

# CALL FOR APPLICATIONS FOR THE SELECTION OF MEMBERS OF THE EXPERT GROUP “BUSINESS-TO-GOVERNMENT (B2G) DATA SHARING”

## ON ACCESS TO AND (RE-)USE OF PRIVATE SECTOR DATA FOR PUBLIC INTEREST PURPOSES

### 1. Introduction

Public sector bodies need to modernise their functioning by taking advantage of new data sources in order to become more data-driven and cost-efficient. Some have begun assessing data analytics to guide policy decisions or improve public services through pilot projects. Data held by companies such as telecoms operators, online platforms, car manufacturers, retailers or social media is highly relevant in this context. Its use can lead to a more targeted response to epidemics, better urban planning, improved road safety and traffic management, better environmental protection, market monitoring or consumer protection.

The 2017 [Communication “Building a European Data Economy”](#)<sup>1</sup> discussed these opportunities. In the [mid-term review](#) of the Digital Single Market strategy the Commission committed to exploring this issue further. The results of the [public consultation on the review of the Directive on the re-use of public sector information](#) showed support for improving access to private sector data by public authorities for public interest purposes in general (“business-to-government” or “B2G” data sharing). However, private sector data-holders expressed concerns over data confidentiality, perceived risks to companies’ commercial interests and compensation allowing companies to recover the investments made into collecting or adapting the data.

To address these concerns, the Commission outlined governing principles for B2G data-sharing collaborations to ensure that they are fair in its [Communication ‘Towards a common European data space’](#)<sup>2</sup> of 25 April 2018. These principles are accompanied by [Guidance on private sector data sharing](#)<sup>3</sup> which details practical and legal considerations of B2G data collaborations. The Commission also committed to setting up an expert group on access to and re-use of private sector data for public interest purposes – business-to-government data sharing.

### 2. Background

The Commission’s Directorate-General for Communication Networks, Content and Technology (“DG CNECT”) has setup the expert group “B2G Data Sharing” on access to and re-use of private sector data for public interest purposes (“the group”).

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<sup>1</sup> COM(2017) 9 final

<sup>2</sup> COM(2018) 232 final

<sup>3</sup> SWD(2018) 125 final

The group's tasks shall be to assist the Commission by:

1. identifying good practices on private sector data sharing in B2G contexts in order to contribute to more efficient and better public service delivery and/or more reliable and evidence-based policymaking in fields such as statistics, traffic management, protection of the environment, crisis management and natural disasters, food safety, protection of human and animal health, development and cooperation, management of smart cities, etc.;
2. assessing the legal, economic and technical obstacles preventing B2G data sharing, and advise on actions to promote B2G data-sharing for public interest purposes;
3. giving recommendations to the Commission on how to further develop its policy on the re-use of private sector data for public interest purposes in the European Union.

In particular, the group shall:

1. evaluate the principles, collaboration modes and technical means outlined in the [Staff Working Document](#) 'Guidance on sharing private sector data in the European data economy', and endorse a framework for private sector data sharing for public interest purposes;
2. define and encourage B2G pilot collaborations to test the guidance<sup>4</sup> and facilitate the exchange of good practices amongst members and with the Commission;
3. advise the Commission on new areas for potential support for B2G data sharing through the EU's Research and Innovation Framework Programme or other programmes, and on future policy actions and next steps to enhance the re-use of private sector data for public interest purposes.

The group's conclusions and recommendations to the Commission shall be included in a report that may be used as input for possible future Commission initiatives on B2G data sharing.

The Commission is calling for applications with a view to selecting members of the group.

### **3. Features of the Group**

#### **3.1. COMPOSITION**

The group shall consist of up to 24 members.

Members shall be individuals appointed in a personal capacity (type A members in the sense of the Commission's horizontal rules on expert groups<sup>5</sup>), with knowledge on sharing private sector data with public organisations and re-using it for public interest purposes. They shall act independently and in the public interest.

