



DATA PROTECTION DAY 25·01·2024

PRELIMINARY AGENDA

TIME	TITLE	ROOM	TOPIC
08:30 – 09:30	REGISTRATION		
09:30 – 09:45	Opening Remarks	Grand Halle	Opening Remarks by Paul de Hert, VUB
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	Ensuring 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	Petite Halle	Data-driven Practices through a Cross-regulatory Lens: the Future of Digital Governance
14:00 – 15:15	Panel 5	La Cave	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	From Data Protection to Fundamental Rights: Assessing Impacts of Digital Technologies in the EU
15:45 – 16:45	Book Club	Petite Halle	Discussion about the Book "Coherence between Data Protection and Competition Law in Digital Markets" by Klaudia Majcher
16:45 – 17:00	Closing Remarks	Grande Halle	Closing Remarks by the Belgian Presidency of the EU Council
17:00 – 18:00	COCKTAIL RECEPTION	Catering Area	Get together to chat and network on Data Protection Day.
18:30 – 21:00	SPECIAL EVENT & RECEPTION	Polish Perm Rep	Back to old traditions with a special event at the Polish Permanent Representation to the EU - Register here .

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PANELS' DESCRIPTION

OPENING REMARKS: [Paul de Hert, VUB](#)

9:30-9:45 at Grande Halle

Paul de Hert, Vice-Dean of the Faculty of Law & Criminology, Vrije Universiteit Brussel (VUB)

ORGANISERS' PANEL: [Data Protection Day - CPDP - Brussels. Why are we here and why does it matter?](#)

9:45-10:30 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!

Moderator: Gabriela Zanfir Fortuna, Vice President for Global Privacy, Future of Privacy Forum

Organisers:

- **Paul de Hert**, Vice-Dean of the Faculty of Law & Criminology, Vrije Universiteit Brussel (VUB)
- **Patrick Penninckx**, Head of Digital Development Department, Council of Europe
- **Wojciech Wiewiórowski**, the European Data Protection Supervisor





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PANEL 1: 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.*

Moderator: Anna Buchta, Head of Policy & Consultation Unit, EDPS

Speakers:

- **Karsten Behn**, Head of Unit - General and International Affairs in the area of police and justice, German Federal Commissioner for Data Protection and Freedom of Information (BfDI)
- **Prof. Johan Callewaert**, Deputy Grand Chamber Registrar, European Court of Human Rights
- **Dr. Nora Ni Loideain**, Director & Senior Lecturer in Law Information Law & Policy Centre IALS, University of London
- **Prof. Robert Spano**, Partner at Gibson Dunn





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PANEL 2: 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.

Moderator: **Patrick Penninckx**, Head of Digital Development Department, Council of Europe

Speakers:

- **Patricia Boshe**, Research Centre for Law and Digitalisation (FREDI), University of Passau, Germany
- **Filipe José Medon Affonso**, Fundação Getulio Vargas (FGV) Law School, Brazil
- **Elsa Mein**, Chair of the Committee of Convention 108
- **Nico Van Eijk**, Chairman of the Dutch Review Committee on the Intelligence and Security Services





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

12:00-13:00 at La Cave

Abstract: *In a hyper-connected world, many decisions are subtly influenced by factors that do not always align with users' best interests. This influence is particularly pronounced for children, as they are particularly vulnerable, due to their ongoing development of consciousness. This vulnerability significantly hinders their ability to recognize exposure to harmful or even illegal practices and to make autonomous decisions in their best interest.*

The Internet offers abundant entertainment and educational opportunities for children, but also risks and dangers. The virtual playground differs significantly from traditional ones. In these digital spaces, dangers are invisible at first sight. Employing measures that ensure the safety of children and protect their privacy in virtual playgrounds has become of paramount importance.

