

The contribution of the Council of Europe to protection of privacy and personal data and current challenges

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**Data
protection**

Council of Europe
Convention 108



Key facts

- Article 8 of the ECHR
- 1981- Convention for the Protection of Individuals with regards to Automatic Processing of Personal Data (Convention 108)
- 28 January – Data Protection Day
- Currently 44 parties
- Uruguay–invited to accede
- Next?



Convention 108 - Its potential

- **universal basic principles**
- **legally binding force**
- **simple and technologically-neutral**
- **hard-line on individual's right**
- **frame for multilateral cooperation**



Challenges

- **cyberspace**: an interconnected world with 2.3 billion users worldwide
- **ubiquity of data**
- **global online transactions** - \$10 trillion annually / \$24 trillion by 2020
- **data protection as a human right**: ECtHR, EUCJ, constitutional courts



Modernisation – trends I

- **promote** as a universal standard, with an open and multistakeholder approach
- **preserve** general, simple, flexible and pragmatic character- while addressing new ICT challenges



Modernisation – trends II

- **preserve technologically neutral background**
- **ensure coherence** with other relevant frameworks (EU, OECD, APEC)
- **reaffirm its potential** – universal standard and open character
- **strengthen follow-up mechanism**



Modernisation – procedure and timeframe

- **public consultation** - early 2011
- work of modernisation entrusted to the **Convention's Consultative Committee** - proposals
- Modernisation proposals to **Committee of Ministers**
- **Amending protocol?**



Council of Europe and European Union cooperation

- Reference made in recital 11 Directive 95/46/EC
- Convention 108 – international instrument
- Preserve consistency and compatibility
- Crucial issue - transborder data flows



Recommendations and recent challenges

- **Social networking services Recommendation** – privacy-friendly
- **Search engines Recommendation** – more transparency
- **Employment Recommendation** – deals with information system and new technologies
- **Progress report on biometrics** – on-going work



Conclusion

- Convention 108 –**
– forceful, while at the same time
flexible, resilient, enduring,
enlightening

