



Strasbourg, 22 September 2022

T-PD-BUR(2022)56RAPAbREN

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

(Convention 108)

56th meeting of the Bureau

Strasbourg, 21 - 22 September 2022

ABRIDGED REPORT

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- Item 1 **Opening of the meeting**
- Item 2 **Adoption of the agenda**
The Bureau adopted the agenda.
- Item 3 **Statement by the Chair**
The Bureau took note of the information provided by the Chair.
- Item 4 **Statement by the secretariat**
The Bureau took note of the information provided by the secretariat.
- Item 5 **Consequences of the aggression of the Russian Federation against Ukraine**
The Bureau took note of the information provided by the secretariat, held an exchange of views and decided to forward the document prepared by the secretariat on the modalities of participation of the Russian Federation to the T-PD for discussion and adoption at the 43 plenary meeting of the T-PD in November 2022.
- Item 6 **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, 19 ratifications. Since the March Bureau meeting, Austria and Albania deposited the instruments of ratification of the Amending Protocol CETS No. 223.
- As regards Costa Rica, the Bureau took note of the information provided by the secretariat on the latest state of play of the internal procedure in Costa Rica, following the recent electoral process and the encouraging amendments to the relevant legislation.
- Item 7 **Evaluation and review mechanism under Convention 108+**
The Bureau took note of the information provided by the Secretariat.
- Item 8 **Digital identity**
The Bureau took note of the information provided by the secretariat on the state of play of the Draft Guidelines on digital identity, held an exchange of views and instructed the Secretariat to prepare the text for finalisation and adoption at the November Plenary meeting.
- Item 9 **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 latest draft document, held an exchange of views, and instructed the Secretariat, under the guidance of the rapporteur, to gather further written comments on the text for discussion at the forthcoming plenary with a view to finalising it in 2023.
- Item 10 **Interpretation of Article 11 of the modernised Convention 108**
The Bureau took note of the information provided by the secretariat, held an exchange of views and decided to keep the form of guidelines as initially discussed. It also decided to invite the leading expert to report at the next plenary meeting in November 2022 and present the first draft of the guidelines.
- Item 11 **Model contractual clause in the context of transborder data flows**
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 gather further written comments on the text to be discussed at next meetings.

- Item 12 **Cooperation with other Council of Europe bodies and entities**
The Bureau took note of the information provided by the former Chair of the T-PD on his hearing by the PACE Committee on Culture, Sciences, Education and Media related to contact tracing applications. It also took note of the information provided by the secretariat on the released Pegasus report by the Information Society Department of the Council of Europe, as well as on the recently published new thematic factsheet on Data Protection by the Department for the Execution of Judgements of the ECHR. The Secretariat mentioned that cooperation might be needed by the Committee on Macolin Convention in view on its ongoing initiative to integrate relevant data protection standards based on Convention 108/108+. The Chair mentioned she would take part in the forthcoming workshop on public dialogue on genomic medicine organised by the CD-BIO in November.
- Item 13 **Major developments and activities in the field of data protection**
The Bureau took note of the information provided by the Chair and the secretariat regarding the 2022 CPDP Conference in Brussels, the Spring Conference of Data Protection Authorities in Dubrovnik, the African Data Protection Laws Conference in Accra, as well as the first Privacy Symposium held in Venice and the preparation of the next Symposium in April 2023. The Secretariat also introduced the forthcoming international oversight forum organised back to the next T-PD Plenary in November in Strasbourg.
- Item 14 **Next meetings in 2022 and 2023**
The Bureau took note of the dates of the next plenary meetings to be held on 16-18 November 2022, 14-16 June 2023 and 15-17 November 2023, as well as of the next Bureau meetings on 14-16 December 2022, 22-24 March 2023, 27-29 September 2023 and 12-14 December 2023.
- Item 15 **Stefano Rodotà Award**
The Bureau took note of the information provided by the secretariat and decided to invite the two 2022 winners to make a presentation of their works at the next Plenary meeting.
- Item 16 **Data Protection Commissioner**
The Bureau took note of the information provided by the Data Protection Commissioner as regards his latest visit to the Council of Europe in September 2022. It also took note of the information provided in relation to the new Council of Europe Regulation on the protection of personal data by the Committee of Ministers (replacing the Secretary General's Regulation of 17 April 1989 instituting a system of data protection for personal data files at the Council of Europe) adopted by the Committee of Ministers of the Council of Europe on 15 June 2022 and that will enter into force in January 2023.
- Item 17 **Any Other Business**
The Bureau took note of the information provided by the secretariat as regards the forthcoming elections of the Bureau, to be held during the forthcoming November Plenary meeting. It instructed the Secretariat to prepare an information note on the procedure to be distributed for the Plenary meeting.

