required action: The Bureau will take note of the presentation by the expert of the preliminary elements of the study and will hold an exchange of views.
	11. Interpretation of provisions
T-PD(2020)06rev2 published 16/03 Legal Opinion on the interpretation of the notion of "jurisdiction" in relation to article 14 of Convention 108+ published 22/03	Required action: The Bureau will examine the revised draft with a view to its finalisation and submission to the Committee for adoption by written procedure.
	12. Guidance note on Article 11 of Convention 108+
T-PD-BUR(2021)4 Presentation of Elements for Guidance note on Article 11 of Convention 108+ published 23/03	Expert: Mr Thorsten Wetzling, Head of Research, Digital Rights, Surveillance and Democracy, Stiftung Neue Verantwortung Update on the work of the OECD on trusted government access to data by Mrs Elettra Ronchi, Senior Policy Analyst in the Science, Technology and Innovation Directorate Required action: The Bureau will take note of the information provided by the expert with regard to a possible structure of the guidance note and will hold an exchange of views.
	13. Work programme 2022-2023
	Required action: The Committee will take note of the information provided by the Secretariat and will hold an exchange of views.
	14. Cooperation with other Council of Europe bodies and entities
Revised Draft Declaration published 22/03	

<p>State of Implementation of the National Platform under the Macolin Convention published 24/03</p> <p>Opinion on Recommendation 2185 (2020) of the Parliamentary Assembly of the Council of Europe "Artificial intelligence in health care: medical, legal and ethical challenges ahead"</p>	<ul style="list-style-type: none"> • CAHAI <p>Expert: Mr Alessandro Mantelero, Associate Professor, Private Law, Polytechnic University of Turin</p> <ul style="list-style-type: none"> • Steering Committee on the Rights of the child (CDENF) • Steering Committee on Media and Information Society (CDMSI) • Committee on Bioethics (DH-BIO) – see item 15 • The Convention on the Manipulation of Sports Competitions (the Macolin Convention) • Parliamentary Assembly (PACE) <p><u>Required action:</u> The Bureau will take note of the information provided by the expert and the Secretariat, will hold an exchange of views and decide on any necessary follow-up.</p>
	<p>15. Major developments and activities in the field of data protection</p>
<p>Data protection and Vaccination</p>	<p><u>Required action:</u> The Bureau will take note of the information provided by the Chair of the Committee on Bioethics and other representatives of the DH-BIO, as well as by the Secretariat and will decide on the necessary follow-up.</p>
	<p>16. Observers</p>
<p>List of Observers</p>	<p><u>Required action:</u> The Bureau will take note of the information provided by the observers.</p>
	<p>17. Stefano Rodotà Award</p>
	<p>Mr Ignacio Cofone - "Beyond Data Ownership"</p> <p><u>Required action:</u> The Bureau will take note of the presentation by the 2021 Stefano Rodotà laureate of the special mention of the Jury.</p>

	18. Next meetings
	<u>Required action:</u> The Bureau will take note of the dates for the next meetings.
	<p>Dates of next meetings in 2021</p> <p><u>Dates of Bureau meetings:</u></p> <p>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>
	19. Any Other Business

APPENDIX II

LIST OF PARTICIPANTS

MEMBERS OF THE BUREAU / MEMBRES DU BUREAU

GEORGIA / GÉORGIE

Tamar Kaldani, (first Vice-Chair / première Vice-présidente)

GERMANY / ALLEMAGNE

Elsa Mein, Desk Officer, Data Protection Unit (V II 4), Federal Ministry of the Interior, Building and Community

ITALY / ITALIE

Alessandra Pierucci, (Chair / Présidente), Piazza di Monte Citorio 121, 00186 Rome

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Alan Khubaev, Consultant, Division for Regulation in the Sphere of Data Processing, Department for Information Security, Ministry of Digital Development, Communications and Mass Media

SENEGAL / SÉNÉGAL

Awa Ndiaye, (second Vice-Chair / deuxième Vice-présidente), Présidente, Commission de Protection des données personnelles (CDP)

SWITZERLAND / SUISSE

Caroline Gloor Scheidegger, Cheffe du Domaine de direction Relations internationales, Préposé fédéral à la protection des données et à la transparence (PFPDT)

