

UKRO L&F Focus Group meeting

UKRO Conference 2018, 21 June 2018

Focus Group meeting

- Overview on recent UKRO activity
 - UKRO L&F queries articles
 - GEPS group

- GDPR and EU projects
 - Presentation and exchange of experiences/best practice session

UKRO-BEIS event

- Whole day of presentations
- Legal officers and auditors from the European Commission will answer questions
- Registration now open

UKRO Events

Second "Horizon 2020 Audits: How to Get it Right?" Event in London

📅 27 Sep 2018 📍 BEIS Conference Centre in 1 Victoria Street, London, SW1H 0ET

Registration is now open for a one-day event on Horizon 2020 audits with speakers from the European Commission, which UKRO will organise jointly with the Department for Business, Energy and Industrial Strategy (BEIS) on Thursday 27 September 2018.

- Regulation now includes the “Rules for participation”
- Practical implementation rules (including MGA) will have to be based on these and be in line with the EU Financial Regulation
- Timeline for development not yet known but the regulation mentions the development of: *“improved implementation tools in parallel with the legislative process, in consultation with stakeholders.”*

Horizon Europe proposal: “simplification features”

- Continuity:
 - Single set of rules to continue
 - Horizon 2020 funding rates to be maintained
- Simplification of the funding landscape
- Simplification of real cost reimbursement (personnel costs explicitly mentioned)
- Broader acceptance of accounting practice

- Wider cross-reliance on audits and assessments – including with other Union programmes.
- Cross-reliance/ potential for fewer financial audits on beneficiaries that have positive results on their systems audits.
- Cross-reliance can be part of the conditions for lifting the obligation for the beneficiary to submit a certificate on the financial statement.

L&F query articles

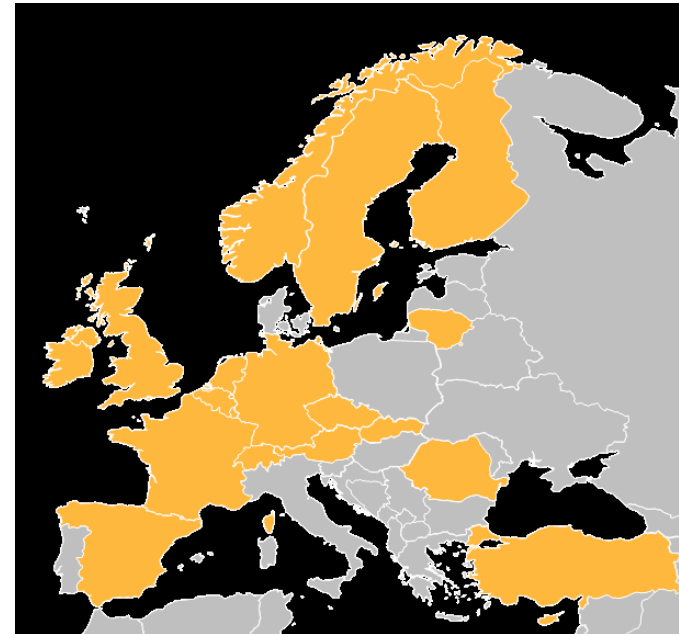
UKRO Portal

GEPS group

An UKRO/KoWi initiative

The Group of European Practitioners for Framework Programme Simplification (GEPS)

- Currently comprises 45 experts from 19 countries with profound knowledge of implementing EU funded research and innovation projects (FP4 - H2020).
- GEPS' mission:
 - ✓ To be a forum for the exchange of best practice;
 - ✓ To develop and communicate ideas and recommendations that contribute to a simpler EU Framework Programme
- GEPS is coordinated by the UK Research Office (UKRO) and the European Liaison Office of the German Research Organisations (KoWi) and supported by the Brussels-based Informal Group of RTD Liaison Offices (IGLO).



Results of the Survey on Personnel Costs

Common challenges

1. Personnel cost eligible calculation methods and their subsequent audit trail maintenance;
2. Bridging participation across two programming periods (e.g. from FP7 to H2020) and/ or several other EU programmes;
3. Hidden cost of uncertainty when it comes to auditing personnel costs.

Suggestions for improvements

- ✓ Higher acceptance of actual institutional costs
- ✓ Introducing an accreditation / validation system for institutional accounting systems and procedures (e.g. Seal of Approval)
- ✓ Greater acceptance of 100% declarations (by auditors).
- ✓ Development of tools in the Participant Portal, to assist institutions in generating correct hourly rates;
- ✓ Explore the introduction of lump sums in personnel and other direct costs categories.

