

Looking ahead together: The Code of Good Practice for Ombuds Institutions in the Use of Technological Systems

Foreword

For thirty years, the European Network of Ombudsmen has provided a valuable framework for cooperation between ombuds institutions and similar bodies, enabling the exchange of information, experience and good practice in the service of persons and the public interest. This Code has been prepared as an initiative of the Network to mark three decades of close and productive cooperation. It reflects the shared commitment of ombuds institutions to uphold fundamental rights and freedoms, the rule of law and the principles of good administration in a changing technological environment.

The Code is also a worthy continuation of the work initiated by the first European Ombudsman, Jacob Söderman, in *The European Code of Good Administrative Behaviour*. That Code helped to articulate, in a clear and practical way, the standards expected of public administration. The present Code builds on that tradition by addressing the internal use of technological systems by ombuds institutions themselves, including artificial intelligence and other digital systems.

Technological developments affect each of us. They shape the way people communicate with public authorities, access information, seek remedies and exercise their rights. They also affect the work of ombuds institutions, offering new possibilities to improve accessibility, effectiveness, outreach and the handling of persons' concerns. At the same time, the use of technological systems may give rise to risks for fairness, transparency, accountability, privacy, nondiscrimination and human dignity.

For this reason, technological innovation must support, and never undermine, the autonomy, independence, objectivity and credibility of ombuds institutions. Even where technology can assist in carrying out certain tasks, a human-centred approach must always be preserved. The independence of ombuds institutions is not merely an institutional safeguard; it is a condition for public trust and for the effective protection of persons from maladministration.

The purpose of this Code is to provide general, non-binding guiding principles to support the internal use of artificial intelligence and other technological systems by ombuds institutions in carrying out their functions. It does not seek to prescribe uniform solutions and fully respects ombuds institutions' respective mandates, legislation and independence. Rather, it aims to support the effective, impartial and transparent use of technology, while ensuring that technological systems remain purpose-driven, rights-compliant and subject to meaningful human oversight. The Code is deliberately framed in broad terms so that its principles can remain relevant and adaptable over time, despite the rapid evolution of technologies and their applications. It may also serve as a useful source of inspiration for ombuds institutions when developing or reviewing their internal policies, procedures and safeguards.

The principles set out in this Code are not intended to limit innovation. Rather, they seek to ensure that innovation remains anchored in good administration, fundamental rights, human dignity and the rule of law. As technologies continue to evolve, ombuds institutions should remain accessible, independent and accountable, and should ensure that technology serves people rather than replacing human judgment, careful listening and respectful human interaction.

Preamble

The Code of Good Practice for Ombuds Institutions in the Use of Technological Systems sets out the guiding principles that ombuds institutions shall observe when using technological systems in their activities. It is intended to ensure effective oversight and protect persons from maladministration, including that arising from the use of technological systems.

The right to good administration includes the right to fair, transparent, and accountable use of technological systems in public administration. The use of artificial intelligence and other technologies requires that ombuds institutions ensure that fundamental rights, the rule of law, and principles of good administration are fully respected, and that the use of such technologies does not compromise the independence of the ombuds institutions

Definitions

“Good administration” refers to the exercise of public functions in a lawful, fair, impartial, transparent, and timely manner, ensuring respect for fundamental rights and freedoms, accountability of decision-making, and the effective handling of persons’ concerns.

“Independence” refers to the ability of ombuds institutions to perform their functions impartially and autonomously, free from external influence, pressure, or interference, including in their decision-making, processes, and the use of technological systems.

“Outreach” refers to the proactive effort by the ombuds institution to connect with people who might not otherwise engage with its services, information, or support. Especially those who are hard to reach, underrepresented, or at risk of exclusion.

“Personal data” refers to any information relating to an identified or identifiable natural person, including information inferred or derived from such data.

“Technological system” refers to any digital or software-based system used by ombuds institutions to support or carry out their activities, including systems based on rules, statistical methods, or machine learning.