URUGUAY

Gonzalo Sosa Barreto, the Executive Council of the URCDP , AGESIC

COUNCIL OF EUROPE DATA PROTECTION COMMISSIONER / COMMISSAIRE À LA PROTECTION DES DONNÉES DU CONSEIL DE L'EUROPE

Jean-Philippe Walter

MEMBERS OF THE COMMITTEE / MEMBRES DU COMITÉ

AZERBAIJAN / AZERBAÏDJAN

Khayala Babayeva, Senior Advisor, Cyber Security Service, Ministry of Transport, Communications and High Technologies of the Republic of Azerbaijan (MTCHT)

BOSNIA AND HERZEGOVINA / BOSNIE ET HERZÉGOVINE

Samira Čampara, Assistant director, Personal data protection Agency

BULGARIA / BULGARIE

Hristo Alaminov, Head of International Cooperation and Project Management Department, The Commission for personal data protection

Mariya Zlatkova, Senior Expert International Cooperation and Project Management Department, The Commission for personal data protection

CABO VERDE / CAP VERT

Faustino Monteiro, Président, Commission de protection des données

Jose Pina, Commission de protection des données

CROATIA / CROATIE

Nikolina Novaković, Senior Associate in the Department for International Cooperation, European and Legal Affairs, Personal Data Protection Agency

FRANCE

Nana Botchorichvili, Juriste, Service des Affaires européennes et internationales (CNIL)

Vincent Filhol, Chargé de mission pour les affaires civiles et pénales internationales auprès du Directeur des affaires juridiques du Ministère de l'Europe et des Affaires étrangères

Etienne Maury, Legal Officer (CNIL)

Florence Raynal, Head of the European and International Affairs Department (CNIL)

GEORGIA / GÉORGIE

Mariam Elkanashvili, International Relations and Legal Matters Coordinator, State Inspector's Service

HUNGARY / HONGRIE

Gabriella Dél, International rapporteur, Hungarian National Authority for Data Protection and Freedom of Information (NAIH)s

LITHUANIA / LITUANIE

Danguolė Morkūnienė, Deputy Director, State Data Protection Inspectorate

MOROCCO / MAROC

Ismail Iraqui Houssaini, Cadre, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

Leila Jirari, Cadre, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

Mouna Lafrem, Cadre, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

Fatima Zahrae Lebied, Cadre, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

Omar Seghrouchni, Président, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

MAURITIUS / MAURICE

Pravina Dodah, Principal Data Protection Officer, Data Protection Office

Rushda Goburdhun, Data Protection Officer, Data Protection Office

R. Mukoon, Data Protection Officer, Data Protection Office

MEXICO / MEXIQUE

Donnet Paulina Alarcón Romano, Department of International Affairs, National Institute of Transparency, of Access to Information and Data Protection (INAI)

Mireya Arteaga Dirzo, General Director of Prevention and Self-regulation, National Institute of Transparency, of Access to Information and Data Protection (INAI)

Miriam Josefina Padilla Espinosa, Director of Personal Data Security for the Private Sector, National Institute of Transparency, of Access to Information and Data Protection (INAI)

Javier González Gómez, Director General for International Affairs, National Institute of Transparency, of Access to Information and Data Protection (INAI)

Laura Sofía Gómez Madrigal, Director of Personal Data Security for the Private Sector, National Institute of Transparency, of Access to Information and Data Protection (INAI)

Mariana Gómez Rodríguez, Deputy Director of Voluntary Audits, National Institute of Transparency, of Access to Information and Data Protection (INAI)

THE NETHERLANDS / PAYS-BAS

Anne Halbertsma-Wallemacq, Ministry of Justice and Security, Directorate of Legislation and Legal Affairs, Constitutional and Administrative Law Sector (SBR)

POLAND / POLOGNE

Iwona Piórkowska-Kapica, Senior Specialist, International Relations and Education Department, Personal Data Protection Office (UODO)

PORTUGAL

Inês Oliveira, Data Protection Officer, Directorate General of Justice Policy, Ministry of Justice

REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA

Angela Colomiicenco, Head of Legal Division, National Center for Personal Data Protection

Victoria Muntean, Deputy Director, National Center for Personal Data Protection

Eduard Răducan, Director, National Center for Personal Data Protection of Moldova

