

DATA PROTECTION ENGINEERING

CALL FOR APPLICATIONS FOR THE SELECTION OF MEMBERS OF ENISA AD HOC WORKING GROUP ON DATA PROTECTION ENGINEERING

1. INTRODUCTION

The EU legal framework on privacy and data protection aims to better control the processing of personal data while ensuring an adequate level of protection. A key element for personal data protection is the proper use of security measures and privacy enhancing technologies as they offer practical protection mechanisms and support the application of legal provisions. This is exactly the line of activities that ENISA has been engaged in since 2015. Regulation (EU)2019/881 (referred to as CSA in the rest of the document) has further reiterated the role of cybersecurity and foreshadows a number of actions for ENISA. These actions include:

- Promote security-by-design and privacy-by-design (Recital 41);
- Support Member States in the implementation of specific cybersecurity aspects of Union policy and law relating to data protection and privacy (Article 5 (5) (c));
- Establish synergies with Union institutions, bodies, offices and agencies and with supervisory authorities dealing with the protection of privacy and personal data, with a view to addressing issues of common concern (Article 7 (2))

Over the years, ENISA has published a number of reports in the areas of privacy and data protection focusing on privacy by design, Privacy enhancing technologies (PETS), pseudonymisation and security of personal data protection. In addition, ENISA organizes, since

2012, the Annual Privacy Forum¹ which aims to bring together researcher and policy makers to share and discuss most recent data protection and privacy trends and challenges.

To continue providing such technical support in the area of data protection, ENISA seeks the involvement and support of stakeholders to contribute to the comprehensive coverage of ENISA outputs with suitable advice and expertise concerning, important aspects thereof.

2. BACKGROUND OF THE AD HOC WORKING GROUP

Regulation (EU) 2019/881, Article 20, stipulates that the the Executive Director of ENISA may set up ad hoc working groups (AHWG) composed of experts, including experts from the Member States' competent authorities, where necessary and within ENISA's objectives and tasks. Ad hoc working groups provide ENISA with specific advice and expertise. Prior to setting up an ad hoc working group, the Executive Director of ENISA shall inform the Agency's Management Board.²

Along these lines, ENISA seeks to interact with a broad range of stakeholders, including researchers, academia, data protection practitioners, data protection supervisory authorities, SMEs, consumer groups, service providers, for the purpose of collecting input on a number of relevant aspects including but not limited to:

- Technical and organizational aspects of data protection engineering;
- Data protection by design and default;
- Privacy enhancing technologies and
- Security of personal data processing

Skills indicating significant knowledge in the above mentioned areas constitute the main elements that will be used as basis for the selection of ad hoc working group (AHWG) members (see selection criteria in Section 11).

3. SCOPE OF THE AD HOC WORKING GROUP ON DATA PROTECTION ENGINEERING

The scope of the work of this ENISA Ad Hoc Working Group concerns the analysis of available or emerging technologies and techniques on engineering data protection principles (as stipulated by the GDPR) into practise.

The AHWG will support ENISA on identifying, analysing and putting forward analyses, recommendations and relevant use cases on how (cybersecurity) technologies and techniques can support engineering data protection and the fulfilment of the GDPR data protection principles.

To support the ENISA activity in the area of, the AHWG will:

¹ Annual Privacy Forum <https://privacyforum.eu/>

² Article20 (4) of Regulation (EU) 2019/881.

- Identify significant topics related to data protection engineering;
- Provide guidance on how to analyse these topics in order to achieve the goals of the study;
- Discuss and possibly draft opinions, if requested;
- Support drafting of analysis on specific topics, if requested;
- Deliver input to and review documentation related to ENISA activities and outputs in the area of privacy and data protection;
- Contribute to the validation of outputs in relation to privacy and data protection and
- Generally advise ENISA in carrying out its tasks in relation to cybersecurity aspects in privacy and data protection.

The preliminary estimate of the duration of the ad hoc working group is for up to three (3) years from the kick off date of this working group to 31 December of the third year, i.e. 31 December 2025; any further extensions of the mandate of this ad hoc working group are possible, if the scope of the work requires an extended engagement of the AHWG and there is suitable authorisation thereto.

ENISA may terminate this AHWG before its foreseen duration comes to an end.

The first year this ad hoc working group will support ENISA in the development of the work related to Output “2.3. Provide advice, issue technical guidelines and facilitate exchange of good practices to support MS and EC on the implementation of cybersecurity policies in particular eID and the trust services framework, EECC and its implementing acts, as well as security measures for data protection and privacy”, as foreseen in the ENISA Single Programming Document 2022-2024 under Activity 2 - Supporting implementation of Union policy and law. Further designations will be provided on the basis of the evolution of the annual work programme of ENISA.

