

## **Executive Summary of the Opinion of the European Data Protection Supervisor on the Proposal for a Regulation establishing the European Voluntary Humanitarian Aid Corps**

*(The full text of this Opinion can be found in English, French and German on the EDPS website: <http://www.edps.europa.eu>)*

(2013/C 100/06)

### **1. Introduction**

#### *1.1. Consultation of the EDPS*

1. On 19 September 2012, the Commission adopted a Proposal for a Regulation establishing the European Voluntary Humanitarian Aid Corps <sup>(1)</sup> (the Proposal).

2. Before the adoption of the Proposal, the EDPS was given the possibility to provide informal comments. The EDPS welcomes the fact that the Commission also consulted him formally after the Proposal was adopted and that this Opinion is referred to in the preamble of the Proposal.

#### *1.2. Objectives and scope of the Proposal*

3. Pursuant to Article 214(5) of the Treaty on the Functioning of the European Union, this Proposal establishes the rules and procedures for the European Voluntary Humanitarian Aid Corps <sup>(2)</sup>.

4. On the basis of the Proposal, trained volunteers are to be deployed as 'EU Aid Volunteers' in humanitarian projects worldwide. The EU Aid Volunteers are to be selected and deployed by certified humanitarian organisations that adhere to a set of European standards on managing humanitarian volunteers. These standards as well as the certification procedure are to be developed by the Commission. The Commission is also foreseen to provide funding, a European training programme, a central registry to include all trained volunteers, as well as an IT network for volunteers to interact online before, during, and after deployment.

#### *1.3. Relevance of data protection; objectives and focus of the Opinion*

5. While it is not the main objective of the Proposal to process personal data, the Proposal nevertheless requires the processing of a personal data. These include personal data of volunteers registered in the Register of EU Aid Volunteers (Article 13) as well as personal data (of volunteers or third parties) that may be posted on the IT network provided for their online interactions (Article 16). The selection process of the candidates by the certified humanitarian organisations, as well as their subsequent management, which are to be standardised under Article 9, also requires processing of personal data.

6. These processing activities require adequate data protection safeguards. The practical implementation of these safeguards could and should be further developed in the standards to be set under Article 9 and in the data protection policies to be developed by the Commission and by the certified humanitarian organisations.

7. Articles 9 and 25 provide that the Commission shall adopt delegated acts to set the standards for the identification, selection and preparation of candidate volunteers as well as for their subsequent management and deployment. The EDPS recommends that these standards should in particular be used to help ensure that data protection provisions are appropriately considered during the selection procedure, registration, as well as during deployment of the volunteers and that in these regards, a consistent approach be taken by the certified humanitarian organisations across Europe.

8. That said, certain essential elements regarding the application of the appropriate data protection safeguards should already be set forth in the proposed Regulation itself. To address these essential elements, Section 2 of the Opinion provides recommendations on Articles 13 and 16 of the Proposal.

<sup>(1)</sup> Proposal for a Regulation of the European Parliament and of the Council establishing the European Voluntary Humanitarian Aid Corps — EU Aid Volunteers, COM(2012) 514 final.

<sup>(2)</sup> See also [http://ec.europa.eu/echo/euaidvolunteers/index\\_en.htm](http://ec.europa.eu/echo/euaidvolunteers/index_en.htm)

9. Section 3 of the Opinion, in turn, calls for the consultation of the EDPS when developing the standards under Articles 9 and 25 of the Proposal. Section 3 also already briefly calls attention to some of the data protection issues that should be taken into account when developing the standards, as well as at the practical level, when implementing the proposed Regulation.

#### 4. Conclusions

34. The EDPS recommends that a reference to the applicable data protection legislation to be included as a substantive provision of the proposal.

35. The EDPS would recommend the following additional clarifications in the text:

- Article 13 should specify the purposes of the Register, the categories of data included in it, as well as the range of entities that may have access to the Register, to ensure legal certainty.
- Article 13 should also clearly identify the Commission and the user organisations as separate controllers.
- Articles 13 and 16 each should require the adoption of a data protection policy, for the Register and the Network respectively.

36. Further, the EDPS recommends that the Commission should consult the EDPS before the adoption of any delegated acts under Article 25 that would have an impact on the processing of personal data, in particular on the standards to be adopted under Article 9. These standards should require the adoption of appropriate data protection policies by the organisations carrying out the selection process for volunteers and managing and deploying volunteers. This may include harmonisation of the categories of data collected, and may possibly lead to a standard application form to be used across Europe.

Done at Brussels, 23 November 2012.

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