

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

T-PD-BUR51(2020)OJ

24 November 2020

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

CONVENTION 108

51st meeting

DRAFT AGENDA and ORDER OF BUSINESS

16 December 2020 (10.30 am) – 18 December 2020 (1 pm)

www.coe.int/dataprotection

DRAFT ORDER OF BUSINESS

Provisional and subject to change in light of the work pace

	All times indicated CET	16 December	17 December	18 December
<i>Start</i>	10.30 am	Items 1 to 4, 14 and 12	Items 10 and 13	Items 7, 9 and 15 END OF MEETING
<i>Break</i>	1pm	<i>Break</i>		
<i>Start</i>	2.30 pm	Items 8 and 11	Items 6 and 5	
<i>End</i>	5 pm	<i>End</i>		

Items 16 to 20 to be taken when the order of business will allow it

	1. Opening of the meeting
T-PD(2020)RAP40Abr	Abridged report of the 40 th Plenary meeting (18-20 November 2020)
T-PD-BUR(2019)50RAP	Abridged report of the 50 th Bureau meeting (remote, 28-29 September 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 the secretariat
	Patrick Penninckx, Head of Information Society Department
	4. Modernisation of 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
	<ul style="list-style-type: none"> • Explanatory report of the modernised Convention 108
	<ul style="list-style-type: none"> • Amending Protocol
	5. State of play, ratifications and accessions
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 expert and will hold an exchange of views.</p>
	6. Evaluation and follow up mechanism under Convention 108+
	<p>Expert: Ms Cécile de Terwangne, CRIDS, Namur</p> <p><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 versions of the documents.</p>
Terms of Reference	ToR of the Working Group on the evaluation and monitoring mechanism

T-PD(2018)20rev6	Evaluation questionnaire
T-PD(2018)21rev6	Document on the evaluation and follow-up mechanism under Convention 108+: process and rationale
	7. Law enforcement transborder access to data
<p>Towards a Protocol to the Convention on Cybercrime: additional stakeholder consultations</p> <p>T-PD(2019)8FIN</p> <p>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</p>	<p>Expert: Mr Gert Vermeulen, Full Professor of (European and international) criminal law and director of the Institute for International Research on Criminal Policy (IRCP).</p> <p><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.</p> <p>T-PD(2019)3</p> <p>Preparation of a 2nd Additional Protocol to the Budapest Convention on Cybercrime: Consultation with data protection experts - Issues for discussion</p> <p>T-CY discussion paper: Conditions for obtaining subscriber information –static versus dynamic IP addresses</p> <p>Answers from the Committee of Convention 108 to the Discussion paper for the Octopus Conference</p> <p>Key messages of the Octopus Conference 2018</p>
	8. Facial recognition
T-PD(2020)3rev2	<u>Required action:</u> The Bureau will take note of the presentation by the Secretariat and will examine the draft Guidelines with a view to their finalisation, for subsequent submission to the Committee for adoption by written procedure.
	9. 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
<p>Recommendation CM/Rec(2010)13</p> <p>T-PD(2019)07rev</p> <p><i>published 1/12</i></p> <p>T-PD(2019)07BISrev4</p>	<p>Experts: Mr Yves Poulet, Honorary Rector of the University of Namur, former Director of the Research Center for Computer Science and Law (CRIDS) and Mr Benoit Frénay, associate professor at the Faculty of Computer Science, CRIDS</p> <p><u>Required action:</u> The Bureau will examine the draft Revised recommendation a view to its finalisation, for submission to the Committee for approval by written procedure and subsequent transmission to the Committee of Ministers by the Steering Committee on Media and Information Society (CDMSI)</p>
	10. Digital identity
T-PD(2020)4rev	Expert: Mr Pat Walshe, Director of Privacy Matters

	<p><u>Required action:</u> The Bureau will take note of the presentation by the expert with regard to a possible structure for the Guidelines and will hold an exchange of views with the expert.</p>
	<p>11. Personal data processing by and for political campaigns</p>
<p>T-PD(2020)2rev</p>	<p>Expert: Mr Colin Bennett, Professor, Department of Political Science, University of Victoria</p> <p><u>Required action:</u> The Bureau will take note of the presentation by the expert with regard to a possible structure for the Guidelines and will hold an exchange of views with the expert.</p>
	<p>12. Automatic Exchange of data</p>
<p>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</p>	<p>Expert: Mrs Eleni Kosta, TILT, Tilburg University</p> <p><u>Required action:</u> the Bureau will take note of the presentation by the expert and will hold an exchange of views.</p>
	<p>13. Interpretation of provisions</p>
<p>T-PD(2020)06rev</p>	<p><u>Required action:</u> The Bureau will examine the revised draft with a view to its finalisation and submission to the Committee for adoption by written procedure.</p>
	<p>14. Guidance note on Article 11 of Convention 108+</p>
	<p>Expert: Mr Thorsten Wetzling, Head of Research, Digital Rights, Surveillance and Democracy, Stiftung Neue Verantwortung</p> <p><u>Required action:</u> The Committee will take note of the information provided by the expert and will hold an exchange of views.</p>
	<p>15. Cooperation with other Council of Europe bodies and entities</p>
<p>Revised Draft Declaration T-PD(2020)07rev <i>published 11/12</i></p>	<p><u>Required action:</u> The Bureau will take note of the information provided by the Secretariat and will examine the revised draft declaration jointly prepared with the CDENF with a view to its finalisation and submission to the Committee for approval by written procedure.</p>
	<ul style="list-style-type: none"> • CAHAI • Steering Committee on the Rights of the child (CDENF) • Steering Committee on Media and Information Society (CDMSI) • The Convention on the Manipulation of Sports Competitions (the Macolin Convention) <i>new - published 1/12</i>

	<p>Experts: Daniel Cooper, Covington & Burling LLP Alessandro Mantelero, Associate Professor, Private Law, Polytechnic University of Turin</p> <p><u>Required action:</u> The Bureau will take note of the information provided by the experts, will hold an exchange of views and decide on the necessary follow-up</p>
	<p>16. 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 and delegates.</p>
	<p>17. 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>18. Stefano Rodotà Award</p>
	<p><u>Required action:</u> The Bureau will take note of the information provided by the Secretariat.</p>
	<p>19. Next meetings</p>
	<p><u>Required action:</u> The Bureau will take note of the dates for the next meetings.</p>
	<p>Dates of next meetings in 2021</p> <p><u>Dates of Bureau meetings:</u></p> <p>52nd Bureau : 24-26 March 2021 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>
	<p>20. Any Other Business</p>