Council of Europe Convention for the protection of individuals: automatic processing of personal data. Protocol: ratification by Member States

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PURPOSE: to authorise Member States to ratify, in the interest of the European Union, the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Council of Europe Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (Convention 108) is the only legally binding multilateral agreement in the field of personal data protection. Convention 108 requires the Parties to incorporate into their respective national laws the necessary measures to ensure respect for the human right of all individuals with regard to the processing of personal data.

At present, 51 States have ratified Convention 108, including all 28 EU Member States.

Convention 108 was opened for signature in 1981, long before the era of the internet and electronic communications. The development of technology and globalisation of information poses new challenges in the field of protection of personal information.

On 31 May 2013, the Council authorised the Commission to participate on behalf of the Union in the negotiations on the modernisation of the Council of Europe Convention for the protection of individuals with regard to automatic processing of personal data (EST 108) and the conditions and modalities of accession of the Union to the modernised Convention.

The Protocol amending Convention 108 (the amending Protocol) was adopted by the Council of Europe Committee of Ministers on 18 May 2018 and will be open for signature as of 25 June 2018.

The amending Protocol aims to **widen the scope, increase the level and improve the effectiveness of data protection** afforded under Convention 108.

Given that the Union cannot sign or ratify the amending Protocol, as under the current Convention 108 only States are Parties, Member States should therefore be authorised to ratify the amending Protocol, acting jointly in the interests of the Union.

CONTENT: the present proposal calls on the Council to adopt the decision to authorise Member States to ratify, in the interest of the European Union, the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No 108) (the amending Protocol) insofar as its provisions fall within Union competence.