



POCITYF

Ethical Monitoring and GDPR Conformation Plan

D11.11 Ethical Monitoring and GDPR Conformation Plan
WP11, T11.5

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Technical references

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RE = Restricted to a group specified by the consortium (including the Commission Services)

CO = Confidential, only for members of the consortium (including the Commission Services)

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0.1	2019.11.13	EDPL	First chapters concluded
0.2	2020.03.18	EDPL	Conclusion of the majority of the document
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Executive Summary

The current deliverable D11.11 - *Ethical Monitoring and GDPR Conformation Plan* - establishes the ethical framework that the POCITYF consortium will use to guide its activities.

This document defines POCITYF's Ethics Management System, which encompasses the Ethics Policy, the Ethics Board, the Ethics Manager, the Ethics Helpdesk and the cities' Ethics Committees.

POCITYF's Ethics Management System establishes the responsibilities and ways of procedure always in line with the Principles of Responsible Research and Innovation. The Ethics Management System includes an initial ethics assessment of the ethical-related risks that the project may be exposed to and, in accordance to that, the respective mitigation measures that can be activated.

From POCITYF's ethics assessment, the most relevant risk identified is: *Personal data privacy and security*. Acknowledging this fact POCITYF gives this risk a special focus and includes it in several Work Packages and their associated deliverables.

Furthermore, the Ethics Management System defines POCITYF's guidelines for dealing with personal or sensitive data in full compliance with the General Data Protection Regulation. The information provided in this deliverable is more focused on the first semester progress of POCITYF and thus it might be missing some ethical risks that will be identified during the project duration. As such, the ethical risks assessment will be updated by the Ethics Board on an annual basis (naturally frequency is to be assessed in an ad-hoc basis) and its results presented in the corresponding minutes.



Table of contents

1. Introduction	5
1.1. Relation to other activities	5
1.2. Structure of the deliverable.....	5
2. POCITYF Ethics Management System	6
2.1. POCITYF's Ethics Policy	7
2.2. POCITYF's Ethics Board.....	8
2.3. POCITYF's Ethics Manager	10
2.4. POCITYF's Ethics Helpdesk	11
2.5. POCITYF's Lighthouse and Fellow Cities Ethics Committees.....	11
3. POCITYF Ethical Risks	12
4. POCITYF and General Data Protection Regulation	16
4.1. Code of Conduct for Data Management	17
4.2. Data collection procedures	17
5. Conclusions	21
References	22

List of Tables

Table 1 Ethical Board members of Évora ecosystem.....	9
Table 2 Ethical Board members of Alkmaar ecosystem.....	9
Table 3 Ethical Board members of the Fellow cities.....	10
Table 4 Ethical Board members of the Horizontal partners.....	10
Table 5 Ethical Risks preliminary assessment (part A).....	13
Table 6 Ethical Risks' preliminary assessment (part B).....	14
Table 7 Ethical Risks' preliminary assessment (part C).....	14
Table 8 Ethical Risks' preliminary assessment (part D).....	14



1. Introduction

This deliverable, D11.11 - *Ethical Monitoring and GDPR Conformation Plans* - expresses the strategy to be applied during the Ethical Monitoring activities. This strategy is aligned with the identified relevant, both national and international, European legislation and directives of the countries where data will be collected. This report also presents the plans and rules that were created for ensuring POCITYF compliance with GDPR, liaising hence with D11.4 - *Data Management Plan*.

During the course of POCITYF, this plan will be updated when and if needed, according to the technical progress and aligned with possible evolutions concerning relevant European, both national and international, legislation and directives of the countries where data will be collected.

1.1. Relation to other activities

T11.4 - *Data and Ethics management* and T11.5 - *GDPR Conformation activities* and, subsequently, their respective deliverables, have a cross-cutting actuation throughout POCITYF, providing inputs on how all partners must act in an ethical and responsible manner, especially in activities of data collection and protection involving humans (especially in WP4 - *Citizens Engagement and Open Innovation Activities*, WP6 - *Evora Lighthouse City demonstration activities*, WP7 - *Alkmaar Lighthouse City demonstration activities* and WP8 - *Replication Plans and 2050 Vision by Fellow Cities*).