4. APPOINTMENT OF MEMBERS AND OBSERVERS

The members of the AHWG shall be appointed ad personam by the Executive Director of ENISA from a list of suitable applicants duly selected in line with this call and shall act independently and in the public interest.

If there are more suitable candidates than the number of members needed for the AHWG, a reserve list of candidate members will be established.

Should members no longer be able to contribute effectively to the group’s deliberations, or should members in the opinion of ENISA not comply with the conditions set out in Article 339 of the Treaty on the functioning of the European Union or should members resign or become otherwise indisposed, they shall no longer be invited to participate in any meetings of the AHWG and may be replaced by a candidate member from the reserve list for the remaining duration of the AHWG. A candidate from the reserve list would be appointed by the Chair of the AHWG.

ENISA plans to initially select an initial number of members (up to 15 members). Depending on the needs and the perceived requirements of this AHWG to carry out its duties, ENISA may further draw more members from the reserve list, up to the maximum authorised number.

The selection of members is based on their personal capacity and on the fact that they have a demonstrable skillset in areas indicated in Section 2 and Section 11 of this document.

The members are expected to participate actively to AHWG meetings and to contribute to the work of the AHWG. It follows that a time commitment is necessary and prospective members of the AHWG need to make sure that they have such time available and if necessary request permission.

4.1 CONDITIONS FOR OBSERVERS

Representatives of EU bodies, offices or agencies, European and international standardisation bodies, EU/EEA MS public authorities and international organisations, consumer associations, may be invited to nominate representatives as observers. Such observers generally bear their own expenses. Observers are not considered as members of the AHWG.

5. ORGANISATION OF THE AD HOC WORKING GROUP

ENISA staff will be designated as Chairperson (alternate Chairperson, as appropriate) and Secretariat of the AHWG. The Chairperson may select up to two vice Chairpersons from the group members to support the Chairperson for specific tasks; ENISA staff members are equally eligible to carry out vice Chairpersons tasks, beyond the above stated number, as appropriate.

The AHWG may have Rapporteur(s) who ensure that draft reports or opinions are prepared, if necessary within a set of time period. The work of the Rapporteur is terminated when the AHWG adopts the report or opinion.

Rapporteurs are eligible to be remunerated for their services as per the ENISA financial regulation and they may be reimbursed for their expenses to participate in the meetings according to the ENISA reimbursement rules.

The membership of an AHWG is generally limited to thirty (30) members. The selection of these members can be rolling and dynamic, depending on the actual needs of the AHWG.

In principle, the AHWG shall convene online, in ENISA premises or as otherwise decided on a proposal of the Chair. The bulk of the work would be carried out remotely; conference calls or video conferencing are permitted and encouraged for exchanges between members. Support and planning will be provided by ENISA as appropriate.

ENISA shall ensure interaction and or consultation with the other ENISA advisory bodies, and or other stakeholders throughout the lifespan of the AHWG as appropriate.

A minimum of 4 meetings per calendar year are foreseen and, in addition to the meetings, a minimum of four days of active engagement.

6. CONFIDENTIALITY AND DECLARATIONS OF INTEREST

The members of the AHWG, as well as invited experts and observers, are subject to the obligation of professional confidentiality according to Article 27 of Regulation (EU) 2019/881.

AHWG members are also subject to the conditions of Regulation (EC) No 1049/2001 on access to documents³.

When members of the AHWG are invited to bring forward their views on aspects or topics related to the work of the AHWG, they may need to be able to consult with their organisations or parties related to them outside their organisation to the extent necessary. They likewise need to be able to share information within their organisation or other relevant parties on a need-to-know-basis, unless the information is indicated in writing, or by announcement of the (Vice)-Chair as confidential. Information produced by the AHWG can only be made public upon prior approval of the Chair.

After ENISA has published the list of appointed AHWG members, AHWG members may disclose their membership in this AHWG to the public and describe the general scope of the work of the AHWG.

The members of the AHWG are subject to the obligations of Article 25 (2) of Regulation (EU) 2019/881. Before the start of the first meeting, each member shall declare in writing, that if there are any interests that might be considered to be prejudicial to their independence in relation to the items on the agenda, he or she shall abstain from participating in the discussion of and voting on such items. This applies only to the topic of the agenda meaning that (additional) participants/AHWG members can fully participate in the meeting related to the remaining topics.

As already mentioned, the members of the AHWG are subject to the obligations of Article 27 on Confidentiality of the Regulation (EU) 2019/881. Each member of the Ad Hoc Working Group shall comply with the confidentiality requirements of Article 339 TFEU, even after their duties have ceased. Before the start of the first meeting, each member should submit in writing a confidentiality statement. The agenda of the meeting will be provided ultimately 4 working days before the start of the meeting.

