

# Annex 1: A template for a report from the process of integrated impact assessment on border control technologies in the European Union and the Schengen Area<sup>1</sup>

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## Cover page

|   |  |
|---|--|
| Name of the initiative under assessment                 |  |
| Name, contact details and other identifying details of: |  |
| • border control authority deploying the initiative     |  |
| • data controller(s)                                    |  |
| • data processor(s), if applicable                      |  |
| • person(s) in charge of the initiative                 |  |
| • assessor(s)   |  |
| • data protection officer(s) (DPO), if appointed        |  |
| • chief information security officer, if appointed      |  |

|   |  |
|---|--|
| • quality control body supervising the assessment process, if appointed |  |
| • data protection authority/ies (DPA)                                   |  |
| • research ethics committees at public or private organisations         |  |
| • national ethics committees or councils                                |  |
| • groups of <i>ad hoc</i> recruited ethics experts                      |  |
| • anyone else involved, as practicable                                  |  |
| Version of the assessment report  |  |
| Level of confidentiality of the assessment report                       | <input type="checkbox"/> Public<br><input type="checkbox"/> Confidential<br><input type="checkbox"/> Specific <i>[explain]</i> |
| Date and place of compilation of the report                             |  |
| <i>[Any other details, as practicable]</i>                              |  |

|   |
|---|
| Executive summary   |
| <i>[Summarise the most significant information concerning the outcomes of each step of the integrated impact assessment process.]</i> |

## Phase I: preparation of the assessment process

### Step 1: Screening (threshold analysis)

#### Step 1a: Preliminary description of the envisaged initiative

|                                       |                        |   |  |
|---------------------------------------|------------------------|---|--|
| Overview of data protection aspects   | Contextual description | What?   |  |
|                                       |                        | How much/how many?                                  |  |
|                                       |                        | Where?  |  |
|                                       |                        | Why?  |  |
|                                       | Technical description  | Overview of personal data and processing operations |  |
|                                       |                        | Infrastructure                                      |  |
|                                       |                        | Actors  |  |
| Overview of privacy aspects           |                        |   |  |
| Overview of ethical aspects           |                        |   |  |
| Overview of social acceptance aspects |                        |   |  |
| [other, explain]                      |                        |   |  |

Step 1ba: Personal data protection screening (threshold analysis)

| <i>Positive criteria</i>   | <i>Legal provision</i> | <i>Applicable?</i>       | <i>Explanation</i> |
|--|------------------------|--------------------------|--------------------|
| <b>Criterion 1:</b> The envisaged processing operations are likely to result in a high risk to the rights and freedoms of natural persons (general)  | 35(1)                  | <input type="checkbox"/> |                    |
| <b>Criterion 2:</b> Processing operations deemed highly risky  |                        |                          |                    |
| <b>2a.</b> Processing operations entailing systematic and extensive evaluation of personal aspects relating to natural persons which is based on automated processing, including profiling, and on which decisions are based that produce legal effects concerning the natural person or similarly significantly affect the natural person | 35(3)(a)               | <input type="checkbox"/> |                    |
| <b>2b.</b> Processing operations regarding special categories of data, or personal data relating to criminal convictions and offences on a large scale   | 35(3)(b)               | <input type="checkbox"/> |                    |
| <b>2c.</b> Processing operations entail a systematic monitoring of a publicly accessible area on a large scale   | 35(3)(c)               | <input type="checkbox"/> |                    |
| <b>Criterion 3:</b> Processing operations included in the public list of processing operations that require a data protection impact assessment compiled by the DPA(s) to which jurisdiction(s) the data controller is subject   | 35(4)                  | <input type="checkbox"/> |                    |
| <b>Criterion 3bis:</b> Processing operations that require a DPIA as included in a code of conduct to which the data controller is subject  | 40                     | <input type="checkbox"/> |                    |
| <i>[other, cf. Step 2a: Benchmark; explain]</i>  |                        | <input type="checkbox"/> |                    |
| <b>DECISION</b>  |                        | <input type="checkbox"/> | required           |
|  |                        | <input type="checkbox"/> | not required       |

Annex 1 – Step 1: Screening (threshold analysis)

| <i>Negative criteria</i>   | <i>Legal provision</i> | <i>Applicable?</i>       | <i>Explanation</i> |
|--|------------------------|--------------------------|--------------------|
| <b>Criterion 4:</b> Processing operations included in the public list of processing operations that DO NOT require a data protection impact assessment compiled by the DPA(s) to which jurisdiction(s) the data controller is subject  | 35(5)                  | <input type="checkbox"/> |                    |
| <b>Criterion 5:</b> Whereas the legal basis for the processing operations is the compliance with a legal obligation to which the controller is subject or the performance of a task carried out in the public interest, on the basis of EU or member state's law, and an impact assessment satisfying the conditions of DPIA under the GDPR has already been performed | 35(10)                 | <input type="checkbox"/> |                    |
| <b>Criterion 6:</b> Processing operations concerning personal data from patients or clients performed by an individual physician, other health care professional or lawyer   | Recital 91             | <input type="checkbox"/> |                    |
| <b>Criterion 6bis:</b> Processing operations exempted from a DPIA by a code of conduct to which the data controller is subject   | 40                     | <input type="checkbox"/> |                    |
| <i>[other, cf. Step 2a: Benchmark; explain]</i>  |                        | <input type="checkbox"/> |                    |
| <b>DECISION</b>  |                        | <input type="checkbox"/> | exempted           |
|  |                        | <input type="checkbox"/> | not exempted       |

### Step 1bb: Ethics and social acceptance screening

Could the initiative result in the development and/or use of technologies and/or processing activities that:

|  | Applicable?              | Explanation  |
|--|--------------------------|--------------|
| 1. Would produce excessive costs in comparison to the advantages they bring?   | <input type="checkbox"/> |              |
| 2. Would fail to ask for the users' consent in a plain understandable language, allowing space for questions, when it is needed? | <input type="checkbox"/> |              |
| 3. Could be misused (e.g. for terrorism purposes)?   | <input type="checkbox"/> |              |
| 4. Would involve vulnerable individuals or groups?   | <input type="checkbox"/> |              |
| 5. Would involve children and/or minors?   | <input type="checkbox"/> |              |
| 6. Would increase risk of discrimination of certain groups (e.g. third-country nationals)?                                       | <input type="checkbox"/> |              |
| 7. Would divide users into categories (e.g. low risk and high risk)?   | <input type="checkbox"/> |              |
| 8. Would not be accessible for certain categories of people?   | <input type="checkbox"/> |              |
| 9. Could have potential for military applications?   | <input type="checkbox"/> |              |
| 10. Would increase chances of identity theft?  | <input type="checkbox"/> |              |
| <b>RESULT</b>  | <input type="checkbox"/> | required     |
|  | <input type="checkbox"/> | not required |

### Step 1bc: Privacy screening

| <i>Could the initiative result in the development and/or use of technologies and/or processing activities that:</i> | <i>Applicable?</i>       | <i>Explanation</i> |
|---|--------------------------|--------------------|
| 1. Would interfere with <i>bodily privacy</i> ?   | <input type="checkbox"/> |                    |
| 2. Would interfere with <i>spatial privacy</i> ?  | <input type="checkbox"/> |                    |
| 3. Would interfere with <i>communicational privacy</i> ?  | <input type="checkbox"/> |                    |
| 4. Would interfere with <i>proprietary privacy</i> ?  | <input type="checkbox"/> |                    |
| 5. Would interfere with <i>intellectual privacy</i> ?   | <input type="checkbox"/> |                    |
| 6. Would interfere with <i>decisional privacy</i> ?   | <input type="checkbox"/> |                    |
| 7. Would interfere with <i>associational privacy</i> ?  | <input type="checkbox"/> |                    |
| 8. Would interfere with <i>behavioural privacy</i> ?  | <input type="checkbox"/> |                    |
| 9. Would interfere with <i>informational privacy</i> ? [overlapping]  | <input type="checkbox"/> |                    |
| <b>RESULT</b>   | <input type="checkbox"/> | required           |
|   | <input type="checkbox"/> | not required       |