1.2. Structure of the deliverable

Deliverable D11.11 is structured as follows:

- Chapter 2 - POCITYF Ethics Management System: identifies the ethical legislation, regulation, recommendations and codes by which POCITYF is guided, such as the situations and to whom they are applied and those responsible for the Ethics Management System. It characterises the Ethics Board and the Ethics Policy, indicating the points to be respected by the data collection to be carried out, especially with regard to involving humans, while respecting in full the Responsible Research and Innovation Principles;
- Chapter 3 - POCITYF Ethical Risks: specifies how the Ethics Board will act, while already providing a preliminary set of ethical-related risks and presenting actions to mitigate those same risks. It also discusses the parameters concerning the periodic ethical related risk analysis and re-evaluation process.”
- Chapter 4 - POCITYF and General Data Protection Regulation: indicates the legislation related to data collection procedures by which POCITYF is currently guiding its activities, both internationally as well as for each of the cities that are part of the project (at a national level), listing the corresponding legislation for each of them;
- Chapter 5 - Conclusions: establishes the main outputs of the work conducted within T11.5, namely the framework encompassing the ethical monitoring management process.



2. POCITYF Ethics Management System

POCITYF's Ethics management system is outlined in full accordance with:

- Article 34.1 of POCITYF's Grant Agreement ("Obligation to comply with ethical and research integrity principles");
- Charter of Fundamental Rights of the European Union (2000/C 364/01), Articles 3 (*Right to the integrity of the person*) and 8 (*Protection of personal data*);
- GDPR - Regulation (EU) 2016/679 of the European Parliament and of the Council;
- Code of Good Scientific Practice and Research Integrity defined in the contracts of the research projects (EUROPEAN COMMISSION, 2017) [1];
- Recommendation 11 of the Directorate-General for Research and Innovation (in 2012) regarding Ethical and Regulatory Challenges to Science and Research Policy at the Global Level: "*Following the Millennium Development Goal approach, the European Commission should work to engage all relevant sectors of society in contributing to the aspiration of benefit sharing*";
- EU's Opinion n.26 Ethics on Information and Communication Technologies (the Ethical aspects (EUROPEAN COMMISSION, 2012) [2];
- The Code of Conduct for the Recruitment of Researchers, European Community (2005);
- Relevant National Legislation of the countries that will collect and process data;
- Responsible Research and Innovation Guidelines (Von Schomberg, 2013) [3].

POCITYF's ethical policy is applicable to (EUROPEAN COMMISSION, 2017) [1]:

- a. All partners and related institutions where the research is developed;
- b. Principal researchers and their responsibilities to their institution and for their colleagues and all staff working in the 'unit' for which they exercise responsibility;
- c. Junior or other members of staff who are responsible to the principal researchers and may have responsibilities for the mentoring of students, research scientists and others that work with them;
- d. The relationships between research in an institution and other academic institutions at which work is undertaken in relation to multi-institution projects;
- e. The relationship between research in an institution and private companies at which work is undertaken in relation to any projects partially or wholly funded by private organisations;
- f. Responsibilities of students in developing data and the responsibilities of their mentors to assure that they are properly supervised and recognised.

POCITYF's Ethics management system encompasses:

- Project's Ethics Policy;
- Ethics Board;
- Project Coordinator;
- Ethics Manager;
- All Partners;
- Ethics Helpdesk;



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- Lighthouse and Fellow Cities Ethics Committees.

2.1. POCITYF's Ethics Policy

POCITYF abides to all national legal and ethical requirements of the Member States where the research is performed. Any data collection involving humans will be strictly held confidential at any time of the research. This means that:

- All the test subjects will receive detailed information in a session and in written form provided in the country's official language about:
 - POCITYF's objectives, goals, activities and partners;
 - POCITYF's planned project progress and the related testing and evaluation procedures;
 - For which purpose their information will be used; but how it will be collected, stored and processed (see also D11.8- Data Management Plan (DMP))
 - advice on unrestricted disclaimer rights on their agreement;
 - direct email and mobile phone contact of: POCITYF's Ethics Manager, the demonstrators' responsible persons, any other additional contact points that might be considered to be essential as the project evolves;
- POCITYF's methodologies (which data will be collected; the process by which the data is collected; the data storage: the IT solution, accesses and time frame of the repository - this information is initially presented in D11.8 - DMP, and will be updated for the next versions of that report);
- All the test subjects will be given the opportunity to provide their written consent to the monitoring and data acquisition process;
- All the subjects will be strictly volunteers;
- Personal data will be either anonymized or pseudo- anonymized, to be decided ad-hoc, further down, and will be described in D11.8 DMP next versions

POCITY also follows the opinions of various expert committees in the field¹ applying the **Responsible Research and Innovation Principles**: *“Responsible Research and Innovation is a transparent, interactive process by which societal actors and innovators become mutually responsive to each other with a view to the (ethical) acceptability, sustainability and societal desirability of the innovation process and its marketable products (in order to allow a proper embedding of scientific and technological advances in our society)”* (Von Schomberg, 2013) [3].

