



**DECISION OF THE EUROPEAN DATA PROTECTION SUPERVISOR ON THE ADOPTION OF AN ETHICS FRAMEWORK  
AND THE APPOINTMENT OF AN ETHICS OFFICER**

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, laid down in Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) N° 45/2001 and Decision N° 1247/2002/EC<sup>2</sup>.

Whereas:

- (1) In accordance with Article 55.1 of Regulation 2018/1725, the Supervisor shall act in complete independence in the performance of his or her duties.
- (2) In accordance with Article 54.4 of Regulation 2018/1725, the Supervisor shall be assisted by a Secretariat, whose members are exclusively subject to his or her direction.
- (3) In accordance with Article 3(2) of the Rules of Procedure, the Supervisor shall ensure the proper functioning of the services available for the performance of

<sup>1</sup> OJ L 56, 4.3.1968, p. 1 Last amended by Regulation (EC, Euratom) No 723/2004 (OJ L 124 of 27.4.2004, p. 1).

<sup>2</sup> <https://edpsnet.in.ep.europa.eu/files/live/sites/edpsnet/files/EDPS/edps-organisation/edps-procedures-notes-decisions/Regulation%202018-1725.pdf>



the tasks of the institution, taking into account the principles of good governance, good administrative behaviour and good management.

In accordance with Article 15 of the Rules of Procedure, the core values of the institution are impartiality, integrity, transparency and pragmatism.

- (4) The guarantee of Ethics is a collective endeavour for the whole organisation, but its promotion and definition is the responsibility of the Supervisor.
- (5) The EDPS is committed to take the necessary raising awareness actions to ensure that current and future members of the Secretariat and the Supervisor are aware and have understood their obligations under this Ethics Framework.
- (6) The EDPS, in the Code of Conduct for Staff, has put in place measures to avoid situations where any staff member may have a conflict of interest resulting from previous occupational activities or from personal relationships.
- (7) The EDPS, in the Code of Conduct for the Supervisor, has put in place procedures to reaffirm the principles from which the Supervisor will act impartially and objectively when performing his/her tasks, following the highest professional standards, integrity and transparency.
- (8) The EDPS, in the Decision on Disciplinary Proceedings and Administrative Investigations, has taken the necessary measures to ensure a solid and professional conduct when dealing with administrative inquiries and disciplinary procedures.
- (9) The EDPS, in the Decision on Whistleblowing, has put in place procedures to ensure that all staff members understand their obligations on reporting any possible illegal activity that they may be aware.
- (10) The EDPS, in the Anti-harassment Decision has put in place formal and informal procedures to prevent and to deal effectively and efficiently with any actual or potential cases of psychological or sexual harassment at the workplace.



(11) The EDPS, as a credible and respectful institution, is aligned with the principles of impartiality, integrity, transparency and pragmatism<sup>3</sup>.

(12) Members of staff shall comply with the provisions of the EDPS ethics framework. The conduct of staff shall neither undermine their professional integrity and impartiality nor harm the reputation of the institution.

(13) In the event of a conflict of interest or long-term absence of the Ethics Officer, it will be necessary to appoint a Deputy Ethics Officer.

Having consulted the Staff Committee of the EDPS,

HAS DECIDED AS FOLLOW:

## CHAPTER I

### *Ethics Framework*

#### **Article 1**

The Ethics Framework of the EDPS governs the conduct of the Supervisor and all the staff members, including detached national experts, trainees and all other external staff, in their relations with other EU Institutions, with other stakeholders, and with the general public at large.

Save as otherwise provided by the Memorandum of Understanding between the EDPS and the EDPB<sup>4</sup>, the conduct of members of the Secretariat providing assistance to the Secretariat of the EDPB shall also be governed by this Ethics Framework.

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<sup>3</sup> Article 15 of the Rules of Procedure - EDPS decision of 17/12/2012 (OJ L273/41 of 15/10/2013)

<sup>4</sup> Art. 75.4 of the General Data Protection Regulation



## **Article 2**

The Ethics Framework includes the following administrative decisions and policies documents as:

- a) Code of Conduct for Staff Members
- b) Code of Conduct for the Supervisor
- c) Whistleblowing Decision
- d) Decision on Disciplinary Proceedings and Administrative Investigations
- e) Anti- Harassment Decision, and
- f) Any other future legal or policy document adopted in the future, which refers to this Ethics framework and which will be joined in an Annex by decision of the Director.

## **CHAPTER II**

### *The Ethics Officer of the EDPS*

## **Article 3**

An Ethics Officer shall be appointed for a maximum period of 5 years, renewable once. He or she shall ensure the institution's internal control on ethics, reporting of improprieties, allegations, complaints and potential conflicts of interest. He or she shall raise awareness so the behaviour of the Supervisors and the members of the Secretariat is aligned with the standards laid down, ensuring that they are accountable for the highest levels of ethical standards.

## **Article 4**

In the event of a conflict of interest or long-term absence of the Ethics Officer a Deputy Ethics Officer shall be appointed.



## Article 5

The tasks of the Ethics Officer shall include:

- a) Raising awareness of the administrative decisions and policy documents of this Ethics Framework and proposing amendments to these texts where necessary and developing and maintaining ethics declaration forms;
- b) Providing advice on ethics issues upon request;
- c) Hearing reports of improprieties, allegations, complaints and potential conflicts of interest, intervening and where appropriate reporting any detected deviations as provided in the administrative decisions and policy documents of this Ethics Framework;
- d) Report to the Management Board of the EDPS, where appropriate and at least once per year, on the implementation of the Ethics Framework of the EDPS; where appropriate, and subject to the Memorandum of Understanding between the EDPS and the EDPB, the Chair of the EDPB will also be informed.

## Article 6

This decision shall enter into force on the date of its signature.

Brussels, 12 November 2019

A handwritten signature in blue ink, appearing to read 'Wojciech Wiewiorowski', is written over a horizontal line.

Wojciech WIEWIOROWSKI

Assistant Supervisor