

SANDKESCHT

Participation Charter



Participation Charter for the "Sandkëscht" programme

Supervised by the National Commission for Data Protection.

The 'Sandkëscht' programme contributes to raising awareness among participating organisations regarding their obligations under the General Data Protection Regulation (GDPR) and is part of the fulfilment of the task entrusted to the National Data Protection Commission ('CNPD') under Article 57(1)(d) GDPR.

Applications to participate are processed by the CNPD in accordance with the provisions described below.

The terms of participation include the terms set out in this document, as well as any possible confidentiality agreements. In consideration of the mutual commitments of the parties as set out in this participation charter (hereinafter the "participation charter" or "charter"), the parties agree to be bound by the charter, which applies to any participation and application by a private or public institution (hereinafter the "participant") to the "Regulatory Sandbox" proposed by the CNPD.

Any participation necessarily implies the unreserved acceptance by the participant of this participation charter.

1. Definitions

The following terms shall have the following meaning in this participation charter:

'CNPD': Designates the National Commission for Data Protection as the Luxembourg independent administrative authority established by the Law of 1 August 2018 on the organisation of the National Commission for Data Protection and the implementation of Regulation (EU) 2016/679.

'Regulatory Sandbox' or 'sandbox': Refers to the concrete and controlled framework put in place by the CNPD, which offers participating organizations the opportunity to develop, train, validate and test, if necessary under real conditions, new technologies as well as new uses of data, in accordance with a jointly defined plan, for a limited period of time and under regulatory oversight.

'Sandkëscht programme': An internal initiative at the CNPD designed to implement an environment known as a *'regulatory sandbox'*, aimed at supporting actors in the Luxembourg ecosystem in their innovation efforts while respecting privacy. This Sandkëscht programme includes the overall management of the initiative at both operational and project level, including the organisation of the sandbox, qualification of needs, communication, framing and application processes, including cooperation projects with external entities.

"Applicant": Public or private entity applying to the Sandkëscht programme.

'Participant': Candidate who has been admitted to the Sandkëscht programme.

'GDPR': Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.



'Parties': together designates the participant and the CNPD. In the singular, means only one of the two parties.

'Deliverable': Exit report detailing the activities carried out in the sandbox, as well as feedback, results and achievements.

'Withdrawal': Decision by one of the applicants to terminate participation in the programme, either by withdrawing his/her participation or in the event that his/her participation is suspended or cancelled.

'Territory': Refers to the Grand Duchy of Luxembourg.

'New technology': A technology that derives from new knowledge or the innovative application of existing knowledge.

'Administrative decision to participate': Decision by which the CNPD authorizes an applicant to participate in the Sandkëscht programme.

2. Purpose of the Sandkëscht programme

The CNPD is committed to supporting participating organizations (private or public) in innovation projects, and who face legal uncertainty related to the interpretation of personal data protection regulations within these projects.

3. Eligibility criteria

Eligibility criteria are the prerequisites that the prospective candidate must meet before submitting his/her application. These criteria were determined by the CNPD. To be eligible, an organization must meet all of the following criteria:

- 1) Be established and registered in Luxembourg,
- 2) Justify the existence of an innovation project,
- 3) Demonstrate a real commitment to data protection and compliance with applicable data protection regulations,
- 4) Fall within the scope of the CNPD.

4. Application form

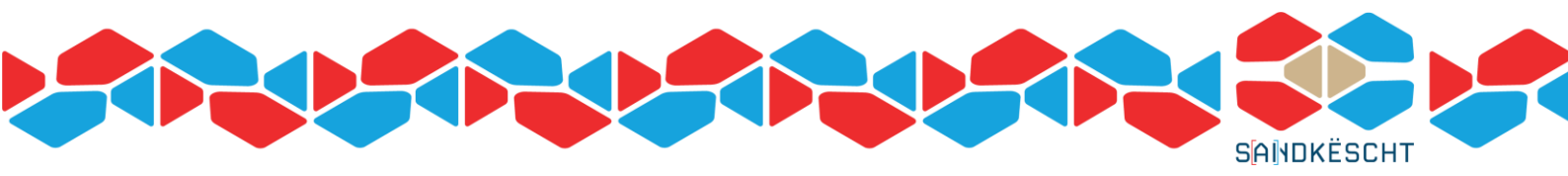
The form can be accessed on the CNPD website dedicated to the Sandkëscht programme, under the section **"Submit a project"**.

The application form will be available for a period of 12 weeks from the first working day following the public call by the CNPD for expressions of interest or applications. After this 12-week deadline, applications received will be reviewed by CNPD officers to select sandbox participants.

After this deadline, applications received will not be processed.

5. Description of the Sandkëscht programme

The Sandkëscht program proposed by the CNPD offers organizations, whether in the private or public sector, support for the development, testing and validation of innovative systems. Focused on the



protection of personal data, this approach extends over a specific period, prior to the placing on the market or putting into service of solutions, and follows a specific plan.

This initiative translates into practical support to facilitate the uptake of emerging technologies, including artificial intelligence, in line with data protection principles and respect for fundamental freedoms.

6. The limits of the service:

6.1. Legal liability of participants:

Participation in the Sandkëscht programme does not in any way exempt the participant from its legal obligations, no derogation from the law may be granted. Similarly, participation in the programme is not intended to regularise current or past behaviour.