Therefore, POCITYF's products will be: **ethically acceptable**, that is they will comply *“(…) with the fundamental values of the EU charter on fundamental right (…) and with the safety protection level set by the EU”* (Von Schomberg, 2013) [3]; **sustainable**, contributing to the EU's objective of sustainable development, and **socially desirable**, responding to a society need.

This will be achieved by:

- A functional and dedicated Ethics Management System;

¹European group on ethics in science and new technologies to the European Commission



- Active dissemination of ethical concepts, namely the ones related with R&D and H2020 projects;
- Active identification, discussion and report (for future memory) about the possible grey areas or ethical dilemmas that the project might face during its running course;
- Ongoing ethical risk assessment that starts with the initial ethics self-assessment and further evolves into ethics follow-up in the Ethics Desk, in the Lighthouse and Fellow Cities Ethics Committees and in the Ethics Board;
- The consortium multidisciplinary and diversified team encompasses diverse technical fields, varied seniority levels, many nationalities, different type of partners and as such promotes a solid evaluation and follow up on ethical themes;
- Clear defined processes in the Grant Agreement and in all project management activities and subsequent deliverables.

The implementation of Responsible Research and Innovation will be sustained in five mechanisms: technology assessment and foresight; application of the precautionary principle; normative/ethical principles to design technology; innovation governance and stakeholder involvement and public engagement (Von Schomberg, 2013) [3].

2.2. POCITYF's Ethics Board

The POCITYF Ethics Board main objective is to provide ongoing support to the consortium concerning ethical and legal issues that may arise.

The Ethics Board was established on December 2019 and is chaired by the project's Ethics Manager (from EDPL) and a representative from each one of all consortium partners. Partners with reduced effort and limited scope will have the possibility to assign a proxy to represent them in this board, i.e., someone deeply involved, for instance, in the demonstration activities with a comprehensive view on the conducted and planned work. The main tasks and responsibilities of the Ethics Board are to ensure that POCITYF is proceeding in an ethically acceptable manner, aligned with the European and national regulations relevant to the project's activities pertaining, among others, to gender issues. The Ethics Board ensures:

- Application in all tasks and by all partners of the adequate ethical procedures as defined in the POCITYF's Consortium and Grant Agreement; D11.8 - DMP and D11.12 - *Cyber Data Security Management Plans*;
- Follow-through in all tasks and by all partners of the adequate ethical procedures as defined in the POCITYF's Ethics Policy, herein presented;
- A common level playing field on ethical issues for all participating partners;
- Close-cooperation with the Ethics Helpdesk of the European Commission.

The Ethics Board is headed by a representative of EDPL, the Ethics Manager (EM). The EM develops the Ethics activities in POCITYF. The Project Coordinator, who takes responsibility for the overall project management, including the activities related to quality, ethics and risks management of all partners, cooperate with EM to guarantee the correct operation of the POCITYF's Ethics Management System. The current composition of POCITYF Ethics Boards is presented in Table 1, Table 2, Table 3 and Table 4.



Table 1 Ethical Board members of Évora ecosystem

Partner No.	Partner name	Name
1	EDPL	Luísa Serra (Ethics Manager)
2	CME	Nuno Bilo
3	UNINOVA	Anabela Pronto
4	UEVORA	Luis Fialho
5	UW	João Peixoto
6	DECSIS	Rui Barroso
7	SE	Stefano Mangili
8	PACT	To be defined
9	SONAE	Maria Francisca Seabra
10	ONYX	Elena Rico
11	Tegola	Federico Cais
12	AMPS	Rainer Hoenig
13	Kimatica	Chris Oikonomou
14	INESCTEC	Vasco Rosa Dias

Table 2 Ethical Board members of Alkmaar ecosystem

Partner No.	Partner name	Name
15	GA	Tim Faassen
16	SEV	Mark de la Vieter
17	Inholland	Petra Bijvoet
18	HVC	Represented by GA
19	TNO	Vasiliki Georgiadou
20	Woonwaard	Thom de Wit
21	Van Alckmaer	David van Oostrom
22	DBL	Roel de Groot
23	Connexion	Represented by GA
24	ALI	Haike van de Vegte
25	Neroa	Jeroen Jansen



