

November 2024 Board Meeting

Date: Tuesday 19th November 2024 from 19h to 22h30

Location: Teachers' Canteen Woluwe & Online (ZOOM)

Present in situ: Sofia AMOR – Luca CARAPPELLI – Catarina DUARTE GOMES – Andrew Janis FOLKMANIS – Pim GESQUIERE – Bruno LARANJEIRA (until 22h04) – Albert RÄDLER – Francesca TUDINI – Jan VON PFALER – David ZELINGER

Present online: Célia ALVES RODRIGUES – Pierre DEBAR – Sabrina FASOLI – Andrea GRGIĆ – Elita PETRAITIENĖ – Myriam PINI (until 22h27) – Fabrício SANTOS (until 22h29) – Monika SZULYOVSKY (as of 20h19)

Absent: Andrea HUTTERER – Nicolas LACROIX

Others: Hong Ha NGUYEN – Clémence EUGENE

All related documents were sent to the Board members before the meeting.

Agenda Points

1. Approval of the agenda

The members agree to do their best to stop the meeting at 10:30 pm. Request to have the principles and process of consultation with the parents and the CEA representation further up in the agenda. with an additional notification point on the state of play of the internal affairs discussed in May. The agenda is reshuffled to suit the requests.

Decision: agenda is approved.

2. Approval of the report of the Board meeting 14/10/2024

The Board discusses and comments on the report of the 14/10. Sofia Amor makes a remark on the statement of Célia Alves Rodrigues that reads "*a mandate to inform*" and suggests that it should be corrected to "*a mandate to decide*".

The track changes made correcting a statement will be reverted to the original and a caveat from Sofia Amor will be added to the report of this evening.

The Board does not come to a consensus and agree to provide additional time for members to provide caveats and report the vote to a next meeting.

Célia Alves Rodrigues does not agree her statement is changed as it is what she said during the meeting.

3. Approval of the report of the extraordinary Board meeting of 11/11/2024

D. Zelinger makes a statement that the meeting was scheduled from 12h to 14h and had to leave at 14H sharp for work related meetings and cannot express himself on the minutes and what was discussed after 14H.

The Board votes on the approval of the report of the Board meeting of the 11/11/2024.

Decision: the Board meeting report of 11/11/2024 is approved.

Sofia Amor and David Zelinger abstain.

4. Notifications

APEEE's Annual Action Plan – Wellbeing at Work

The Prevention Advisor takes the floor to present the Annual Action Plan (PAA). This official document consolidates all action items identified through prior risk assessments, encompassing topics such as wellbeing at work and fire safety.

Discussion points and vote

1. Secretariat Working Rules

The point is moved up. The Vice President for Administrative Affairs takes the floor to present the APEEE staff working rules. The work regulations of any Belgian organisation must be regularly updated according to the Belgian law and the points cited in the Service Public Fédéral Emploi, Travail et Concertation Sociale. This is therefore an ongoing process.

The current APEEE staff working regulations are outdated and need to be updated for a number of articles (*incapacité du travail pendant les vacances annulée, utilisation du courrier électronique (including droit à la déconnexion), GDPR, Droit à la formation, Politique de sécurité informatique*).

Following the Board decision in September 2024, to revert to the APEEE's secretariat social for legal revision, the presented draft is up to date with the legal requirements. The provisions require implementation and structuring by the employer, and the Board should vote on or approve each update to avoid potential conflicts. A suggestion is made that the *règlement d'ordre intérieur* of the Board should provide the approval procedure.

Additional information is provided: once the Board has approved the document, the employer must inform the workers and display the draft work regulations in a clearly visible and accessible location. Workers then have 15 days to record any comments. If no remarks are recorded, the new work regulations come into effect on the 15th day following the display. If an employee has a comment regarding the draft work regulations, the employer must carefully consider this remark. Subsequently, the employer can either accept the comment and make modifications to the project or explain why the comment is not being considered.

The Board votes on the approval of the reviewed *règlement de travail* following the secretariat social's comments.

13 votes in favour (Catarina Duarte Gomes, Francesca Tudini, Pim Gesquiere, Albert Rädler, Fabrício Santos, Sofia Amor, Sabrina Fasoli, Andrew Janis Folkmanis, Myriam Pini, Elita Petraitienė, Célia Alves Rodrigues, Andrea Grgić, Jan von Pfaler) and 4 votes for abstain (Luca Carapelli, David Zelinger, Bruno Laranjeira, Pierre Debar).

