



## D1.7 Report on Legal, Privacy, Ethical and Social Aspects (a)

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## Revision History

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## Executive summary

D1.7 Report on Legal, Privacy, Ethical and Social Aspects (a) due at M6 (February 2023) is the first deliverable dealing with the ethical issues expected to be addressed during the MUSAE project execution.

This first version of the deliverable describes the composition of the ethical project committee and the main issues associated with the next setup and running of the two Open Calls planned in the project.

Specifically, the relevant personal data protection, ethics, intellectual property framework, gender related matters and conflict of interest avoidance are introduced.

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# 1. Introduction

## 1.1. Purpose of the document

Purpose of this document is to present and discuss the ethical implications of the research work carried out in the MUSAE project.

Ethical matters are managed within T1.4 Privacy and ethics management of the project, running from M4 (December 2022) to the end of the project (M36 - August 2025).

The different steps of the project, in particular the management of the two open calls, the running of the individual projects leading to MUSAE scenarios definition and the final prototyping of the identified solutions, will be accurately planned and monitored to avoid any potential ethical or legal issue by means of an ethics by design approach.

The data collection and processing in MUSAE will be designed and conducted in full respect to the fundamental ethical principles, including those reflected in the European Convention of Human Rights and the Charter of Fundamental Rights of the European Union, taking into account the opinions of European Group on Ethics in Science and New Technologies (EGE).

An Ethical Project Committee (EPC) has been setup in M4 (December 2022) to manage all ethical issues in the different phases of the MUSAE project. It has the responsibility of monitoring the conformity of the project to the ethical standards and address all the ethical issues of the project.

Next Chapter 2 of this document presents the EPC members and the initially identified operational framework in terms of data protection, ethical matters and intellectual property protection, while Chapter 3 deals specifically with the privacy and ethical issues associated to the Open Calls setup and running.

Provision of Consortium Agreement and Grant Agreement prevails the content of the present deliverable.

## 1.2. Terms and acronyms

GDPR	General Data Protection Regulation
EPC	Ethical Project Committee
EGE	European Group on Ethics in Science and New Technologies
EU	European Union
AI	Artificial Intelligence

ALTAI	Assessment List for Trustworthy Artificial Intelligence
IP	Intellectual Property
GEP	Gender Equality Plan
SME	Small Medium Enterprise

## 2. Ethical Project Committee

The Ethical Project Committee EPC is in charge of the management of all the issues that may affect a smooth and ethically compliant project running. The EPC is composed by a member from each partner institution.

The EPC will deal with data privacy issues (GDPR), potential ethical issues that may arise during the open call 1 and 2 implementation and the management of any Intellectual Property Right on the results of both Open Call1 and Open Call 2 projects.

### 2.1. EPC appointed members

The members of the EPC has been selected in December 2022 and formally appointed by the General Assembly at the Dublin meeting (13th-15th February 2023).

Members of the EPC are:

- Eva Monestier (POLIMI)
- Petia Ivanova Radeva (UB)
- Maria Rossetti (MADE)
- Gizem Bodzemir (PAL)
- Aoife O’Gorman (UCD)
- Angelo Cangelosi (UOM)
- Ramona van Gansbeke (GLUON)
- Maria Bulgheroni (ABACUS)

### 2.2. Applied framework for personal data protection

Data privacy deals with access, use and collection of data, and the data subject's legal right to the data. The right to data protection is stated by the EU Charter of Fundamental Rights and the Treaty on the Functioning of the European Union.

To achieve an appropriate data privacy level in the frame of the current legislation, MUSAE will adhere to the General Data Protection Regulation (EU) 2016/679 on the protection of individuals with regard to the processing of personal data and the free movement of such data.

GDPR principles will apply to the appointed members of the Advisory Board, the external evaluators both for Open Call 1 and 2, and the applicants of both the Open Call. Partners' responsibilities on data protection are rules by art. 4.4 Specific responsibilities regarding data protection of Consortium Agreement.

### 2.3. Applied framework for ethical assessment

Ethical assessment will be periodically carried on both within the consortium and the applicants of the two Open Call.

The main ethical issue expected to raise during the project running is related to the use of AI as a key technology both in Open Call 1 and Open Call 2.

At this purpose, before the adoption of the Artificial Intelligence Act (<https://artificialintelligenceact.eu/>) by the EU legislator, as suggested by the EU guidelines, the consortium encourages applicants to use the Assessment List for Trustworthy Artificial Intelligence (ALTAI) to develop procedures to detect, assess the level and address potential risks.

The EPC will supervise accurately AI based activities to guarantee their ethical conformance.

Within the open calls, as detailed below, attention will be focused to avoid any conflict of interest both in the evaluators selection and evaluation work.