Table 3 Ethical Board members of the Fellow cities

Partner No.	Partner name	Name
26	GRACITY	Francisco Aranda
27	APEGR	Gonzalo Esteban López
28	ITeC	Jose Lucas
29	Bari	Luigi Ranieri
30	E@W	Giuseppe Mastandrea
31	MOC	Saša Heath-Drugovič
32	ZAG	Miha Jukić
33	UJP	Leo Weinek
34	EMI	Eszter Hajdu
35	Mol	Ms. Virginia Kokka
36	HVK	Charlotte von Hessberg
37	EGC	Elsebeth Terkelsen

Table 4 Ethical Board members of the Horizontal partners

Partner No.	Partner name	Name
38	CERTH	Panagiotis Tsarchopoulos
39	VTT	Julia Kantorovitch
40	ICONS	Charlotte Michi
41	RINA-C	Federica Fuligni
42	CIRCE	Miguel Zarzuela
43	AIT	Hans-Martin Neumann
44	EURADA	Tessa Anné
45	Enersis	Valerian Klemenz
46	RUG	Ceciel Nieuwenhout

2.3. POCITYF's Ethics Manager

POCITYF Ethics Manager is Luísa Serra from EDPL. Luísa is in charge of the project's Ethics Management System, presiding as well the Ethics Board and being responsible for the Ethics Board Management activities.

Her role will be to closely follow-up and advise research and other activities that might involve personal data protection, citizen participation or might present or evolve into an ethical problem.

She is also responsible for guaranteeing and fully sufficient overall level of awareness about ethical issues, constrains, and risk in all POCITYF partners, responding and managing all the questions that will arise throughout the project, especially throughout the demonstration activities, in what concerns the ethics domain.



2.4. POCITYF's Ethics Helpdesk

The POCITYF Ethics Helpdesk will scrutinize the research that will be conducted during the project, to guarantee that no undue risk for the user, neither technically nor related to the breach of privacy or sensitive information, is possible.

The Ethics Helpdesk has the responsibility of verify ex-ante all assessment tools and protocols within POCITYF Lighthouse and Fellow Cities, namely regarding their impact to business actors and end users before being applied to the sites. The Ethics Helpdesk must also assume responsibility for implementing and managing the ethical and legal issues of all procedures in the project, ensuring that each of the partners provides the necessary participation in POCITYF and its code of conduct towards the involvement of participants and the work with their data.

2.5. POCITYF's Lighthouse and Fellow Cities Ethics Committees

The Lighthouse and Fellow cities have its Ethics Committees, where one representative will be nominated, per site, as the responsible for following the project's recommendations and the National and European legislations during their demonstration and replication activities. They will have regular meetings (teleconferences and face-to-face meetings) several times per year and whenever some ethical theme must be discussed and or decided upon. These meetings can be included in the demonstrator's meetings. The Ethics Committees will operate in collaboration with the Ethics Board, in which there is always a member from which one of the cities, and will be followed closely by the Ethics Manager, whose assistance can always be requested even for more localised topics.

There will be a topic on Ethics in the project consortiums regular meetings (both in Consortium Plenary Board and Project Steering Committee's meetings), guaranteeing that the ethical issues are properly addressed and also that the whole consortium has a mature ethical awareness.

The decisions taken at the Consortium Plenary Board and Project Steering Committee's regarding ethics management will be cascaded through the Ethics manager in the Ethics Board. The ethics issues that might occur with the development of the project, or within the demos will be communicated upwards to the Consortium Plenary Board and the Project Steering Committee's by the WP leaders. If this channel fails, this communication will be made by the Ethics Manager.



3. POCITYF Ethical Risks

POCITYF's Ethical Risk will be managed under the POCITYF's Ethics Management System. Under this umbrella, the Ethics Board will meet periodically and will produce, annually, its ethics risk management status with a risk evaluation including self-assessment and the respective risk mitigation measures. The ethics risk management status is a shared responsibility of the Ethics Manager, the Project Coordinator, the Ethics Board and of all partners. It will be included (at least annually, during the Consortium Plenary Board) in the Ethics Board minutes. The ethics risk management status will be the ethical risk repository. This work will be done in cooperation with T11.2 - *Quality and Risk Management*, being reflected in the deliverables that this task will produce.