“Vulnerable or marginalized persons” refers to persons or groups who are at increased risk of disadvantage or exclusion in accessing ombuds institutions or exercising their rights.

“Marginalized” refers to systemic exclusion or disadvantage arising from structural barriers or power imbalances and is not intended as an identity label or as a reference to individual shortcomings. Vulnerable or marginalized persons may include persons with disabilities, children, minorities, older persons, persons with limited digital skills, and others facing social, economic, cultural, geographic, technological, or other barriers.



Text of the code

Article 1

General Provision

1. In their activities relating to the use of technological systems, ombuds institutions shall have regard to the principles laid down in the Code of Good Practice for Ombuds Institutions in the Use of Technological Systems (hereinafter the Code).
2. Technological systems shall serve people and shall be used only where their use is directly linked to and justified by the fulfilment of the ombuds institution's mandate.

Article 2

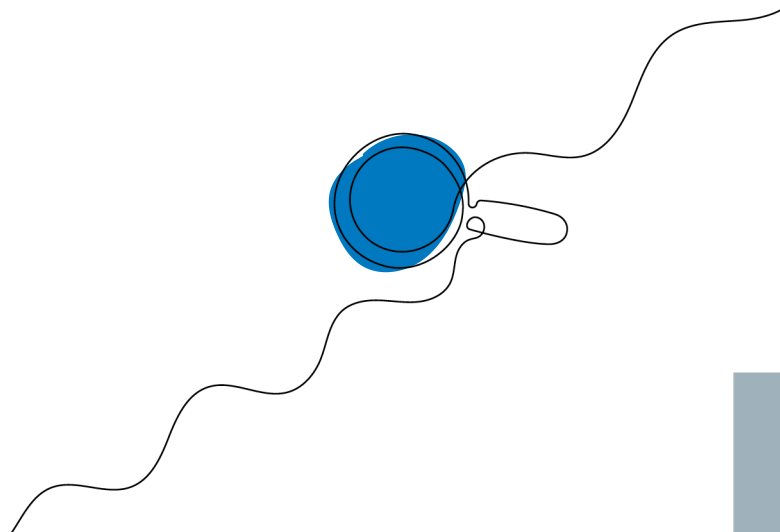
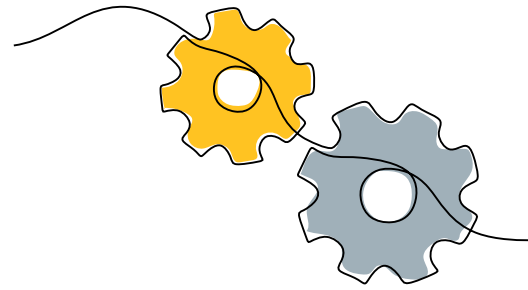
Scope of Application

1. The Code applies to any technological systems used by ombuds institutions.
2. It applies to all types of data and information used or created by these systems.
3. It also applies to systems that people use to interact with ombuds institutions.

Article 3

Purpose

1. The purpose of the Code is to ensure that the use of technological systems by ombuds institutions respects fundamental rights and freedoms and supports good administration.
2. Ombuds institutions shall apply the Code in a manner that ensures effective, impartial, and transparent use of technological systems in their activities.



Article 4

Non-discrimination

Ombuds institutions shall use technology in a way that safeguards equal treatment of all people and does not introduce or reinforce bias or exclusion. They shall ensure that no person is disadvantaged in accessing ombuds institutions, regardless of the technological systems used by them to communicate with the ombuds institutions.

Article 5

Inclusiveness



1. Ombuds institutions shall ensure that they are accessible to all people and available through a range of channels, including technological systems, in-person, written and telephone.
2. The use of technological systems shall not create or reinforce barriers to access or effective communication with the ombuds institutions. The ombuds institutions shall pay particular attention to vulnerable or marginalized persons, to ensure that everyone is able to effectively access the ombuds institution. No one shall be excluded from accessing the ombuds institution due to social, economic, cultural, geographic, technological, or other barriers.
3. Technology shall be used in a way that communications by the ombuds institutions are clear, inclusive, and user-friendly. Plain, clear, and multiple languages as well as accessible formats shall be used where appropriate.
4. Ombuds institution shall support and, where appropriate, assist people with limited digital skills in accessing and using its services, and shall ensure compliance with accessibility standards.