### 2.4. Applied framework for intellectual property management

IP protection is a key issue within the MUSAE project mainly because the potential use of the initial results (scenarios) of Open Call 1 in Open Call 2 by other teams not previously involved in Open Call 1.

At this purpose, Creative Commons Attribution International Public Licence BY 4.0 licence will be explored (<https://creativecommons.org/licenses/by/4.0/>) as a suitable solution. Key issue in the licence, relevant to the running of Open Call 2 projects, is the permission to adapt the licensed results even for commercial purposes while appropriate credit, link to the license, and indication if made changes are due to the licensor.

## 2.5. Gender Equality

According to Horizon Europe regulations, the research organisations and higher education institutions participating in MUSAE already have a GEP in place because this is a requirement to be eligible for funding. SMEs are not still requested to do, but both PAL and ABACUS are committed to guarantee gender equality at their premises in line with the criteria provided in the “Horizon Europe Guidance on Gender Equality Plans” document<sup>1</sup>.

The EPC will check all along the project’s running that gender equality is maintained at all partners sites as well as in the team participating to Open Call 2.

# 3. Open Calls

## 3.1. Applicants data protection

The processing of personal data of applicants will be performed in accordance with General Data Protection Regulation (EU) 2016/679 and the principles stated in 2.2 paragraph above. The implementation of such Regulation will be specified in each open call.

The applicants’ Personal Data will be processed solely for the following purposes: (a) procedure and assessment of the call applications and the management, completion, organisation, communications of information and Personal Data; (b) performance of contracts or to take steps at the request of the applicant prior to entering into a contract; (c) compliance with legal obligations; (d) establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity (e) the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; (f) manage the data collected in order to inform the applicants’ about MUSAE partners’ communications, events, projects and newsletters. The open call text might further specify this.

## 3.2. Ethical self-assessment

Because of the need to involve third parties in the project running according to the Open Call schema, the consortium has to perform an ethical assessment of all the submitted proposals. The themes and contents of the open call objectives are not expected to raise relevant ethical risks, however the applicants will be required to fill in an ethical self-assessment form to trigger an ethical review by the EPC when needed.

The check list provided by the European Commission for calls for funding under the Horizon Europe framework<sup>2</sup> will be provided as part of the guide for applicants in both the call and detailed information will be requested in the case that any ethical issue is checked.

<sup>1</sup> <https://op.europa.eu/it/publication-detail/-/publication/ffcb06c3-200a-11ec-bd8e-01aa75ed71a1>

<sup>2</sup> [https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/how-to-complete-your-ethics-self-assessment\\_en.pdf](https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/how-to-complete-your-ethics-self-assessment_en.pdf)

The proposal of AI as one of the three technologies suggested to be used in the Open Calls makes the related specific ethical requirement particularly relevant. Any use of AI systems or techniques needs to be clearly described in the project and its technical robustness and safety demonstrated.

### 3.3. Intellectual Property

Within the MUSAE project, scenarios developed in Open Call 1 are expected to be reused, exploited and implemented by other groups in Open Call 2.

In this frame, the IP of the scenarios generated by participants to Open Call 1 will be protected by copyright through a licensing agreement, i.e. the Open Call 1 participants will retain the ownership of their initial results, while permitting to the teams in the Open Call 2 to use them for their own work. As previously introduced, this might happen under the terms of the CC BY 4.0 licencing scheme.

The artists participating in Open Call 1 will also independently further develop their initial results to deliver their own artwork to complete their duties in Open Call 1. The final artwork will be solely property of the artist developing it.

Referring to the results of Open Call 2 (prototypes), they will be owned by the team developing them. Ownership agreement between the artist and the company constituting the Open Call 2 team will be managed according to private agreement signed by the two parties to be delivered before the end of the Open Call 2 project running.

However each open call and grant signed with beneficiaries will further specify IP provision linked to the call.

### 3.4. Conflict of interest in open calls evaluation and running

To guarantee full transparency in the two calls, the EPC will strictly monitor the absence of any conflict of interest both in the selection of the applicants as well as in the selection of the evaluators.

While the applicant have to declare the absence of any connection with the project's partners and the members of the advisory board, the evaluators have to state the lack of any connection with the applicants by signing NDA and Declaration of Absence of Conflict of Interest The same framework applying to the Horizon Europe calls will be applied<sup>3</sup>. In addition partners will define an internal evaluation guidelines, specifying evaluation procedure, criteria and process.

<sup>3</sup> [https://commission.europa.eu/about-european-commission/service-standards-and-principles/transparency/register-expert-groups/rules-experts-evaluating-tenders\\_en](https://commission.europa.eu/about-european-commission/service-standards-and-principles/transparency/register-expert-groups/rules-experts-evaluating-tenders_en)