Based on the Guidance on *how to complete your ethics self-assessment* (EUROPEAN COMMISSION, 2019) [4]:

- POCITYF's research does not involve Human Embryonic Stem Cells (the section 1 of the questionnaire on Human Embryonic Stem Cells does not apply);
- POCITYF's research will involve human participants, that will voluntarily participate for technical and social-oriented research.

POCITYF participants will be informed about the objectives, methodologies and processes of the research in several actions such as technical/social sessions and workshops. They are also to be informed about the right to withdraw from the research in all phases of the project. The participants authorisation to participate will be given by their signature of the "Informed Consent" declaration along with a Project Information Summary.

When carrying out surveys, all personal data will be protected by avoiding collecting it without anonymising (or pseudo- anonymising) it and, in the cases where it is impossible to be avoided, explicit permission must be asked.

Personal data will be treated guaranteeing its confidentiality. All individuals will have the right to access their personal data at all times.

The ethical risks will be addressed at project level and per demonstrators in LHC and FC. In the current phase, the LHC and FC activities are still in an early phase. A detailed ethical-related risk assessment will only be possible when the technical definition of the transition tracks' solutions occurs. So, at this stage, a preliminary set of ethical risk list was identified in Table 5, 6, 7 and 8. These will be updated alongside the development of the project. Currently, the ethical risks are related to the technical developments within the transition tracks and deal essentially with issues of:

- Personal data privacy, security;
- Participants' integrity;
- Buildings' integrity;
- Human behaviour conditioning (gamification platform);
- Market system design (P2P platform).

These ethical risks and any other that might be identified as solutions are developed, will be thoroughly analysed in the first meeting of the Ethics Board to occur in June 2020, during the next Consortium Plenary Board meeting. Each one will be characterised in regard to the:

- Responsibility - which partner and specific person is in charge of managing the risk;



- Scope - which activities, partners, stakeholders, process, transition tracks they involve and impact;
- Probability of occurrence: low, medium or high;
- Impact - on an average situation, and on an extreme one - reputational, social, physical integrity;
- Mitigation measures, with responsible persons and deadlines;
- Overall contingency plan.

Table 5 Ethical Risks preliminary assessment (part A)

Risk	Description	Responsible
Personal data privacy, security	Data collection on energy and other domains will occur in several demonstration activities, that will also be digitally treated to feed in the Citizen Information Platform. Personal Data will be collected and treated to grant the C&D activities	Project Coordinator EDPL Quality and Risk Manager EDPL Demonstration coordinator EDPL C&D activities coordinator
Participants' integrity	There will be enabling real time monitoring and management of HVAC, lighting, energy consumption/production and other systems for small to medium buildings in an aggregated manner, to avoid the exposure of sensitive information. If any malfunction occurs, it might cause discomfort and/or illness.	Project Coordinator Quality and Risk Manager Demonstration coordinator LHCs' Site Managers
Assets' integrity	There will be enabling real time monitoring and management of HVAC, lighting, energy consumption/production and other systems for small to medium buildings. If any malfunction occurs, it might cause non-optimal operation to system failures.	Project Coordinator Quality and Risk Manager Demonstration coordinator LHCs' Site Managers
Human behaviour conditioning	The gamification platform aims to promote the interaction with energy creating tailored strategies for disseminating information focusing on decreasing energy waste and increasing energetic efficiency via a rewarding system. This will be developed for users in the different types of building at the different energy blocks. If this tool is not well designed, it might promote non-ethical behaviour.	Project Coordinator Quality and Risk Manager Demonstration coordinator LHCs' Site Managers Gamification platform developer (INESC)
Market systems design	Peer to Peer (P2P) energy trading will be demonstrated, where the users and owners of the buildings can buy from and sell to each other, energy, flexibility or both. If the platform is not well designed, it might condition the user to develop non-ethical strategies.	Project Coordinator Quality and Risk Manager Demonstration coordinator LHCs' Site Managers P2P platform developer (Kimatica)



Table 6 Ethical Risks' preliminary assessment (part B)

Risk	Scope (Activities)	Scope (Stakeholders)
Personal data privacy, security	WP2, WP4, WP6, WP7, WP8, WP10.	Consumers, citizens
Participants' integrity	WP4, WP6, WP7, WP8	Consumers, citizens
Buildings' integrity	WP2, WP4, WP6, WP7, WP8	Consumers, citizens
Human behaviour conditioning	WP2, WP4, WP6, WP7	Consumers, citizens
Market systems design	WP5, WP6, WP7	Consumers, citizens