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Aisalu Badyagina, Head of Department, Department for Information Security, Ministry of Digital Development, Communications and Mass Media

Margarita Belyakova, Advisor, Department for Information Security, Ministry of Digital Development, Communications and Mass Media

Andrey Donchenko, Expert, Department for international cooperation, Ministry of Telecom and Mass Communications of Russia

Konstantin Kosorukov, Deputy to the Permanent Representative of the Russian Federation to the Council of Europe

Denis Vladimirovich Sadovnikov, Lawyer, Federal Service for Supervision of Communications, Information Technology, and Mass Media, Roskomnadzor

Elena Sukhanova– 2nd Secretary, Department of European Cooperation, Ministry of Foreign Affairs

Anastasia Toropova, Third Secretary, Law Department, Ministry of Foreign Affairs

Milosh Eduardovich Wagner, Deputy Head, Federal Service for Supervision of Communications, Information Technology, and Mass Media, Roskomnadzor

Maria Yukhno, Deputy to the Permanent Representative of the Russian Federation to the Council of Europe

Olga Zinchenko, Third Secretary, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs

SAN MARINO / SAINT MARIN

Nicola Fabiano, President of the San Marino Data Protection Authority

SENEGAL / SÉNÉGAL

Dieguy Diop, Chef du Bureau de la Coopération, Commission de Protection des données personnelles (CDP)

Mamoudou Niane, Secrétaire Permanent, Commission de Protection des données personnelles (CDP)

Adama Sow, Directeur des Relations Publiques, Commission de Protection des données personnelles (CDP)

Aminata Voyel, Directeur de la Technologie, de l'Innovation et du Contrôle, Commission de Protection des données personnelles (CDP)

SERBIA / SERBIE

Gordana Mohorović, Advisor to the Commissioner, Office of the Commissioner for Information of Public Importance and Personal Data Protection

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

Petra Lašova, Department of Legal Services, Office for Personal Data Protection

SPAIN / ESPAGNE

Pablo Manuel Mateos Gascueña, Data Protection Sub-inspector, International Division, Spanish Agency of Data Protection

TUNISIA / TUNISIE

Chawki Gaddes, Président de l'Instance Nationale de Protection des Données Personnelles

TURKEY / TURQUIE

Tuba Ergül, Rapporteur Judge, Rapporteur Judge, Directorate General for Human Resources, Ministry of Justice

Güray Güçlü, Legal Counselor, Permanent Representation of Turkey to the Council of Europe

Nuray Kovanci, Rapporteur Judge, Directorate General for International Relations and EU Affairs, Ministry of Justice

Demet Arslaner Keklikkiran, Head of Department, Personal Data Protection Authority

Göksu Hazar Erdiñç Personal Data Protection Expert, Personal Data Protection Authority

Tuba Kendir Tunali, Head of Department, Personal Data Protection Authority

Meryem Tatlier Baş, Personal Data Protection Expert, Personal Data Protection Authority

UNITED KINGDOM AND THE BRITISH OVERSEAS TERRITORIES / ROYAUME-UNI ET TERRITOIRES BRITANNIQUES D'OUTRE MER

Blandine Cassou-Mounat, Senior Policy Officer, International Engagement, Information Commissioner's Office

Sahar Eljack, Policy Advisor, International Data Free Flows and Trade, International Data Unit, Department for Digital, Culture, Media and Sport

Rory Munroe, Information Commissioner's Office

Rebecca Stewart, Head of International Data Strategy, Department for Digital, Culture, Media and Sport

Bradley Tosso, Assistant Information Commissioner, Gibraltar Regulatory Authority

OBSERVERS / OBSERVATEURS

COMMISSIONER OF DATA PROTECTION, ABU DHABI GLOBAL MARKET (ADGM) / COMMISSAIRE DE LA PROTECTION DES DONNÉES, MARCHÉ MONDIAL D'ABOU DHABI (ADGM)

Sayid Madar, Senior Specialist, Office of Data Protection

Sami Mohammed, Commissioner

ACCESS NOW

Estelle Massé, Senior Policy Analyst

BURKINA FASO - COMMISSION DE L'INFORMATIQUE ET DES LIBERTES (CIL)