By bringing together regulatory experts and experienced practitioners, this panel focuses on the main data protection challenges faced by minors in the online sphere. In addition, it seeks to explore solutions, like reliable age verification mechanisms, to create a safe digital environment for them. The objectives are as follows: 1) to assess the effectiveness of the currently applicable EU legislation; 2) to understand the compliance difficulties data controllers encounter when offering online services to children; 3) to seek for solutions to ensure a cyber-safe and privacy-friendly virtual playground for children and; 4) to discuss on potential initiatives of EDPS and EDPB to guarantee that children constitute the absolute priority against any other considerations.

Moderator: Eleni Moraiti, Blue book trainee at EDPB

Speakers:

- **Jürgen Bänsch**, Senior Director Policy & Public Affairs, Video Games Europe, Belgium
- **Jennifer Dolan**, Assistant Commissioner (Head of Children's Data Protection Policy), DPC, Ireland
- **Prof. Gianclaudio Malgieri**, Leiden University & Brussels Privacy Hub
- **Chris Taylor**, Director of International Regulatory Cooperation, ICO, UK
- **Gabriela Zafir-Fortuna**, Vice President for Global Privacy, Future of Privacy Forum, Belgium





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PANEL 3: The Regulation of Global Data Flows: How can we foster more Interoperability?

14:00-15:15 at 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. However, 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.

Moderator: Olivier Matter, Team Leader for International Cooperation, EDPS

Speakers:

- **Christopher Docksey**, Honorary Director General, EDPS
- **Bruno Gencarelli**, Head of International Affairs and Data Flows Unit, DG JUST, European Commission
- **Dr Clarisse Girot**, Head of the Data Governance & Privacy Unit, OECD
- **Peter Kimpian**, Member of the Data Protection Unit, Council of Europe
- **Chris Taylor**, Director of International Regulatory Cooperation at the ICO and Chair of the GPA Global Frameworks and Standards Working Group





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PANEL 4: Data-driven Practices through a Cross-regulatory Lens: the Future of Digital Governance

14:00-15:15 at Petite Halle

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?

Moderator: Brendan Van Alsenoy, Deputy Head of Policy & Consultation Unit, EDPS

Speakers:

- **Alexander Hoefmans**, Deputy Director of the Private Office of the State Secretary for Digitization, Privacy and Administrative Simplification, Belgium
- **Pawel Hajduk**, Ph.D. candidate, Cardinal Stefan Wyszyński University in Warsaw
- **Kate Jones**, Chief Executive Officer, Digital Regulation Cooperation Forum (DRCF)
- **Ulrich Kelber**, German Federal Commissioner for Data Protection and Freedom of Information (BfDI)





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PANEL 5: International Regulation of AI: Bridging the Gap between Binding Rules and Self-regulation

14:00-15:15 at La Cave

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. In other parts of the world, notably the US, the focus until recently was on ensuring 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, albeit there have been significant developments lately, including the Executive Order on AI, the Office Management Board guidance on AI, as well as relevant legislation pending in Congress.

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.

Moderator: **Leonardo Cervera Navas**, Secretary General of the EDPS

Speakers:

- **Cecilia Bonefeld-Dahl**, Director General, Digital Europe
- **Tudorache Ioan-Dragos**, MEP, Chair Special Committee on AI; LIBE rapporteur on AI Act, Brussels, Belgium
- **Marc Rotenberg**, President and founder of the Center for AI and Digital Policy (non-profit organisation), Washington, D.C.
- **Lee Tiedrich**, Distinguished Faculty Fellow in Ethical Technology and visiting Professor of the Practice at Duke Law School, US





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PANEL 6: From Wish-list to Wishful Thinking? Debating GDPR Procedural Harmonization

15:45-16:45 at Grand Halle

Abstract: *Enforcement of the EU's General Data Protection Regulation (GDPR) in cross-border cases requires cooperation. While the GDPR already provides for cooperation procedures and a consistency mechanism, substantial differences national procedures and practices remain that impact the effectiveness of GDPR enforcement.*

In April 2022, the EDPB identified a list of procedural aspects that could benefit from further harmonisation, to further streamline cooperation (the so-called 'EDPB wish list'). In response, the European Commission has put forward a legislative proposal that aims to tackle a wide range of procedural aspects, from the initial treatment of complaints to dispute resolution by the European Data Protection Board (EDPB). Will the Proposal achieve its objective of ensuring the smooth functioning of cross-border enforcement of the GDPR?

