Strasbourg, 18 November 2022 T-PD(2022)43RapAbr

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

(Convention 108)

43rd meeting of the Committee

Strasbourg, 16-18 November 2022

ABRIDGED REPORT

Item 1 **Opening of the meeting**

Item 2 **Adoption of the agenda**
The Committee adopted the agenda.

Item 3 **Statement by the Chair**
The Committee took note of the information provided by the Chair.

Item 4 **Statement by the secretariat**
The Committee took note of the information provided by the secretariat.

Item 5 **Consequences of the aggression of the Russian Federation against Ukraine**
The Committee took note of the information provided by the secretariat, held an exchange of views and adopted amendments to the T-PD Rules of Procedure and the modalities of participation of the Russian Federation to the T-PD with immediate effect.

Item 6 **Convention 108+ state of play**
The Committee 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, 20 ratifications. Since the September Bureau meeting, Andorra deposited the instruments of ratification of the Amending Protocol CETS No. 223. The Committee also held a tour de table on the state of play of the ratification process in the State Parties.

As regards Costa Rica, the Committee 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 expert report.

Item 7 **Digital identity**
The Committee took note of the information provided by the Chair and the expert on the Draft Guidelines on digital identity, held an exchange of views and adopted the text for publication.

Item 8 **Inter-state exchanges of data for Anti-Money Laundering/Countering Financing of Terrorism, and tax purposes**
The Committee took note of the information provided by the secretariat on the latest draft document, held an exchange of views, agreed on further amending the text and instructed the secretariat, under the guidance of the rapporteur, to gather written comments on the amended text for discussion at next meetings.

Item 9 **Interpretation of Article 11 of the modernised Convention 108**
The Committee took note of the information provided by the secretariat and the expert, held an exchange of views and instructed the expert to work in close cooperation with the working group and the secretariat on further elaborating the document “Draft interpretation of Article 11 of the Modernised Convention 108” T-PD(2021)7.

Item 10 **Model contractual clause for the transfer of personal data**
The Committee took note of the information provided by the rapporteur, the expert and the secretariat, held an exchange of views, agreed on further amending the text and instructed the secretariat, under the guidance of the rapporteur, to gather written comments on the amended text for discussion at next meetings.

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

The Committee took note of the information provided by the secretariat, T-PD members and secretaries of different committees, and notably from C-DENF (Children's rights) on potential synergies and cooperation opportunities related to the Council of Europe Strategy on the rights of the child, from CD-BIO (Human Rights and Biomedicine) on the report on the recent conference on "Neurotechnologies and human rights framework" and on areas of common interest, from the Sport Division for potential common work related to international data transfers in the area of sport integrity, and from the CD-MSI (Media and Information Society) on recently adopted normative related to digital technologies on freedom of expression, electoral communication, quality journalism and on combatting hate speech and finally from the CAI (Artificial Intelligence) on the need for close cooperation on the elaboration of a new convention on AI. The Committee also took note of the information provided by the Council of Europe Data Protection Commissioner on his hearing by the PACE Committee on Culture, Sciences, Education and Media related to contact tracing applications, and on the information provided by the secretariat on the released Pegasus report by the Information Society Department of the Council of Europe.

Item 12 **Major developments and activities in the field of data protection**

The Committee took note of the information provided by members 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 in 2022 and the preparation of the next Symposium in April 2023. It took note of the recent work and developments regarding the latest GPA session in Istanbul, including the Data Protection and Other Rights and Freedoms Working Group of the Global Privacy Assembly. The Committee also took note of the information provided regarding the Annual Conference of French Association of the Data Protection Authorities (AFAPDP) and regarding the African network, as well as the forthcoming meeting of the Ibero-American network.

Item 13 **Elections**

The Committee organised the elections to the Committee and the Bureau. The following members have been elected: Elsa Mein, Germany (Chair), Caroline Gloor Scheidegger, Switzerland (1st vice-chair), Awa N'Diaye, Senegal (2nd vice-Chair – re-elected). Roxana Legezynska (United Kingdom), Pablo Mateos Gascueña (Spain), Anamarija Mladinić (Croatia) have been elected as Bureau members as well as Gonzalo Sosa (Uruguay) who was re-elected as Bureau member. As a reminder, Alessandra Pierucci, the out-going Chair, remains de jure member of the Bureau. The Committee praised Ms Pierucci for her impressive and unfailing commitment as Chair of the T-PD for the last 6 years, as well as the out-going members for their extensive contribution to the work of the T-PD and congratulated the in-coming Bureau members.

Item 14 **Case law**

The Committee took note of the information provided by the secretariat regarding the latest developments of the ECtHR case law in the field of data protection and the right to privacy.