Table 7 Ethical Risks' preliminary assessment (part C)

Risk	Probability	Impact (average)	Impact (worst case scenario)
Personal data privacy, security	Medium	Medium	High
Participants' integrity	Low	Low	Medium
Buildings' integrity	Low	Low	Medium
Human behaviour conditioning	Low	Low	Medium
Market systems design	Low	Low	Medium

Table 8 Ethical Risks' preliminary assessment (part D)

Risk	Mitigation measures	Contingency plan
Personal data privacy, security	DMP (D11.8) POCITYF's Advisor on EU Data Protection Law	Data Management plan (D11.8) Mitigation measures from the Risk & Quality Plan (D11.4)
Participants' integrity	Mitigation measures (D11.4)	Mitigation measures (D11.4)
Buildings' integrity	Mitigation measures (D11.4)	Mitigation measures (D11.4)
Human behaviour conditioning	POCITYF's Ethics Policy	Mitigation measures (D11.4)
Market systems design	POCITYF's Ethics Policy	Mitigation measures (D11.4)

From the tables above, one can conclude that the most relevant ethical risk currently identified is: *Personal data privacy, security*. Acknowledging this fact, POCITYF gives this risk a special focus and includes it in several Work Packages. In doing so, personal data privacy and security is treated within the corresponding deliverables, such as DMP(D11.8) and Quality Assessment, Risk Assessment and Contingency Plans (D11.4), among others. This is a preliminary Ethical Risks assessment that will be reviewed both periodically or on an ad-hoc basis, and as such will be updated whenever an activity raises an ethical issue. Before the beginning of any activity that might raise an ethical issue, each beneficiary must have obtained:

1. any Ethics Committee opinion required under national law; and



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2. any notification or authorisation for activities raising ethical issues required under national and/or European law needed for implementing the action tasks in question. POCITYY will choose the most restrictive one.

The documents must be kept on file and be submitted upon request by the Ethics Manager or Project Coordinator to the Agency. If they are not in English, they must be submitted together with an English summary, which shows that the action tasks in question are covered and includes the conclusions of the committee or authority concerned (if available). The English summary does not need to have a certification of translation.



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4. POCITYF and General Data Protection Regulation

Following the European Commission guidelines, POCITYF will identify and protect the data with characteristics that qualify as personal data and sensitive data (EC, 2012). POCITYF will also establish the conditions of personal data storing, processing, accessing and eliminating through a transparent process in which the data cannot be used without explicit consent that can at all times be withdrawn by the data owner, to whom the right to deletion is also granted. This topic, herein addressed, is being and will be thoroughly tackled in POCITYF Data Management Plans.

POCITYF will fully comply with any European and national legislation and directives relevant to the country where the data collections are taking place (International/European):

- The Universal Declaration of Human Rights and the Convention 108 for the Protection of Individuals with Regard to Automatic Processing of Personal Data;
- Directive 95/46/EC & Directive 2002/58/EC of the European parliament regarding issues with privacy and protection of personal data and the free movement of such data;
- Core ethical issues and with the European Charter of Fundamental Human Rights and as well as with any relevant EU standard in the fields of privacy and data protection.

Moreover, to protect the privacy rights of participants, best practice principles will be followed, which include:

- No data will be collected and treated outside the legal bases defined by the GDPR, the Data Owner will always have access to the full information about treatment, protection, and how to carry out his/hers rights. This involves being open with participants about what they are involving themselves in and, for data collection and treatments which are requiring the explicit consent ensuring that they have agreed fully to the procedures/research being undertaken;
- No data collected will be sold or used for any purposes other than the current project;
- A data minimisation policy will be adopted at all levels of the project and will be supervised by each LHC Site Manager. This will ensure that no data which is not strictly necessary to the completion of the current study will be collected;
- Any shadow (ancillary) personal data obtained during the research will be immediately cancelled. However, the plan is to minimise this kind of ancillary data as much as possible;
- Compensation - if and when provided - will correspond to a simple reimbursement for working hours lost as a result of participating in the study; special attention will be paid to avoid any form of unfair inducement. The implementation and deployment of POCITYF framework will be performed in Lighthouse cities in Portugal (Évora) and The Netherlands (Alkmaar) and Fellow Cities in Spain (Granada), Italy (Bari), Slovenia (Celje), Hungary (Ujpest), Greece (Ioannina),



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Denmark (Hvidovre) under the leadership of LHCs' Site Manager and the Replication Manager.

