



Paris, 27 September 2019

T-PD-BUR(2019)48RAP

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

**(Convention 108)**

**48<sup>th</sup> meeting of the Bureau**

Paris, 25-27 September 2019

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**ABRIDGED REPORT**

Directorate General of Human Rights and Rule of Law

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 48<sup>th</sup> meeting in Paris from 25 to 27 September, 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 the Secretariat regarding namely:

- the beginning on 18 September of the five-year mandate of Marija Pejčinović Burić (Croatia) as Secretary General of the Council of Europe, after being elected in June 2019 by the Parliamentary Assembly,

- the normalisation of the budgetary situation of the Organisation following the payment by the Russian Federation of its contribution to the budget of the Council of Europe,

- the setting up of an Ad Hoc Committee on Artificial Intelligence (CAHAI), which will examine the feasibility and potential elements on the basis of broad multi-stakeholder consultations, of a legal framework for the development, design and application of artificial intelligence, based on Council of Europe’s standards on human rights, democracy and the rule of law;

2.2. took note of the information provided by the Secretariat on the state of accession to Convention 108, and in particular of the recent accession from 1 September 2019 of Morocco as 55<sup>th</sup> Party to Convention 108, and on recent signatures of Convention 108+ (amending Protocol CETS n°223) by Greece on 6 September and by Argentina on 19 September, thus bringing the total number of signatures to 33. The Bureau furthermore took note of the elements of the decision of the Committee of Ministers (see CM/Del/Dec(2018)128/5) stressing the importance of a speedy accession to the amending Protocol and urging member states to “initiate immediately, but in any case no later than one year after the date on which the Protocol has been opened for signature [i.e. 10 October 2018], the process under their national law leading to ratification, approval or acceptance of this Protocol”, for which a follow-up exercise will be done by the competent Group of Rapporteurs of the Committee of Ministers;

2.3 took note of the presentation by Ms Cécile de Terwangne of the documents relating to the evaluation and follow-up mechanism under Convention 108+ and held an exchange of views with the expert regarding modifications proposed to those documents, which will be revised in view of the 39<sup>th</sup> plenary meeting. Terms of reference of the Working Group established by the Plenary Committee at its 38<sup>th</sup> plenary meeting were discussed with a view to formalising and framing the work of that Group;

2.4 took note of the presentation provided by the Secretariat on the developments in the negotiations of the draft Second Additional Protocol to the Budapest Convention on Cybercrime (CETS 185) and repeated the need for the involvement of the Committee in the development of the data protection regime of the second additional protocol which should be based on Convention 108+, underlining the necessity to receive more information on the state of negotiations and the importance of the coordination of national position by Parties;

2.5 took note of the presentation by Ms Sandra Azria and Mr Frédéric Wickert of their report on facial recognition, held an exchange of views with the experts and decided that a revised version of the document will be prepared in view of the 39<sup>th</sup> plenary meeting, based on the discussions and possible written comments to be sent until 25 October;

2.6 took note of the presentation by Ms Jen Persson of her report “Children’s data protection in Education systems: Challenges and possible remedies” and by Ms Jun Zhao, held an exchange of views with the experts and decided that a revised version of the documents will be prepared in view of the 39<sup>th</sup> plenary meeting, based on the discussions and possible written comments to be sent until 25 October;

2.7 took note of the presentation by Mr Yves Poulet and Mr Benoit Frénay of their report on profiling, held an exchange of views with the experts and decided that a revised version of the documents will be prepared in view of the 39<sup>th</sup> plenary meeting, based on the discussions and possible written comments to be sent until 25 October;

2.8 took note of the information on co-operation with other Council of Europe bodies, in particular with the Committee for the Rights of the Child (CAHENF) and the Committee of experts on Human Rights Dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT);

2.9 took note of the presentation by the Secretariat on data exchange models in the field of fight against sport manipulation and confirmed interest in pursuing cooperation on these issues with the Group of Copenhagen and the future Committee of the Macolin Convention;

2.10 took note of the major developments at national and international level in the data protection field, in particular the following events: the 2019 Data Protection Workshop within International Organisations (Paris, 17-18 June 2019), EuroDIG (The Hague, 19-20 June 2019), the International Conference on Privacy in Africa (Accra, 24-27 June 2019), Cyberweek 2019 (Tel Aviv, 26-27 June 2019), the ICDPPC (Tirana, 21-25 October 2019) and the IGF (Berlin, 28-29 November 2019);

