Meeting of the Expert Group on the Citizens' Initiative
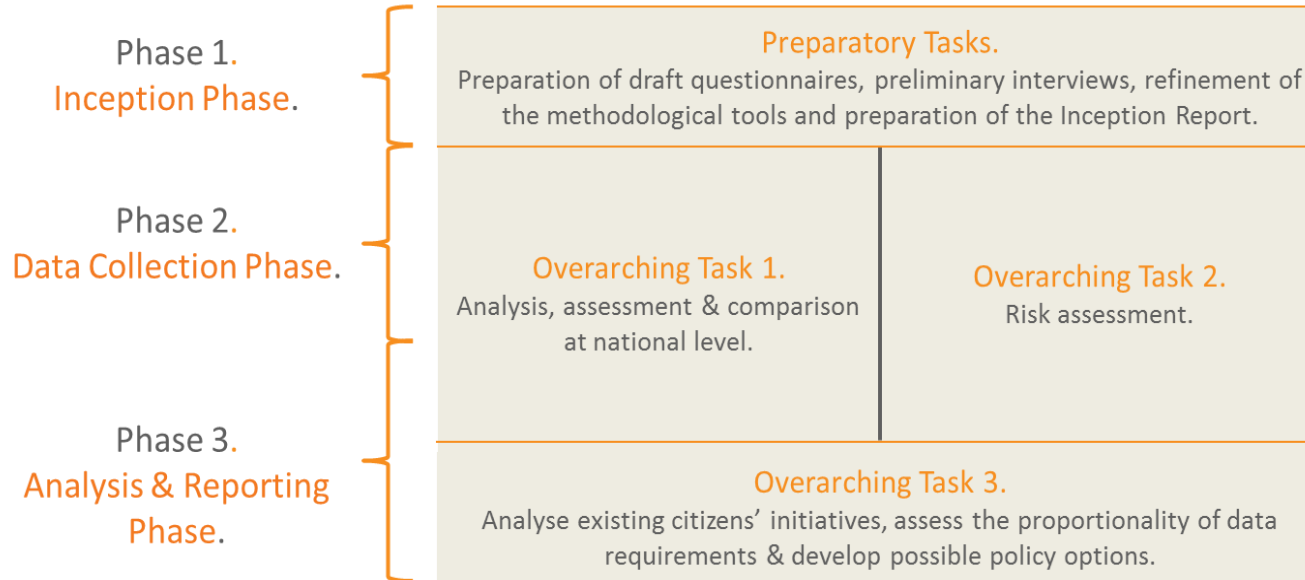
Brussels

2 June 2017

AGENDA

01 Objectives of the study

02 Progress of the study

03 Preliminary findings

04 Inputs still needed from Member States

Objectives of the study

- **Study Objective 1:** to assess the scope and possible approaches for simplifying/harmonising the **data requirements for ECI signatories** within the existing legislative framework;

- **Study Objective 2:** to assess the scope for streamlining the related **data security requirements for organisers**, while ensuring the protection of these data in accordance with the ECI Regulation; and

- **Study Objective 3:** to assess more broadly the proportionality of the provisions of the Regulation as **regards data requirements for signatories and the verification of statements of support**, also in relation to other instruments of direct and participatory democracy at national/regional level, and put forward possible **alternative options** in this regard should the Commission decide to propose a revision of the ECI Regulation.

STUDY DESIGN.

Phase	Content
Phase 1. Inception Phase.	**Preparatory Tasks.** Preparation of draft questionnaires, preliminary interviews, refinement of the methodological tools and preparation of the Inception Report.
Phase 2. Data Collection Phase.	**Overarching Task 1.** Analysis, assessment & comparison at national level. **Overarching Task 2.** Risk assessment.
Phase 3. Analysis & Reporting Phase.	**Overarching Task 3.** Analyse existing citizens' initiatives, assess the proportionality of data requirements & develop possible policy options.

Progress to date

- **Country research** (including interviews with civil society / data protection authorities and authorities competent for the verification of the statements of support) – partly done
- **EU-level research** with ECI organisers and other stakeholders – almost completed
- Initial analysis of data collected (presented here)
- Initial iteration of the policy options (underway)

Preliminary findings

Overarching Task 1 – Data requirements (1/3)

Data requirements

- Data required in statement of support forms varies significantly across Member States;

- Sensitivity of data varies as well – there are some constants (e.g. personal identification (document) numbers appear to be generally more sensitive than other data);

- In general, based on already available data (data collection still ongoing), similar national or regional petitioning instruments require signatories to provide fewer data than the ECI (average number of data required for these similar petitioning instruments is 3.3, compared with the ECIs 4.5). A larger share of MS use all the statement of support data for verification for national schemes than for ECIs.

