DATA PROTECTION DAY 25·01·2024

PRELIMINARY AGENDA

TIME	TITLE	ROOM	TOPIC
09:00 – 09:30	REGISTRATION AND WELCOME COFFEE		
09:30 – 9:45	Opening Ramarks	Grand Halle	Opening Remarks
09:45 – 10:30	Organisers' Panel	Grand Halle	Data Protection Day - CPDP - Brussels. Why are we here, and why does it matter?
10:30 – 11:00	COFFEE BREAK		
11:00 – 12:00	Panel 1	Grand Halle	A Tale of Two Courts: Lessons in Data Protection from Strasbourg and Luxembourg
12:00 – 13:00	Panel 2	Grande Halle	Modernised Convention 108
12:00 - 13:00	EDPS-EDPB trainees' event	La Cave	Children's Privacy in Virtual Playgrounds
13:00 – 14:00	LUNCH BREAK		
14:00 – 15:15	Panel 3	Grande Halle	The Regulation of Global Data Flows: How can we foster more Interoperability?
14:00 – 15:15	Panel 4	La Cave	Data-driven Practices through a Cross-regulatory Lens: the Future of Digital Governance
14:00 – 15:15	Panel 5	Petite Halle	International Regulation of AI: Bridging the Gap between Binding Rules and Self-regulation
15:15 – 15:45	COFFEE BREAK		
15:45 – 16:45	Panel 6	Grand Halle	From Wish-list to Wishful Thinking? Debating GDPR Procedural Harmonization
15:45 – 16:45	Panel 7	La Cave	The Impact of Data Protection and Privacy on Human Rights
15:45 – 16:45	Book Club	Petite Halle	TBC
16:45 – 17:00	Closing Remarks	Grande Halle	Closing remarks by the Belgian Presidency of the EU Council
18:30 – 20:00	Cocktail Reception	TBA	Back to old traditions! Get together to chat and network on Data Protection Day.

EDPS
EUROPEAN DATA PROTECTION SUPERVISOR

CPDP·ai 2024

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Data Protection Day - CPDP - Brussels. Why are we here and why does it matter?

9:30-10:30 at Grande Halle

Abstract: *A few months ago, the CPDP organizers, Privacy Salon, has offered the Council of Europe and the European Data Protection Supervisor an opportunity to build on the tradition of celebration of Data Protection Day in Les Halles de Schaerbeek - a place with so many memories of debates that brought immense progress to the development of data protection and privacy.*

The richness of the debates in CPDP has since its beginnings been one of the most inspiring annual conversations on data protection and privacy. Conversations we believe are of particular importance on the Data Protection Day. A day we see as an invitation to a critical reflection, a forum to set agenda for next 12 months, to identify key issues and best solutions. The organizers would want to share their reflections on where we are and where should we be going, and invite the audience to contribute to all the conversations carefully prepared for the whole day of the conference.

After all, a conference in January in Brussels? What is not to like!

Speakers:

- **Paul de Hert,** Vice-Dean of the Faculty of Law & Criminology of the Vrije Universiteit Brussel (VUB)
- **Wojciech Wiewiórowski,** the European Data Protection Supervisor
- TBC

A Tale of Two Courts: Lessons in Data Protection from Strasbourg and Luxembourg

11:00-12:00 at Grande Halle

Abstract: *Both the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU) have developed a rich body of case law on data protection. This panel will discuss recent data protection developments in Strasbourg and Luxembourg, as well as the level of convergence and divergence between the case law of the two highest courts in Europe. In particular, this panel will be an opportunity to analyse more in-depth the case-law on data retention and national security, including the requirements for oversight systems under the ECHR and EU law and the requirements for effective review.*

Modernised Convention 108.

12:00-13:00 at Grande Halle

Abstract: The ratification of Convention 108+ (through the Protocol CETS No 223 amending Convention 108) remains the main priority for the 55 state Parties of Convention 108. And not only,

other stakeholders are also advocating at a highest level for its quick entry into force and for that it stays the reference framework for the protection of privacy and personal data in the digital age. This Protocol will surely intensify once the convergence towards a high set of standards in the area of data protection and privacy globally which could have a beneficial impact on data flows between its parties once the instrument comes into force. Completing 38 ratifications in 2024, the modernised Convention 108 will, enter into force and will certainly open new possibilities to elevate the protection of privacy to a global level also in areas of public security and create an ideal forum for enhanced cooperation for likeminded countries.