Item 15 **Cooperation projects**

The Committee took note of the information provided by the secretariat regarding the cooperation projects ran by the Data Protection Unit of the Council of Europe.

Item 16 **Observers**

The Committee examined and approved two requests to attend the Committee's meetings respectively introduced by the Organisation of American States and the Burkina Faso Data Protection Authority (CIL).

Item 17 **Council of Europe Data Protection Commissioner**

The Committee took note of the information provided by the Data Protection Commissioner as regards its 2020-2022 activity report. 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 18 **Next meetings in 2022 and 2023**

The Committee took note of the dates of the next plenary meetings to be held on 14-16 June 2023 and 15-17 November 2023, as well as of the next Committee meetings on 15-16 December 2022, 22-24 March 2023, 27-29 September 2023 and 12-14 December 2023.

Item 19 **Stefano Rodotà Award**

The two winners of the 2022 Rodotà Award presented their work to the Committee and received their awards. The Committee also took note of the information provided by the secretariat on the state of play of the 2023 competition.

Item 20 **Any Other Business**

The secretariat reminded the Committee of the call for candidates for a secondment of a programme manager at the Data Protection Unit, Information Society Department, DGI, as of January 2023. The deadline to apply is 30/11/22.

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(2022)56RapAbr *Pro memoria*	Abridged report of the 55th Bureau meeting (23-25 March 2022)
T-PD(2021)WP2022-2025	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
In camera	**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	Required action: The Committee will take note of the information provided by the secretariat, will hold an exchange of views and will proceed to a vote on the proposals of amendments of the Rules of Procedure, and on the proposal of decision by the Committee, in application of the decision of the CM of 30 June 2022. Document prepared by the secretariat
	6. Convention 108+ State of play
	Tour de table on the state of play of the ratification process in the countries concerned. Required action: The Committee will take note of the information provided by the secretariat and will hold a tour de table inviting those Parties who have signed but not ratified Convention 108+ yet to present the state of play of their internal ratification processes.
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 Committee 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.
	7. Digital identity
T-PD(2021)2rev9	Expert: Mr. Pat Walshe, Director of Privacy Matters Required action: The Committee will take note of the information provided by the secretariat and will be invited to adopt the document in view of its publication.
	8. Inter-state exchanges of data for Anti-Money Laundering/Countering Financing of Terrorism, and tax purposes
T-PD(2021)8rev4 Comparative tables (English only) T-PD(2021)8rev3Mos T-PD(2021)4rev *Pro memoria* T-PD(2014)05 *Pro memoria*	Presentation by the rapporteur and the secretariat Required action: The Committee 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.
	9. Interpretation of Article 11 of the modernised Convention 108
T-PD (2022)5 T-PD(2021)7 T-PD(2021)7Mos	Presentation by the leading expert, Mr. Joe Cannataci, Head of the Department of Information Policy & Governance, Faculty of Media & Knowledge Sciences, University of Malta Required action: The Committee will take note of the information provided by the leading expert and the secretariat, 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(2022)1rev6 T-PD(2022)1rev2Mos Model contract - Transborder data flows Guide to Contractual clauses – Transfer of personal data Standard Contractual Clauses – EU	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 information provided by the expert, the rapporteur and the secretariat on the draft document, will hold an exchange of views, and decide on the necessary follow-up.

	11. Cooperation with other Council of Europe bodies and entities
link	- CAI - CD-BIO - C-DENF - CD-MSI/MSI-INF - Macolin Convention - PACE Neutotechnologies and Human Rights Framework: do we need new Human Rights? – Report Required action: The Committee will take note of the information provided by T-PD members and the Secretariat
	12. Major developments and activities in the field of data protection
	Required action: The Committee will take note of the information provided by T-PD members and the secretariat
	13. Elections
T-PD(2022)6	Required action: The Committee will proceed to the elections to the Bureau **Deadline for application: Wednesday 16 November, 18.00** Document prepared by the secretariat
	14. Case law
ECHR compilation 2021-22 Court of Justice of the European Union Inter-American Court of Human Rights	Required action: The Committee will take note of the information provided by the secretariat
	15. **Cooperation projects**
T-PD(2022)2	Required action: The Committee will take note of the information provided by the secretariat
	16. Observers

