



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’)

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and the free movement of such data¹, and in particular Articles 41(2) and 46(e) thereof,

Whereas:

- (1) Article 7 and 8 of the Charter of Fundamental Rights of the European Union as well as Article 16 of the Treaty on the Functioning of the European Union guarantee the respect for private and family life and the protection of personal data.
- (2) Article 41 (2), second sentence, of Regulation (EC) 45/2001 provides that the EDPS shall be responsible for advising EU institutions and bodies and data subjects on all matters concerning the processing of personal data.
- (3) Article 46 (e) of Regulation (EC) 45/2001, as elaborated in Article 38 (1) of the Rules of Procedure of the European Data Protection Supervisor of 17 December 2012², lays down the duty of the EDPS to monitor the development of information and communication technologies and to identify emerging trends with a potential impact on data protection.

¹ OJ L 8, 12.1.2001, p. 1.

² OJ L 273, 15.10.2013, p. 41.

- (4) Technological advancement, such as big data computing and machine learning, allows for the collection and usage of personal data in increasingly opaque and complex ways, thus posing significant threats to privacy and human dignity.
- (5) The EDPS aims at stimulating an open and informed discussion on digital ethics, which allows the EU to realise the benefits of technology for society and the economy and at the same time reinforces the rights and freedoms of individuals, particularly their rights to privacy and data protection.
- (6) The EDPS Opinion of 11 September 2015 - Towards a new digital ethics: Data, Dignity and Technology - announces the setting up of an Ethics Advisory Group.

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

1. The external advisory group on the ethical dimensions of data protection (the 'Ethics Advisory Group', further: 'the Advisory Group') is hereby established.
2. The members of the Advisory Group shall be appointed from 1 February 2016 until 31 January 2018.

Article 2

Tasks

1. The Advisory Group shall:
 - a) analyse ethical dimensions of data protection;
 - b) submit recommendations to the EDPS upon request;
 - c) submit research suggestions, fostering interdisciplinary cooperation;
 - d) produce at least two public reports;
 - e) involve other experts in its work on a permanent or ad hoc basis, where appropriate, particularly where these other experts may bring additional knowledge and experience not represented in the Advisory Group, including experience in the areas of medicine, health, finance, energy, political governance, police or security;
 - f) present assumptions to a critical audience and measure the outcome of the reflections of the Advisory Group against the experience of other practitioners.
2. The deliveries of the Advisory Group shall be based on a sound and stable basis in knowledge, empiric evidence and thorough scrutiny.
3. The EDPS shall present the results of the Advisory Group to a broad audience in the context of workshops or conferences.

Article 3
Consultation

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

Article 4
Membership — Appointment

1. The Advisory Group shall consist of a maximum of six eminent personalities with a proven track record in the analysis and research in areas relevant to the ethical dimensions of data protection.
2. The members shall be appointed in a personal capacity.
3. The members shall 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 Advisory Group.
4. Individuals may, as a condition for appointment, be required to declare any past or present affiliations with the organisations referred to in the third paragraph, where this is relevant to avoid conflicts of interest.

Article 5
Operation

1. The Advisory Group shall choose a Chair amongst its members.
2. In addition to meetings of the Advisory Group in person, it may meet by way of videoconferences or other appropriate communications techniques.
3. In agreement with the Advisory Group, the EDPS may invite experts from outside the group qualified to participate in the work of the Advisory Group on a permanent or an ad hoc basis.
4. The Chair may also invite observers to attend activities of the group on an ad hoc basis.
5. 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) 45/2001. The Chair shall keep the EDPS regularly informed on the work of the group.

Article 6
Obligations of the EDPS

1. The members of the Advisory Group shall be appointed by the EDPS following a call for expression of interest and based on the advice of a pre-selection committee.
2. The EDPS shall provide the secretariat of the Advisory Group. An official of the EDPS shall be appointed as the group's Secretary.

3. The EDPS shall adopt the Terms of Reference and the Rules of Procedure for the Advisory Group.
4. The EDPS shall make available all relevant information on the activities carried out by the Advisory Group in a dedicated section on its website.

Article 7

Meeting expenses

1. Members of the Advisory Group shall not be remunerated for the services they render.
2. Travel and subsistence expenses incurred by participants in the activities of the Group shall be reimbursed by the European Data Protection Supervisor.
3. Under the same conditions, invited experts and observers may be reimbursed, insofar as the Secretary of the Advisory Group confirms that there is budget availability for their participation.

Article 8

Public access to documents and processing of personal data

1. The public shall have access to documents produced by the Advisory Group 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 documents³.
2. Personal data shall be collected, processed and published by the EDPS in accordance with Regulation (EC) No 45/2001.

Article 9

Entry into force

These provisions shall enter into force on the day following their signature and shall be published in the *Official Journal of the European Union*.

Done in Brussels, 3 December 2015

Giovanni BUTTARELLI
European Data Protection Supervisor

³ OJ L 145, 31.5.2001, p. 43.