



REPORT ON THE SELECTION OF THE MEMBERS OF THE ETHICS ADVISORY GROUP

On 28 January 2016, the European Data Protection Supervisor (EDPS) announced that six eminent persons were selected to be member of the Ethics Advisory Group, established by Decision of the EDPS of 3 December 2015 which was published in the EU Official Journal, *CHECK*, and on the EDPS website (further: "The Decision").

This report describes how these six persons were chosen.

1. THE FRAMEWORK FOR SELECTION

The selection of the members of the Ethics Advisory Group took place in accordance with the procedure included in the Decision, which was complemented and further elaborated in the Terms of Reference for the Ethics Advisory Group set up by the EDPS on the ethical dimensions of data protection, which was published on the EDPS website (further: the "Terms of Reference").

Article 6(1) of the Decision provides:

"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."

Point 6 of the Terms of References further elaborates how the EDPS will choose the members of the Advisory Group. It states as follows:

"The EDPS will - alongside the Decision and these Terms of Reference - give wide publicity to a call for expressions of interest with a view to having as broad a range of interests and disciplines as possible represented in the Advisory Group.

The EDPS recommends those who are interested in participating in the Advisory Group to send their expression of interest by 18 December 2015 at the latest by email to the following address: EDPS-ETHICS@edps.europa.eu.

The EDPS encourages those who are interested to document their professional experience and expertise by means of a curriculum vitae and a letter in support of their application.

[...]

The expressions of interest will be assessed by a preselection committee appointed by the Director of the EDPS, which shall include at least one external member.

The committee may ask applicants to submit the information referred to above as well as relevant additional information, and may, as part of the procedure, organise interviews with suitable applicants, in person or by the use of electronic means.

The committee will submit its assessment in the form of an advice to the European Data Protection Supervisor on the composition of the Advisory Group. The Supervisor will adopt a decision, having considered this advice and after consulting the other members of the Management Board of the EDPS. A public report of the appointment procedure will be published on the website.

The committee will carry out its assessment between 4 and 22 January 2016, with a view to decision making before the end of January 2016. These dates are strictly indicative.

[...]"

2. THE CALL FOR EXPRESSION OF INTEREST AND THE APPOINTMENT OF THE MEMBERS OF THE PRESELECTION COMMITTEE

A call for expression of interest was published on the EDPS website on 3 December 2015 and advertised in the issue of The Economist of 4/5 December 2015.

By decision of the EDPS Director of 17 December 2015, the Pre-Selection Committee was appointed, consisting of Hielke Hijmans as Chair, Achim Klabunde as internal member, Joanna Goodey, staff member of the Fundamental Rights Agency, as external member, and Delphine Harou, Secretary of the Ethics Advisory Group. Anne-Françoise Reynders was appointed as the secretary of the Pre-Selection Committee.

3. THE SELECTION PROCESS

The call for expression of interest led to 45 reactions, which were assessed by the Pre-Selection Committee in January 2016. This assessment process consisted of the following stages:

A. THE ASSESSMENT OF ELIGIBILITY

On 11 January 2016, the Pre-Selection Committee completed the assessment of the eligibility of those who expressed their interest, based on the criteria of Expertise and Independence. 23 out of the 45 candidates fulfilled these criteria of eligibility.

Expertise points towards a proven track record in the analysis and research in areas relevant to the ethical dimensions of data protection. The minimum number of years of work experience in areas relevant to the desired profiles is five. Advanced university study such as a relevant PhD was considered. The decision was made on the grounds of proof such as publications and conference presentations.

Independence means members are appointed in a personal capacity. Individuals associated with or directly linked to government/EU institutions, private companies or non-governmental

organizations involved in the area of data protection were excluded. The independence of candidates affiliated with organizations like think tanks was evaluated according to transparency and origin of funding.

B. FIRST SELECTION OF THE ELIGIBLE CANDIDATES, RESULTING IN A SHORTLIST

On 14 January 2016, the Pre-Selection Committee completed the first selection of eligibility and established a shortlist. The Pre-selection committee considered it appropriate to invite to an interview at least twice the number of those to be selected for the EAG (5 to 6 experts). The preselection Committee therefore invited the 12 candidates who obtained the highest score to an interview. One candidate withdrew after receiving the invitation, so that 11 candidates were interviewed.

This selection was based on the following equally weighted criteria:

- a. Relevance or Importance of work on ethical issues
- b. Eminence and thought leadership
- c. International Experience
- d. Relevance of the one or more fields of expertise
- e. Experience with Ethics in the field of technology.

Each of the members of the Pre-Selection attributed, individually, a score (varying from 0 to 3) to the candidates. The result of this individual scoring was subsequently discussed by the Pre-Selection Committee. This discussion focused on those candidates with diverging scores and resulted in a consensual outcome.

C. THE INTERVIEWS OF THE SHORTLISTED CANDIDATES AND THE CONSIDERATIONS OF THE PRE-SELECTION COMMITTEE

On 21 and 22 January 2016, the Pre-Selection Committee interviewed the 11 remaining shortlisted candidates. Six interviews took place in person at the premises of the EDPS; five interviews took place by the use of electronic means.

The interviews were conducted on the basis of a questionnaire which was equal for all candidates. Subsequently, the Pre-Selection Committee made an assessment on the basis of seven criteria: General Impression, Relevance or Importance of work on ethical issues, Eminence and thought leadership, Views within the relevant fields of expertise, Motivation and outcome, International Experience and Independence and, finally Communication skills.

After interviewing the 11 candidates, the preselection committee considered the options to put together an advisory group to develop guidance on human dignity, ethics and technological developments. Within the Pre-selection committee there was consensus to suggest five persons.

The Pre-selection committee based its considerations on the criteria in the Terms of Reference (variety of disciplines, a proven track record in ethics, gender and regional balance). The committee aimed at selecting an eminent group and not the five most eminent individuals. The five suggested persons would, in the view of the Pre-Selection Committee, provide the

best mix of background, experience and skills and would allow for productive work of the group.

The suggested candidates all have a longstanding background in ethics, not necessarily on data protection. The Pre-Selection Committee expects they will develop genuinely new perspectives on human dignity, ethics and technological developments.

Candidates with mainly data protection/privacy background were in general not suggested as candidates for the Group with the exception of one candidate who demonstrated specific expertise in ethics and technology and a capacity to think out of the box.

The reason for this approach was that:

- The mandate of this Group requires a vision on the medium to long-term implications of technological change and on regulatory responses (Terms of Reference).
- The data protection/privacy expertise is sufficiently available within the EDPS and external data protection expertise would offer insufficient added value to the group.

4. THE APPOINTMENT DECISION

The considerations of the Pre-Selection Committee were transmitted to the Supervisor and the other members of the EDPS Management Board. After a discussion in the Management Board on 27 January 2015, the Supervisor decided to appoint the five persons suggested by the Pre-Selection Committee together with Jaron Lanier who had expressed an interest in contributing to the EAG. Mr Lanier's solid background and eminence in the field as well as his independence fully satisfied the selection criteria. Consequently, the members of the EAG are: J. Peter Burgess, Luciano Floridi, Jaron Lanier, Aurélie Pols, Antoinette Rouvroy, and Jeroen Van den Hoven.

All the candidates were personally informed on the appointment decision, which was subsequently made public by a Press release of the EDPS, dated 28 January 2016.