Decision: the *Règlement de Travail* following the Secretariat Social's comments is approved.

2. Security and insurance agreement

The agreement provides the framework between the European Schools and Parents' Associations on the roles and responsibilities in safety and security, including a new annex on fire prevention. Additional changes were made by APEEE Bxl III and the Office of the Secretary General. A previous concern about the provision of parking space for the transport service was resolved, as the agreement states the European School has the responsibility to provide the space (only for Uccle a special statement 'accordingly to its possibilities' was added).

The school has confirmed during the CSH Comité Santé et Hygiène meeting that the APEEE has the legal obligation to train a fire brigade. The APEEE Bxl II external prevention advisor has informed a special highlight on the canteen team is necessary, with high-risk functions, the entire kitchen team should follow the training. The training has been budgeted.

A concern is raised regarding the Evere parking (including the kiss & ride area). However, the convention states *"Where the APEEE offers a school bus service, the School shall provide to the APEEE, at no cost, facilities such as necessary rooms and a bus parking area (for ES Brussels 1, only within its possibilities) in order for the APEEE to deliver its services and run its operations."* but does not make an inventory of the facilities, therefore it only provides a framework. The Chair suggests the drafting of an additional document to address the concerns and adds the topic could be raised in the infrastructure group of the Office of the Secretary General.

The Chair informs the Board a vote will take place during the 9th December 2024 Board meeting, to allow for members to read the document, reflect, comment if necessary and if needed have a pre-discussion of the agreement in the HSS working group.

3. Eurêka

The Health, Safety and Security working group coordinator takes the floor to introduce the topic. In June the Board agreed to share the data based on legitimate interest with an opt-out possibility, based on a positive opinion on this scheme of the school Data Protection Officer. A confidentiality agreement was drafted, with instructions for Eurêka volunteers, confirmed by the volunteers in September. The definition of legitimate interest was defined, and all documentation was sent to the APEEE Data Protection Officer who provided a final legal opinion share with the Board in which a disagreement was stated with the possibility of sharing the data with Eurêka volunteers based on the legitimate interest option and a suggestion was made that the Eurêka volunteers should be defined as joint controller or that the activity of Eurêka should be absorbed by the APEEE. However, during a Health, Safety and Security working group meeting, concerns were raised i.e. creation of budget, hiring of staff, overseeing the activity, extend this service to Evere, and creation of a budget plan, etc.

The Board is presented with different options: continue to work under the legal basis of legitimate interest (suggested by the school Data Protection Officer) or follow the legal opinion and continue with one of the possibilities offered by the APEEE Data Protection Officer or want to find a third way to solve this issue.

The view of the APEEE management is, if the APEEE was to absorb the activity of Eurêka, the APEEE would need to review the resources and the needs. A convention would be necessary between parent volunteers and the APEEE, as Eurêka is currently not under APEEE's responsibility (finding volunteers, time management, recruiting volunteers, organisation, etc). The Board would need to evaluate and reflect.

The Health, Safety & Security working group does not provide a recommendation for a solution. Members raise questions, and one suggestion is to display the lost & found clothing in a designated area within the school, allowing parents who come to pick up their children to stop by and check for any missing items. Eurêka volunteers on the Board note that it would not be feasible, as large amounts of items are collected. A member suggests presenting this idea at the CEP&M meeting. Célia Alves Rodrigues makes a statement for the record, proposing a short-term solution for the closure of Eurêka: opening it to parents during the Christmas market.

Suggestion to have the Chair organise a meeting, with urgency with Eurêka volunteers, who are currently on strike, on how both parties can move forward.

Action Point: the Chair to contact members of Eurêka on 20/11 to provide feedback for the next Board meeting (20/11)

Bruno Laranjeira leaves the meeting (22h04)

Myriam Pini leaves the meeting (22h27).

Fabício Santos leaves the meeting (22h29).

Meeting adjourned at 22h30.

The Board meeting will continue on Wednesday 20th November 2024.

