



**Recommendation 1984 (2011)<sup>1</sup>**

Final version

## The protection of privacy and personal data on the Internet and online media

Parliamentary Assembly

1. Referring to its [Resolution 1843 \(2011\)](#) on the protection of privacy and personal data on the Internet and online media, the Parliamentary Assembly welcomes and supports Resolution No. 3 on data protection and privacy in the 3rd millennium adopted by the 30th Council of Europe Conference of Ministers of Justice (Istanbul, 24-26 November 2010) and calls for a plan of action for the promotion of common legal standards to guarantee the protection of privacy and personal data on networks and services based on information and communications technologies (ICTs) throughout Europe and beyond, in the framework of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108, hereafter “Convention No. 108”).
2. The Assembly recommends that the Committee of Ministers:
  - 2.1. actively seek the signature and ratification of Convention No. 108 and its Additional Protocol regarding supervisory authorities and transborder data flows (ETS No. 181) by the European Union and those member states which have not yet done so, and call on all Parties to Convention No. 108, which have not yet done so, to accept the amendments enabling the European Union to accede to this convention;
  - 2.2. encourage and support, through Council of Europe member states’ permanent representations to the United Nations, the signature and ratification of Convention No. 108 by non-member states, in particular those states which are observers to the Council of Europe or are parties to enlarged partial agreements or signatories to other Council of Europe conventions;
  - 2.3. provide adequate budgetary resources within the secretariat of the Council of Europe for the further legal development of Convention No. 108 in line with Resolution No. 3 of the 30th Council of Europe Conference of Ministers of Justice, and call on member and observer states, as well as the European Union, to provide voluntary additional funding for such work;
  - 2.4. fully support, for that purpose, the work undertaken by the Consultative Committee of Convention No. 108, to reinforce the protection of all people regarding the use and storage of personal data, to ensure identical protection for everyone, regardless of the place of storage or where those responsible for the storage are located, and to avoid the risk of dumping in terms of protection;
  - 2.5. invite the Parties to Convention No. 108 to:
    - 2.5.1. take account of Assembly Resolution 1843 (2011) when revising the convention;
    - 2.5.2. not lower the established protection of privacy and personal data;
    - 2.5.3. establish a mechanism for monitoring compliance of parties with their obligations under this convention;

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1. Assembly debate on 7 October 2011 (36th Sitting) (see [Doc. 12695](#), report of the Committee on Culture, Science and Education, rapporteur: Ms Rihter; and [Doc. 12726](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Salles). Text adopted by the Assembly on 7 October 2011 (36th Sitting).



- 2.5.4. bear in mind Assembly Resolution 1744 (2010) on extra-institutional actors in the democratic system when consulting private stakeholders;
- 2.6. promote the signature and ratification of the Convention on Cybercrime (ETS No. 185) by all member states as well as by non-member states;
- 2.7. promote the signature and ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) by all member states as well as by non-member states;
- 2.8. ask its relevant instances dealing with bioethics to propose standards for the ICT-based processing of medical and health data in accordance with the Convention on Human Rights and Biomedicine (ETS No. 164) and its additional protocols;
- 2.9. ask the Secretary General of the Council of Europe to ensure, through the adoption of specific internal rules and regulations, the protection of privacy and personal data of members of Council of Europe bodies as well as Council of Europe staff, and to reinforce the position of the Council of Europe's Commissioner for Data Protection;
- 2.10. bring this recommendation and Resolution 1843 (2011) to the attention of the competent ministries and data protection authorities in member states.