APPENDIX I

AGENDA

	1. Opening of the meeting
T-PD(2021)42RAPAbr <i>Pro memoria</i>	Abridged report of the 42 nd Plenary meeting (17-19 November 2021)
T-PD-BUR (2022)55RAPAbr <i>Pro memoria</i>	Abridged report of the 55 th Bureau meeting (23-25 March 2022)
T-PD(2017)Rules <i>Pro memoria</i>	Rules of procedure
T-PD(2021)WP2022-2025 <i>Pro memoria</i>	Work programme of the Committee 2022-2025
	2. Adoption of the agenda
	3. Statement by the Chair
	4. Statement by the Secretariat
<i>In camera</i>	5. Consequences of the aggression of the Russian Federation against Ukraine
CM decision of 16 March 2022 CM resolution of 23 March 2022 Note Verbale DLAPIL 25 March 2022 CM decision of 30 June 2022	<u>Required action:</u> The Bureau will take note of the information provided by the Secretariat, will hold an exchange of views and decide on proposals of amendments of the Rules of Procedure, and proposals of decisions to the Committee, in application of the decision of the CM of 30 June 2022.
Modalities of participation of the Russian Federation in the T-PD	Document prepared by the Secretariat
	6. Evaluation and review mechanism under Convention 108+
	<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- Explanatory report of the modernised Convention 108- Amending Protocol	<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 - Costa-Rica	<p>Costa-Rica</p> <p>Expert: Mr. Franck Dumortier, Senior Consultant, Cybersecurity-Law</p> <p>Costa Rica Representatives (TBC)</p> <p><u>Required action:</u> 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.</p>
	<p>7. Evaluation and review mechanism under Convention 108+</p>
	<p><u>Required action:</u> The Bureau will take note of the information provided by the Secretariat.</p>
<p>Terms of Reference <i>Pro memoria</i></p>	<p>ToR of the Working Group on the evaluation and review mechanism</p>
<p>T-PD-BUR(2021)5 Information note on the procedures of various monitoring mechanisms <i>Pro memoria</i></p>	<p>Document prepared by the Secretariat</p>
	<p>8. Digital identity</p>
<p>T-PD(2021)2rev8 <i>NEW 9/09/2022</i></p> <p>T-PD(2021)2rev5Mos Compilation of comments <i>NEW 15/09/2022</i></p>	<p><u>Required action:</u> The Bureau will take note of the information provided by the secretariat and will hold an exchange of views on the Draft Guidelines together with written comments received and finalise the text for adoption at the 43rd Plenary meeting in November.</p>
	<p>9. Inter-state exchanges of data for Anti-Money Laundering/Countering Financing of Terrorism, and tax purposes</p>
<p>T-PD(2021)8rev3 <i>NEW 15/09/22</i></p> <p>T-PD(2021)8rev2Mos Compilation of documents <i>NEW 15/09/2022</i></p> <p>T-PD(2021)4rev <i>Pro memoria</i></p> <p>T-PD(2014)05 <i>Pro memoria</i></p>	<p>Presentation by the rapporteur and the secretariat</p> <p><u>Required action:</u> The Bureau will take note of the information provided 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.</p>