Continuation of Board Meeting 19/11/2024

Date: Wednesday 20th November 2024 from 19h to 23h

Location: Teachers' Canteen Woluwe & Online (ZOOM)

Present in situ: Sofia AMOR – Andrew Janis FOLKMANIS – Pim GESQUIERE – Bruno LARANJEIRA – Albert RÄDLER – Francesca TUDINI – Jan VON PFALER – David ZELINGER

Present online: Célia ALVES RODRIGUES – Pierre DEBAR – Catarina DUARTE GOMES – Sabrina FASOLI – Andrea GRGIĆ – Andrea HUTTERER (until 22h36) – Elita PETRAITIENĖ – Myriam PINI – Fabício SANTOS – Monika SZULYOVSKY (as of 20h14)

Absent: Luca CARAPPELLI – Nicolas LACROIX

Others: Clémence EUGENE

4. Notifications

The Board discusses internal matters.

Update of the Steering Committee

The Board reviews the discussions from the Steering Committee meeting, which covered the status of Evere. The Secretary General emphasised that there is a strong legal commitment ensuring Evere's availability until 2037. The Chair requested the Secretary General to issue a formal statement on this legal commitment, which has not yet been provided. Additional topics discussed include:

- Evere Status.

- Commission's position is not to decide now, but later in April, with more information.
- Other APEEEs expressed positions that the decision is an internal matter to APEEE Bxl II, however the EEB system is united, implying that what happens to one school may affect the others.
- Directors raised the legal responsibility agreement.
- EEB2's enrolment numbers (touching upon micro classes, siblings' rule, health and safety impacts, Evere capacity).
- The upcoming Board of Governors' visit to Evere and Woluwe is planned on 2nd December 2024.

5. Update Financials

The Treasurer takes the floor and introduce the state of play of the financial department. The audit is scheduled for December 6, 2024, with the findings to be presented to the Board on 9th December 2024. The financial report is currently being drafted and is also expected to be shared on 9th December 2024. Preliminary figures are presented to the members.

6. Draft agenda for AGM 9/01/2025 & Electoral Office

The Statutes Update working group coordinator takes the floor and introduces the changes that were made to the agenda. The Board discusses the wording of a specific requirement of candidature and decides to revisit the matter with an update for the 2nd December 2024. Modifications to Resolutions 2 and 3 are also presented, along with a revised schedule for the draft agenda to better manage parent expectations.

The Board discusses holding information sessions on specific topics to provide parents with an opportunity to raise questions and concerns. However, some members emphasize that, according to the Statutes, the Annual General Meeting is the only official decision-making body, and an information session would not have a formal standing. Others argue that such sessions could facilitate longer discussions and specific questioning outside the time managed agenda of the Annual General Meeting.

The Chair requests to review the AGM agenda and determine an appropriate time to include the discussion and reflection on the Social Fund and the possibility to rename the topic.

The Board decides not to vote on the AGM agenda as it is not yet finalised. Revisions are needed, including the addition of the Social Fund discussion, clarification on requirements for candidature, and other necessary adjustments.

The Board requests to have the finalised Annual General Meeting agenda shared with the Board for comments by 2nd December 2024 and to have a vote by 9th December 2024.

7. Dates in December

The Board discusses additional dates in order to finish the Board's work before the AGM. Several Board members expressed that we had already two times double board meeting in a row and that meeting again two evenings early December is not feasible.

- 6th December 2024: Financial audit
- 9th December 2024: Board meeting
- Save the date: 12th December 2024 for an additional Board meeting to vote

- Christmas Party: cancelled
- 7th January 2025: Info session on the annual report, Evere situation & financial report

Action point: The Chair to propose dates for lunch time Board meetings (12h30).

8. Eurêka

The Chair reports that, following a discussion with a representative of Eurêka parent volunteers, both parties agreed on the need for a communication to parents (possibly in the newsletter). They reviewed the current proposals and the matters under consideration.

The Chair proposes that, following the discussion on November 19, the meeting with the representative, and the current meeting's discussions, the Board should proceed to a vote on the existing legitimate interest scheme for the Eurêka volunteers, including an opt-out option from Eurêka, for parents. Opposing views are expressed.

The Chair makes a statement "We have heard the worst-case liability, it could be expensive, but it is very low risk that this would be incurred, and the volunteers do sign a confidentiality agreement."