If an item on the agenda is subject to abstinence of the participation in the discussion the AHWG member concerned will bring this forward without undue delay, and ultimately 2 working days before the start of the meeting.

The signed declaration forms of AHWG members are subject to Article 26 (2) of Regulation (EU) 2019/881 meaning that the Agency is obligated to make the declarations on interest public in a register. Upon the dissolution of the AHWG the declarations of interest of all members will be removed from the public register. If members leave the AHWG before the dissolution of the AHWG, the data will likewise be removed from the public register.

7. PERSONAL DATA PROCESSING

Personal data shall be collected, processed and published in accordance with Regulation (EU) 2018/1725⁴. For further information, please refer to the data protection notice that is available as a separate document with the call.

³ 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 documents. Exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process

⁴ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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) No 45/2001 and Decision No 1247/2002/EC.

8. REIMBURSEMENT OF MEMBERS

Members of an AHWG may be reimbursed for their travel and subsistence expenses. If a member is from a location other than the location required for the provision of services or place of meeting, the following expenses are then eligible:

1. Travel expenses (economy class flight or 1st class train – whichever is more cost effective) from the European country/city in which the member is officially registered to another European city.
2. A “per diem” applicable to the country in which the meeting will take place. This allowance is set by the European Commission⁵ and it covers all daily living expenses including hotel, meals, local travel etc.
3. No other claims for living or transportation costs will be accepted.

Members may select to refrain from being reimbursed on the basis of personal or professional considerations; in this case they remain eligible to apply.

Representatives of Member States and observers are neither remunerated nor reimbursed, except in duly justified cases, to be determined by the Chair of the AHWG.

9. APPLICATION PROCEDURE

Individuals interested are invited to submit their application to ENISA via the dedicated form on the ENISA web site. Applications must be completed in one of the official languages of the European Union. However, applications in English would facilitate the evaluation procedure. If a language other than English is used, it would be helpful to include a summary of the CV and/or the application in English and send it to DPEcall [at] enisa.europa.eu. An application will be deemed admissible only if it is submitted before or on the deadline.

Each applicant must specify whether they apply for full membership as an individual, or they apply for ‘observer’ status as representative of a potential observer organisation.

9.1 DEADLINE FOR APPLICATION

The duly completed applications must be submitted by 15th February 2022 12:00 noon EET (Athens time zone). The date and time of submission will be established on the website upon submission of an application.

10. TERMINATION OF THE MANDATE OF THE AD HOC WORKING GROUP AND DISSOLUTION

At the moment the tasks of the AHWG are completed, the end-of-life phase of the ad hoc working group will follow. ENISA reserves the right to terminate the AHWG at any moment if there is not anymore a need for such AHWG.

⁵ The latest rates are available to download from https://ec.europa.eu/international-partnerships/system/files/per-diem-rates-20200201_en.pdf



11. SELECTION CRITERIA

ENISA will take the following criteria into account when assessing applications:

- **Relevant competence** (e.g. technical, legal, organisational or a combination thereof) **indicated through track record and experience in the area of data protection engineering**, as set out in Section 2 of this document, in particular regarding technical and organizational aspects of data protection, data protection by design and default, privacy enhancing technologies, security of personal data processing and technical aspects of compliance with EU and national laws on privacy and data protection.
- **Ability to deliver technical advice at the tactical level**, including those of scientific or technical nature, on issues relevant to privacy and data protection.
- **Good knowledge of English** allowing active participation in the discussions, and in the drafting of related reports or opinions.

ENISA promotes equal opportunities and accepts applications without any concern on grounds of sex, racial or ethnic origin, religion or belief, age or sexual orientation, marital status or family situation. The composition of the AHWG will strive for gender balance depending on applications likely to be received. Applications from disabled candidates are encouraged.

For a balanced composition of the AHWG ENISA will take into account also other factors such as geographical spread of representation, coverage of different sectors of the classical economy, personal experience, ability to liaise with the target community they represent, balance among selected members to cover both experience and knowledge in relevant technical areas but also on the deployment, on compliance and relevant research areas.

The members of ad hoc working groups are selected according to the highest standards of expertise, aiming to ensure appropriate balance according to the specific issues in question, between the public administrations of the Member States, the Union institutions, bodies, offices and agencies, and the private sector, including industry (including SMEs), users, and academic experts.

12. SELECTION PROCEDURE

The selection procedure shall consist of an assessment of the applications performed by ENISA as appropriate against the selection criteria mentioned above in this call, followed by the establishment of a list of the most suitable applicants. This selection procedure is concluded with the appointment of the members of the AHWG by the Executive Director of ENISA.