### Comments

*[Explanation]*

## Step 2: Scoping

### Step 2a: Benchmark

#### Step 2aa: Personal data protection

| Applicable laws and regulations |  | Applicable?              | Explanation |
|---------------------------------|--|--------------------------|-------------|
| <i>lex generalis</i>            | General Data Protection Regulation (GDPR)                              | <input type="checkbox"/> |             |
|                                 | National law(s) supplementing/implementing the GDPR                    | <input type="checkbox"/> |             |
|                                 | National data protection laws (extra-EEA)                              | <input type="checkbox"/> |             |
|                                 | National exclusion/inclusion list(s) (Art. 35(4)-(5) GDPR)             | <input type="checkbox"/> |             |
|                                 | Codes of conduct   | <input type="checkbox"/> |             |
|                                 | Certificates (Art. 42 GDPR)  | <input type="checkbox"/> |             |
|                                 | Technical standards  | <input type="checkbox"/> |             |
|                                 | Laws from extra-EU jurisdictions                                       | <input type="checkbox"/> |             |
|                                 | <i>[other, general sources for personal data protection, explain]</i>  | <input type="checkbox"/> |             |
|                                 | Regulation 1725/2018 (EU Institutions)                                 | <input type="checkbox"/> |             |
| <i>lex specialis</i>            | Europol Regulation   | <input type="checkbox"/> |             |
|                                 | ePrivacy Directive [as transposed in national law]                     | <input type="checkbox"/> |             |
|                                 | Law Enforcement Directive (LED) [as transposed in national law]        | <input type="checkbox"/> |             |
|                                 | SIS framework  | <input type="checkbox"/> |             |
|                                 | VIS framework  | <input type="checkbox"/> |             |
|                                 | Eurodac framework  | <input type="checkbox"/> |             |
|                                 | EES framework  | <input type="checkbox"/> |             |
|                                 | ETIAS framework  | <input type="checkbox"/> |             |
|                                 | ECRIS-TCN framework  | <input type="checkbox"/> |             |
|                                 | Interoperability framework   | <input type="checkbox"/> |             |
|                                 | Eurosur framework  | <input type="checkbox"/> |             |
|                                 | API framework  | <input type="checkbox"/> |             |
|                                 | PNR framework  | <input type="checkbox"/> |             |
|                                 | <i>[other, specific sources for personal data protection, explain]</i> | <input type="checkbox"/> |             |



Annex 1 – Step 2: Scoping

| <i>Applicable laws and regulations</i> |                          | <i>Applicable?</i>       | <i>Explanation</i> |
|--|--------------------------|--------------------------|--------------------|
| <i>by-laws</i>                         | Data protection policies | <input type="checkbox"/> |                    |
|  | <i>[other, explain]</i>  | <input type="checkbox"/> |                    |

| <i>Scope of the assessment process</i>       |  | <i>Legal provision</i> | <i>Applicable?</i>       | <i>Explanation</i> |
|--|--|------------------------|--------------------------|--------------------|
| Personal data protection principles          |  | Art. 5                 | <input type="checkbox"/> |                    |
| Legal basis for processing                   |  | Art. 6                 | <input type="checkbox"/> |                    |
| Data subject rights                          |  | Art. 15-22             | <input type="checkbox"/> |                    |
| Obligations of data controller and processor |  | Art. 24-39             | <input type="checkbox"/> |                    |
| Data transfers outside EU/EEA                |  | Art. 46                | <input type="checkbox"/> |                    |
| Specific processing situations               |  | Art. 85-91             | <input type="checkbox"/> |                    |
| <i>Other fundamental rights</i>              | Private and family life, home and communications | Recital 4              | <input type="checkbox"/> |                    |
|  | Freedom of thought, conscience and religion      |                        | <input type="checkbox"/> |                    |
|  | Freedom of expression and information            |                        | <input type="checkbox"/> |                    |
|  | Freedom to conduct business                      |                        | <input type="checkbox"/> |                    |
|  | Right to an effective remedy and to a fair trial |                        | <input type="checkbox"/> |                    |
|  | Cultural, religious and linguistic diversity     |                        | <input type="checkbox"/> |                    |
| <i>[other, explain]</i>                      |  |                        | <input type="checkbox"/> |                    |

Step 2ab: Ethics

| ID | Theory | Argument                                 | Examples   | Applicable?              |
|----|--------|--|--|--------------------------|
| 1  |        | Universality of principles and/or values | 1.1 The initiative is (not) based on universal principles                                      | <input type="checkbox"/> |
|    |        |  | 1.2 The initiative is (not) based on universal values  | <input type="checkbox"/> |
|    |        |  | 1.x ...  | <input type="checkbox"/> |
| 2  |        | Technological determinism                | 2.1 The initiative is presented as a panacea for long-lasting social problems                  | <input type="checkbox"/> |
|    |        |  | 2.2 It is inevitable that the initiative will become ubiquitous in society                     | <input type="checkbox"/> |
|    |        |  | 2.3 It is inevitable that “traditional” border checks will disappear                           | <input type="checkbox"/> |
|    |        |  | 2.4 The initiative is the <i>only</i> way to solve problems of security and improve efficiency | <input type="checkbox"/> |
|    |        |  | 2.x ...  | <input type="checkbox"/> |
| 3  |        | Neutrality of technology                 | 3.1 The initiative is (not) neutral  | <input type="checkbox"/> |
|    |        |  | 3.2 The initiative is (not) biased   | <input type="checkbox"/> |
|    |        |  | 3.x ...  | <input type="checkbox"/> |
| 4  |        | Arguments from precedent                 | 4.1 The initiative is likely to propose problems that have happened in the past                | <input type="checkbox"/> |
|    |        |  | 4.2 The initiative is likely to solve problems that have happened in the past                  | <input type="checkbox"/> |
|    |        |  | 4.3 The initiative is likely to promote benefits that have happened in the past                | <input type="checkbox"/> |
|    |        |  | 4.x ...  | <input type="checkbox"/> |
| 5  |        | Change of ethical values arguments       | 5.1 The initiative will change people’s ethical values (such as autonomy)                      | <input type="checkbox"/> |
|    |        |  | 5.2 The initiative will change/improve people’s ethical behaviour                              | <input type="checkbox"/> |
|    |        |  | 5.3 The initiative will change/improve people’s ethical judgements                             | <input type="checkbox"/> |
|    |        |  | 5.4 The initiative affects the autonomy of border guards’ decision-making                      | <input type="checkbox"/> |
|    |        |  | 5.x ...  | <input type="checkbox"/> |

Annex 1 – Step 2: Scoping

| ID | Theory           | Argument                                     | Examples  | Applicable?              |
|----|------------------|--|---|--------------------------|
| 6  |                  | Slippery slope                               | 6.1 The initiative, if developed on a large scale, can give rise to uncontrollable effects  | <input type="checkbox"/> |
|    |                  |  | 6.2 If we do not implement T now, we will suffer uncontrollable effects                     | <input type="checkbox"/> |
|    |                  |  | 6.3 The initiative bears the risk of “function creep”                                       | <input type="checkbox"/> |
|    |                  |  | 6.x ...   | <input type="checkbox"/> |
| 7  | Deontology       | Principles/rights/duties before consequences | 7.1 The initiative will respect principle X, regardless of the consequences                 | <input type="checkbox"/> |
|    |                  |  | 7.2 The initiative is designed respecting the principle/value X                             | <input type="checkbox"/> |
|    |                  |  | 7.3 There is a categorical prohibition (e.g. “red line”) for certain uses of the initiative | <input type="checkbox"/> |
|    |                  |  | 7.4 The initiative (does not) respect the human right X                                     | <input type="checkbox"/> |
|    |                  |  | 7.5 The initiative is not in line with the Code of conduct X                                | <input type="checkbox"/> |
|    |                  |  | 7.x ...   | <input type="checkbox"/> |
| 8  | Consequentialism | Benefits will outweigh costs                 | 8.1 The initiative brings about (economic) benefits that will outweigh the costs            | <input type="checkbox"/> |
|    |                  |  | 8.2 The initiative will increase security despite an infringement of privacy                | <input type="checkbox"/> |
|    |                  |  | 8.3 The initiative will make border crossing/control more efficient                         | <input type="checkbox"/> |
|    |                  |  | 8.4 The initiative can be misused or used for military purposes                             | <input type="checkbox"/> |
|    |                  |  | 8.x ...   | <input type="checkbox"/> |

| ID | Theory               | Argument                                     | Examples   | Applicable?              |
|----|----------------------|--|--|--------------------------|
| 9  | Distributive justice | (Un)equal distribution of benefits and risks | 9.1 The initiative is (not) equally accessible to everyone (e.g. people in wheelchairs, third-country nationals) | <input type="checkbox"/> |
|    |                      |  | 9.2 Only/mostly <i>some</i> people will benefit from the initiative (e.g. <i>bona fide</i> travellers)           | <input type="checkbox"/> |
|    |                      |  | 9.3 Some people are more prone to be considered high-risk travellers (e.g. third country nationals)              | <input type="checkbox"/> |
|    |                      |  | 9.4 There are risks of bias or stigmatisation when using the initiative  | <input type="checkbox"/> |
|    |                      |  | 9.5 The accuracy of the initiative is unreliable for certain categories of people                                | <input type="checkbox"/> |
|    |                      |  | 9.x ...  | <input type="checkbox"/> |