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<sup>4</sup> SWD(2018) 125 final

<sup>5</sup> Commission Decision establishing horizontal rules on the creation and operation of Commission expert groups (C(2016) 3301 final, art. 7.2 a)).

### 3.2. APPOINTMENT

Members shall be appointed by the Director-General of DG CNECT from applicants complying with the requirements referred to in chapter 5 of this call.

Members shall be appointed until December 2019 or until the group is dissolved. They shall remain in office until replaced. Their term of office may be renewed.

DG CNECT shall appoint alternate members, in accordance with the same conditions as members, who shall automatically replace any members who are absent or indisposed<sup>6</sup>.

In order to ensure continuity and the smooth functioning of the group, DG CNECT may establish a reserve list of up to 10 suitable candidates that may be used to appoint replacements. DG CNECT shall ask applicants for their consent before including their names on the reserve list.<sup>7</sup>

Members who are no longer capable of contributing effectively to the group's deliberations, who in the opinion of DG CNECT do not comply with the conditions set out in Article 339 of the Treaty on the functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

### 3.3. RULES OF ENGAGEMENT AND OPERATION OF THE GROUP

DG CNECT shall appoint the Chairperson of the group, who may be a representative of DG CNECT or a member of the group.

The group shall act at the request of DG CNECT, in compliance with the Commission's horizontal rules on expert groups ('the horizontal rules')<sup>8</sup>.

In principle, the group shall meet a maximum of 5 times in total, starting in the second half of 2018, on Commission premises. In exceptional cases, the group may meet outside Commission premises. DG CNECT shall provide secretarial services.

The group shall use existing evidence (reports, pilot projects, public consultations, studies, etc.) to build its evaluation of the '[Guidance on sharing private sector data in the European data economy](#)' and give recommendations on the next steps for a policy on the re-use of private sector data for public interest purposes in the European Union. The group shall analyse and reflect in a faithful and balanced manner the above-mentioned evidence.

DG CNECT shall ensure interaction with other DGs and other expert groups or engagement platforms, if necessary or relevant for the work of the expert group.

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<sup>6</sup> See Article 10.8 of the horizontal rules (C(2016) 3301 final). Alternates may be appointed in relation to individuals appointed in a personal capacity and individuals representing a common interest.

<sup>7</sup> See Article 10.9 of the horizontal rules (C(2016) 3301 final).

<sup>8</sup> See Article 13.1 of the horizontal rules (C(2016) 3301 final).

Members should be prepared to attend meetings systematically, to contribute actively to discussions in the group, to be involved in preparatory work ahead of meetings, to examine and provide comments on documents under discussion, and to act, as appropriate, as ‘rapporteurs’ on an ad hoc basis.

As a general rule, working documents will be drafted in English and meetings will be also conducted in English.

In principle, the group shall adopt its opinions, recommendations or reports by consensus.

In agreement with DG CNECT, the group may by simple majority of its members decide that deliberations shall be public.

Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall be reimbursed by the Commission<sup>9</sup>. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

The members of the group, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443<sup>10</sup> and 2015/444<sup>11</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

On a proposal by and in agreement with DG CNECT, the group shall adopt its rules of procedure on the basis of the standard rules of procedure for expert groups.

DG CNECT may invite experts with specific expertise on a subject matter on the agenda to take part in the work of the group or sub-groups on an ad hoc basis.

Organisations and public entities, such as EU bodies, offices or agencies and international organisations, may be granted an observer status, in compliance with the horizontal rules, by direct invitation<sup>12</sup>. Organisations and public entities appointed as observers shall nominate their representatives. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and provide expertise.

DG CNECT may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG CNECT. This may include in-depth discussions on issues related to the re-use of private sector data for public interest purposes, such as the use of specific technologies or modes of collaboration. Sub-groups shall operate in compliance

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<sup>9</sup> See Article 20 of the horizontal rules (C(2016) 3301 final).