	<p>10. Interpretation of Article 11 of the modernised Convention 108</p>
<p>T-PD(2021)7</p>	<p>Presentation by the secretariat</p> <p><u>Required action:</u> The Bureau will take note of the information provided by the Secretariat and decide on the necessary follow-up.</p>
	<p>11. Model contractual clauses for transborder data flows of personal data</p>
<p>T-PD(2022)1rev4 <i>NEW 15/09/2022</i></p> <p>T-PD(2022)1rev1Mos Compilation of comments <i>NEW 15/09/2022</i></p> <p>T-PD(2021)10</p> <p>Model contract - Transborder data flows</p> <p>Guide to Contractual clauses – Transfer of personal data</p> <p>Standard Contractual Clauses – EU</p>	<p>Expert: Pr. Pablo Palazzi, Director of the Center of Technology and Society (CETyS) of the Universidad de San Andrés</p> <p><u>Required action:</u> The Bureau will take note of the information provided by the expert, the rapporteur and the secretariat on the draft document together with written comments received, will hold an exchange of views, and decide on the necessary follow-up.</p>
	<p>12. Cooperation with other Council of Europe bodies and entities</p>
	<p><u>Required action:</u> The Bureau will take note of the information provided by the Secretariat</p>
	<p>13. Major developments and activities in the field of data protection</p>
	<p><u>Required action:</u> The Bureau will take note of the information provided by the Secretariat</p>
	<p>14. Next meetings</p> <p>Dates and location of next meetings</p> <p><u>Bureau meetings:</u> 57th Bureau: 14-16 December 2022 (Strasbourg) 58th Bureau: 22-24 March 2023 (Paris) 59th Bureau: 27-29 September (Paris) 60th Bureau: 12-14 December 2023 (Strasbourg)</p>

	<p><u>Plenary meetings:</u> 43rd Plenary: 16-18 November 2022 (Strasbourg) 44th Plenary: 14-16 June 2023 (Strasbourg) 45th Plenary: 15-17 November 2023 (Strasbourg)</p>
	<p>15. Stefano Rodotà Award</p>
	<p><u>Required action:</u> The Committee will take note of the Information provided by the Secretariat</p>
	<p>16. Data Protection Commissioner</p>
	<p><u>Required action:</u> The Bureau will take note of the information provided by the Commissioner</p>
	<p>17. Any Other Business</p>
	<p>Bureau elections at the November plenary meeting</p> <p><u>Required action:</u> The Committee will take note of the Information provided by the Secretariat.</p>

APPENDIX II

LIST OF PARTICIPANTS

MEMBERS OF THE BUREAU / MEMBRES DU BUREAU

Alessandra Pierucci, (Chair / Présidente)
Italy / Italie

... First Vice-Chair / Premier Vice-président - Vacant
Georgia / Géorgie

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

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

Alan Khubaev, Head of unit of international aspects of information security, Department of Cybersecurity, Ministry of Digital Development, Communications and Mass Media of the Russian Federation
Russian Federation / Fédération de Russie

Elsa Mein, Data Protection (V II 4), Federal Ministry of the Interior, Building and Community (BMI)
Germany / Allemagne

Gonzalo Sosa Barreto, Data Protection Manager, the Executive Council of the URCDP, AGESIC
Uruguay

Jean-Philippe Walter, Former T-PD Chair / Ancien Président du T-PD

COMMITTEE MEMBERS AND DELEGATIONS / MEMBRES DU COMITÉ ET DÉLÉGATIONS

GERMANY / ALLEMAGNE

Stefan Niederer, Senior Data Protection Officer, Division 14 – European and International Affairs, Office of the Federal Commissioner for Data Protection and Freedom of Information

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Ilya Subbotin – adviser/conseiller Minister-counselor COE-issues, Embassy of the Russian Federation in France

UNITED KINGDOM / ROYAUME UNI

Roxana Legezynska – representative/représentant, International Data Strategy and Engagement Team, Department for Digital, Culture, Media and Sport (DCMS)

Blandine Cassou-Mounat – adviser/conseiller, Principal Policy Adviser – International Regulatory Cooperation Directorate, Information Commissioner's Office (ICO)

Rory Munro – Adviser/Conseiller, Head of Department

Amena Schrafeddin – Adviser/Conseiller, Head of International Strategy and Engagement

OBSERVERS / OBSERVATEURS

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

Olivier Matter, Legal & Policy Officer

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

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

Jan Kleijssen, Director –Information Society and Action against Crime Directorate / Directeur, Direction de la société de l'information et de 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)

Igor Nebyvaev, Head of Division, Executive Secretary / Chef de Division, Secrétaire exécutif

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

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

Guylaine Borlot, Assistant / Assistante

Ayca Dibekoglu, Trainee / Stagiaire

INTERPRETERS / INTERPRÈTES

Clarissa Worsdale

Barbara Grut

Isabelle Marchini