### Step 2ac: Social acceptance scoping

| Perspective     | Applicable?              | Stakeholders considered for acceptance assessment | Acceptance assessment technique | Explanation |
|-----------------|--------------------------|---|---------------------------------|-------------|
| Socio-political | <input type="checkbox"/> | EU/EEA/CH citizens                                | <input type="checkbox"/>        |             |
|                 |                          | Non-EU/EEA/CH citizens, and sub-categories        | <input type="checkbox"/>        |             |
|                 |                          | Border control authorities                        | <input type="checkbox"/>        |             |
|                 |                          | [other, explain]                                  | <input type="checkbox"/>        |             |
| Market          | <input type="checkbox"/> | Industrial stakeholders                           | <input type="checkbox"/>        |             |
|                 |                          | Scientific experts                                | <input type="checkbox"/>        |             |
|                 |                          | Policy makers                                     | <input type="checkbox"/>        |             |
|                 |                          | [other, explain]                                  | <input type="checkbox"/>        |             |
| Community       | <input type="checkbox"/> | Local stakeholders                                | <input type="checkbox"/>        |             |

### Step 2ad: Privacy

| <i>Would it affect...?</i>   |                         | <i>Applicable?</i>       | <i>Explanation</i> |
|------------------------------|-------------------------|--------------------------|--------------------|
| <b>Informational privacy</b> | Bodily privacy          | <input type="checkbox"/> |                    |
|                              | Spatial privacy         | <input type="checkbox"/> |                    |
|                              | Communicational privacy | <input type="checkbox"/> |                    |
|                              | Proprietary privacy     | <input type="checkbox"/> |                    |
|                              | Intellectual privacy    | <input type="checkbox"/> |                    |
|                              | Decisional privacy      | <input type="checkbox"/> |                    |
|                              | Associational privacy   | <input type="checkbox"/> |                    |
|                              | Behavioural privacy     | <input type="checkbox"/> |                    |

### Step 2b: Stakeholders and their consultation techniques

#### Internal stakeholders

| <i>Category of stakeholder</i>             | <i>Involved?</i>         | <i>Level of involvement</i> | <i>Stakeholder involvement techniques</i> | <i>Explanation</i> |
|--|--------------------------|-----------------------------|---|--------------------|
| Data processor(s)                          | <input type="checkbox"/> |                             |   |                    |
| Data protection officer(s) (DPO)           | <input type="checkbox"/> |                             |   |                    |
| Recipient(s) (Article 4(9))                | <input type="checkbox"/> |                             |   |                    |
| Third parties (Article 4(10))              | <input type="checkbox"/> |                             |   |                    |
| Representative(s) (Article 27)             | <input type="checkbox"/> |                             |   |                    |
| Information security officer(s)            | <input type="checkbox"/> |                             |   |                    |
| Legal service                              | <input type="checkbox"/> |                             |   |                    |
| Employees, trade unions, contractors, etc. | <input type="checkbox"/> |                             |   |                    |
| [other, specify]                           |                          |                             |   |                    |

### External stakeholders

|  | Category of stakeholder   | Involved?                | Level of involvement | Stakeholder involvement techniques | Explanation |
|--|---|--------------------------|----------------------|------------------------------------|-------------|
| Individuals whose rights and freedoms are affected by the initiative and their representatives | Data subjects, including: <ul style="list-style-type: none"> <li>• Minors</li> <li>• Vulnerable people</li> <li>• [other, specify]</li> </ul> | <input type="checkbox"/> |                      |                                    |             |
|  | Representative(s) of data subject(s)  | <input type="checkbox"/> |                      |                                    |             |
|  | Individuals who are not data subjects   | <input type="checkbox"/> |                      |                                    |             |
|  | Representative(s) of individuals who are not data subjects  | <input type="checkbox"/> |                      |                                    |             |
| Public sector stakeholders   | Supervisory authority(ies) (DPA)  | <input type="checkbox"/> |                      |                                    |             |
|  | Policy makers   | <input type="checkbox"/> |                      |                                    |             |
|  | Local stakeholders  | <input type="checkbox"/> |                      |                                    |             |
| Private sector stakeholders  | Technology providers  | <input type="checkbox"/> |                      |                                    |             |
|  | Transportation companies  | <input type="checkbox"/> |                      |                                    |             |
| Experts  | Research Ethics Committees, at public or private organisations  | <input type="checkbox"/> |                      |                                    |             |
|  | National ethics committees or councils, at EU or Member State level   | <input type="checkbox"/> |                      |                                    |             |
|  | Groups of <i>ad hoc</i> recruited ethics experts  | <input type="checkbox"/> |                      |                                    |             |
|  | Scientific experts  | <input type="checkbox"/> |                      |                                    |             |
|  | [Anybody else affected, etc., specify]  |                          |                      |                                    |             |

Step 2c: Appraisal techniques

| <i>Element of the benchmark</i> | <i>Technique</i>   | <i>Applicable?</i>       | <i>Explanation</i> |
|---------------------------------|--|--------------------------|--------------------|
| <i>Data Protection</i>          | Necessity and proportionality assessment                       | <input type="checkbox"/> |                    |
|                                 | Risk assessment  | <input type="checkbox"/> |                    |
| <i>Privacy</i>                  | Necessity and proportionality assessment (as per human rights) | <input type="checkbox"/> |                    |
|                                 | Risk assessment  | <input type="checkbox"/> |                    |
| <i>Ethics</i>                   | Ethics assessment  | <input type="checkbox"/> |                    |
| <i>Social acceptance</i>        | Social acceptance assessment                                   | <input type="checkbox"/> |                    |
| <i>Border management</i>        | Legal compliance with border management law                    | <input type="checkbox"/> |                    |
| <i>Supplementary</i>            | Scenario planning  | <input type="checkbox"/> |                    |
|                                 | Cost-Benefit Analysis (CBA)                                    | <input type="checkbox"/> |                    |
|                                 | Strengths, Weaknesses, Opportunities, Threats (SWOT)           | <input type="checkbox"/> |                    |
|                                 | <i>[other, specify]</i>  | <input type="checkbox"/> |                    |

Step 2d: Other evaluation techniques

| <i>Technique</i>                       | <i>Applicable?</i>       | <i>Explanation</i> |
|--|--------------------------|--------------------|
| <i>Environmental impact assessment</i> | <input type="checkbox"/> |                    |
| <i>Health impact assessment</i>        | <input type="checkbox"/> |                    |
| <i>Risk assessment</i>                 | <input type="checkbox"/> |                    |
| <i>[other, specify]</i>                | <input type="checkbox"/> |                    |

**Comments**

*[Explanation]*



### Step 3: Planning and Preparation

#### Specific objectives of the assessment process

| <i>Objective</i>          | <i>Applicable?</i>       | <i>Explanation</i> |
|---------------------------|--------------------------|--------------------|
| Protection of individuals | <input type="checkbox"/> |                    |
| Compliance with the law   | <input type="checkbox"/> |                    |
| [ <i>other, specify</i> ] | <input type="checkbox"/> |                    |

#### Criteria for the acceptability of negative impacts

| <i>Objective</i>   | <i>Applicable?</i>       | <i>Explanation</i>       |
|--|--------------------------|--------------------------|
| Necessity and proportionality (Article 35(7)(b))                     | <input type="checkbox"/> |                          |
| Human rights limitation criteria (Article 52(1) CFR)                 | <input type="checkbox"/> |                          |
| Risk assessment<br>(qualitative,<br>quantitative)<br>(risk criteria) | Likelihood scale         | <input type="checkbox"/> |
|  | Severity scale           | <input type="checkbox"/> |
|  | Point of acceptability   | <input type="checkbox"/> |
| [ <i>other, specify</i> ]  | <input type="checkbox"/> |                          |

#### Resources

|                                 | <i>Value(s)</i> | <i>Explanation</i> |
|---------------------------------|-----------------|--------------------|
| Time<br>(how long?)             |                 |                    |
| Money<br>(how much?)            |                 |                    |
| Workforce<br>(how many people?) |                 |                    |
| Knowledge<br>(what expertise?)  |                 |                    |
| Know-how<br>(what experience?)  |                 |                    |

|                                    | <i>Value(s)</i> | <i>Explanation</i> |
|------------------------------------|-----------------|--------------------|
| Premises<br>(where?)               |                 |                    |
| Infrastructure<br>(by what means?) |                 |                    |
| [ <i>other, specify</i> ]          |                 |                    |

### Procedures and timeframes for the assessment process

|   | <i>Milestone</i>   | <i>Deadline</i> | <i>Responsibility</i> | <i>Supervision</i> |
|---|--------------------|-----------------|-----------------------|--------------------|
| 1 | [ <i>Specify</i> ] |                 |                       |                    |
| 2 |                    |                 |                       |                    |

