Strasbourg, 21 December 2021 T-PD-BUR(2021)54RAPAbr

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

(Convention 108)

54th meeting of the Bureau

Strasbourg, 20 – 21 December 2021
Online

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ABRIDGED REPORT

Secretariat of the Council of Europe Convention for the protection of individuals with regard to automatic processing of personal data

Item 1 **Opening of the meeting**[1]

Item 2 **Adoption of the agenda**

Item 3 **Statement by the Chair**

The Bureau took note of the information provided by the Chair, notably in relation to her exchange with the GR-J on 7 December 2021.

Item 4 **Statement by the Secretariat**

The Bureau took note of the information provided by the Secretariat.

Item 5 **Convention 108+ State of play**

The Bureau 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+): 43 signatures out of which, 15 ratifications. Since the November plenary meeting, the Secretariat has been informed that Armenia had completed the internal ratification process of the Amending Protocol CETS No. 223.

The Bureau took note of the information provided by the Secretariat on the latest developments regarding Costa Rica's request for accession with a view to finalising the opinion for adoption by the Committee, including by written procedure.

Item 6 **Evaluation and review mechanism under Convention 108+**

The Bureau took note of the information provided by the Secretariat on the draft "rules of Procedure for the Evaluation and review mechanism under Convention 108+, held an exchange of views and instructed the Secretariat to gather comments on the text by 11 February 2022 to be discussed at next meetings.

Item 7 **Digital identity**

The Bureau took note of the information provided by the expert on the state of play of the Draft Guidelines on digital identity and instructed the Secretariat to further amend the document, send it early January for comments by 11 February, and prepare the document for discussion at next meetings.

Item 8 **Inter-state exchanges of data for Anti-Money Laundering/Countering Financing of Terrorism, and tax purposes**

The Bureau took note of the information provided by the rapporteur and the Secretariat on the Outline of the Draft guidelines on the implications for data protection of mechanisms for inter-state exchanges of data for Anti-Money Laundering/Countering Financing of Terrorism, and tax purposes, held an exchange of views, and instructed the Secretariat, under the guidance of the Rapporteur, to insert comments, circulate the text for further comments to be received by 11 February, including on the scope of the document and prepare the document for discussion at next meetings.

Item 9 **Interpretation of Article 11 of the modernised Convention 108**

The Bureau took note of the information provided by the rapporteur and the Secretariat, held an exchange of views and instructed the Secretariat, under the guidance of the Rapporteur, to draft the substantial document, with the assistance of high-level experts, for discussion at next meetings.

Item 10 **Contractual clauses in the context of transborder data flows**

The Bureau took note of the information provided by the rapporteur and the expert, held an exchange of views and instructed the Secretariat, under the guidance of the Rapporteur, to prepare a draft revised and updated Model contract to be sent early January for comments by 11 February, and discussion at next meetings.

[1] 121 participants in total, 66 women and 56 men

Item 11 **Cooperation with other Council of Europe bodies and entities**

The Bureau held an exchange of views with, and took note of, the information provided by Alessandro Mantelero regarding the last developments at CAHAI, as well as by Sophie Kwasny, Secretary of the Committee on the Manipulation of Sports Competitions (the Macolin Convention) in relation to the recent adoption of the Data Protection Principles of the Macolin Convention. It also took note of the information provided by the Steering Committee on Media and Information Society (CDMSI), notably regarding the approval of the *draft Recommendation of the Committee of Ministers to member States on the impacts of digital technologies on freedom of expression*, prepared by the Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG) and for which an Opinion of the T-PD Bureau had been issued.

Item 12 **Observers**

The Bureau took note of the information provided by the President of the Authority for Personal Data Protection of the Republic of Benin, recently invited by the T-PD to take part in its work under article 4 bis of the Rules of Procedure.

Item 13 **Next meetings in 2022**

The Bureau confirmed the dates of the next plenary meetings to be held on 15-17 June 2022 and 16-18 November 2022, as well as of the next Bureau meetings on 23-25 March 2022, 21-23 September 2022, and 14-16 December 2022.

Item 14 **Stefano Rodotà Award**

The Bureau took note of the information provided by the Secretariat regarding the on-going competition.

