

Strasbourg, 16 June 2023

T-PD(2023)44RAPAbrEN

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

(Convention 108)

44th meeting of the Committee

Strasbourg, 14-16 June 2023

ABRIDGED REPORT

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- 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 **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+): 44 signatures out of which, 25 ratifications. Since the March Bureau meeting, Iceland, France, Argentina, Liechtenstein and Slovakia deposited the instruments of ratification of the Amending Protocol CETS No. 223. In addition, Republic of Moldova signed the amending Protocol. The Committee held a tour de table on the state of play of the ratification process in the State Parties, took note of the information provided by the T-PD members and will hold another tour de table at the next Plenary meeting.
- As regards Costa Rica, the Committee took note of the information provided by the secretariat on the latest developments.
- Item 6 **Data protection for the processing of personal data for anti-money laundering/countering financing of terrorism purposes**
The Committee took note of the information provided by the rapporteur and the secretariat on the draft Guidelines together with written comments received, held an exchange of views, and adopted the document in view of its publication.
- Item 7 **Model contractual clauses for transborder data flows of personal data**
The Committee took note of the information provided by the expert, the rapporteur and the secretariat on the draft document together with written comments received, held an exchange of views and adopted the document in view of its publication. The Committee instructed the secretariat under the guidance of the rapporteur to develop modules 2 and 3 of the Model Contractual Clauses. The Committee also took note of the guide on the MCC and asked the Bureau to further reflect on it and update it based on the future modules 2 and 3.
- Item 8 **Interpretation of Article 11 of the modernised Convention 108**
The Committee took note of the information provided by the Chair and the secretariat on the state of play of the on-going work of the working group (GT-Art.11), held an exchange of views and instructed the secretariat, together with the rapporteur and the working group (GT-Art.11), to present a revised draft of the document “Draft interpretation of Article 11 of the modernised Convention 108” (T-PD 2021)7), to be discussed at next meetings.
- Item 9 **Data Protection, including biometrics, within in the framework of vote and elections**
The Bureau took note of the information provided by the secretariat and the expert, held an exchange of views on the expert report and the draft structure presented for the document to be developed, and instructed the expert, under the guidance of the Secretariat to present a draft text reflecting the discussion and send it for written comments to be discussed at the next Bureau meeting.

- Item 10 **Cooperation with other Council of Europe bodies and entities**
The Committee took note of the information provided by the Chair on her recent hearing by the GR-J in relation to the state of play of the ratification process of Protocol CETS No. 223. It also took note of the information provided by the CAI Secretary and decided to instruct the Bureau to reflect on the latest draft of the future Council of Europe instrument on artificial intelligence and report at next meetings.
- Item 11 **Developments and activities in the field of data protection**
The Committee took note of the information provided by 10 delegations of the T-PD and the secretariat on developments and activities in various parts of the world related to data protection.
- Item 12 **Case law**
The Committee took note of the information provided by the secretariat on the updated ECtHR Case law compilation published on the website.
- Item 13 **Observers**
The Committee took note of the information provided by 4 delegations among the observers related to recent and forthcoming events, training activities and on-going internal legal works towards future requests for accession to Convention 108+.
- Item 14 **Council of Europe Data Protection Commissioner**
The Committee took note of the information provided by the Data Protection Commissioner.
- Item 15 **Next meetings in 2023**
The Committee took note of the dates of the next plenary meeting to be held on 15-17 November 2023, as well as of the next Bureau meetings on 27-29 September 2023 and 12-14 December 2023.
- Item 16 **Stefano Rodotà Award**
The winners of the 2023 Rodotà Award, respectively in the “PhD thesis” category, and the “articles” category, presented their work, exchanged with the Committee and received their awards from the Chair.
- Item 17 **Any Other Business**
The Committee took note of the information provided by the secretariat.