### Assessor(s)

|   | <i>Name</i>        | <i>If external:<br/>organisation</i> | <i>Contact<br/>details</i> | <i>Expertise</i> | <i>Roles and<br/>responsibilities</i> | <i>Other<br/>information</i> |
|---|--------------------|--------------------------------------|----------------------------|------------------|---------------------------------------|------------------------------|
| 1 | [ <i>Specify</i> ] |                                      |                            |                  | [ <i>Leader</i> ]                     |                              |
| 2 |                    |                                      |                            |                  |                                       |                              |

### Stakeholders

[*Provide contact details of all stakeholders to involve in the present impact assessment process and a consultation plan, if necessary.*]

### Continuity of the assessment process

[*How would the present assessment process be continued in the event of a disruption, reorganisation, etc. of the sponsoring organization?*]

Criteria triggering the revision of the assessment process

| <i>Criterion</i>                               | <i>Applicable?</i>       | <i>Explanation</i> |
|--|--------------------------|--------------------|
| Change of likelihood and/or severity of a risk | <input type="checkbox"/> |                    |
| [Other, specify]                               | <input type="checkbox"/> |                    |

**Comments**

[Explanation]

## Ongoing Steps for Phase I

### Step A: Stakeholder involvement

#### Internal stakeholders

| <i>Category of stakeholders</i>            | <i>What information has been communicated to stakeholders?</i> | <i>What input have the stakeholders provided (e.g. opinion)?</i> | <i>How was their input included? Why was it rejected?</i> |
|--|--|--|---|
| Data processor(s)                          |  |  |   |
| Data protection officer(s) (DPO)           |  |  |   |
| Recipient(s) (Article 4(9))                |  |  |   |
| Third parties (Article 4(10))              |  |  |   |
| Representative(s) (Article 27)             |  |  |   |
| Information security officer(s)            |  |  |   |
| Legal service                              |  |  |   |
| Employees, trade unions, contractors, etc. |  |  |   |
| [other, specify]                           |  |  |   |

#### External stakeholders

| <i>Category of stakeholders</i>  | <i>What information has been communicated to stakeholders?</i>  | <i>What input have the stakeholders provided (e.g. opinion)?</i> | <i>How was their input included? Why was it rejected?</i> |
|--|---|--|---|
| Individuals whose rights and freedoms are affected by the initiative and their representatives | Data subjects, including: <ul style="list-style-type: none"> <li>• Minors</li> <li>• Vulnerable people</li> <li>• [other, specify]</li> </ul> |  |   |
|  | Representative(s) of data subject(s)  |  |   |
|  | Individuals who are not data subjects   |  |   |
|  | Representative(s) of individuals who are not data subjects  |  |   |

Annex 1 – Ongoing Steps for Phase I

|                             |   |  |  |  |
|-----------------------------|---|--|--|--|
| Public sector stakeholders  | Supervisory authority(ies) (DPA)                                      |  |  |  |
|                             | Policy makers   |  |  |  |
|                             | Local stakeholders  |  |  |  |
| Private sector stakeholders | Technology providers  |  |  |  |
|                             | Transportation companies  |  |  |  |
| Experts                     | Research Ethics Committees, at public or private organisations        |  |  |  |
|                             | National ethics committees or councils, at EU or Member States' level |  |  |  |
|                             | Groups of <i>ad hoc</i> recruited ethics experts                      |  |  |  |
|                             | Scientific experts  |  |  |  |
|                             | [Anybody else affected, etc., specify]                                |  |  |  |

**Lack of stakeholder involvement in the present phase**

[If stakeholders are not involved in the present phase of the impact assessment process, explain why.]

## Step B: Quality control

| <i>Quality control body</i>      | <i>What feedback was received?</i> | <i>How was the feedback implemented?<br/>Why was it rejected?</i> |
|----------------------------------|------------------------------------|---|
| Data protection officer(s) (DPO) |                                    |   |
| Supervisory authority (DPA)      |                                    |   |
| [Other, specify]                 |                                    |   |

## Comments

[Explanation]

## Phase II: Assessment

### Step 4: Systematic (detailed) description of the initiative

#### a) A succinct description of the envisaged initiative

|                      |
|----------------------|
| <i>[Explanation]</i> |
|----------------------|

#### b) Personal data protection

##### Overview

|  |  | <i>Explanation</i>   |  |
|--|--|--|--|
| <b>Contextual description</b>                | <b>Nature</b><br><i>(what types of processing operations? e.g. collection, storage, erasure, etc.)</i> | 1  |  |
|  |  | 2  |  |
|  |  | ...  |  |
|  | <b>Scope</b>   | <b>Scale</b><br><i>(how much? how many? how far?)</i>                  |  |
|  |  | <b>Time</b><br><i>(when? how long?)</i>                                |  |
|  | <b>Context</b><br><i>(in what circumstances?)</i>  | <b>Internal</b> <i>(concerning the controller)</i>                     |  |
|  |  | <b>External</b> <i>(concerning individuals, groups, society, etc.)</i> |  |
|  | <b>Purpose</b><br>of processing operations, including, where applicable, legitimate interest (why?)    |  |  |
|  | <b>Benefits</b><br>of processing operations  | for individuals, including data subjects                               |  |
|  |  | for the data controller  |  |
|  | for society as a whole   |  |  |
| <b>Drawbacks</b><br>of processing operations | for individuals, including data subjects   |  |  |
|  | for the data controller  |  |  |
|  | for society as a whole   |  |  |

|                       |   | <i>Explanation</i> |
|-----------------------|---|--------------------|
| Technical description | Categories of personal data (what?) <ul style="list-style-type: none"> <li>• special categories of personal data</li> <li>• personal data of vulnerable people (e.g. children)</li> <li>• data of a highly personal nature</li> </ul> |                    |
|                       | Means of processing (infrastructure) (by what means?)   |                    |
|                       | Envisioned data flows (where to where? whom to whom?)   |                    |
|                       | Data security (how is it ensured?)  |                    |
|                       | Jurisdiction/market (where?)  |                    |
|                       | Actors in the 'supply chain' (who?)   |                    |
|                       | <i>[Other, explain]</i>   |                    |

**Diagram of personal data flows and/or other visualisations**

*[Insert a diagram]*



c) Privacy

|                         | Explanation |
|-------------------------|-------------|
| Bodily privacy          |             |
| Spatial privacy         |             |
| Communicational privacy |             |
| Proprietary privacy     |             |
| Intellectual privacy    |             |
| Decisional privacy      |             |
| Associational privacy   |             |
| Behavioural privacy     |             |
| Informational privacy   |             |

**Comments**

*[Explanation]*

Step 5: Appraisal of Impacts & Step 6: Recommendations

Step 5aa: Data protection : Necessity and proportionality of the processing operations

i) Level 1: Personal data protection principles

|                             |                      | ID of a processing operation              |                          |                    |          |          |
|-----------------------------|----------------------|---|--------------------------|--------------------|----------|----------|
|                             |                      | Type of a processing operation            |                          |                    |          |          |
|                             |                      | STEP 6 Recommendations                    |                          |                    |          |          |
|                             |                      | Response plan, if principle not satisfied |                          |                    |          |          |
|                             |                      | Measures in place                         | Measures to introduce    | Responsible person | Priority | Deadline |
| STEP 5 Appraisal of impacts |                      |   |                          |                    |          |          |
| Principle                   | Legal provision      | Applicable?                               | Satisfied?               | Explanation        |          |          |
|                             |                      | 6(1) (a)                                  | 6(1) (b)                 | 6(1) (c)           | 6(1) (d) | 6(1) (e) |
| Lawfulness                  | Consent              | <input type="checkbox"/>                  | <input type="checkbox"/> |                    |          |          |
|                             | Contract             | <input type="checkbox"/>                  | <input type="checkbox"/> |                    |          |          |
|                             | Legal compliance     | <input type="checkbox"/>                  | <input type="checkbox"/> |                    |          |          |
|                             | Vital interests      | <input type="checkbox"/>                  | <input type="checkbox"/> |                    |          |          |
|                             | Public interest      | <input type="checkbox"/>                  | <input type="checkbox"/> |                    |          |          |
|                             | Legitimate interests | <input type="checkbox"/>                  | <input type="checkbox"/> |                    |          |          |