Marguerite Ouedraogo Bonane, Présidente

Maxime Da

Désiré Yameogo Kouliga, Chef du Service contentieux

Edith Rolande Nion Sanou, Secrétaire générale

Ido Niessi Philadine, Directrice des Affaires juridiques et du contentieux

CANADA

Chris Prince, Conseiller en politiques / Strategic Policy Analyst, Office of the Privacy Commissioner of Canada

EUROPEAN ASSOCIATION FOR THE DEFENSE OF HUMAN RIGHTS / ASSOCIATION EUROPÉENNE POUR LA DÉFENSE DES DROITS DE L'HOMME (AEDH)

Maryse Artiguelong, Déléguée

EUROPEAN COMMISSION / COMMISSION EUROPÉENNE

Manuel García Sánchez, Policy Officer, International Data Flows and Protection, DG Justice and Consumers

Ralf Sauer, Deputy Head of Unit, International Data Flows and Protection, DG Justice and Consumers

EUROPEAN DATA PROTECTION SUPERVISOR (EDPS) / LE CONTRÔLEUR EUROPÉEN DE LA PROTECTION DES DONNÉES (CEPD)

Olivier Matter, Legal & Policy Officer

Claire-Agnès Marnier, Legal Officer

EUROPEAN PARLIAMENT / PARLEMENT EUROPÉEN

José Manuel De Frutos Gómez, LIBE Committee, Directorate-General for Internal Policies of the Union, Directorate for Citizens' Rights and Constitutional Affairs

Michèle Dubrocard, Administrator, LIBE Committee, Directorate-General for Internal Policies of the Union, Directorate for Citizens' Rights and Constitutional Affairs

Michaël Vanfleteren, Administrator for the LIBE Committee, Data Protection Coordinator, Directorate-General for Internal Policies of the Union, Directorate for Citizens' Rights and Constitutional Affairs

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS (FRA)

Elise Lassus, Just, Digital and Secure Societies, Research & Data Unit

Suzanne Nusselder, Trainee

**FRENCH-SPEAKING ASSOCIATION OF PERSONAL DATA PROTECTION AUTHORITIES /
ASSOCIATION FRANCOPHONE DES AUTORITÉS DE PROTECTION DES DONNÉES
PERSONNELLES (AFAPDP)**

Marine Revel, Chargée de mission

GABON

Joel Dominique Ledaga, Président, Chef de délégation, Commission Nationale pour la Protection des Données à Caractère Personnel (CNPDCP)

Euloge Nzambi, Questeur, Commission Nationale pour la Protection des Données à Caractère Personnel (CNPDCP)

Steeve Singault Ndiga, Commissaire, Commission Nationale pour la Protection des Données à Caractère Personnel (CNPDCP)

INDONESIA / INDONÉSIE

Ulfah Diah Susanti, Policy Analyst on Personal Data Protection, Directorate ICT Governance, Ministry of Kominfo

INTERNATIONAL COMMITTEE OF THE RED CROSS / COMITÉ INTERNATIONAL DE LA CROIX-ROUGE (ICRC)

Massimo Marelli, Head of Data Protection Office

KOREA / COREE

Euna Choi, Deputy General Researcher, Korea Internet & Security Agency (KISA)

NEW ZEALAND PRIVACY COMMISSIONER

Peter Mee, Manager, Policy

Vanya Vida, Senior Policy Advisor (Codes and International)

OFFICE OF THE BERMUDA PRIVACY COMMISSIONER

Alexander McD White, Privacy commissioner

**ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) / ORGANISATION
DE COOPÉRATION ET DE DÉVELOPPEMENT ÉCONOMIQUES, (OCDE)**

Philip Kerfs, Head of Unit, Centre for Tax Policy and Administration

Kosuke Kizawa, Policy analyst, Data Governance and Privacy Unit

Audrey Plonk, the Head of the Digital Economy and Policy Division

Lisa Robinson, Policy analyst, Data Governance and Privacy Unit

Elettra Ronchi, Head of Data Governance and Privacy Unit, Digital Economy and Policy Division

PRIVACY INTERNATIONAL

Tomaso Falchetta, Global Policy Lead

**SÃO TOMÉ AND PRÍNCIPE NATIONAL AGENCY OF PROTECTION OF PERSONAL DATA (ANPDP) /
AGENCE NATIONALE DE PROTECTION DES DONNÉES PERSONNELLES DE SÃO TOMÉ ET
PRÍNCIPE (ANPDP)**

