



Data protection

Council of Europe
Convention 108



PHAEDRA

IMPROVING PRACTICAL
AND HELPFUL COOPERATION
BETWEEN DATA
PROTECTION AUTHORITIES



Workshop 1

A need for better cooperation and coordination between DPAs

Warsaw, 24 September 2013

The role of Convention 108 in the international cooperation

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Introduction

- Globalisation :
 - Cross-border personal data processing
 - Intensification of privacy risk and data protection infringements
- Need for an effective and strong cooperation between DPAs



Introduction

- Council of Europe : a long tradition in international cooperation
 - Convention 108
 - Ratified by 45 out of the 47 members of the CoE
 - + Uruguay as first non-European country acceding



Art. 13 Convention 108: Mutual Assistance

- **Parties** render each other mutual assistance
- **Obligation** to designate one or more authorities
 - In general Data Protection Authorities



Duties

- Furnish information on law and administrative practice
- Furnish factual information relating to specific data processing with the exception of the personal data being processed



Additional Protocol

- Central role of Data Protection Authorities in ensuring the international cooperation:
 - DPAs shall cooperate with one another to the extent necessary for the performance of their duties
 - Shall exchange all useful information



Art. 14 Convention 108

- Assistance to any person resident abroad to exercise their rights
- Person can submit his or her request through the intermediary of the DPAs



Art. 15 Convention 108

- Safeguards concerning the obligation of mutual assistance:
 - Purpose limitation
 - Obligation of secrecy or confidentiality
 - Asking for assistance of a data subject with the express consent



Art. 16 Convention 108

- Exceptions to the obligation to cooperate:
 - Request is not compatible with the powers in the field of data protection of the authorities responsible for replying;
 - Request does not comply with the provisions of the convention;
 - Incompatibility with the sovereignty, security or public order or with the rights and fundamental rights of persons



Consultative Committee

- Composed of representatives of each of the parties to the Convention
- Central role for the application and interpretation of the Convention
 - Proposals to facilitate or improve the application of the convention
 - Proposals for amendment of the convention
 - Formulate an opinion on any proposal of amendment
 - Opinion concerning the application of the convention



Modernisation

- Strengthening the international cooperation
- Mutual assistance will exclusively be the task of the supervisory authorities
 - Cooperation with one another to the extent necessary for the performance of their duties
 - Exchange all useful information
 - Coordination of their investigations or interventions
 - Conducting joint actions
 - Providing information on their law and administrative practice
 - Supervisory authorities shall form a conference or a network to organise their cooperation



Convention Committee

- Stronger follow-up and evaluation of the implementation of the Convention
 - Opinion concerning accession to the Convention
 - Periodical review of the implementation by the Parties
 - Decision upon measures to take where a Party is not in compliance with the Convention
 - Facilitating the friendly settlement of all difficulties related to the application of the Convention



Conclusion

Necessity to strengthen the international cooperation, in particular between DPAs

Necessity to have common standards of data protection which are based on international recognized basic principles

Convention 108 offers a basis to cooperate for its parties

State authorities have a duty to establish an efficient regulatory and enforcement framework of protection

Data protection authorities have the duty to effectively apply this legal framework, notably by enhancing their international co-operation





Thank you!
www.coe.int/dataprotection

