



# RULES OF PROCEDURE OF THE ETHICS ADVISORY GROUP

Brussels, 1 July 2016

The Ethics Advisory Group was set up by Decision of the European Data Protection Supervisor of 3 December 2015. Its Secretariat is provided by the European Data Protection Supervisor.

Postal address: Rue Wiertz 60,  
B-1047 Brussels. Email address: [EDPS-ETHICS@edps.europa.eu](mailto:EDPS-ETHICS@edps.europa.eu).

## **I. GENERAL PROVISIONS**

1.1 These rules of procedure complement the European Data Protection Supervisor decision of 3 December 2015 establishing an external advisory group on the ethical dimensions of data protection ('the Ethics Advisory Group'), OJ C 33, 28.1.2016 (hereafter the "EDPS Decision"). They also complement the Terms of Reference for the Ethics Advisory Group, published on the EDPS website.

## **II. MEMBERSHIP — APPOINTMENT**

2.1 In accordance with Article 4 of the EDPS Decision, the six members of the Ethics Advisory Group are nominated in a personal capacity by the EDPS for a period of two years.

2.2 Members of the Group act with full independence and free from any actual or potential conflict of interest deriving from any connections to public or private organisations with a political or economic interest in the activities or conclusions of the Ethics Advisory Group.

2.3 Conflicts of interest must be declared in accordance with Article 4.3 of the EDPS Decision, using a form provided by the EDPS.

## **III. MEETINGS AND OFFICES**

3.1 The Ethics Advisory Group shall meet at least three times a year.

3.2 The European Data Protection Supervisor and/or the Deputy Supervisor may be invited to address these meetings. In any event, the Chairperson will meet the Supervisor and/or the Deputy Supervisor at least once a year to report on the activities of the Advisory Group.

3.3 Additional meetings can be organised at the request of the EDPS and/or the Chairperson of the Ethics Advisory Group, provided that the necessary resources are available.

3.4 All meetings are convened at least two weeks before the proposed date of the meeting. Shorter notice may be given when there are urgent matters to discuss.

3.5 Any member may request that a specific item is included in the relevant agenda. The preparation of the agenda is a responsibility of the Secretariat, in agreement with the EDPS Supervisor.

3.6 The Secretariat shall prepare a report after each meeting, which shall, after approval by the Ethics Advisory Group, be published on the EDPS website.

3.7 The Ethics Advisory Group or the EDPS may invite external experts with specific competences or observers in its work on a permanent or an ad-hoc basis.

3.8 Members of the group, as well as invited experts and observers, shall comply with the obligations of professional secrecy laid down by Article 45 of Regulation (EC) No 45/2001.

## **IV. SECRETARIAT**

4.1 The Ethics Advisory Group will be supported by a Secretariat provided by the EDPS. The EDPS shall provide for financial and administrative support to the Secretariat of the Ethics Advisory Group, ensuring that its independence is fully guaranteed.

4.2. The Secretariat is headed by an official of the EDPS, who takes all measures necessary to ensure the proper functioning of the Secretariat and the efficient use of resources.

4.3. The secretariat is responsible for preparing and distributing all official documents of the Ethics Advisory Group.

4.4. The secretariat shall also perform all other duties necessary for the proper conduct of the work of the Ethics Advisory Group.

## **V. DESIGNATION OF RESPONSIBILITIES**

5.1. The Ethics Advisory Group will select a Chairperson amongst its members.

5.2. Any Member may declare himself a candidate for this position. A candidate will be deemed selected when consensus is reached.

5.3. The Chairperson will have the following responsibilities:

- Preside meetings, hearings and deliberations of the Ethics Advisory Group;
- Decide points of order or procedure,
- Formal representation of the Ethics Advisory Group in relationships with the EDPS and other bodies.

5.4. If a Chairperson ceases to be a member of Ethics Advisory Group or for any reason is unable to complete his/her term of office, he/she shall be replaced by another member of the group.

## **VI. CONSULTATION AND INFORMATION**

6.1. The EDPS may consult the Ethics Advisory Group on any matter relating to the ethical dimensions of data protection.

6.2. The Chairperson shall keep the EDPS regularly informed on the work of the group, in addition to the meetings with the EDPS as meant in Article 3.

## **VII. TRANSPARENCY**

7.1. The Ethics Advisory Group ensures the necessary transparency of activities. In order to promote its objectives, the Advisory Group publishes information relating to its activities by any appropriate including in any event the dedicated page on the EDPS website.

7.2. A report of each of its meetings shall be made public by the Secretary of the Ethics Advisory Group.

7.3. The EDPS shall present the results of the Advisory Group to a broad audience in the context of workshops or conferences.

7.4. The EDPS shall make available all relevant information on the activities carried out by the Ethics Advisory Group in a dedicated section on its website.

7.5. The public shall have access to documents produced by the Ethics Advisory Group in accordance with the principles laid down by Regulation (EC) No 1049/2001 of the European

Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup>.

## **VIII. REPORT OF ACTIVITIES**

8.1. The Chairperson of the Ethics Advisory Group coordinates the preparation of the report of activities at least once a year. After adoption this report is forwarded to the EDPS Supervisor and published on the EDPS website.

## **IX. ADMINISTRATION OF THE GROUP**

9.1. The EDPS provides administrative and financial support necessary for the running of the Ethics Advisory Group.

9.2. The functions of the Ethics Advisory Group members shall not be remunerated. Travel and subsistence expenses for meetings of the Advisory Group, or any working party set up within the Advisory Group, shall be covered by the EDPS in accordance with its administrative rules and regulations. Subject to prior approval, travel and subsistence expenses for preparing opinions or advice may be also covered by the EDPS. This includes meetings between members of the Advisory Group and external experts.

9.3. Under the same conditions, invited experts and observers may be reimbursed, insofar as the Secretary of the Ethics Advisory Group confirms that there is budget availability for their participation.

9.4. The Group's Secretariat assists the Ethics Advisory Group in all its tasks.

## **X. VENUE**

10.1. The Ethics Advisory Group shall normally meet in Brussels.

10.2. In exceptional circumstances, the Ethics Advisory Group may decide to meet elsewhere or by way of videoconferences or other appropriate communications techniques.

## **XI. LANGUAGE OF PROCEEDINGS**

11.1. The language of proceedings conducted by the Ethics Advisory Group shall be in English.

11.2. Reports, opinions, papers and other documents, also designed for publication shall be drawn up in English. A limited number of translations may be made available by the EDPS, depending on budgetary considerations

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<sup>1</sup> OJ L 145, 31.5.2001, p. 43.