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

2018/0238(NLE) - 02/05/2019 - Final act

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

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/682 authorising Member States to ratify, in the interest of the European Union, the Protocol of Amendment to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

CONTENT: this Council Decision authorises the Member States to ratify, in the interest of the Union, the Protocol of Amendment to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), insofar as its provisions fall within the exclusive competence of the Union.

The Protocol of Amendment to Convention 108 was adopted on 18 May 2018 by the Committee of Ministers of the Council of Europe. It aims to broaden the scope, increase the level and improve the effectiveness of data protection offered by Convention 108 in order to better address privacy issues.

The provisions of the amended Convention 108 cover both activities falling within the scope of Union law and activities outside its scope, such as in national security and defence.

The amended Convention 108 shall contain safeguards based on the same principles as those set out in Regulation (EU) 2016/679 (General Data Protection Regulation) and Directive (EU) 2016/680 on the protection of individuals with regard to the processing of personal data by competent authorities for the purpose of the prevention, investigation, detection, prosecution or enforcement of criminal offences and on the free movement of such data.

Consequently, the entry into force of the amended Convention shall:

- contribute to the promotion of Union data protection standards at global level,

- facilitate data flows between the Union and the non-Union Parties to Convention 108,

- ensure compliance by Member States with their international obligations under Convention 108,

- enable future accession of the Union to Convention 108.

ENTRY INTO FORCE: 9.4.2019.