Annex 1 – Step 5: Appraisal of Impacts

|                            |         |                                       |                          |  |  |  |  |  |  |
|----------------------------|---------|---------------------------------------|--------------------------|--|--|--|--|--|--|
| Fairness<br>Transparency   | 5(1)(a) | <input type="checkbox"/>              |                          |  |  |  |  |  |  |
|                            |         | <input type="checkbox"/>              |                          |  |  |  |  |  |  |
| Purpose limitation         | 5(1)(b) | Specific                              | <input type="checkbox"/> |  |  |  |  |  |  |
|                            |         | Explicit                              | <input type="checkbox"/> |  |  |  |  |  |  |
|                            |         | Legitimate                            | <input type="checkbox"/> |  |  |  |  |  |  |
|                            |         | Not processed further<br>(Exceptions) | <input type="checkbox"/> |  |  |  |  |  |  |
|                            | 89(1)   | <input type="checkbox"/>              |                          |  |  |  |  |  |  |
| Data minimisation          | 5(1)(c) | Adequate                              | <input type="checkbox"/> |  |  |  |  |  |  |
|                            |         | Relevant                              | <input type="checkbox"/> |  |  |  |  |  |  |
|                            |         | Limited                               | <input type="checkbox"/> |  |  |  |  |  |  |
| Accuracy                   | 5(1)(d) | Accurate                              | <input type="checkbox"/> |  |  |  |  |  |  |
|                            |         | Up-to-date                            | <input type="checkbox"/> |  |  |  |  |  |  |
| Storage limitation         | 5(1)(e) | Necessary                             | <input type="checkbox"/> |  |  |  |  |  |  |
|                            |         | (Exceptions)                          | <input type="checkbox"/> |  |  |  |  |  |  |
| Data security              | 5(1)(f) | Integrity and confidentiality         | <input type="checkbox"/> |  |  |  |  |  |  |
|                            |         | Security of processing                | <input type="checkbox"/> |  |  |  |  |  |  |
| Data protection by design  | 32      | <input type="checkbox"/>              |                          |  |  |  |  |  |  |
| Data protection by default | 25(1)   | <input type="checkbox"/>              |                          |  |  |  |  |  |  |
|                            | 25(2)   | <input type="checkbox"/>              |                          |  |  |  |  |  |  |

ii) Level 2: Human rights limitation criteria (Article 52(1) CFR)

| STEP 5 Appraisal of impacts   |                          | STEP 6 Recommendations |                   |                       |                    |          |          |
|---|--------------------------|------------------------|-------------------|-----------------------|--------------------|----------|----------|
| Criterion   | Satisfied?               | Explanation            | Measures in place | Measures to introduce | Responsible person | Priority | Deadline |
| <b>LEGALITY</b><br>Is the envisaged initiative provided for by law of a sufficient quality?   | <input type="checkbox"/> |                        |                   |                       |                    |          |          |
| <b>ESSENCE</b><br>Does the envisaged initiative still make it possible to exercise a fundamental right or freedom?  | <input type="checkbox"/> |                        |                   |                       |                    |          |          |
| <b>LEGITIMACY</b><br>Does the envisaged initiative serve a legitimate aim?  | <input type="checkbox"/> |                        |                   |                       |                    |          |          |
| <b>SUITABILITY</b><br>Is the envisaged initiative suited (ever capable) to achieving this aim?  | <input type="checkbox"/> |                        |                   |                       |                    |          |          |
| <b>NECESSITY</b><br>Is the envisaged initiative necessary to achieve this aim?  | <input type="checkbox"/> |                        |                   |                       |                    |          |          |
| <b>PROPORTIONALITY</b><br>PROPORTIONALITY SENSU STRICTO (BALANCING)<br>Is the interference with the right justified in light of the gain in protection for the competing right or interest? | <input type="checkbox"/> |                        |                   |                       |                    |          |          |
| <i>Response plan, if principle not satisfied</i>  |                          |                        |                   |                       |                    |          |          |

Step 5ab: Data protection: Risk to the rights and freedoms of natural persons

| STEP 5 APPRAISAL OF IMPACTS |                   | STEP 6 RECOMMENDATIONS                               |   | RISK EVALUATION                                       |                       |             |               |   |                 |               |   |   |                   |                       |                    |          |          |  |
|-----------------------------|-------------------|--|---|---|-----------------------|-------------|---------------|---|-----------------|---------------|---|---|-------------------|-----------------------|--------------------|----------|----------|--|
| RISK IDENTIFICATION         |                   | RISK ANALYSIS  |   | RISK EVALUATION                                       |                       |             |               |   |                 |               |   |   |                   |                       |                    |          |          |  |
| ID                          | Risk<br>[Specify] | Description<br>(risk source,<br>risk owner,<br>etc.) | Likelihood [probability]<br>of occurrence | Severity<br>of consequence(s) if risk<br>materialises | Risk level<br>(score) | Explanation | Risk response |   |                 | Response plan |   |   |                   |                       |                    |          |          |  |
|                             |                   |  |   |   |                       |             | L[P]          | S | R =<br>L[P] * S | L[P]          | S | R | Measures in place | Measures to introduce | Responsible person | Priority | Deadline |  |
| 1                           |                   |  |   |   |                       |             |               |   |                 |               |   |   |                   |                       |                    |          |          |  |
| 2                           |                   |  |   |   |                       |             |               |   |                 |               |   |   |                   |                       |                    |          |          |  |
| 3                           |                   |  |   |   |                       |             |               |   |                 |               |   |   |                   |                       |                    |          |          |  |
| 4                           |                   |  |   |   |                       |             |               |   |                 |               |   |   |                   |                       |                    |          |          |  |
|                             |                   |  |   |   |                       |             |               |   |                 |               |   |   |                   |                       |                    |          |          |  |

**Risk matrix**

| <i>Before recommendations</i><br>[Insert a diagram] | <i>After recommendations</i><br>[Insert a diagram] |
|---|--|
|   |  |

## Step 5b: Ethics assessment

### Stage 1: Analysis

| <i>ID</i> | <i>Questions</i>   | <i>Answers</i> |
|-----------|--|----------------|
| 1         | How is the initiative (not) in line with universal values or principles?   |                |
| 2         | How is the initiative presented in a deterministic way? Is it a positive or negative picture?  |                |
| 3         | Why is the initiative (not) neutral?   |                |
| 4         | Is the initiative legitimised by similar technologies that already worked in the past? Or is it legitimised by reference to a dystopian future?      |                |
| 5         | How is the initiative said to change our values or ethical principles?   |                |
| 6         | How does the use (or lack of use) of the initiative cause uncontrollable effects?  |                |
| 7         | How does the initiative protect principles/rights/duties before consequences? Which principles/rights/duties are respected, and which are infringed? |                |
| 8         | Why is the initiative said to produce more benefits than costs? How is the argument justified?   |                |
| 9         | How are the risks and benefits of the initiative distributed between different groups? Which groups are discriminated and how?                       |                |

### Stage 2: Assessment

| <i>IDs</i> | <i>Questions</i>  | <i>Assessment</i> |                                      |
|------------|---|-------------------|--------------------------------------|
|            |   | <i>Conflict</i>   | <i>Counterarguments or fallacies</i> |
| 1          | Are the values/principles invoked universal? Or are they instead local?   |                   |                                      |
| 2          | Will the initiative materialise independently of what people think and decide?<br>Or is there some room for alternatives? |                   |                                      |
| 3          | Is the initiative neutral or biased?  |                   |                                      |
| 4          | Does the parallel with the past/future hold?  |                   |                                      |

| IDs | Questions   | Assessment |                               |
|-----|---|------------|-------------------------------|
|     |   | Conflict   | Counterarguments or fallacies |
| 5   | To what extent does the initiative change our morality?   |            |                               |
| 6   | Can more and more similar initiatives ultimately lead to a dystopian future if used on a larger scale, although it seems innocuous at first?  |            |                               |
| 7   | Do the principles/rights/duties invoked actually justify the initiative?<br>Are invocations to principles/rights/duties side-tracked by consequentialist arguments?<br>Can one principle/right/duty be outweighed by another? If so, how do you balance competing principles?                             |            |                               |
| 8   | Are the promises of the initiative plausible?<br>Is there a better alternative to the initiative (e.g. less invasive) that is technically and economically feasible?<br>What are the possible unintended side effects?<br>Do costs outweigh benefits?<br>Or are the costs and risks downplayed?           |            |                               |
| 9   | Is (the access to) the initiative distributed equally between travellers?<br>Is (the access to) the initiative distributed on the basis of the needs of the travellers?<br>Are distributive justice arguments side-tracked by consequentialist ones?<br>Are discriminatory issues sufficiently addressed? |            |                               |



### Step 5c: Social acceptance assessment

#### Stage 1: Analysis

| ID | Acceptance assessment technique | Type of analysis |                          | Findings and patterns (summary) |
|----|---------------------------------|------------------|--------------------------|---------------------------------|
| 1  | ...                             | Quantitative     | <input type="checkbox"/> |                                 |
|    |                                 | Qualitative      | <input type="checkbox"/> |                                 |
|    |                                 | Mix              | <input type="checkbox"/> |                                 |
|    |                                 |                  |                          |                                 |

#### Stage 2: Assessment

| ID | Positive or negative consequences | Stakeholders affected |
|----|-----------------------------------|-----------------------|
| 1  | 1x ...                            |                       |
|    | 1y ...                            |                       |
|    | 1z ...                            |                       |
|    |                                   |                       |

