

**European Spallation Source ERIC
29th Meeting of Council
Lund, Sweden, 9-10 June 2022**

Agenda Item 13.b: Transparency Policy

Prepared by: Communications, Governance, Host State Relations

Purpose of item

- To ask Council to approve the Transparency Policy

Issue

- As discussed at Council.25 (June 2021) and Council.26 (Dec 2021), there is a strong need for an ESS Transparency Policy.
- Sweden has very strong Principles of Public Access to Information ("*Offentlighetsprincipen*") applying to all government authorities. While ESS, as an ERIC, is not subject to this legislation, there is a strong and well-justified expectation on ESS to be transparent.

Proposed solution

- The proposed Transparency Policy recognises this need and aims at making ESS more transparent.
- Sec. 4.1 is about documentation that ESS will proactively publish on the ESS website. Please note that most of the documents listed here are already published on the website. The only new documents in this list are the approved Council minutes and this Policy.
 - In a previous draft version of this Policy, this list also included approved AFC minutes and the reports from all other advisory committees.
 - ESS is proposing not to publish the minutes of and reports from the advisory committees, since the reports from these committees are also covered in the Council minutes (which will be published).
- Sec. 4.2 is about requests for documentation.

Proposed action:	Voting procedure:
Council is invited to <ul style="list-style-type: none">• approve the Transparency Policy.	Simple majority

ESS TRANSPARENCY POLICY

	Name	Role/Title
Owner	Florian Weissbach	Group Leader Governance Office
Reviewer	Pia Kinhult Agneta Nestenborg Martin Sjöstrand	Head of Host State Relations Director Project Support and Administration Head of Communications
Approver	Helmut Schober	Director General

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1. PURPOSE

ESS strives for openness in its relations with the external world and aims to be recognised for its contributions to science and society. The purpose of this Policy is to ensure an accurate, consistent, and coordinated approach to transparency including external requests for information and access to documents related to ESS.

2. Context

Sweden has one of the world's most far-reaching principles of access to official documents. This is safeguarded by the Principle of Public Access to Information ("*Offentlighetsprincipen*") [1] and regulates public access to official documents from authorities.

ESS is not classified as a Swedish authority and therefore not subject to the Principle of Public Access to Information legislation. However, as an ERIC situated in Sweden, ESS needs to relate to Swedish legislature in areas not regulated by EU. ESS is also publicly funded through its Members, and the general public including media should be able to receive and review ESS documents to assess whether the significant public investment in ESS is justified.

ESS complies with the General Data Protection Regulation (GDPR).

As per the ESS Statutes [2], ESS will continue to publish its annual Activity Report on its public website, after Council approval and submission to the European Commission on 30 June each year.

In addition to the ESS Statutes, ESS is already publishing considerable information on its public website, including high-level policy documents, and will continue to do so (see Sec. 4.1 below).

3. Applicability

This Policy covers all written documentation, including electronic documents and communication, produced by ESS and determines which types of documents shall be made public. It comes into effect on 1 September 2022 and covers all documentation produced and / or finalised after that date.

4. Policy

Starting 1 September 2022, ESS will (a) publish a list of documents specified in Sec. 4.1 below and (b) will review requests for information from the general public including media, based on the above context and the principles provided in Sec. 4.2 below.

4.1. Publication of Documentation

The following documents (including the ones already made public) will be made available on the public ESS website:

- ESS Statutes;
- High-level policies, e.g. ESS Procurement Rules, ESS Code of Conduct, ESS Rules for Alcohol and Drugs at the Workplace, ESS Rules for Data Protection, ESS IPR and Inventions Policy, ESS Transparency Policy;
- Procurement related information, including ESS Rules for Ethics in Contracting, procurement listings and contract award notices, in line with the ESS Procurement Rules;
- Activity Reports including Statutory Reports and executive pay;
- Approved minutes of the meetings of ESS Council;
- List of governance committee members;
- Vacancies.

4.2. Principles Guiding Document Requests

When documents (other than the ones listed in Sec. 4.1) are requested by the general public including media, the following principles shall be used in the assessment of the requests:

Generally, access to ESS information is restricted if it protects e.g. the economic interests of ESS or its Members, or personal / economic circumstances of private subjects such as employees.

Specifically, the following information shall be exempt from disclosure:

- Work material;
- Information concerning ESS employee relations;
- Work materials shared between ESS employees;
- Information relating to ongoing negotiations;
- Information potentially harming ESS' relations with its Members and relations between Members.
- Information potentially harming ESS' relations with third parties;
- Information classified as restricted;

The following information shall be made available upon request:

- Benefits programme;
- Account plan;
- Consolidated expenditure per supplier.
- Staff numbers and gender and age statistics of staff
- Signed and finalised in-kind agreements

5. Glossary

N/A

6. References

- [1] <https://lagen.nu/1949:105#K2>
- [2] ESS-0063454 – Statutes of the European Spallation Source ERIC

DOCUMENT REVISION HISTORY

Revision	Reason for and description of change	Author	Date
1	First issue	Florian Weissbach	2022-05-25

Annex – List of documents

Types of documents	Decision	Comment
Employment contracts	No	Concerns individual employees
Benefit programme	Yes	Upon request
Mail logs	No	Concerns individual employees
Diaries, Outlook calendars	No	Concerns individual employees
Account plan, costs	Yes	Costs per account from general ledger
Travel costs	Yes	Consolidated costs
Individual invoices	No	Costs per supplier can be provided
Contracts and In-Kind Agreements	No	ESS' contracts with suppliers, in-kind partners, and third parties contain confidentiality provisions that ESS needs to adhere to. Therefore, such contracts will not generally be made available.
Executive pay	Yes	Already available in Activity Report
Further salary information	No	Concerns individual employees
Statutes, high-level policy documents	Yes	Already available https://europenspallationssource.se/legal-ip#documents-policies
Procurement information	Yes	Already available https://europenspallationssource.se/procurement
Approved Council minutes	Yes	Will be available on public website https://europenspallationssource.se/ess-organisation/governance
Advisory committee reports / minutes	No	Work materials
Radiation safety documents	No	Available upon request to the Swedish Radiation Safety Authority (SSM). Restrictions may apply.
Vacancies	Yes	Already available https://europenspallationssource.se/careers/vacancies
Visitors	No	To comply with GDPR. Visitor statistics can be provided.
Security logs	No	Classified information
Incidence reports	No	Statistics can be provided.