Results of the Survey on Audits

Common challenges

1. Lack of acceptance of usual accounting practices
2. Certificates on Financial Statements more resource intensive and the CSF required too late
3. Timing of the European Commission audits & of audit notifications
4. Technical knowledge of EU programmes by auditors & interpretation of rules

Suggestions for improvements

- ✓ Create a more trust-based culture between the auditors & beneficiaries;
- ✓ Trust / accept the results of other already carried out audits;
- ✓ Improve training of external auditors to ensure consistent interpretation of the rules (introduce a certificate)
- ✓ Provide editable templates / increase consistency of lists with required information (between the Commission and external auditors) & provide a clear schedule for on-site visits
- ✓ Accept institutional and national accounting rules

The next steps

Meetings with the Commission and the ECA (25-29 June 2018)

- DG RTD Common Support Centre
- DG RTD Common Audit Service
- DG RTD Common Legal Support service
- DG RTD Common service for business processes
- European Court of Auditors

Future topics for collaboration?

- Synergies between EU programmes;
- Third parties;
- Lump Sums; and
- Ethics/Data Management/Open Access

Any other suggestions?

GDPR and EU grants

Ethics requirements in Horizon 2020

EU Data Protection Reform: Principles

- GPRR builds on the principles of the existing Data Protection Directive 95/46/EC – **not everything is new!**
- Increases transparency and accountability of data processing
- Enhances the data protection rights of the individuals, including those participating in EU-funded projects

Will impact the work of H2020 beneficiaries!



GDPR on EU projects – Scope

- Processing of personal data of living individuals, where ‘processing’ means:
 - any operation such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- Definitions provided for:
 - Personal data
 - Sensitive personal data ‘special categories of personal data’
- **Pseudonymised** personal data, which can be attributed to a natural person by the use of additional information is considered to fall within the scope of GDPR.
- **Anonymised** personal data is out of scope of the GDPR.

- Personal data should be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

~~*Nice to Know... Need to Know*~~

- Data protection must be proportionate to risks to data subjects
- Risks should be minimised by applying appropriate safeguards:
 - Consent should be clear, unambiguous, fully informed, explicitly recorded agreement to data processing;
 - All possible technical and organisational measures should be considered (e.g. best practices, applied cryptography)
 - Pseudonymisation defined and encouraged
 - Notification to data subjects in cases of data breach, etc.

Data Protection Impact Assessments (DPIA) might be necessary where processing is likely to result in **high risk to the rights and freedoms** of natural persons (e.g. processing on a large scale of special categories of data)

Main ethics concerns on projects

Big Data analytics

Use of data from wearables and social media platforms, collected by third parties

Online recruitment

Uncertainty as to the real age of the participants

Anonymisation, pseudonymisation, minimisation

Lack of clear understanding between the terms
Excessive collection of data and unjustified storage periods

Security Arrangements and Data Transfers

Use of non-adequate software and storage providers and changing terms of use
Non-secure data processing arrangements
Restrictions for processing of data in third countries

The beneficiary may be requested to:

Explain how all of the data they intend to process is **relevant and limited to the purposes of the research project** (in accordance with the 'data minimisation' principle).

Explain why the research data will not be anonymised/ pseudonymised, or if it will be, **what techniques will be used/security measures implemented to prevent unauthorised access** to personal data, etc.

Confirm that it **has appointed a DPO and that their contact details are made available to all data subjects involved in the research**. If designation of a DPO is not required under the GDPR, a detailed data protection policy for the project must be elaborated.

Describe the **technical and organisational measures that will be implemented to safeguard the rights and freedoms of the data subjects/research participants**.

In case personal data are transferred from the EU to a non-EU country or IO, **confirmation that such transfers are in accordance with Chapter V of the GDPR**, must be submitted.

Evaluate the ethics risks related to the data processing activities of the project (incl. an opinion if DPIA should be conducted. The risk evaluation and the opinion must be submitted as a deliverable.

Further guidance and advice

- Guidance: [How to complete your Ethics Self-Assessment?](#)
- [Model Contracts](#) for the transfer of personal data to third countries
- Ethics helpdesk: RTD-ETHICS-REVIEW-HELPDESK@ec.europa.eu
- **NEW! Coming soon**
A new online (decision tree-type tool) to guide the beneficiaries through the process of checking what will be required of them if they collect personal data.

Discussion

- What are your main areas of concern when dealing with data privacy on EU projects? What do you see as the main challenges for your institution?
- What sort of guidance/support from the EC (e.g. information days, online tools, etc.) would help you best address these challenges.
- Have you contacted your DPO in relation to personal data on EU projects? If so, what sort of advice have you received and how helpful was it?
- What best practice in this area can you share with the group today?