### Step 5d: Privacy assessment

| Technology implemented<br>(repeat and justify for each) | Applicable?              | Description of impact | Legality | Essence | Legitimacy | Necessity | Proportionality |
|---|--------------------------|-----------------------|----------|---------|------------|-----------|-----------------|
| Bodily privacy  | <input type="checkbox"/> |                       |          |         |            |           |                 |
| Spatial privacy   | <input type="checkbox"/> |                       |          |         |            |           |                 |
| Communicational privacy                                 | <input type="checkbox"/> |                       |          |         |            |           |                 |
| Proprietary privacy                                     | <input type="checkbox"/> |                       |          |         |            |           |                 |
| Intellectual privacy                                    | <input type="checkbox"/> |                       |          |         |            |           |                 |
| Decisional privacy                                      | <input type="checkbox"/> |                       |          |         |            |           |                 |
| Associational privacy                                   | <input type="checkbox"/> |                       |          |         |            |           |                 |
| Behavioural privacy                                     | <input type="checkbox"/> |                       |          |         |            |           |                 |

Step 5e: Legal compliance requirements

| ID                     | Description                         |  | Applicable?              | Compliance?              | Explanation |
|------------------------|-------------------------------------|--|--------------------------|--------------------------|-------------|
| <b>Data Protection</b> |                                     |  |                          |                          |             |
| 1                      | Roles of controllers and processors | Have the responsibilities of controllers and processors been allocated in accordance with the law?   | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |                                     | [other, specify]   |                          |                          |             |
| 2                      | Lawful processing                   | Has a legal basis grounding the personal data processing been identified?  | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |                                     | [other, specify]   |                          |                          |             |
| 3                      | Purpose limitation                  | Are the purposes for which a border control technology processes personal data in line with those specified in the relevant legal and otherwise regulatory framework applicable to it? | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |                                     | [other, specify]   |                          |                          |             |
| 4                      | Data minimisation                   | 1. Does the border control technology process only the personal data that is adequate, relevant and not excessive for the specific border control activity?                            | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |                                     | 2. Does the border control technology ensure that only specific categories of personal data are processed?   | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |                                     | [other, specify]   |                          |                          |             |

Annex 1 – Step 5: Appraisal of Impacts

| ID                     | Description                                 |  | Applicable?              | Compliance?              | Explanation |
|------------------------|---|--|--------------------------|--------------------------|-------------|
| <b>Data Protection</b> |   |  |                          |                          |             |
| 5                      | Accuracy                                    | Where inaccurate or outdated information is stored in a database, are mechanisms in place to ensure that the information is erased or updated within a specific period of time, and that the changes are communicated to those (authorities) concerned?  | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |   | [other, specify]   |                          |                          |             |
| 6                      | Accuracy of biometric data                  | Does the border control technology comply with minimum data quality standards for biometric data?  | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |   | [other, specify]   |                          |                          |             |
| 7                      | Storage limitation                          | 1. Does the border control technology ensure that data is automatically deleted once the retention period elapses?   | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |   | 2. Does the border control technology ensure that logs are deleted once the retention period elapses?  | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |   | [other, specify]   |                          |                          |             |
| <b>Data Protection</b> |   |  |                          |                          |             |
| 8                      | Availability, integrity and confidentiality | Has the organisation adopted technical and organisational measures to ensure the security of the data processed by the border control technology? <ul style="list-style-type: none"> <li>• security, business continuity and disaster and recovery plan</li> <li>• fall-back procedures</li> <li>• encryption</li> <li>• etc.</li> </ul> | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |   | [other, specify]   |                          |                          |             |

| ID              | Description           |  | Applicable?              | Compliance?              | Explanation |
|-----------------|-----------------------|--|--------------------------|--------------------------|-------------|
| 9               | Accountability        | Does the border control authority have accountability measures in place? <ul style="list-style-type: none"> <li>• logs/records of processing activities</li> <li>• staff training</li> <li>• self-monitoring</li> <li>• professional secrecy</li> <li>• reports of security incidents</li> <li>• etc.</li> </ul>                                 | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                 |                       | [other, specify]   |                          |                          |             |
| Data Protection |                       |  |                          |                          |             |
| 10              | Data subjects' rights | 1. Are data subjects granted the possibility to exercise their rights? <ul style="list-style-type: none"> <li>• information</li> <li>• access</li> <li>• rectification</li> <li>• erasure</li> <li>• restriction of processing</li> <li>• to not be subjected to a decision solely based on automated decision making</li> <li>• etc.</li> </ul> | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                 |                       | [other, specify]   |                          |                          |             |
| 11              | Data transfers        | Are personal data transfers to third countries and/or international organisations and/or private entities either not allowed or restricted to very specific cases?   | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                 |                       | [other, specify]   |                          |                          |             |

Annex 1 – Step 5: Appraisal of Impacts

| ID                     | Description                   |   | Applicable?              | Compliance?              | Explanation |
|------------------------|-------------------------------|---|--------------------------|--------------------------|-------------|
| <b>Data Protection</b> |                               |   |                          |                          |             |
| 12                     | Accessibility of data:        | 1. Do only specific staff members of pre-defined national competent authorities have access to data processed by the border control technology?   | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |                               | 2. Do only specific staff members of pre-defined EU agencies have access to data processed by the border control technology insofar as it is necessary to fulfil their mandate or exercise their tasks? | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |                               | [other, specify]  |                          |                          |             |
|                        | Other / specify               |   |                          |                          |             |
| <b>Privacy</b>         |                               |   |                          |                          |             |
| 1                      | Respect for private life      | Does the border control technology ensure that the processing of personal data respects one's private life?   | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |                               | [other, specify]  |                          |                          |             |
| 2                      | Respect of (bodily) integrity | Does the border control technology ensure that the processing of personal data respects the (bodily) integrity of individuals?  | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |                               | [other, specify]  |                          |                          |             |
| <b>Privacy</b>         |                               |   |                          |                          |             |
| 3                      | Privacy by design             | Have privacy considerations been embedded in the border control technology for its entire lifecycle?  | <input type="checkbox"/> | <input type="checkbox"/> |             |
|                        |                               | [other, specify]  |                          |                          |             |

Border Control and New Technologies

| ID     | Description        |   | Applicable?              | Compliance?              | Explanation |
|--------|--------------------|---|--------------------------|--------------------------|-------------|
| 4      | Privacy by default | Are the default settings of the border control technology the most privacy-friendly possible?               | <input type="checkbox"/> | <input type="checkbox"/> |             |
|        |                    | [other, specify]  |                          |                          |             |
|        | Other / specify    |   |                          |                          |             |
| Ethics |                    |   |                          |                          |             |
| 1      | Informed consent   | 1. Is the public informed about the existence of the border crossing point?                                 | <input type="checkbox"/> | <input type="checkbox"/> |             |
|        |                    | 2. Is the public informed of the temporary reintroduction of border controls?                               | <input type="checkbox"/> | <input type="checkbox"/> |             |
|        |                    | [other, specify]  |                          |                          |             |
| 2      | Freedom of choice  | 1. May a person opt to not use a border control technology (e.g. e-gate)?                                   | <input type="checkbox"/> | <input type="checkbox"/> |             |
|        |                    | 2. Are persons who opt to not use the border control technology not discriminated against for their choice? | <input type="checkbox"/> | <input type="checkbox"/> |             |
|        |                    | [other, specify]  |                          |                          |             |
| Ethics |                    |   |                          |                          |             |
| 3      | Dual-use           | Are restrictions in place for dual-use items?   | <input type="checkbox"/> | <input type="checkbox"/> |             |
|        |                    | Other / specify   |                          |                          |             |
| 4      | Fairness           | Is the use of the border control technology fair towards third-country nationals?                           | <input type="checkbox"/> | <input type="checkbox"/> |             |
|        |                    | [other, specify]  |                          |                          |             |