This panel will delve into the objectives of the Commission's Proposal and discuss how it would impact the role and position of the different actors involved in the GDPR's 'one-stop-shop' mechanism. Specific attention will be given to the position of complainants, the role of national data protection authorities and the role of the EDPB. While focusing on the legislative proposal and its expected outcome, this panel will also provide an opportunity for a broader discussion on ways to promote effective enforcement of the GDPR beyond procedural harmonisation.

Moderator: Clothilde Goujard, Technology Reporter, Politico

Speakers:

- **Hielke Hijmans**, President of the Litigation Chamber and Member Executive Board of the Belgian Data Protection Authority
- **Sergey Lagodinsky**, Member of the European Parliament, Germany
- **Karolina Mojzesowicz**, Deputy Head of Unit C3. DG JUST, European Commission
- **Etienne Maury**, Political Administrator, General Secretariat of the Council of the EU
- **Max Schrems**, Honorary Chair, NOYB





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PANEL 7: From Data Protection to Fundamental Rights: Assessing Impacts of Digital Technologies in the EU

15:45-16:45 at La Cave

Abstract: *Data Protection Day provides an opportunity to underscore the critical interplay between data protection and fundamental rights, recognizing their symbiotic relationship as cornerstones in our digital age. In an era where personal autonomy is closely linked to the control individuals have over their personal data and its processing, data protection emerges not only as a guardian of individual privacy but also as a pivotal force upholding fundamental rights. A noteworthy example is the introduction of the Artificial Intelligence Act—an immensely important yet intricate framework that underscores the evolving landscape of our data-centric societies, highlighting the imperative of safeguarding fundamental rights and ensuring human rights in the face of technological advancements.*

This panel explores the symbiosis between different legal frameworks and their implications in an ever-growing data-centric world. The discussion will emphasize the practical realities of navigating this terrain, with panel experts critically examining the challenges inherent in bridging frameworks related to data protection, fundamental rights, and the emerging legal landscape of the AI Act.

Moderator: **Prof. Alessandro Mantelero**, Polytechnic University of Turin & Jean Monnet Chair in Mediterranean Digital Societies and Law

Speakers:

- **Sarah Chander**, Senior Policy Advisor, EDRI
- **Frederico Da Silva**, Senior Legal Officer, BEUC
- **Prof. Gianclaudio Malgieri**, Leiden University & Brussels Privacy Hub
- **Nele Roekens**, Legal Advisor and Project Lead at Belgian Interfederal Centre for Equal Opportunities (UNIA), European Network of National Human Rights Institutions
- **Cédrine Morlière**, President and Director at the Belgian Data Protection Authority





DATA PROTECTION DAY 25-01-2024

BOOK CLUB: Discussion about the book “Coherence between Data Protection and Competition Law in Digital Markets” by Klaudia Majcher

15:45-16:45 at Petite Halle

Author: Klaudia Majcher, Vienna University of Economics and Business

Discussants:

- **Sebastião Barros Vale**, Legal Officer 'Policy & Consultation', EDPS
- **Prof. Alexandre de Stree**, University of Namur, CERRE

CLOSING REMARKS: Belgian Presidency of the EU Council

16:45-17:00 at Grand Halle

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

COCKTAIL RECEPTION: Get together to chat and network on Data Protection Day

17:00-18:00 at Catering Area at Les Halles

SPECIAL EVENT: Data Protection Day Celebration

18:30-22:00 at the Polish Permanent Representation to the EU, 16 Avenue de Cortenbergh 1000 Bruxelles

Back to old traditions! In partnership with the Permanent Representation of Poland to the European Union, the Council of Europe (CoE), CPDP and the European Data Protection Supervisor (EDPS) invite you to register for the special reception on the occasion of Data Protection Day. The event's official part starts at 18.30, followed by a reception at 19.30.

A dedicated registration is mandatory to participate in this event. Please find more information on the programme and the registration form [here](#).

