PERSONA

Privacy, **E**thical, **R**egulatory and **SO**cial
No-gate crossing point solutions **A**cceptance

PERSONA EXTERNAL ADVISORY BOARD (EAB):
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The PERSONA External Advisory Board, in its capacity of ethical advisor to the Consortium, has provided feedback – in written and oral procedures – on the progress of the project thus far, in particular on several confidential deliverables.

More specifically, the Board has been entrusted to examine:

- D1.3: *PERSONA benchmark for the assessment process*. This deliverable constitutes a report on the identification and elaboration upon the relevant ethical, legal and other regulatory, and social acceptance requirements possibly raised by border crossing technologies. The aim is to establish a "benchmark" against which the impacts of the selected no-gate crossing point solutions will be assessed. The requirements listed in the benchmark will guide the development of the tailored-down impact assessment method.

- D3.1: *PERSONA assessment method (initial version)*. This deliverable contains the first version of the PERSONA impact assessment method (IAM PERSONA) for assessing the impacts of the selected no-gate crossing point solutions. Such a method is a step by step process to be applied in order to assess the impact of borderless crossing technologies against the benchmark.

- D4.1: *Field deployment and planning and preparation*. This deliverable provides a detailed plan outlining the envisaged preparation work and the specification of the PERSONA field deployment of test studies, where – in order to test the PERSONA impact assessment method – volunteers would take part in no-gate crossing points simulation and would be asked to fill in questionnaires about their experience.

- D8.2: *POPD – Requirement No. 2*. This deliverable regards the ethics approvals required for carrying out social science research.

- D8.3: *POPD – Requirement No. 3*. This deliverable concerns the data protection impact assessment (DPIA) carried out for the research activities of the project.

The EAB members expressed their appreciation on the project's work performed by the Consortium so far, but they also provided constructive critical remarks and recommendations that the Consortium will implement in the upcoming phases to improve its work.

Some elements of the initial version of the PERSONA impact assessment method (D3.1) were particularly appreciated:

- the detailed and the well-defined structure of the method, divided into in specific phases and steps, including milestones, to guide the assessors;

- the comprehensiveness of the method, providing that it combines ethical impact assessment, privacy impact assessment and data protection impact assessment;

- the possibility to conclude the impact assessment process with a reasoned statement of non-significant impact to avoid unnecessary work whenever the process is not warranted nor necessary;

- the emphasis on the need to periodically review the assessment process, and to continuously involve stakeholders, providing that not all the impacts and stakeholders may be identifiable at the beginning of the process;

- the need to duly motivate the non-involvement of stakeholders, providing that this should be exceptional;

- the explication of the possibility to cancel an initiative if the consequences would be unacceptable;

- the stress on the need to document each step and each decision taken within the assessment process;

- the call for the involvement of independent evaluators to ensure the quality of the process.

As regards the critical remarks, concerning the PERSONA benchmark (D1.3), it was recommended to emphasize what practically happens at a border crossing point, other than referring to the legal framework related to border management, so that the benchmark is more accurate. Indeed, border control consists of two steps: i.e. the establishment of the identity of the person willing to cross the border, and the decision whether the person is actually entitled to cross the border. Therefore, both steps need to be analysed and should be reflected in the test studies (D4.1) and in the method (D3.1) to ensure its proper operationalisation. Indeed, the person willing to cross the border has to be informed about the decision, and the way people are approached by the border guards doing the oversight has to be assessed legally, ethically and socially.

Concerning the ethical requirements of the benchmark, it was suggested to start from the regulation theory and to explore the literature regarding prescriptive-based regulation, principle-based regulation,

process-based regulation and performance-based regulation, and to outline their respective advantages and drawbacks. This would strengthen the motivation to the choice to adopt principle-based regulation as the best alternative. It was also suggested to distinguish between the various concepts of data regulation, data governance and data ethics.

As regards the specification of PERSONA test studies field deployment (D4.1), it was appreciated how the field deployment planning and preparation looks realistic.

At the same time, it was stressed the need to better describe the statistical approach and the model that will be used to evaluate the data collected. It was recommended to select a wide variety of participants to the test studies, in order to address, for instance, variation in skin colour for heart rate detection. It was proposed to add a clear and concise description of the procedure according to which participants to test studies are selected, as well as of the procedure under which they are assigned to particular roles and divided into categories.

From a substantial perspective, it was outlined that the variable predominantly considered in relation to the acceptability of the physical equipment for no-gate border crossing solution was its visual invasiveness. In that respect, it was put forward the idea to take into consideration also the product design of the solutions, other than their visibility. It was also pointed out how a reflection about product design should not be separated from a general reflection about the symbolic experience of border crossing. From an anthropological point of view, a border is a threshold and therefore border crossing can be a highly symbolic act that not necessarily people dislike. That is why preserving some form of pragmatic or visual threshold at the border may not necessarily be a minus. Conversely, this would reflect more realistic situations of border crossing. Furthermore, it would be more consistent with ethics requirements and the principle of transparency.

From a methodological perspective, it was highlighted the relationship between no-gate crossing points solutions and users' experience, providing that a technical device cannot be fully accepted if it does not assure efficacy and efficiency in a comfortable and pleasing way. It was advised to implement, within the test studies, focus groups and ethnographic observations, to ensure a conscious and ex-post users' interpretation of their own reactions; and/or so-called "think aloud protocols", according to which the users, while performing a task, are supported by a facilitator continuously reminding them to comment what they are doing, thinking or watching. This would enable to gain further insights on mental processes involved in the final acceptance of a technologized procedure such as no-gate border crossing.

Concerning the data protection impact assessment related to the research activities of the project (D8.3), the need to consult the data protection officer(s), as well as the need to more clearly distinguish between the various categories of data subjects involved in the project (e.g. not only internal and external stakeholders, but also participants to the test studies) was stressed. The importance of clarifying the types of personal data that will be processed and eventual data transfers, especially concerning the pilots, was outlined, also in the optic of providing an informed consent.

The next EAB meeting is foreseen in the beginning of 2020. Nevertheless, the EAB will be able to interact with the consortium on an on-going basis.

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