<sup>10</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

<sup>11</sup> Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

<sup>12</sup> See Article 16.1 of the horizontal rules (C(2016) 3301 final).

with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled. The members of sub-groups that are not members of the group shall be selected via a public call for applications.

### **3.4 TRANSPARENCY**

The group shall be registered in the [Register of Commission expert groups and other similar entities](#) ('the Register of expert groups').

As concerns the group composition, DG CNECT shall publish the following data on the Register of expert groups:

- the names of individuals appointed in a personal capacity;
- the names of observers.

DG CNECT shall make available all relevant documents, including the agendas, the minutes and the participants' submissions, either on the Register of expert groups or *via* a link from the Register to a dedicated website, where this information can be found. Access to dedicated websites shall not be subject to user registration or any other restriction. In particular, DG CNECT shall ensure publication of the agenda and other relevant background documents in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001<sup>13</sup>.

Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

## **4. Application procedure**

Interested individuals are invited to submit their application to the European Commission, DG CNECT, via this [website](#).

Applications must be completed in one of the official languages of the European Union. However, applications in English would facilitate the evaluation procedure. If another language is used, it would be helpful to include a summary of the CV and/or the application in English.

An application will be deemed admissible only if it is submitted by the deadline and includes the documents referred to below. All documents submitted by applicants should be duly filled in, legible, signed, numbered sequentially and dated.

### Supporting documents

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<sup>13</sup> These 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.

The online application form must be duly filled in, documenting how the applicant fulfills the selection criteria listed in chapter 5 of this call (Annex I).

The following documents must be uploaded to each application:

- a cover letter explaining the applicant's motivation for answering this call and stating what contribution the applicant could make to the group;
- a *curriculum vitae* (CV), not exceeding three pages, preferably in [Europass format](#);
- a Declaration of Interests ('DOI') form (Annex II), disclosing any circumstances that could give rise to a conflict of interest. Submission of a duly completed and detailed DOI form is necessary in order to be eligible to be appointed in a personal capacity. DG CNECT shall perform the conflict of interest assessment in compliance with the horizontal rules<sup>14</sup>.

Additional supporting documents (e.g. publications) may be requested at a later stage.

#### Deadline for application

The duly completed applications must be submitted by **12h00 on 2 October 2018** at the latest. The date and time of submission will be automatically established by the website when the [online application form](#) is submitted.

### **5. Selection criteria**

DG CNECT will take the following criteria into account when assessing applications:

- relevant competence (e.g. legal, economic, technical) and experience in the re-use of private sector data for public interest purposes (e.g. in European or international projects, prizes, partnerships, collaborations, policymaking) and/or in other areas of relevance for the re-use of private sector data for public interest purposes, such as technological, commercial/business and other aspects, like preservation of privacy of personal data or protection of trade secrets, law and economics;
- absence of circumstances that could give rise to a conflict of interest;
- good knowledge of English allowing active participation in the discussions.

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<sup>14</sup> See Article 11 of the horizontal rules (C(2016) 3301 final).

## 6. Selection procedure

The selection procedure shall consist of an assessment of the applications performed by DG CNECT against the selection criteria listed in chapter 5 of this call, followed by the establishment of a list of the most suitable applicants, and concluded by the appointment of the members of the group.

When defining the composition of the group, DG CNECT shall aim at ensuring, as far as possible, a high level of expertise, as well as a balanced representation of relevant know how and areas of interest and sectors, while taking into account the specific tasks of the group, the type of expertise required, as well as the relevance of the applications received.

DG CNECT shall also seek geographical and gender balance.

For any further information, please contact [CNECT-B2G-Datasharing@ec.europa.eu](mailto:CNECT-B2G-Datasharing@ec.europa.eu)

### ANNEXES:

- Annex I: [Online application form](#)
- Annex II: Standard declaration of interests
- Annex III: Guidance for filling in the declaration of interests
- Annex IV: Privacy statement