



PERSONAL DATA PROTECTION AND PRIVACY

Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (1981)

States parties

Albania, Andorra, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Czech Republic, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Norway, Netherlands, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, «The former Yugoslav Republic of Macedonia», United Kingdom.

Signatory states

Russia, Turkey, Ukraine.

Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (2001)

States parties

Albania, Andorra, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Hungary, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, Serbia, Slovakia, Spain, Sweden, Switzerland, «the former Yugoslav Republic of Macedonia».

Signatory states

Belgium, Denmark, Finland, Greece, Iceland, Italy, Moldova, Norway, Russia, Turkey, Ukraine, United Kingdom.

Both instruments are open to accession by non-Council of Europe member states.

Objectives

- Establish a certain number of principles for states to transpose into their domestic legislation to ensure that data is collected and processed fairly and lawfully, for a specific purpose, that it is stored for no longer than is required for this purpose, and that persons whose data is processed have a right of access to, and rectification or erasure of, their data.
- The additional protocol requires each party to establish an independent authority to ensure compliance with data protection principles and lay down rules on the transfer of data to and from states that do not offer the same level of protection.

Achievements

- The Council of Europe has adopted a number of recommendations aimed at applying the general principles set out in the Convention to the specific requirements of various areas of society:
 - automated medical data banks (1981);
 - scientific research and statistics (1983);
 - direct marketing (1985);
 - social security (1986);
 - police files (1987);
 - data used for employment purposes (1989);
 - payments and other related operations (1990);
 - communication to third parties of personal data held by public bodies (1991);
 - personal data in the area of telecommunication services, with particular reference to telephone services (1995);
 - medical and genetic data (1997);
 - personal data collected and processed for statistical purposes (1997);
 - privacy on the Internet (1999).
- Various studies and reports have also been published on the application of the Convention's principles to new technologies, such as:
 - video surveillance (2003);
 - smart cards (2004);
 - biometric data (2005);
 - global telecommunications networks (2006)
 - profiling (2007).
- Many countries have used the Convention as a model for new data protection legislation.
- In 2007 the Council of Europe launched a "Data Protection Day", to take place each year on 28 January, when some 30 countries organise activities aimed at raising awareness of data protection issues.

Next steps

- A draft recommendation on profiling is currently being prepared.
- On 2 July 2008, the Committee of Ministers of the Council of Europe adopted a decision encouraging non-European states with data protection legislation to apply for accession to the Convention.
- In the near future the Convention will be updated by a second Additional Protocol aiming to modernise data protection principles in the age of evolving information and communication technologies.
- A wide range of events is foreseen for 2011 to celebrate the 30th anniversary of the Convention.

www.coe.int/dataprotection