T-PD(2022)4 List of Observers T-PD(2018)04Rev3 *Pro memoria*	Required action: The Committee will examine and decide upon the requests received from the Organisation of American States, and from the Burkina Faso Data Protection Authority (CIL: Commission de l'Informatique et des Libertés). It will also take note of the information provided by the secretariat.
	17. Data Protection Commissioner
Activity Report 2020-2022 CM Resolution on the new Council of Europe Regulations on the Protection of Personal Data	Required action: The Committee will take note of the information provided by the Commissioner
	18. Next meetings
	Dates of next meetings in 2022: Bureau meetings: 57th Bureau: 15-16 December (Strasbourg) *Dates of next meetings in 2023:* Bureau meetings: 58th Bureau: 22-24 March (Paris) 59th Bureau: 27-29 September (Paris) 60th Bureau: 12-14 December (Strasbourg) Plenary meetings: 44th Plenary: 14-16 June (Strasbourg) 45th Plenary: 15-17 November (Strasbourg) Required action: The Committee will take note of the information provided by the Secretariat
	19. Stefano Rodotà Award
2022 Rodotà Award - Winners 2023 Rodotà Award	Ms Theresa Quintel, winner of the 2022 Rodotà Award in the in the "PhD thesis" category, **Teresa Quintel** for her PHD work on "Managing Migration Flows by Processing Personal Data within the Adequate Data Protection Instrument - Scoping Exercise between general and law enforcement data protection rules applicable to Third Country Nationals" Ms Sabrina Nucciotti, winner of the 2022 Rodotà Award in the "articles" category - Presentation of her work on "European Health Data Sharing is on the wrong track - How the distributed machine learning system, Personal Health Train (PHT), can overcome the European privacy barriers to health data sharing for medical research".
	20. Any Other Business

APPENDIX II

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

MEMBERS OF THE COMMITTEE / MEMBRES DU COMITÉ

ALBANIA / ALBANIE

Anjeza Dervishaj, Inspector, Commissioner for Personal Data Protection .
Denada Hysi, Specialist, Projects and International Relations, Commissioner for Personal Data Protection

ANDORRA / ANDORRE

Resma Harish Punjabi, Director, Andorran Agency on Data Protection
Agda Castillo Massoni, Inspector, Andorran Data Protection Agency

ARGENTINA / ARGENTINE

Beatriz de Anchorena, Director of Argentina National Authority, Access to Public Information Agency (AAIP)

ARMENIA / ARMÉNIE

Gevorg Hayrapetyan, Head of the Personal Data Protection Agency, RA Ministry of Justice

AUSTRIA/AUTRICHE

Michael Adelmann, Lawyer, Austrian Data Protection Authority, Office of the Data Protection Commission

BOSNIA AND HERZEGOVINA / BOSNIE HERZÉGOVINE

Silvije Fučec Public Relations Advisor, Division for International Cooperation and Public Relations, Personal Data Protection Agency in Bosnia and Herzegovina

CABO VERDE / CAP VERT

Faustino Varela, President, National Commission of Data Protection
Jose Maria de la Pina

CROATIA / CROATIE

Anamarija Mladinić, Head of Department for Legal Affairs, Cooperation and Projects
Marija Vujeva, Croatian Personal Data Protection Agency (AZOP)

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Jiří Maštalka, Office for Personal Data Protection

DENMARK / DANEMARK

Anna Rosdahl Christiansen, Office of Data Protection, Ministry of Justice

ESTONIA / ESTONIE

Pille Lehis, Director General, Estonian Data Protection Inspectorate

FINLAND / FINLANDE

Virpi Koivu, Senior Ministerial Adviser, (Data Protection Affairs), Department for Democracy and Public Law, EU Law and Data Protection, Ministry of Justice

FRANCE

Najma Bichara, Service des Affaires européennes et internationales, Commission nationale de l'informatique et des libertés (CNIL)
Marie-Laurence Navarri, ministère des Armées
Elisabeth Boivin, ministère des Armées
Julia Flot, ministère de l'Intérieur

GEORGIA / GÉORGIE

Lela Janashvili, Head of Personal Data Protection Service

GERMANY / ALLEMAGNE

Elsa Mein – Bureau Member, Data Protection (V II 4), Federal Ministry of the Interior, Building and Community (BMI)

HUNGARY / HONGRIE

Tamas Bendik, Senior strategic advisor, National Authority for Data Protection and Freedom of Information (NAIH)

IRELAND / IRLANDE

Fiachra Byrne, Justice Attaché / Deputy to the Permanent Representative, Permanent Representation of Ireland to the Council of Europe

ITALY / Italie

Alessandra Pierucci – Chair. Garante per la protezione dei dati personali

LATVIA / LETTONIE

Evija Kreismane, Head of the Legal division

LIECHTENSTEIN

Marie-Louise Gächter, Datenschutzbeauftragte, Datenschutzstelle

LUXEMBOURG

Tatiana Isnard, Juriste, Protection des données, Service des médias et des communications, Ministère d'État, Service des médias et des communications

MALTA / MALTA

Ingrid Camilleri, Head of Legal Unit, Office of the Data Protection Commissioner

MEXICO / MEXIQUE

Francisco Javier Acuña Llamas, Commissioner, Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI)