Annex 1 – Step 5: Appraisal of Impacts

| ID     | Description                                     |  | Applicable?              | Compliance?              | Explanation |
|--------|---|--|--------------------------|--------------------------|-------------|
| 5      | Human dignity                                   | 1. Does the use of the border control technology not result in inhuman or degrading treatment?   | <input type="checkbox"/> | <input type="checkbox"/> |             |
|        |   | 2. Is the procedure of taking fingerprints in accordance with safeguards in CFR?   | <input type="checkbox"/> | <input type="checkbox"/> |             |
|        |   | [other, specify]   |                          |                          |             |
| 6      | Non-discrimination and bias                     | Has the technology been developed in such a way that the processing of personal data will not result in discrimination against persons on any grounds, such as gender, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation? | <input type="checkbox"/> | <input type="checkbox"/> |             |
|        |   | [other, specify]   |                          |                          |             |
| Ethics |   |  |                          |                          |             |
| 7      | Rights of elderly and persons with disabilities | Has the border control technology been designed in such a way to be used by all persons, except for children under 12 years of age, to the fullest extent possible?  | <input type="checkbox"/> | <input type="checkbox"/> |             |
|        |   | [other, specify]   |                          |                          |             |

| ID     | Description        | Applicable?  | Compliance?              | Explanation              |  |
|--------|--------------------|--|--------------------------|--------------------------|--|
| 8      | Rights of children | 1. Are children under a certain age exempted from giving fingerprints?   | <input type="checkbox"/> | <input type="checkbox"/> |  |
|        |                    | 2. Are alerts regarding children admissible only in restricted cases and to safeguard the best interest of the child?                                      | <input type="checkbox"/> | <input type="checkbox"/> |  |
|        |                    | 3. Are alerts concerning children deleted when the child reaches the age of majority and in the circumstances specified in Article 55 SIS Regulation 1862? | <input type="checkbox"/> | <input type="checkbox"/> |  |
|        |                    | 4. Are queries in the CIR against minors of 12 years or under allowed, except when in the best interest of the child?                                      | <input type="checkbox"/> | <input type="checkbox"/> |  |
|        |                    | [other, specify]   |                          |                          |  |
| Ethics |                    |  |                          |                          |  |
| 9      | Vulnerable persons | 1. Are alerts concerning vulnerable persons admissible only in restricted cases?   | <input type="checkbox"/> | <input type="checkbox"/> |  |
|        |                    | 2. Are the alerts concerning vulnerable persons deleted in the circumstances specified in Article 55 SIS Regulation 1862?                                  | <input type="checkbox"/> | <input type="checkbox"/> |  |
|        |                    | 3. Have border guards received specialised training for detecting and dealing with situations involving vulnerable persons?                                |                          |                          |  |
|        |                    | [other, specify]   |                          |                          |  |



Annex 1 – Step 5: Appraisal of Impacts

| ID | Description                         |  | Applicable?              | Compliance?              | Explanation |
|----|-------------------------------------|--|--------------------------|--------------------------|-------------|
| 10 | Non-refoulement and right to asylum | 1. Are the individuals not subject to refoulement? Do they have the possibility to ask for asylum? | <input type="checkbox"/> | <input type="checkbox"/> |             |
|    |                                     | 2. Are the rights of people in need of international protection taken into special account?        | <input type="checkbox"/> | <input type="checkbox"/> |             |
|    |                                     | [other, specify]   |                          |                          |             |
|    | Other / specify                     |  |                          |                          |             |

Other evaluation techniques

| Assessment    | Recommendations |
|---------------|-----------------|
| [Explanation] | [Explanation]   |

Comments

[Explanation]

## Step 6: Recommendations

### Recommendations concerning ethics

| ID | Conflicts | Counter-arguments | Fallacies | Response plan |             |          |
|----|-----------|-------------------|-----------|---------------|-------------|----------|
|    |           |                   |           | Measure       | Responsible | Deadline |
| 1  |           |                   |           |               |             |          |
|    |           |                   |           |               |             |          |

### Recommendations concerning social acceptance

| ID | Users | Critical points | Response plan |             |          |
|----|-------|-----------------|---------------|-------------|----------|
|    |       |                 | Measure       | Responsible | Deadline |
| 1  |       |                 |               |             |          |
|    |       |                 |               |             |          |

### Recommendations concerning privacy

| Technology | Aspect(s) of privacy | Interference | Response plan |             |          |
|------------|----------------------|--------------|---------------|-------------|----------|
|            |                      |              | Measure       | Responsible | Deadline |
|            |                      |              |               |             |          |
|            |                      |              |               |             |          |

### Recommendations concerning legal compliance

| ID              | Measure | Responsible | Deadline |
|-----------------|---------|-------------|----------|
|                 |         |             |          |
| Data protection |         |             |          |
| 1               |         |             |          |
|                 |         |             |          |
| Privacy         |         |             |          |
| 1               |         |             |          |
|                 |         |             |          |
| Ethics          |         |             |          |
| 1               |         |             |          |
|                 |         |             |          |

### Other evaluation techniques

*[Explanation]*

### Recommendations

|   | <i>Synthesis of recommendations</i> | <i>Decision of the sponsoring organisation and its justification</i> |
|---|-------------------------------------|--|
| 1 | <i>[Explanation]</i>                |  |
| 2 |                                     |  |
|   |                                     |  |

|                          | <i>Overall recommendation</i>            |                      | <i>Decision of the sponsoring organisation and its justification</i> |
|--------------------------|--|----------------------|--|
| <input type="checkbox"/> | to deploy the initiative without changes |                      |  |
| <input type="checkbox"/> | to modify the initiative                 | <i>[Specify how]</i> |  |
| <input type="checkbox"/> | to cancel the initiative                 | <i>[Specify why]</i> |  |

### Comments

*[Explanation]*

## Ongoing Steps for Phase II

### Step A: Stakeholder involvement

#### Internal stakeholders

| <i>Category of stakeholder</i>             | <i>What information has been communicated to stakeholders?</i> | <i>What input have the stakeholders provided (e.g. opinion)?</i> | <i>How was their input included? Why was it rejected?</i> |
|--|--|--|---|
| Data processor(s)                          |  |  |   |
| Data protection officer(s) (DPO)           |  |  |   |
| Recipient(s) (Article 4(9))                |  |  |   |
| Third parties (Article 4(10))              |  |  |   |
| Representative(s) (Article 27)             |  |  |   |
| Information security officer(s)            |  |  |   |
| Legal service                              |  |  |   |
| Employees, trade unions, contractors, etc. |  |  |   |
| [ <i>other, specify</i> ]                  |  |  |   |

#### External stakeholders

|  | <i>Category of stakeholder</i>  | <i>What information has been communicated to stakeholders?</i> | <i>What input have the stakeholders provided (e.g. opinion)?</i> | <i>How was their input included? Why was it rejected?</i> |
|--|---|--|--|---|
| Individuals whose rights and freedoms are affected by the initiative and their representatives | Data subjects, including: <ul style="list-style-type: none"> <li>• Minors</li> <li>• Vulnerable persons</li> <li>• [<i>other, specify</i>]</li> </ul> |  |  |   |
|  | Representative(s) of data subject(s)  |  |  |   |
|  | Individuals who are not data subjects   |  |  |   |
|  | Representative(s) of individuals who are not data subjects  |  |  |   |

Annex 1 – Ongoing Steps for Phase II

|                             | Category of stakeholder   | What information has been communicated to stakeholders? | What input have the stakeholders provided (e.g. opinion)? | How was their input included? Why was it rejected? |
|-----------------------------|---|---|---|--|
| Public sector stakeholders  | Supervisory authority(ies) (DPA)                                    |   |   |  |
|                             | Policymakers  |   |   |  |
|                             | Local stakeholders  |   |   |  |
| Private sector stakeholders | Technology providers  |   |   |  |
|                             | Transportation companies  |   |   |  |
| Experts                     | Research Ethics Committees, within public or private organisations  |   |   |  |
|                             | National ethics committees or councils, at EU or Member State level |   |   |  |
|                             | Groups of <i>ad hoc</i> recruited ethics experts                    |   |   |  |
|                             | Scientific experts  |   |   |  |
|                             | [Anybody else affected, etc., specify]                              |   |   |  |

**Lack of stakeholder involvement in the present phase**

[If stakeholders are not involved in the present phase of the impact assessment process, explain why.]

### Step B: Quality control

| <i>Quality control body</i>      | <i>What feedback was received?</i> | <i>How was the feedback implemented? Why was it rejected?</i> |
|----------------------------------|------------------------------------|---|
| Data protection officer(s) (DPO) |                                    |   |
| Supervisory authority (DPA)      |                                    |   |
| [Other, specify]                 |                                    |   |

### Comments

[Explanation]

## Phase III: *Ex post* (eventual) steps

### Step 7: Prior Consultation

|                         |  |  |
|-------------------------|--|--|
| Data protection         | Competent DPA(s)   |  |
|                         | Date of submission   |  |
|                         | Date of receipt of the response                            |  |
|                         | Inquiry (summary)  |  |
|                         | Response (summary)   |  |
|                         | Decision of the controller after consultation              |  |
| Ethics                  | Ethics committee and/or competent authority                |  |
|                         | Date of submission of application for approval             |  |
|                         | Date of receipt of the response                            |  |
|                         | Response (summary)   |  |
|                         | Decision of the sponsoring organisation after consultation |  |
| <i>[other, explain]</i> |  |  |