Item 15 **Any Other Business**

APPENDIX I

AGENDA

	1. Opening of the meeting
T-PD(2021)42RAPAbr *Pro memoria*	Abridged report of the 42nd Plenary meeting (17-19 November 2021)
T-PD-BUR(2021)53RAPAbr *Pro memoria*	Abridged report of the 53rd Bureau meeting (28-30 September 2021)
T-PD(2019)WP2020-2021final T-PD(2021)WP2022-2025	Work programme of the Committee 2020-2021 Work programme of the Committee 2022-2025
T-PD(2017)Rules *Pro memoria*	Rules of procedure
	2. Adoption of the agenda
	3. Statement by the Chair
	4. Statement by the Secretariat
	5. Convention 108+ State of play
	Required action: The Bureau will take note of the information provided by the Secretariat.
- Consolidated text of the modernised version of Convention 108 - Explanatory report of the modernised Convention 108 - Amending Protocol	• Convention 108+: chart of signatures and ratification • Convention 108: chart of signatures and ratifications
T-PD(2020)08rev Expert Report - Costa-Rica	Costa-Rica Required action: The Bureau will take note of the information provided by the Secretariat and will hold an exchange of views on the latest developments and decide on the necessary follow up.
	6. Evaluation and review mechanism under Convention 108+
Terms of Reference *Pro memoria*	ToR of the Working Group on the evaluation and review mechanism
T-PD(2021)9rev T-PD(2018)21rev11 T-PD(2018)20rev11	Presentation of the document by the Secretariat Pro memoria: - Expert report on the evaluation and review mechanism under Convention 108+: process and rationale and questionnaire

	Required action: The Bureau 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.
T-PD-BUR(2021)5 Information note on the procedures of various monitoring mechanisms *Pro memoria*	Document prepared by the Secretariat
	7. Digital identity
T-PD(2021)2rev4 T-PD(2021)2rev3 T-PD(2021)2rev3Mos2 Compilation of comments ***Updated on 13/12/2021***	Expert: Mr. Pat Walshe, Director of Privacy Matters - TBC Required action: The Bureau will take note of the information provided by the expert, the secretariat and will hold an exchange of views on the Draft Guidelines together with written comments received and decide on the necessary follow-up.
	8. Inter-state exchanges of data for Anti-Money Laundering/Countering Financing of Terrorism, and tax purposes
T-PD(2021)8 T-PD(2021)8Mos2 Compilation of comments ***Updated on 10/12/2021*** T-PD(2021)4rev *Pro memoria* T-PD(2014)05 *Pro memoria*	Required action: The Bureau will take note of the presentation by the rapporteur and the Secretariat on the draft Guidelines together with written comments received, will hold an exchange of views, and decide on the necessary follow-up.
	9. Interpretation of Article 11 of the modernised Convention 108
T-PD(2021)7 T-PD(2021)7Mos2 Compilation of comments ***Updated on 10/12/2021***	Required action: The Bureau will take note of the presentation by the rapporteur and the Secretariat on the draft Guidelines together with written comments received, will hold an exchange of views, and decide on the necessary follow-up.
	10. Contractual clauses in the context of transborder data flows
T-PD(2021)10 Model contract - Transborder data flows Guide to Contractual clauses – Transfer of personal data	Expert: Pr. Pablo Palazzi, Director of the Center of Technology and Society (CETyS) of the Universidad de San Andrés Required action: The Bureau will take note of the presentation by the expert, the rapporteur and the Secretariat on the state of play, will hold an exchange of views, and decide on the necessary follow-up.

Standard Contractual Clauses – EU	
	11. Cooperation with other Council of Europe bodies and entities
Data protection principles	• CAHAI Information on the latest CAHAI meeting (30/11-02/12 2021) Expert: Alessandro Mantelero, Associate Professor, Private Law, Polytechnic University of Turin • Steering Committee on Media and Information Society (CDMSI) Information on the latest developments • Convention on the Manipulation of Sports Competitions (the Macolin Convention)
	12. Observers
List of Observers T-PD(2018)04Rev3 *Pro memoria*	Required action: The Bureau will take note of the information provided by the observers.
	13. Next meetings
	Dates of next meetings in 2022 Bureau meetings: 55th Bureau: 23-25 March 2022 56th Bureau: 21-23 September 2022 57th Bureau: 14-16 December 2022 Plenary meetings: 43rd Plenary: 15-17 June 2022 44th Plenary: 16-18 November 2022 Required action: The Bureau will take note of the dates for the next meetings.
	14. Stefano Rodotà Award
Stefano Rodotà Data Protection Award Rules	State of play as to the 2022 competition Required action: The Bureau will take note of the Information provided by the Secretariat.
	15. Any Other Business

APPENDIX II

LIST OF PARTICIPANTS

MEMBERS OF THE BUREAU / MEMBRES DU BUREAU

ITALY / ITALIE
Alessandra Pierucci, (Chair / Présidente)

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

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

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