Andrea Hutterer leaves the meeting at 22h36.

Albert Rädler leaves the meeting – just before the vote.

The Board proceeds to vote on the agreement to implement the existing legitimate interest scheme with the declaration signed by volunteers and opt out for parents from Eurêka.

8 votes for yes (Monika Szulyovszky, Andrew Janis Folkmanis, Catarina Duarte Gomes, David Zelinger, Sofia Amor, Bruno Laranjeira, Myriam Pini, Francesca Tudini) 8 votes for no (Sabrina Fasoli, Célia Alves Rodrigues, Fabrício Santos, Pierre Debar, Jan von Pfler, Elita Petraitienė, Pim Gesquiere, Andrea Grgić).

Since there is a draw, the Chair uses his statutory rights to break the tie, which brings the final number to 9 votes for yes.

Decision: the implementation of the existing legitimate interest scheme with the declaration signed by volunteers and opt out for parents from Eurêka is approved.

Célia Alves Rodrigues makes a statement for the record: "*I will vote no because I am being asked to vote against the opinion of our DPO, a lawyer, and it is illegal to ask us to vote against a lawyer's opinion.*"

Andrea Grgić makes a statement for the record: "*I am voting no exclusively because this option has not been approved as legal according to the DPO of the APEEE.*"

Elita Petraitienė makes a statement for the record: "*I am voting NO to approve Eureka functioning because this option was not approved by the DPO of the APEEE*"

Jan von Pfler makes a statement for the record: "*I want to record my reservation;*

1) to take the legal risk of acting against the advice of the DPO on the matter without proper counter argument.

2) to the decision taken without specifying the legal basis further brings a risk to the defining the exact notion of the specific legal basis essential to the determination.

The service of the eureka group is valuable but has to be managed with a risk to the members' personal data in the association."

P. Gesquiere supports the statement made by J. von Pfaler.

Sabrina Fasoli makes a statement for the record: *"As the decision taken is against the advice given by the APEEE DPO, I refuse to take the legal individual responsibility of sharing data of parents with Eureka, as it is not an APEEE service."*

Francesca Tudini makes a statement for the record: *"having read all the messages exchanged within the board related to the Eureka issue, including those proposing this scheme and those reporting on the favourable opinion of the school DPO, and after careful assessment of the lawyer opinion, I vote in favour."*

Fabício Santos makes a statement for the record: *"I voted no on the motion to use the principle of legitimate interest for the sharing of data with the Eureka service volunteers because I find it reckless to disregard a legal opinion that advised against doing so.*

Personally identifiable data of minors, including in our case many under 13 years of age and for whom the GDPR requires explicit consent by the legal guardians to be shared, stored, processed, etc, is among the most sensitive classes of personal data, and can thus incur in higher sanctions in the face of legal challenges and prosecution. Therefore, extra care should therefore be devoted to its handling.

Moreover, the transfer of data to Eureka, which is not constituted as a legal entity with a DPO of their own, is tantamount to just giving the personal data of parents and their children to the public realm, without any control or contractual liability."

Bruno Laranjeira makes a statement for the record: *"After being presented in the board meeting with the opinions of three DPOs, the decision was made to vote in favour of the opinions of School's DPO and a third DPO (member of HSS working group), against the opinion of APEEE's DPO.*

The decision was based on the following considerations:

1. **Impact and Feasibility:** *The suggestions provided were deemed more feasible and likely to have a positive impact on solving the issue in question.*
2. **Unquestionable added value:** *The importance of Eureka public service to the school community recognized by all the board members."*

Since the canteen must be closed at 23h, the other items of the Agenda are reported to the next meeting.

9. **Request school for participants performance review.**
10. **Social Fund – first reflections.**
11. **Evere chicken project.**
12. **On the principles and process of consultation with the parents.**
13. **On the principals of representation at Steering Committee and CEA.**
14. **Règlement intérieur / internal rules.**
15. **Registered letters.**
16. **Statement & recordings.**

17. **Approval of the report of the Board meeting of 13/05/2024, 6/06/2024 and 27/06/2024.**
18. **Visit of BoG to Evere and Woluwe on 2/12/2024.**
19. **Any Other Business.**

Meeting ended at 23h.

Next Board meeting is scheduled on the Monday 9th December 2024.