2.11 took note of the information provided by observers, in particular on the recent adoption by the ICRC of a policy on biometrics, on the progress in the 2<sup>nd</sup> working series of data protection in humanitarian action, on the 33<sup>rd</sup> International Conference of the Red cross and Red Crescent to be held in Geneva on 9-12 December and addressing new technologies and digital risks, and on the forthcoming course on ICT foundations (starting on 25 November). The Bureau also took note of the information provided by the French-Speaking Association of Personal Data Protection Authorities (AFAPDP) on the outcomes of the last General Assembly and Conference on ‘the digital citizen’ held in Dakar (17-18 September 2019), namely the election of a new Bureau chaired by Mr Chawki Gaddes (Chair of the Tunisian DPA) constituted of representatives of Albania, Burkina Faso and Cabo Verde, and the admission of Jersey as new member of the Association;

2.12 approved the draft agenda of the 39<sup>th</sup> Plenary meeting of the Committee;

2.13 confirmed the dates of the plenary meeting to be held in Strasbourg from 19 to 21 November 2019 and of the next Bureau meeting, to be held from 11 to 13 December 2019 in Strasbourg.

## **APPENDIX I.**

### **AGENDA**

	<b>1. Opening of the meeting</b>
<a href="#">T-PD(2019)RAP38Abr</a>	Abridged report of the 38 <sup>th</sup> Plenary meeting (Strasbourg, 13-14 June 2019)
<a href="#">T-PD-BUR(2019)47RAP</a>	Abridged report of the 47 <sup>th</sup> Bureau meeting (Paris, 20-22 March 2019)
<a href="#">T-PD(2017)WP2018-2019</a> <a href="#">T-PD(2019)WP2020-2021</a>	Work programme of the Committee 2018-2019 Work programme of the Committee 2020-2021
<a href="#">T-PD(2017)Rules</a>	Rules of procedure
	<b>2. Adoption of the agenda</b>
	<b>3. Statement by the secretariat</b>
	<b>4. Modernisation of Convention 108</b>
	<u>Required action:</u> The Bureau will take note of the information provided by the secretariat.
	<ul style="list-style-type: none"><li>• <a href="#">Consolidated text of the modernised version of Convention 108</a></li></ul>
	<ul style="list-style-type: none"><li>• <a href="#">Explanatory report of the modernised Convention 108</a></li></ul>
	<ul style="list-style-type: none"><li>• <a href="#">Amending Protocol</a></li></ul>
	<b>5. State of play, ratifications and accessions</b>
	<u>Required action:</u> The Bureau will take note of the information provided by the secretariat.
	<ul style="list-style-type: none"><li>• <a href="#">Convention 108+: chart of signatures and ratification</a></li><li>• <a href="#">Convention 108: chart of signatures and ratifications</a></li></ul>
	<b>6. Evaluation and follow up mechanism under Convention 108+</b>
	Expert: 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 topic.
T-PD(2018)20Rev2	Draft questionnaire - evaluation
T-PD(2018)21Rev2	Information elements on the evaluation and follow-up mechanism

	<b>7. Law enforcement transborder access to data</b>
	<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 issues at stake.
<a href="#">T-CY discussion paper: Conditions for obtaining subscriber information – static versus dynamic IP addresses</a>  <a href="#">Answers from the Committee of Convention 108 to the Discussion paper for the Octopus Conference</a>  <a href="#">Key messages of the Octopus Conference 2018</a>	
	<b>8. Facial recognition</b>
T-PD(2019)05	<p>Experts: Sandra Azria, Lawyer; Frédéric Wickert, Founder and CEO of A.I. Sense</p> <p><u>Required action:</u> The Bureau will take note of the draft report and will hold an exchange of views on the topic with the experts.</p>
	<b>9. Data protection and education systems</b>
T-PD(2019)06	<p>Experts: Jen Persson, Director, “defenddigitalme” Jun Zhao, Oxford University</p> <p><u>Required action:</u> The Bureau will take note of the draft report and will hold an exchange of views on the topic with the experts.</p>
<a href="#">CM/Rec(2010)13</a>	<b>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</b>
<a href="#">T-PD(2019)07</a> (in French)	<p>Experts: Yves Pouillet, Honorary Rector of the University of Namur, former Director of the Research Center for Computer Science and Law (CRIDS) and Benoit Frénay, associate professor at the Faculty of Computer Science of the Université de Namur</p> <p><u>Required action:</u> The Bureau will take note of the draft report and will hold an exchange of views on the topic with the experts.</p>
	<b>11. Cooperation with other Council of Europe bodies and entities</b>
	<u>Required action:</u> The Bureau will take note of the information provided by the secretariat.
	<ul style="list-style-type: none"> <li>• <a href="#">CAHENF</a></li> <li>• <a href="#">Steering Committee on Media and Information Society (CDMSI)</a> <ul style="list-style-type: none"> <li>○ <a href="#">MSI-AUT</a></li> </ul> </li> </ul>