APPENDIX I

ANNOTATED AGENDA

	1. Opening of the meeting
T-PD(2022)43RAPAbr <i>Pro memoria</i>	Abridged report of the 43rd Plenary meeting (16-18 November 2022)
T-PD(2023)58RapAbr <i>Pro memoria</i>	Abridged report of the 58 th Bureau meeting (22-24 March 2023)
T-PD(2021)WP2022-2025 <i>Pro memoria</i>	Work programme of the Committee 2022-2025
TPD43(2022)7 <i>Pro memoria</i>	Rules of procedure
	2. Adoption of the agenda
	3. Statement by the Chair
	4. Statement by the Secretariat
	5. Convention 108+ State of play
	<p>Tour de table on the state of play of the ratification process in the countries concerned.</p> <p><u>Required action:</u> 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, as well as those who have neither signed, nor ratified it yet, to present the state of play of their internal signature/ratification processes.</p>
<ul style="list-style-type: none"> - Consolidated text of the modernised Convention 108 - Explanatory report - 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	<p>Costa-Rica</p> <p><u>Required action:</u> 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.</p>
	6. Data protection for the processing of personal data for anti- money laundering/countering financing of terrorism purposes
T-PD(2021)8rev7 T-PD(2021)8rev5Comp <i>Compilations of comments</i> T-PD(2021)4rev <i>Pro memoria</i> T-PD(2014)05 <i>Pro memoria</i>	<p>Presentation by the rapporteur and the secretariat</p> <p><u>Required action:</u> 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 will be invited to adopt the document in view of its publication.</p>

	7. Model contractual clauses for transborder data flows of personal data
T-PD(2022)1rev9 T-PD(2022)1rev4Comp <i>Compilations of comments</i> Model contract – transborder data flows Guide to contractual clauses Standard Contractual Clauses - EU	<p>Presentation by the rapporteur and the secretariat</p> <p><u>Required action:</u> The Committee 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 will be invited to adopt the document in view of its publication.</p>
	8. Interpretation of Article 11 of the modernised Convention 108
	<p>Information provided by the secretariat and the Chair</p> <p><u>Required action:</u> The Committee will take note of the information provided by the Chair and the secretariat, will hold an exchange of views, and decide on the necessary follow-up.</p>
	9. Data Protection, including biometrics, within the framework of vote and elections
T-PD(2023)2 Expert Report	<p>Presentation by the secretariat and the expert</p> <p><u>Required action:</u> The Bureau will take note of the information provided by the secretariat and the expert, will hold an exchange of views on the first draft document.</p>
	10. Cooperation with other Council of Europe bodies and entities
	<u>Required action:</u> The Committee will take note of the information provided by T-PD members and the Secretariat.
	11. Developments and activities in the field of data protection
	<u>Required action:</u> The Committee will take note of the information provided by T-PD members and the secretariat
	12. Case law
T-PD(2023)1 Case Law on Data Protection ECHR compilation 2021-22 Guide on Article 8 - ECHR CURIA - Presentation - Court of Justice of the European Union	<p>ECHR compilation December 2022</p> <p>Case law of the EU Court of Justice</p>

Inter-American Court of Human Rights - Judgments	Case law of the Inter-American Court of Human Rights <u>Required action:</u> The Committee will take note of the information provided by the secretariat.
	13. Observers
List of Observers T-PD(2018)04Rev3 <i>Pro memoria</i>	<u>Required action:</u> The Committee will take note of the information provided by the observers
	14. Data Protection Commissioner
Activity report 2020-2022 CM Resolution on the new Council of Europe Regulations on the Protection of Personal Data	<u>Required action:</u> The Committee will take note of the information provided by the Commissioner
	15. Next meetings
	<u>Plenary meetings:</u> 45 th Plenary: 15-17 November 2023 (Strasbourg) <u>Bureau meetings:</u> 59 th Bureau: 27-29 September (Paris) 60 th Bureau: 12-14 December 2023 <u>Required action:</u> The Committee will take note of the information provided by the Secretariat
	16. Stefano Rodotà Award
2023 Stefano Rodotà Award - Winners	The two winners of the 2023 Rodotà Award respectively in the “PhD thesis” category, and the “articles” category will present their work and receive the award from the Chair.
T-PD(2023)3	17. Any Other Business

APPENDIX II

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

MEMBERS OF THE COMMITTEE / MEMBRES DU COMITÉ

ARGENTINA / ARGENTINE

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

ARMENIA / ARMÉNIE

Gevorg Hayrapetyan – representative/représentant, Head of the Personal Data Protection Agency, RA Ministry of Justice

AUSTRIA / AUTRICHE

Lisa Leitner – adviser/conseillère, Legal Expert, Austrian Data Protection Authority

AZERBAIJAN / AZERBAÏDJAN

Khayala Babayeva – representative/représentante, Senior Consultant of Personal Data Protection Department at Cyber Security Service, Ministry of Transport, Communications and High Technologies (MTCHT)