Article 6

Transparency and Accountability

1. Ombuds institutions shall ensure openness about the use of technological systems in their activities. Explanations of the use of technological systems shall be made publicly available in clear and accessible language. They shall transparently describe the role, risks, and safeguards of those systems.
2. People shall have the right to request an explanation of how technological systems influenced the handling or outcome of their case.

3. Ombuds institutions shall ensure that responsibility for decisions and findings, including those informed or supported by technological systems, remains assigned to identifiable officials within the institution. The use of technology shall not diminish this accountability.
4. Ombuds institutions shall ensure that errors, inaccuracies, biased outcomes, or other adverse effects arising from the use of technological systems are identified and corrected.
5. Ombuds institutions shall document and maintain appropriate records of the performance of technological systems used in their activities, including records enabling traceability of how outputs were generated and used in decision-making or other activities. Such documents and records shall enable effective internal oversight, audit, and verification.
6. Ombuds institutions shall assess technological systems before their deployment and monitor, audit and evaluate them throughout their operation, at appropriate intervals and whenever significant changes are made to the systems or their use. The scope, intensity and frequency of such assessments shall be proportionate to the risks posed by the system, considering, as appropriate, its purpose, complexity, level of autonomy and potential impact on persons' rights. Such assessments shall consider the system's purpose and proportionality; the data used; accuracy, fairness, traceability and explainability; the effectiveness of human oversight; accessibility; and actual or potential impacts on individuals and their fundamental rights and freedoms. Ombuds institutions shall implement appropriate mitigation measures and correct, suspend or discontinue the use of systems where necessary.



Article 7

Human-Centred Approach and Outreach

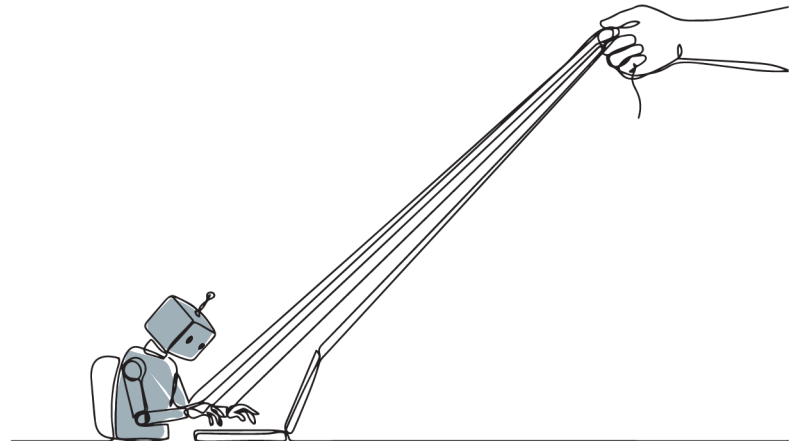
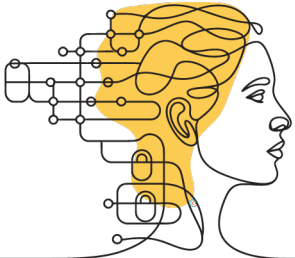
1. Technological systems shall serve people rather than replace human compassion and judgment in the activities of the ombuds institutions.
2. Ombuds institutions shall preserve access to a human staff member when communicating with people, including when they use technological systems. Ombuds institutions shall ensure individualized assessment, careful listening, respectful human interaction, and meaningful human oversight in their activities. Meaningful human oversight shall involve active and informed human involvement, including the ability to review, validate, modify or reject outputs produced by technological systems.
3. Ombuds institutions can use, where feasible, technological systems to engage in outreach activities and strengthen proactive communication with vulnerable or marginalized persons, as well as others who might not otherwise contact the institution on their own.