José Manuel Costa Alegre, Président

THE PHILIPPINES / LES PHILIPPINES

Erlaine Vanessa D. Lumanog, Attorney IV, Policy Review Division, Privacy Policy Office, National Privacy Commission, Pasay City, Metro Manila

Anna Benjieline R. Puzon, Attorney III, Policy Review Division, Privacy Policy Office, National Privacy Commission, Pasay City, Metro Manila

Ma. Frances Aira G. Sy, Attorney III, Policy Review Division, Privacy Policy Office, National Privacy Commission, Pasay City, Metro Manila

INVITED GUESTS / INVITÉS

COSTA RICA

Elizabeth Mora Elizondo, Director, Inhabitants' Data Protection Agency (PRODHAB), Ministry of Justice and Peace

OTHER PARTICIPANTS / AUTRES PARTICIPANTS

EXPERTS

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

Ignacio Cofone, Assistant Professor, Norton Rose Fulbright Faculty Scholar, McGill University

Cécile de Terwangne, Professor Law Faculty, CRIDS Research Director, Namur University (FUNDP), Belgium

Charlotte Dietrich, Project Manager, Digital Rights, Surveillance and Democracy, Stiftung Neue Verantwortung

Franck Dumortier, Researcher, Cyber and Data Security Lab, Law, Science, Technology & Society (LSTS) Center, Vrije Universiteit Brussel (VUB)

Eleni Kosta, Professor of Technology Law and Human Rights, Tilburg Institute for Law, Technology, and Society (TILT), Tilburg University

Alessandro Mantelero, Associate Professor of Private Law at the Polytechnic University of Turin, Department of Management and Production Engineering

Pat Walshe, Director, Privacy Matters

Thorsten Wetzling, Head of Research, Digital Rights, Surveillance and Democracy

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

Committee of Ministers / Comité des Ministres

**GROUP OF RAPPOORTEURS ON LEGAL CO-OPERATION (GR-J) OF THE COMMITTEE OF
MINISTERS / GROUPE DE RAPPOORTEURS SUR LA COOPÉRATION JURIDIQUE**

Christian Meuwly, Ambassador, Permanent Representative of Switzerland to the Council of Europe, Chair of
the Group of Rapporteurs on Legal Co-operation (GR-J) of the Committee of Ministers

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

**Human Rights Directorate / Direction des droits de l'Homme
Human Rights Policy and Co-operation Department / Service des politiques et de la coopération
en matière de droits de l'Homme
Committee on Bioethics / Comité de Bioéthique (DH-BIO)**

Rodica Gramma (Moldova), DH-BIO Bureau member, Associate Professor, State University of Medicine
and Pharmacy (USMF)

Ritva Halila (Finland), Chair / Présidente, Ph.D, Senior Medical Officer, General Secretary, National
Advisory Board on Social Welfare and Health Care Ethics (ETENE), Ministry of Social Affairs and Health
Laurence Lwoff, Head of Bioethics Unit/Chef de l'Unité Bioéthique

Siobhan O'Sullivan (Irlande), Vice-Chair / Vice- Présidente, Chief Bioethics Officer, An Roinn Sláinte
Department of Health, Teach Hawkins

Emilie Wilberg, trainee / stagiaire

**Directorate - Information Society and Action against Crime /
Direction - société de l'information et lutte contre la criminalité**

Jan Kleijssen, Director / Directeur

**Action against Crime Department / Service de la lutte contre la criminalité
Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of
Terrorism / Comité d'experts sur l'évaluation des mesures de lutte contre le blanchiment des
capitaux et le financement du terrorisme (MONEYVAL)**

Laetitia Dimanche, Project Assistant / Assistante de projet

Igor Nebyvaev, Secretary of the Committee / Secrétaire du Comité

Ivana Zeppa, Project Assistant / Assistante de projet

Information Society Department / Service de la société de l'information

Patrick Penninckx, Head of Department / Chef de Service

Media Unit / Unité des medias

Urška Umek, Head of of Unit / Cheffe de l'Unité

Data Protection Unit / Unité de la protection des données

Anne Boyer-Donnard, Principal Administrative Assistant / Assistante administrative principale