EDPS-EDPB Trainees Event - Children's Privacy in Virtual Playgrounds

12:00-13:00 at La Cave

The Regulation of Global Data Flows: How can we foster more Interoperability?

14:00-15:15 Grande Halle

Abstract: *This panel will discuss ways to achieve an efficient regulation of global data flows from a global perspective. Several important initiatives have been developed recently at national or regional levels but also in various international fora such as the Council of Europe, the OECD, the G7/G20 groups or the Global Privacy Assembly. But in the face of all these initiatives, the question arises how we might promote convergence and foster interoperability. Can we encourage a 'network effect' between the different multilateral fora active in the field? Can we envisage more convergence between the work done at GPA, OECD, G7/G20, Council of Europe's and regional networks? Is there a specific role for Convention 108+ and its monitoring mechanism to encourage these efforts?*

This panel will also discuss the specific question of Standard contractual clauses (SCCs) as one of the most frequently used transfer tools. SCCs have been developed under various legal frameworks and different versions are now available (e.g. EU SCCs, Ibero-American Network SCCs, CoE model clauses, ASEAN model contractual clauses).

While these various sets of SCCs display a broad range of common features, there are also differences between the different versions. The panel will offer an opportunity to explore commonalities and divergences between the different main versions of SCCs and will address the question of their possible interoperability or even the possible emergence of global SCCs, focusing on its feasibility and on the corresponding expected benefits.

Data-driven Practices through a Cross-regulatory Lens: the Future of Digital Governance

14:00-15:15 at La Cave

Abstract: *The European Union has adopted a series of legislative proposals that aim to regulate digital markets, services and technologies. The EU's new "digital rulebook" not only contains new obligations for providers, it also introduces new governance models to ensure compliance. The challenge of ensuring*

consistency among existing and emerging legal frameworks has been gaining prominence as both the Commission and the Member States move towards the implementation phase of new rules, such as those contained in the Digital Markets Act (DMA) and Digital Services Act (DSA).

Since its 2014, the EDPS has been drawing attention to the many overlaps that are inevitable between the application of data protection, competition and consumer protection rules in an increasingly data-driven economy. Developments in some countries (e.g. in France, the Netherlands, the United Kingdom) show that structures begin to emerge to allow for increased coordination among digital regulators at national level. At EU level, the Digital Markets (Act) created a High-Level Group of different regulators to advise the Commission on its enforcement of competition rules in digital markets. Under the DGA, the Commission is setting up the European Data Innovation Board (EDIB) to facilitate the sharing of best practices in cross-sectoral interoperability standards for data sharing. But will these structures enough for a coordinated and consistent application of new EU and national laws applicable to data-driven practices?

International Regulation of AI: Bridging the Gap between Binding Rules and Self-regulation

14:00-15:15 at Petite Halle

Abstract: *The rapid advancement of Artificial Intelligence (AI) technologies and applications, including 'generative AI' and 'general-purpose AI', has renewed the debates over the potential risks for individuals and societies as a whole. While the risks and possible harms caused by AI applications appear to be understood similarly in the different parts of the world, the strategies to address these risks are divergent.*

One approach, championed by the EU and more generally by Europe, is the adoption of binding horizontal rules, such the EU proposal for Artificial Intelligence Act (AIA). In the same fashion, the Council of Europe is currently negotiating a Convention on Artificial Intelligence (CAI) – a binding transversal instrument based on the Council of Europe's standards on human rights, democracy and the rule of law. Other parts of the world, notably the US, try to ensure the development of responsible AI and its ethical deployment through voluntary commitments by private actors, possibly complemented by sectoral legislation targeting mainly the public sector.

The goal of the panel is to discuss possible paths to convergence of the two approaches that could eventually pave the way for global regulation of AI.

From Wish-list to Wishful Thinking? Debating GDPR Procedural Harmonization

15:45-16:45 at Grand Halle

The Impact of Data Protection and Privacy on Human Rights

15:45-16:45 La Cave

Book Club

15:45-16:45 Petite Halle

Closing Remarks by the Belgian Presidency of the EU Council

16:45-17:00 at Grand Halle

Speakers: Mathieu Michel, Secretary of State for Digitalization, Belgium, Presidency of the EU Council

More updates on the panels will follow soon.