- The Regulation requires that competent national authorities verify the statements on the basis of "appropriate checks, in accordance with national law and practice, as appropriate", without specifying what "appropriate checks" means.

- However, Article 8(2) of the ECI Regulation implies that **what is to be verified is whether the statements of support submitted to the competent (national) authorities are "valid" for the purposes of the Regulation, i.e., can be counted as part of the required total.**

Appropriate checks against the conditions for validity of statements of support

- Verification that the content of the proposed initiative indicated on the form corresponds to what is published in the ECI register.

- Verification of whether the statement of support was collected in the appropriate period.

- Verification that the statement of support belongs to a natural person.

- Verification of whether the signatory is an EU citizen and of an age to vote in elections to the European Parliament.

- Verification that the person has given her/his support to the ECI in question only once.

Member States' authorities are not required to check the actual signatures.

The Regulation only requires the Member States to check the coherence of the data provided by signatories and not the signatory's will to support an initiative.

Overarching Task 1 - Verification (3/3)

Verification systems

- Random sampling v. individual checks v. combination of both (share of total statements of support received)

- In some MS, additional checks are undertaken to avoid impersonation (e.g. the UK with regards to signatories) ;

- Verification process done through

    – Central databases / registries / censuses

    – Electoral roll

    – Municipal authorities

Paper verification

- Most MS use semi-automated tool – problem with the image recognition software;

- In one MS graphology is used

Data used for verification

- Most MS verify all the statement of support data that they require; however, number of MS do not require all data asked for in order to undertake verification process

- In a number of cases, the additional data is used when some of the data necessary is erroneous or unreadable.

- In some cases it seems that the additional data is used to diminish the risk of impersonation rather than to confirm that the person corresponding to the data exists and fulfils the criteria to support initiatives (EU citizen of the age to vote in the EP elections)

Rates of rejection

- Vary between 0.15% and 14% suggesting a difference of approaches in the thoroughness of the verification process

- Risk assessment methodology (Task 2A)

  - Modified version of ISO/IEC 27005:2011 information security risk assessment methodology, comprising **5 key tasks:**

  - **Task 1: Context establishment** – define the risk assessment scope and objectives;

    - **Material scope:** as per the scope of the study;

    - **Stakeholders and assets:** to be determined on a risk-by-risk basis;

    - **Risk appetite:** no judgement to be made at present;

    - **Objectives:** identify, analyse and evaluate data protection and data security risks within the scope;

  - **Task 2: Risk identification** – identify risk components (i.e. causative agent, weakness, potential impact) and combine to identify relevant risks for each step of the ECI process;

  - **Task 3: Risk analysis** – assess (and rate) potential impact and likelihood of risk realisation for each risk, visually mapping all risks on one chart;

  - **Task 4: Risk evaluation** – examine all risks together and evaluate the overall risk profile of the ECI;

  - **Task 5: Risk treatment** – determine relevant risk treatment options for each risk.

- Results important input to **Task 2B** (assessing the scope for simplifying and/or streamlining certain provisions of the technical specifications for online collection systems) and **Task 3** (proportionality assessment & development of alternative options).

Overarching task 3 – Policy options

- Policy options are being developed to achieve the following objectives:

  - To simplify/harmonise the data requirements for signatories of statements of support (proportionally to the outcome);

  - To ensure all eligible EU citizens are able to support an ECI;

  - To ensure that the personal data of supporters is safeguarded;

  - To reduce the burden of verification.

- Policy options are being developed on the basis of:

  - best practices from other similar participatory instruments;

  - options put forward by stakeholders consulted as part of the study;

  - best practices for simplification/efficiency at both stages of completing the statement of support by signatories; and verification by national authorities;

- Policy options will be assessed on the basis of:

  - The extent to which they can achieve the objectives set out, taking into account in particular their impact on the severity and likelihood of the risks identified as part of Overarching Task 2; and their impact on the data requirements.

What we need from you

A few interviews with MS authorities missing

We have developed country fiches for all MS – we would be grateful if could check them for factual accuracy.

We are undertaking a number of case studies (selection still to be finalised) – we might be in touch with you

We are collecting best practices for which we might need additional information from you

THANK YOU

Thank you for your valuable time.
Please ask any questions you might have
For further information, please contact:

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