MONACO

Corinne Laforest de Minotty, Chargée de Missions auprès du Conseiller de Gouvernement-Ministre des Relations extérieures et de la Coopération, Département des Relations Extérieures et de la Coopération Ministère d'État
Laetitia Barth, Inspectrice adjointe, l'Inspection générale de l'Administration

MOROCCO / MAROC

Omar Seghrouchni, Président, Commission nationale de contrôle de la protection des données à caractère personnel (CNDP)
Leila Jirari, Commission nationale de contrôle de la protection des données à caractère personnel (CNDP)
Salwa Dchieke, Commission nationale de contrôle de la protection des données à caractère personnel (CNDP)

NETHERLANDS / PAYS BAS

Anne Halbertsma, Ministry of Justice and Security, Directorate Legislation and Legal Affairs, Constitutional and Administrative Law Department

NORWAY / NORVÈGE

Vilde Aggvin, Ministry of Justice and Public Security

POLAND / POLOGNE

Maria Owczarek, Personal Data Protection Office (UODO), Department of International Cooperation and Education

PORTUGAL

Inês Oliveira De Jesus, Legislative Policy Consultant, DPO, Directorate-General for Justice Policy – Ministry of Justice

REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA

Victorian Muntean, Director, National Centre for the Protection of Personal Data

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Alan Khubaev, Bureau Member, Head of unit of international aspects of information security, Department of Cybersecurity, Ministry of Digital Development, Communications and Mass Media of the Russian Federation
Ilia Subbotin, Minister-counselor COE-issues, Embassy of the Russian Federation in France

SAN MARINO / SAN MARIN

Patrizia Gigante, Vice-Présidente de l'Autorité de Protection des Données de la République de Saint-Marin

SENEGAL / SÉNÉGAL

Adama Sow, Commission de la protection des données (CPD)

SLOVENIA / SLOVÉNIE

Tina Ivanic, Personal Data Protection Advisor, Information Commissioner

SPAIN/ESPAGNE

Pablo Manuel Mateos Gascueña, Data Protection Sub-inspector, Agency of Data Protection
Enrique Factor Santoveña, Head of Service for Relations with the EU, Commissioner's Cabinet

SWEDEN / SUÈDE

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SWITZERLAND / SUISSE

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TÜRKIYE /TURQUIE

Amhet Said Altin, Personal Data Protection Expert, Turkish Personal Data Protection Authority
Meryem Tatlier Baş, Personal Data Protection Expert, Personal Data Protection Authority

UKRAINE

Yuliia Derkachenko, Representative of the Commissioner for Information Rights

UNITED KINGDOM / ROYAUME UNI

Roxana Legezynska, International Data Strategy and Engagement Team, Department for Digital, Culture, Media and Sport
Daniel Breger, Legal Counsellor, UK Permanent Representation to the Council of Europe
Thiona Philips, International Data Free Flows and Trade, International Data Unit, Department for Digital, Culture, Media and Sport
Blandine Cassou-Mounat, Principal Policy Adviser – International Regulatory Cooperation Directorate (International), Information Commissioner's Office (ICO)
Mr. Steven Sanchez, Information Rights Manager, Gibraltar Regulatory Authority

URUGUAY

Lylian Massarino, Executive Council of the URCDP, AGESIC

OBSERVERS AND PARTICIPANTS / OBSERVATEURS ET PARTICIPANTS

BENIN / BÉNIN

Yvon Detchenou, APDP President

INDONESIA / INDONÉSIE

Teguh Arifiyadi
Hendri Sassmith Yuda, Coordinator of Personal Data Protection Governance, Ministry of Communication and Informatics
Ulfah Diah Susanti, Sub-Coordinator of International Cooperation of Data Protection, Ministry of Communication and Informatics
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ISRAEL / ISRAËL

Eyal Zandberg, Senior Director of Constitutional Law, Office of Legal Counsel and Legislative Affairs, Ministry of Justice

JAPAN / JAPON

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Patrick Walshe, Director, Privacy Matters

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

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Jan Kleijssen, Director, Information Society and Action against Crime / Directeur, Société de l'Information et Action contre le Crime
Patrick Penninckx, Head of Information Society Department / Chef du service Société de l'information

DH-BIO

Laurence Lwoff, Secretary of DH-BIO / Secrétaire du DH-BIO

Moneyval

Lorena Ungureanu, Project Assistant / Assistante de projet

CD-ENF

Regina Jensdottir, Head of Division / Chef de Division

Directorate General of Democracy / Direction générale de la Démocratie (DG II)
Sport Conventions / Conventions du sport / Convention de Macolin

Sophie Kwasny, Head of Division / Chef de Division

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
Irina Todorova-Tomova, Assistant / Assistante
Ayça Dikoglu, Trainee / Stagiaire

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