6.2. IT environment:

The CNPD is not competent to provide IT infrastructure, technical tools or data to participating organizations as part of this experiment. The participating organization must have the technical and organizational means to participate in the programme.

7. Description of the methodology

The collaborative approach of the sandbox is distinguished by its flexibility, its individual and personalized character. It is based on a dedicated support, contextualized and adapted to each participant according to the technologies used, the solution tested, its complexity, and the involvement of the latter with regard to the law of data protection and this, in order to ensure a coherence and a global understanding of the experiments conducted in the sandbox with a common methodology in three phases.

1) The first phase consists of a definition of needs, structured around several collaborative workshops. The main objective is to achieve an appropriate approach, to harmonise mutual expectations and to establish the organisation of the sandbox with a view to:

- Clarify the challenges of innovation and issues related to the protection of personal data,
- Formalise the roadmap,
- Define the objectives and expected results,
- Set deadlines, milestones and duration of the sandbox,
- Develop an exit plan to ensure the exit from the sandbox at all times, while minimising the risk of potential harm to data subjects. This return-to-ecosystem plan must be validated by the CNPD.

2) The second phase involves the implementation of the measures defined in the previous phase:

- A follow-up of the steps identified to achieve the objectives set out in the roadmap.
- The participant must demonstrate the implementation and the results achieved.

3) The third stage, is about the validation of good practices:

- Participants must adhere to the good practices agreed during the initiation phases. This ensures that the actions undertaken are aligned with the sandbox objectives and comply with legal, and professional standards.

- Formalization of the output report.

8. Commitments of the parties:

Commitments of the National Commission for Data Protection: The CNPD will implement means to provide regulatory support as part of its missions to participating organizations, such as expertise and necessary resources. This support will aim to clarify the legal aspects related to the protection of personal data of innovation projects, thus reducing the uncertainty related to compliance with data protection rules.

Commitments of the Participating Organisation: The participating organization undertakes to make available the necessary resources for participation in the Sandkëscht programme, including the allocation of human and material resources, such as the provision of relevant data, and active participation in the discussions and workshops organised as part of the experimentation. The participating organization undertakes to contribute in good faith and in a collaborative manner during the cooperation within the sandbox.

The participating organization shall assume full responsibility for its information system and other architectural elements throughout the experimentation and shall ensure that it has the necessary technical resources to participate in the Sandkëscht programme. The Parties shall cooperate in good faith in the implementation of the Programme.

9. Suspension:

Participating organizations acting as controllers or processors within the meaning of the GDPR and subject to investigation by the CNPD services, are not eligible to participate in the Sandkëscht programme.

In the event that the CNPD services initiate, in the context of a prerogative outside the sandbox, an investigation concurrently with the participation of the organization concerned, the CNPD reserves the right to suspend its collaboration with the organization concerned.

If a case is opened within the sanctions and litigation department of the CNPD, collaboration within the sandbox may be interrupted.

The decision authorising the applicant's participation in the Sandkëscht programme shall be taken in the light of the applicant's technical, human and social resources. In the event of a change in the applicant's resources, capital, distribution of shares or any other action modifying the control of the participating company, the CNPD reserves the right to annul the decision to participate.

Since the Sandkëscht programme is limited by the resources available to the CNPD, the latter reserves the right to terminate the participation of an applicant in the event that the conditions for collaboration do not allow for a proper implementation or continuation of the programme or if no effective mitigating measures are possible in order to limit data protection infringements.

10. Confidentiality:

The information exchanged between the CNPD and the participating organization within the framework of the "Regulatory Sandbox" will be treated confidentially.



All documents, deliverables and recommendations provided by the CNPD under the Sandkëscht program are **strictly contextualized** and restricted to the sandbox setting. No use, exploitation for commercial purposes, or independent publication of these elements is permitted without the prior written consent of the CNPD.

The participating organization expressly acknowledges that the information provided by the CNPD is intended exclusively to facilitate and support the ongoing innovation project under the Sandkëscht programme. No part of these documents may be reproduced, used or disseminated outside this context without explicit permission from the CNPD.

Any communication relating to the operation, participation and overall collaboration within the sandbox shall be subject to prior approval by the CNPD.

The CNPD undertakes to maintain the confidentiality of the project and the information provided by the participant.

11. Intellectual property:

Intellectual property rights related to results, know-how, developments, brands, images, designs, and more generally the different works of the mind resulting from the innovation project remain the property of their creator.

The CNPD reserves the right to anonymously use lessons learned from the project for statistical or educational purposes in accordance with the provisions in force.

12. Duration and exit:

Participation in the Sandkëscht programme will start on the date agreed between the Parties and will continue according to a timetable defined in the first phase of the programme. The duration of the project may, due to the complexity of the project, be extended by agreement of the parties.

Participating organisations are required to develop an exit plan to provide for the exit of the programme at all times, while minimising the risk of potential harm to the persons concerned.

By accepting this participation charter, the applicant or participating organization acknowledges and accepts the terms of collaboration described above.

Declaration

The applicant or participating entity declares that it has read and accepted the above without reservation.

Date _____

Position _____

Signature _____