Péter Kimpiàn, Programme Advisor / Conseiller de programme

Sophie Kwasny, Secretary of the Committee / Secrétaire du Comité

Bohumila Ottová, Assistant / Assistante

INTERPRETERS / INTERPRÈTES

Gillian Wakenhut
Katia Di Stefano

APPENDIX III

Key Elements of the Statement delivered by Jan Kleijssen, Director, Information Society – Action against Crime, DGI

The participation of HE Ambassador Christian Meuwly, the Chair of the GR-J, in the 52nd meeting of the Bureau of Committee of Convention 108 is highly appreciated and brings the message of the GR-J and the Committee of Ministers at large on the importance they attach to the work of the Committee of Convention 108 and its Bureau, and to the future collaboration in matters related to the protection of privacy and personal data;

Delegations should all be praised for their active participation in the celebration of the 40th anniversary of the opening for signature of Convention 108 and the 15th edition of data protection day in relation to which a compendium of events and activities has been published on the Secretariat's website. We are all very grateful to the German Chairmanship of the Committee of Ministers for the highly successful online conference on "Transborder transfers - Challenges of international data transfer from the perspective of the Convention 108+ and the GDPR".

The vast success of other events organised by the Secretariat to celebrate this important anniversary are also to be noted in particular related to:

- Panel during the 2021 CPDP Conference on "40 Years of Data Protection and many more to come: Convention 108 and 108+ "
- Three regional conferences (Asia, Africa, Latin-America) to take stock of the input of Convention 108 in the world
- Release of a special issue of the Computer Law and Security Review
- Announcement of the Stefano Rodotà Award 2021
- 40 Happy Anniversary messages by members of the Data Protection Community

Those events and occasions have reaffirmed, once again, the importance, also reflected in the Committee of Ministers' Declaration referred to by Ambassador Meuwly "of the amending Protocol to secure a shared legal space fit for the digital age, in order to preserve the relevance of this landmark instrument for the decades to come".

When it comes to the recent standard setting activity of the Committee and its Bureau the document on a highly topical subject matter, notably for the publication of "Guidelines on Facial Recognition" on 28 January 2021 is to be praised. This document continues to be referenced by the press, academia and other committees of the Council of Europe such as the CAHAI. This Committee should also be informed that concerning the work on AI, the Digital Development Unit will soon launch a study on blockchains and their impact on Human Rights, Democracy and the Rule of Law, while the CAHAI is continuing its work on the elaboration of the main elements of a legal framework on the design, development and application of AI based on Council of Europe's standards, after the adoption of the feasibility study in December 2020. The Secretariat will support the two Committees to get inspiration from each other's work and to reference and cross-reference standards established by them respectively.

The Committee on Cybercrime (T-CY) held its 8th drafting plenary meeting on 26 February during which draft provisions for the second additional Protocol to the Budapest Convention were discussed, recall that the Council of Europe attaches great importance to the successful outcome of the negotiations which will result in a unique legal text in line with the standards of the Organisation and its instruments which would enable law enforcement to effectively prevent, investigate and prosecute cybercrime worldwide. It is to be stressed that the article on data protection is among the most important ones and is still currently debated and invite delegations to provide their expertise through

their national counterparts, delegates to the cybercrime committee. It is very much hoped that the text of the additional Protocol could be ready for adoption by the 20th anniversary of the Budapest Convention.

The Council of Europe is grateful to the colleagues from the OECD for providing information to the Bureau on the ongoing work within their organisation on tax matters as well as on the trusted government access to data held by private parties. As our respective Secretaries General signed an updated cooperation agreement on the occasion of the OECD's 60th anniversary, end of last year, a new impetus to the long-standing cooperation between our two organisations is expected in many domains including the ones presented during this meeting. The close working relationship between the Council of Europe and the OECD is not new, and OECD participation in this Bureau meeting is a clear illustration of the benefits of this cooperation.

The Council of Europe is looking ahead, with notably a Strategic framework for the four years to come, proposed by the Secretary General, which contains a specific priority on the impact of digital transformation and the use of new technologies on human rights, democracy and the rule of law for which the work of your Committee will be instrumental. This also means that the Committee of Convention 108 will have to set this year its own priorities for the next biennium (and already looking at the following one as our plans are now constructed on this four year term) taking into consideration the relevant work of other Committees and CoE Bodies.

Thank you for your attention.