	<b>12. Macolin Convention</b>
	<u>Required Action:</u> The Committee will take note of the information provided by the Secretariat and will hold an exchange of views on the issues at stake.
	<b>13. Overview of activities and major developments in the field of data protection</b>
	<ul style="list-style-type: none"> <li>• 2019 Data Protection Workshop within International Organisations (Paris, 17-18 June 2019)</li> <li>• EuroDIG (The Hague, 19-20 June 2019)</li> <li>• XVII Meeting of the Ibero-american network, (Mexico, 19-21 June 2019)</li> <li>• International Conference on Privacy in Africa (Accra, 24-27 June 2019)</li> <li>• Cyberweek 2019 (Tel Aviv, 26-27 June 2019)</li> <li>• AFAPDP (Dakar, 16-18 September 2019)</li> <li>• ICDPPC (Tirana, 21-25 October 2019)</li> <li>• IGF (Berlin, 28-29 November 2019)</li> </ul>
	<b>14. Observers</b>
	<u>Required action:</u> The Bureau will take note of the information provided by the observers.
<a href="#">T-PD(2018)04Rev3</a>	Observers - State of play and admission criteria
	<b>15. Agenda of the 39th plenary meeting</b>
	<u>Required action:</u> The Bureau will discuss and decide on the draft agenda of the 39 <sup>th</sup> plenary meeting (Strasbourg, 19-21 November 2019)
	<b>16. Next meetings</b>
	<u>Required action:</u> The Bureau will take note of the dates for the next meetings.
	<u>Dates of the next Bureau meeting in 2019:</u> <ul style="list-style-type: none"> <li>• 49<sup>th</sup> Bureau meeting (Strasbourg, 11-13 December 2019)</li> </ul> <u>Dates of the Plenary meeting in 2019:</u> <ul style="list-style-type: none"> <li>• 39<sup>th</sup> Plenary meeting (Strasbourg, 19-21 November 2019)</li> </ul>
	<b>17. Any Other Business</b>

**APPENDIX II**

**LIST OF PARTICIPANTS /**

**MEMBERS OF THE BUREAU / MEMBRES DU BUREAU**

**FRANCE**

*(Vacancy after change of duties / Vacance après changement de fonctions)*

**GEORGIA / GÉORGIE**

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

**ITALY / ITALIE**

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

**LUXEMBOURG**

Gérard Lommel (second vice-chair / deuxième Vice-président), Commissaire du gouvernement à la protection des données, Ministère d'État, Bâtiment Zurich, 3 boulevard Roosevelt, L-2450 Luxembourg

**PORTUGAL**

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**SERBIA / SERBIE**

Nevena Ružić, Assistant to the Secretary General, Commissioner for Information of Public Importance and Personal Data Protection, 42 Svetozata Markovica, 11000 Belgrade

**SENEGAL / SÉNÉGAL**

Awa Ndiaye, Présidente, Commission de Protection des données personnelles (CDP), BP 25528 Dakar - Fann, 34 Sicap Mermoz VDN Lot B., 34, Mermos VDN, Dakar

**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**

**FRANCE**

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**GERMANY / ALLEMAGNE**

Stefan Niederer, The Federal Commissioner for Data Protection and Freedom of Information Unit 14 - European and International Affairs, Husarenstraße 30, 53117 Bonn