4.1. Code of Conduct for Data Management

POCITYF has defined a specific Code of Conduct for Data Management to establish the correct behaviour and corresponding principles in relation to data collection and processing. In doing so compliance with an adequate ethical performance and legislation is guaranteed.

The POCITYF Ethics Code of Conduct for Data Management encompasses the following 6 principles:

- I. **Ownership** - Who is the owner of the data? Individuals own their own data.
- II. **Transaction transparency** - What access is given to the owner and how transparent is the access. A transparent access for the use of the individual's personal data has to be established, the individuals should have full and transparent access to the algorithms used to generate and aggregate the data sets.
- III. **Consent** - Which individuals or other entities need to give consent to use the data (individuals or other entities shall be explicitly informed of what personal data moves to whom, when and for what purpose from the owner of the data)?
- IV. **Privacy** - What efforts and measures are in place to ensure data privacy (in terms of data processing, the project partners are obliged to invest all reasonable effort to preserve the privacy of the individual)?
- V. **Currency** - If applicable, what is the financial value of the personal data and how is that communicated with the owner of the data (individuals shall be explicitly informed of any financial transactions resulting from their data)?
- VI. **Openness** - how much of the aggregate data sets are freely available (if applicable, under adherence to point 1. - 5. aggregated data should be freely available)?

These principles shall maintain the responsible and sustainable use of the data generated and processed in POCITYF. The ethical code of conduct shall further serve as a complement to the mere compliance with data protection laws and current regulations (specified in the next section). In fact, the code of conduct of POCITYF shall reflect a principle that promotes honesty and genuine transparency in data management.

4.2. Data collection procedures

POCITYF project engages multiple cities collecting multiple sets of data and carrying out various measurements of data per city. So, among there, will be differences in the applicable (local) legislation, the project stakeholders (internal and external) and the citizens affected by the data collection.

To guarantee the uniformity of approaches, and besides the POCITYF ethical code of conduct for data management, any data generation and acquiring activity involving humans will be strictly held confidential at any time of the research. This entails the following practical actions, to which each project partner shall obey, concerning the interaction with both volunteers and individual stakeholders:

- Explicitly inform all participants about the first 6 principles of the code of conduct and give them the opportunity to provide their consent to the data management process (Why are data being collected? How are data going to be used? For how long



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will they be stored? How may the process be amended by the individual concerned?);

- Ensure that the volunteers shall be informed about the data security measures in place (see D11.8 - DMP) to avoid potential identification of individuals.

The briefing and information provided shall be conducted in the volunteers' native language. Additional information provided shall include (i) a written description of the project and its goals; (ii) the project's progress and the related testing, evaluation and validation procedures (respecting POCITYF confidential information); and (iii) information on unrestricted disclaimer rights on their agreement.

The project will also collect through the website or other means for Communication and Dissemination activities the data protection policy applied will be published on the website but will generally respect the above-mentioned principles.

The legislation applicable to the data collection is detailed in this section.

For Évora Lighthouse in Portugal, the Relevant national legislation includes:

- *Personal Data Protection (Law 58/2019 of 8th August)*
- *“Constitution of the Portuguese Republic - Article 35 (Use of computerized data)”*

Whereas relevant authorities include:

- *PD - Comissão Nacional de Protecção de Dados*, the Portuguese Data Protection Authority, <http://www.cnpd.pt/>

For Alkmaar Lighthouse in The Netherlands, the relevant national legislation includes:

- Dutch Data Protection Act (*Wet bescherming persoonsgegevens*: <http://wetten.overheid.nl/BWBR0011468/2016-01-01>)
- Dutch Data Protection Authority (*Autoriteit persoonsgegevens*, <https://autoriteitpersoonsgegevens.nl/en/node/1930>)

For Granada FC in Spain the relevant national legislation includes:

- *“Ley Orgánica 15/1999, de 13 de diciembre, de Protección de Datos de Carácter Personal”* NOT IN FORCE ANYMORE, ONLY IN SOME VERY FEW SPECIFICITIES
- Ley Orgánica 3/2018, de 5 de diciembre, de Protección de Datos Personales y garantía de los derechos digitales. MAIN NATIONAL LAW
- *Ley 37/2007, de 16 de noviembre, sobre reutilización de la información del sector público de transposición de la Directiva 2003/98/CE, de 17 de noviembre de 2003* FOR PUBLIC ADMINISTRATIONS
- *La Ley 1/2014, de 24 de junio, de Transparencia Pública de Andalucía* IN GRANADA ECOSYSTEM (ANDALUSIA)
- *“Ley 5/2002 (Comunidad Autónoma de Cataluña), de 19 de abril, de la Agencia Catalana de Protección de Datos”* ONLY FOR ITeC PARTNER