BOSNIA AND HERZEGOVINA / BOSNIE HERZÉGOVINE

Vesna Pehar – representative/représentante, Assistant Director, Department for International Cooperation and Public Relations, Personal Data Protection Agency

BULGARIA

Kristina Radkova-Staneva – deputy/suppléante, Deputy Director of the Legal Affairs and International Cooperation Directorate, Commission for Personal Data Protection (CPDP)

CABO VERDE / CAP VERT

Jose Maria de Pina – deputy/suppléant, member, National Commission of Data Protection

CROATIA / CROATIE

Anamarija Mladinić – deputy/suppléante - Bureau member/membre du Bureau, Head of Department for Legal Affairs, Cooperation and Projects

Marija Vujeva – adviser/conseillère, Croatian Personal Data Protection Agency (AZOP)

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Jiří Maštálka – representative/représentant, Office for Personal Data Protection

DENMARK / DANEMARK

Anna Rosdahl Christiansen – representative/représentante, Office of Data Protection, Ministry of Justice

ESTONIA / ESTONIE

Pille Lehis – representative/représentante, Director General, Estonian Data Protection Inspectorate

Kristi Värk – deputy/suppléante, Head of the Data Protection Law Division, Ministry of Justice

FINLAND / FINLANDE

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

FRANCE

Vincent Filhol – representative/représentant, Chargé de mission pour les affaires civiles et pénales internationales auprès du Directeur des affaires juridiques, Ministère de l'Europe et des Affaires étrangères

Najma Bichara – deputy/suppléante, Service des Affaires européennes et internationales, Commission nationale de l'informatique et des libertés (CNIL)

GEORGIA / GÉORGIE

Otar Chakhunashvili – deputy/suppléant, Vice-President of PDPS Data Protection Service

GERMANY / ALLEMAGNE

Elsa Mein – representative/representante – Chair/Présidente, Data Protection (V II 4), Federal Ministry of the Interior, Building and Community (BMI)

Stefan Niederer – adviser/Conseiller, Federal Commissioner for Data Protection and Freedom of Information - Division 14 - European and International Affairs

HUNGARY / HONGRIE

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ITALY / ITALIE

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LATVIA / LETTONIE

Evija Kreismane – deputy/suppléante, Head of the Legal division, State Data Protection Inspectorate

LIECHTENSTEIN

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Julia Stütz – deputy/suppléante, Deputy Data Protection Commissioner, Data Protection Authority

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MALTA / MALTA

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REPUBLIC OF MAURITIUS / RÉPUBLIQUE DE MAURICE

Drudeisha Madhub – representative/représentante, Data Protection Commissioner, Data Protection Office

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MOROCCO / MAROC

Omar Seghrouchni – representative/représentant, Président, Commission nationale de contrôle de la protection des données à caractère personnel (CNDP)

Brahim Bouabid – adviser/conseiller, Commissaire, Commission Nationale de contrôle de la protection des Données à caractère Personnel (CNDP)

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SERBIA / SERBIE

Marin Cetinić – deputy/suppléant, Head of Training Group, Commissioner for Information of Public Importance and Personal Data Protection

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

Maria Drabekova – representative/représentante, Office for Personal Data Protection

SLOVENIA / SLOVÉNIE

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Pablo Manuel Mateos Gascueña – representative/representant – Bureau member/membre du Bureau, Data Protection Sub-inspector, Agency of Data Protection

SWEDEN / SUÈDE

Emma Majanen – representative/représentante, Legal expert, Department of Justice, Basic Law Unit

SWITZERLAND / SUISSE

Caroline Gloor Scheidegger – representative/représentante – First Vice-Chair/Première Vice-Présidente, Cheffe du Domaine de direction Relations internationales, Cantons, Préposée fédérale à la protection des données et à la transparence (PFPDT), Domaine de direction Relations internationales, Législation, Cantons

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Philadine Ido Niessi, Secrétaire Générale, Commission de l'Informatique et Libertés (CIL)

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PHILIPPINES / LES PHILIPPINES – DPA

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Mark Jeson Pura, National Privacy Commission

EXPERTS

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INVITED GUESTS / INVITÉS

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Katerina Demetzou, PhD Candidate, Policy Counsel for Global Privacy, The Future of Privacy Forum

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

Council of Europe Data Protection Commissioner / Commissaire à la Protection des Données du Conseil de l'Europe

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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

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Interpreters / Interprètes

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