

Annex 7: CODE OF CONDUCT FOR THE DATA PROTECTION BOARD

Pledging to facilitate, in a transparent and consistent manner, the resolution of situations where potential conflicts may arise, and to adhere to the obligations of independence, fairness and confidentiality, thus ensuring the highest standards of professional ethics and integrity,

the Data Protection Board, in its independent function, has adopted the following Code of Conduct on 14.11.2024.

Article 1 - Scope

This Code of Conduct applies to members of the Data Protection Board, including the chairperson and the alternate members (hereinafter referred to as "Members"), and sets out standards of conduct for the performance of their duties under Articles 1a, 1b and 32a of the Service Regulations for permanent and other employees of the European Patent Office and Articles 47 and 50 of the Data Protection Rules (DPR), as well as the Data Protection Board Rules of Procedure (RoP DPB).

Article 2 - Principles

- (1) Members observe the highest standards of ethical conduct. In the performance of their duties, they act with honesty, independence, integrity, impartiality, discretion, and regardless of selfinterest.
- (2) Members are mindful of the importance of their duties and responsibilities, take into account the public character of their functions and conduct themselves in a way that maintains and promotes public trust in the European Patent Organisation.
- (3) Members abstain from any act and, in particular, any public expression of opinion which may reflect on the dignity of the Organisation or which may pose a risk to or compromise the reputation and interests of the Organisation.
- (4) Members do not use their position or authority, or the name, logos or privileges and immunities, or any information acquired in the course of or in connection with their duties, to unduly obtain benefits for themselves or third parties, or for any other inappropriate purpose.

Article 3 – Independence and integrity

- (1) Members perform their duties under Articles 47 and 50 of the DPR with complete independence and integrity, without taking account of any personal, professional or national interest. They exercise their duties independently on the basis of their own assessment of the facts and understanding of the law, without regard to any extraneous influences, direct or indirect.
- (2) In the performance of their duties within the Data Protection Board, Members will neither seek nor follow any instructions from any private or public entities or persons.

Article 4 - Impartiality

- (1) Members perform their duties impartially and conduct themselves, both in and out of the Data Protection Board, in a manner which maintains the confidence of the public and the parties in their impartiality. Accordingly, they refrain from any activity, expression, and association, through whatever medium, that may be considered to adversely affect the confidence of their impartiality.
- (2) Members treat all persons who appear before them equally. They are aware of and respect diversity in society as laid out in Art. 1a ServRegs.

Article 5 - Diligence

- (1) Members perform their duties under Articles 47 and 50 of the DPR diligently, fairly, efficiently, professionally, and without undue delay.
- (2) Members treat parties, representatives, and others with whom they deal in an official capacity with dignity and respect.

Article 6 - Discretion

- (1) Members respect and preserve the secrecy of the deliberations.
- (2) Members exercise the utmost discretion with regard to all information acquired in relation to their duties under Articles 47 and 50 of the DPR.
- (3) The Chairperson of the Data Protection Board alone is authorised to issue internal communications about the work of the Data Protection Board and co-ordinate such communications with the European Patent Office. All external communications regarding the work of the DPB are approved by the European Patent Office.
- (4) In the event that the Members, in another capacity than that of DPB Member, employ persons who may have access to information related to the DPB tasks, the Members ensure that these persons maintain confidentiality on any information coming to their knowledge that regards the DPB work.
- (5) The duty of confidentiality continues to apply indefinitely after termination of appointment.

Article 7 - Conflicts of interest

- (1) Members avoid any situation in which personal interests interfere with the performance of their duties or call into question or appear to call into question the independence, integrity, objectivity or impartiality required for their status (conflict of interest).
- (2) Members inform the President of the European Patent Office of any potential conflict of interest without undue delay in writing. They take immediate action to resolve any real or apparent conflict of interest that arises, when applicable in accordance with Article 48 (7) and (8) DPR and Article 7 RoP DPB.

Article 8 - Gifts or other benefits

With the exception of remuneration for their Data Protection Board activities and reimbursement of expenses paid by the European Patent Organisation, the DPB members do not solicit nor accept any honour, decoration, benefit, gift or advantage, whether financial or in kind, which may, or could be perceived to, impair or influence their objectivity and freedom of action.

Article 9 - Further activities

- (1) Members perform their Data Protection Board activities next to their main professional occupations. Members may engage in further activities (i.e., activities additional to their main occupations) that, to the best of their knowledge, are compatible with their independence, impartiality and the demands of their tasks under Articles 47 and 50 of the DPR and do not give rise to conflicts under this Code of Conduct.
- (2) Members may participate in further activities relating, inter alia, to the dissemination of European data protection law and to dialogue with national and international data protection bodies. In this respect, Members may participate in teaching activities and publications, conferences, seminars, or symposia and in organisations and associations.

- (3) Members who wish to engage in further activities which may affect the performance of their duties under Articles 47 and 50 of the DPR will, prior to undertaking the activity, inform the President of the Office thereof.

For the Data Protection Board

The Chair
Paolo BALBONI