### Comments

*[Explanation]*

## Step 8: Revisiting

|                         | Criterion   | Change?   | Explanation              |  |
|-------------------------|---|---|--------------------------|--|
| Contextual description  | <b>Nature</b><br>(what types of processing operations? e.g. collection, storage, erasure, etc.)   | <input type="checkbox"/>  |                          |  |
|                         | <b>Scope</b>  | <b>Scale</b><br>(how much? how many? how far?)                  | <input type="checkbox"/> |  |
|                         |   | <b>Time</b><br>(when? how long?)                                | <input type="checkbox"/> |  |
|                         | <b>Context</b><br>(in what circumstances?)  | <b>Internal</b> (concerning the controller)                     | <input type="checkbox"/> |  |
|                         |   | <b>External</b> (concerning individuals, groups, society, etc.) | <input type="checkbox"/> |  |
|                         | <b>Purpose</b><br>of processing operations, including, where applicable, legitimate interest (why?)   | <input type="checkbox"/>  |                          |  |
|                         | <b>Benefits</b><br>of processing operations   | for individuals, including data subjects                        | <input type="checkbox"/> |  |
|                         |   | for the data controller   | <input type="checkbox"/> |  |
|                         |   | for society as a whole  | <input type="checkbox"/> |  |
|                         | <b>Drawbacks</b><br>of processing operations  | for individuals, including data subjects                        | <input type="checkbox"/> |  |
| for the data controller |   | <input type="checkbox"/>  |                          |  |
| for society as a whole  |   | <input type="checkbox"/>  |                          |  |
| Technical description   | Categories of personal data (what?)<br><ul style="list-style-type: none"> <li>special categories of personal data</li> <li>personal data of vulnerable persons (e.g. children)</li> <li>data of a highly personal nature</li> </ul> | <input type="checkbox"/>  |                          |  |
|                         | Means of processing (infrastructure) (by what means?)   | <input type="checkbox"/>  |                          |  |
|                         | Envisioned data flows (where to where? whom to whom?)   | <input type="checkbox"/>  |                          |  |
|                         | Data security (how is it ensured?)  | <input type="checkbox"/>  |                          |  |
|                         | Jurisdiction/market (where?)  | <input type="checkbox"/>  |                          |  |
|                         | Actors in the 'supply chain' (who?)   | <input type="checkbox"/>  |                          |  |
|                         | [Other, explain]  | <input type="checkbox"/>  |                          |  |



## Overall suggestion

| <i>What should be done with the assessment process?</i> |   | <i>When?</i>     | <i>Decision of the sponsoring organisation and its justification</i> |
|---|---|------------------|--|
| <input type="checkbox"/> revise                         | <input type="checkbox"/> entirely                 | <i>[Specify]</i> |  |
|   | <input type="checkbox"/> in part <i>[Specify]</i> | <i>[Specify]</i> |  |
| <input type="checkbox"/> do not revise                  | <i>[Specify why]</i>                              |                  |  |

## Ongoing Steps for Phase III

### Step A: Stakeholder involvement

#### Internal stakeholders

| <i>Category of stakeholder</i>             | <i>What information has been communicated to stakeholders?</i> | <i>What input have the stakeholders provided (e.g. opinion)?</i> | <i>How was their input included? Why was it rejected?</i> |
|--|--|--|---|
| Data processor(s)                          |  |  |   |
| Data protection officer(s) (DPO)           |  |  |   |
| Recipient(s) (Article 4(9))                |  |  |   |
| Third parties (Article 4(10))              |  |  |   |
| Representative(s) (Article 27)             |  |  |   |
| Information security officer(s)            |  |  |   |
| Legal service                              |  |  |   |
| Employees, trade unions, contractors, etc. |  |  |   |
| [other, specify]                           |  |  |   |

#### External stakeholders

| <i>Category of stakeholder</i>   | <i>What information has been communicated to stakeholders?</i>   | <i>What input have the stakeholders provided (e.g. opinion)?</i> | <i>How was their input included? Why was it rejected?</i> |
|--|--|--|---|
| Individuals whose rights and freedoms are affected by the initiative and their representatives | Data subjects, including: <ul style="list-style-type: none"> <li>• Minors</li> <li>• Vulnerable persons</li> <li>• [other, specify]</li> </ul> |  |   |
|  | Representative(s) of data subject(s)   |  |   |
|  | Individuals who are not data subjects  |  |   |
|  | Representative(s) of individuals who are not data subjects   |  |   |

Annex 1 – Ongoing Steps for Phase III

| Category of stakeholder     |   | What information has been communicated to stakeholders? | What input have the stakeholders provided (e.g. opinion)? | How was their input included? Why was it rejected? |
|-----------------------------|---|---|---|--|
| Public sector stakeholders  | Supervisory authority(ies) (DPA)                                    |   |   |  |
|                             | Policymakers  |   |   |  |
|                             | Local stakeholders  |   |   |  |
| Private sector stakeholders | Technology providers  |   |   |  |
|                             | Transportation companies  |   |   |  |
| Experts                     | Research Ethics Committees, within public or private organisations  |   |   |  |
|                             | National ethics committees or councils, at EU or Member State level |   |   |  |
|                             | Groups of <i>ad hoc</i> recruited ethics experts                    |   |   |  |
|                             | Scientific experts  |   |   |  |
|                             | [Anybody else affected, etc., specify]                              |   |   |  |

**Lack of stakeholder involvement in the present phase**

[If stakeholders are not involved in the present phase of the impact assessment process, explain why.]

### Step B: Quality control

| <i>Quality control body</i>      | <i>What feedback was received?</i> | <i>How was the feedback implemented?<br/>Why was it rejected?</i> |
|----------------------------------|------------------------------------|---|
| Data protection officer(s) (DPO) |                                    |   |
| Supervisory authority (DPA)      |                                    |   |
| [Other, specify]                 |                                    |   |

### Comments

[Explanation]

## Step C: Documentation

|                                     |                         | <i>Attachment</i>   | <i>Confidentiality level</i>   | <i>Appended?</i>         | <i>Comments</i>          |
|-------------------------------------|-------------------------|---|--|--------------------------|--------------------------|
| Step 1<br>Step 4                    | Data protection         | Record of processing activities                             |  | <input type="checkbox"/> |                          |
|                                     |                         |   |  | <input type="checkbox"/> |                          |
| Approved codes of conduct           |                         |   | <input type="checkbox"/>   |                          |                          |
| Certificates                        |                         |   | <input type="checkbox"/>   |                          |                          |
| Binding corporate rules (BCRs)      |                         |   | <input type="checkbox"/>   |                          |                          |
| Standard contractual clauses (SCCs) |                         |   | <input type="checkbox"/>   |                          |                          |
| Data protection policies            |                         |   | <input type="checkbox"/>   |                          |                          |
| Professional codes of conduct       |                         |   | <input type="checkbox"/>   |                          |                          |
| Data sharing agreement(s)           |                         | confidential  | <input type="checkbox"/>   |                          |                          |
|                                     |                         |   | A copy of a service contract (in the event that the impact assessment is outsourced) |                          | <input type="checkbox"/> |
| Step 3                              | Stakeholder involvement | A list of stakeholders to consult and their contact details |  | <input type="checkbox"/> |                          |
|                                     |                         | Stakeholder consultation plan                               | confidential   | <input type="checkbox"/> |                          |
| Step 7                              | Data protection         | Request for prior consultation with a supervisory authority |  | <input type="checkbox"/> |                          |
|                                     |                         | Response from a supervisory authority                       |  | <input type="checkbox"/> |                          |
|                                     |                         | Response from a supervisory authority                       |  | <input type="checkbox"/> |                          |

*Border Control and New Technologies*

|  |                         | <i>Attachment</i>                                  | <i>Confidentiality level</i> | <i>Appended?</i>         | <i>Comments</i> |
|--|-------------------------|--|------------------------------|--------------------------|-----------------|
| Step A   | Stakeholder involvement | Technical briefing(s) for stakeholder consultation |                              | <input type="checkbox"/> |                 |
|  |                         | Stakeholder consultation (reports)                 |                              | <input type="checkbox"/> |                 |
|  | Data protection         | DPO opinion (report)                               |                              | <input type="checkbox"/> |                 |
| <i>[Reports from other evaluation techniques; specify]</i> |                         |  |                              | <input type="checkbox"/> |                 |
| <i>[other, explain]</i>                                    |                         |  |                              | <input type="checkbox"/> |                 |

**Comments**

*[Explanation]*

## Closing Page

### Endorsements

| <i>Responsibility</i>   | <i>Name</i> | <i>Remarks</i> | <i>Date</i> | <i>Signature</i> |
|-------------------------|-------------|----------------|-------------|------------------|
| Assessor(s)             |             |                |             |                  |
| Data protection officer |             |                |             |                  |
| Data controller(s)      |             |                |             |                  |
| <i>[other, explain]</i> |             |                |             |                  |

### Endnotes

1. Based on: Dariusz Kloza et al., “Data Protection Impact Assessment in the European Union: Developing a Template for a Report from the Assessment Process,” d.pia.lab Policy Brief (Brussels: VUB, 2020), <https://doi.org/10.31228/osf.io/7qrfp>.