### **MEXICO / MEXIQUE**

María Patricia Kurzyn Villalobos, Commissaire de l'Institut national de transparence, d'accès à l'information et protection des données du Mexique (INAI), Insurgentes Sur No. 3211 Col. Insurgentes Cuicuilco, Alcaldía Coyoacán, C. P. 04530, CDMX

### **MOROCCO / MAROC**

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

### **MONACO**

Corinne Laforest de Minotty, Chargée de missions auprès du Conseiller de gouvernement, Département des relations extérieures et de la coopération, Ministère d'État, Place de la Visitation – BP 522, MC – 98105 Monaco cedex

### **POLAND / POLOGNE**

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### **REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA**

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

### **SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE**

Petra Lasova, Department of Legal Services, Office for Personal Data Protection, Hraničná 12, 820 07 Bratislava 27

### **SPAIN / ESPAGNE**

Pablo Manuel Mateos Gascueña, Head of Service, Spanish Agency of Data Protection, Jorge Juan 6, 28001, Madrid

### **THE PHILIPPINES / LES PHILIPPINES**

Ivy D. Patdu, Deputy Privacy Commissioner, National Privacy Commission, 5/F Delegation Building, Philippine International Convention Center, Manila

Roren Marie M. Chin, Development Management Officer IV, National Privacy Commission, 5/F Delegation Building, Philippine International Convention Center, Manila

### **UNITED KINGDOM / ROYAUME-UNI**

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Eve Fensome, International Data Protection and Free Flows Policy Adviser, Department for Digital, Culture, Media & Sport, DCMS, 100 Parliament Street, London SW1A 2BQ

Christine Ferguson, International Strategy Adviser, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF



## **OBSERVERS / OBSERVATEURS**

### **EUROPEAN COMMISSION / COMMISSION EUROPÉENNE**

Cristina Monti, Policy Officer, European Commission, Directorate-General for Justice and Consumers, C4: International data flows and protection, MO59 03/10, B-1049 Brussels/Belgium

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

Maryse Artiguelong, Déléguée, AEDH, Brussels, Belgium

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

Claire-Agnès Marnier, Legal Officer, European Data Protection Supervisor (EDPS), Postal address:

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

Marine Revel, Chargée de mission

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

Massimo Marelli, Head of Data Protection Office, ICRC Geneva

### **ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) / ORGANISATION DE COOPERATION ET DE DEVELOPPEMENT ECONOMIQUES (OCDE)**

Elettra Ronchi, Head of Unit- Senior Policy Analyst, Digital Economy and Policy Division, Directorate for Science, Technology and Innovation

Gallia Daor, Junior Policy Analyst

Lauren Bourke, intern

## **EXPERTS**

Sandra Azria, Avocat à la Cour, 48, rue de Charenton, 75012 Paris (25/9/2019)

Cécile de Terwangne, Professor Law Faculty, CRIDS Research Director, Namur University (FUNDP), Belgium - *Professeur, Faculté de Droit, Directrice de recherches, CRIDS (Centre de Recherche Information, Droit et Société) - Université de Namur, Belgique* (26 et 27/9/2019)

Benoît Frenay, Université de Namur, Belgique, Rue de Bruxelles 61 - 5000 Namur, Belgique (26/9/2019)

Yves Poullet, Recteur honoraire de l'université de Namur, Professeur honoraire à la faculté de droit, Professeur associé à l'Université Catholique de Lille, Membre de l'Académie Royale de Belgique, Université de Namur,

Rue de Bruxelles 61 - 5000 Namur, Belgique (26/9/2019)

Jen Persson, Director, defenddigitalme – video-conference (25/9/2019)

Frédéric Wickert, Founder & CEO of A.I. SENSE (25/9/2019)  
Jun Zhao (25/9/2019)  
Senior Research Fellow, Oxford University Department of Computer Science

**COUNCIL OF EUROPE SECRETARIAT / SECRÉTARIAT 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.)**

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

**Data Protection Unit / Unité de la protection des données**

Sophie Kwasny, Secretary of the Committee / Secrétaire du Comité

Péter Kimpiàn, Programme Advisor / Conseiller de programme

Anne Boyer-Donnard, Principal Administrative Assistant

**INTERPRETERS / INTERPRÈTES**

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