Relevant national authorities include:

- *Agencia de Protección de Datos*: website <https://www.agpd.es/>
- *Fundación Española para la Ciencia y la Tecnología (FECYT)* <http://www.fecyt.es/>



For Bari FC in Italy, the relevant national legislation includes:

- The code for the protection of personal data is a rule of the Italian Republic, issued with the Legislative Decree 30 June 2003, n. 196, in force since 1st January 2004.
- On 4 May 2016, the new General Data Protection Regulation (GDPR, EU Regulation 2016/679) was published in the Official Journal of the European Union, directly applicable, which is in force from 25 May 2018. Therefore, on 19 September 2018, Legislative Decree 10 August 2018, n. 101 to adapt the national legislation according to the new regulation.

Relevant national authorities include:

- <https://www.garanteprivacy.it>

For Ujpest FC in Hungary, the relevant national legislation includes:

- The Hungarian Law “2011. évi CXII. törvény az információs önrendelkezési jogról és az információszabadságról”
- English: law no. CXII/2011 for the right to self-determination of information and freedom of information)

Relevant national authorities include:

- *Nemzeti Adatvédelmi és Információszabadság Hatóság* (in English: National Authority for Data Protection and Freedom of Information) <http://www.naih.hu/index.html>

For Celje FC in Slovenia, the relevant legislation on national level

- Zakon o varstvu osebnih podatkov (ZVOP-1) Uradni list RS, št. 94/07 - uradno prečiščeno besedilo.
- English: Personal Data Protection Act (ZVOP-1) Official Gazette RS, no. 94/07 - officially refined text.
- Energetski zakon (EZ-1) Uradni list RS, št. 60/19 - uradno prečiščeno besedilo.
- English: Energy act (EZ-1) Official Gazette RS, no. 60/19 - official consolidated text.

Relevant national authorities include:

- Informacijski pooblaščenec (English: Information commissioner) www.ip-rs.si

For Ioannina FC in Greece, the relevant national legislation includes:

- “Law 2472/1997 on the protection of individuals with regard to the processing of personal data (and its amendment by Law 3471/2006 “Protection of personal data and privacy in the field of electronic communications and amendment of Law 2472/1997”) of the Hellenic Parliament”
- Law 4624/2019 “Hellenic Data Protection Authority (HDP), measures for implementing Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data, and transposition of Directive (EU) 2016/680 of the



European Parliament and of the Council of 27 April 2016 and other provisions.”, applied from 29/8/2019

- Regulation (EU) 2016/679 (GDPR) « Protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.»

Relevant national authorities include:

- Regulatory authorities and ethical committees: Hellenic Data Protection Authority <http://www.dpa.gr/>

For Hvidovre FC in Denmark, the relevant national legislation includes:

- Act No. 502 of 23 May 2018 - Act on supplementary provisions to the regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the Data Protection Act)

Relevant national authorities include:

- The Danish Data Protection Agency (<https://www.datatilsynet.dk/english/>)
- The Danish ministry of justice.



5. Conclusions

The present deliverable constitutes the first version of the Ethical Monitoring and GDPR Conformation Plan at the time of delivery, that is March 2020. This deliverable presents the ethical-related structure of POCITYF, clarifying the involved entities and persons alongside the role that each will take. In doing so the project is to be fully compliant with relevant national and European legislation, also dully identified in this document.

In terms of ethics-oriented risks, the most relevant is: *Personal data privacy and Security*, being managed across several WPs (WP2, WP4, WP6, WP7, WP8 and WP11) and included in several deliverables - *DMP* (D11.8), *Quality Assessment*, *Risk Assessment and Contingency Plans* (D11.4), among others.

The POCITYF's Project Management Team, supported by the Ethics Board, will regularly reflect with consortium members to refine and update the ethics risks and respective mitigation measures. As such more detailed and up to date ethical risk assessments will be added as they become available through the ongoing work in the POCITYF's Ethics Management System.

The ethical risk assessments will be updated at least once per year in the Ethics Board annual meetings (the first to occur before M11 of the project, in parallel with the Consortium Plenary Board meeting).



References

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- [4] European Commission, Guidance on how to complete your ethics self-assessment, Brussels, February 2019.



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