Article 8

Responsible Use of Technology

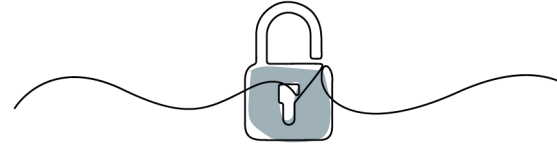
1. Technological systems developed and deployed by ombuds institutions shall be purpose-driven and not be considered as ends in themselves. Their use shall be directly linked to and justified by the fulfilment of the ombuds institution's mandate.
2. Technological systems developed and deployed shall conform to relevant EU regulations, national legislation and be reliable, ethical, and safe. In the use of these systems, potential risks to people's fundamental rights and freedoms and the rule of law shall be considered and addressed.
3. Technological systems developed and deployed by ombuds institutions shall be subject to internal oversight. Such oversight shall ensure a clear allocation of responsibilities, defined access rights, as well as established rules governing what data is collected, how it is stored, and for what purposes it is used.
4. Ombuds institutions shall remain in effective control of the use of technological systems within their activities, including through appropriate governance, contractual safeguards, access controls and oversight mechanisms. Where feasible, ombuds institutions should prefer technological systems specifically designed or adopted for their institutional mandate. Where other technological systems are used, ombuds institutions shall ensure that appropriate and clear safeguards are in place to protect fundamental rights and freedoms.
5. Ombuds institutions shall ensure that data processed by technological systems are subject to appropriate verification of their accuracy and relevance and are not relied upon without such verification. Where errors occur, the institution shall take responsibility, correct them without undue delay, and inform the affected person in a transparent manner.
6. Technological systems shall be designed and used in a way that allows human users to effectively control, override, suspend, or halt their operation where necessary.
7. Ombuds institutions shall ensure that staff receive appropriate and regular training on the use of technological systems, including their legal, ethical, environmental, and practical implications, to support responsible, effective, and rights-compliant performance of their duties.



Article 9

Data Protection and Privacy

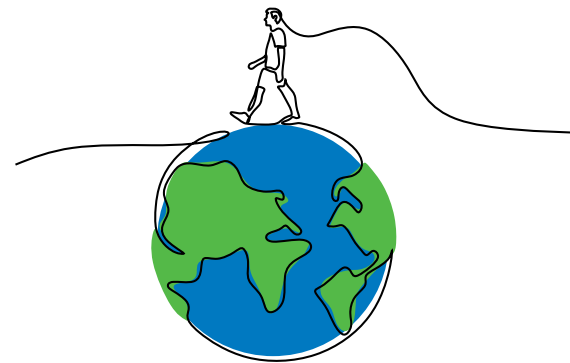
1. Ombuds institutions shall ensure that the use of technological systems complies with applicable data protection regulations and respects fundamental rights and freedoms.
2. Ombuds institutions shall ensure that personal data are processed only where necessary and proportionate to a specified and legitimate purpose.
3. Ombuds institutions shall ensure the security, integrity, and confidentiality of data processed through technological systems.
4. Ombuds institutions shall ensure that the use of technological systems does not result in excessive data collection, unlawful profiling, or unjustified intrusion into private life.
5. Ombuds institutions shall ensure that sensitive, inferred or derived personal data are processed by technological systems only where strictly necessary and proportionate to a specified and legitimate purpose, and subject to enhanced safeguards that ensure full compliance with data protection and confidentiality requirements.



Article 10

Environmental Responsibility

1. Environmental and societal impacts of the technologies developed and deployed shall be considered at all stages. Procurement and the use of technological systems shall be based on a thorough risk assessment that accounts for both benefits and adverse effects. Solutions that are transparently reported and energy-efficient should be preferred, whilst technologies that significantly negatively impact the environment shall be avoided.
2. Technology shall be used by ombuds institutions only to the extent necessary for the performance of their functions, avoiding the use of unnecessarily resource-intensive systems. Not all activities or processes need to be digitalised.
3. Ombuds institutions shall periodically monitor and assess the ecological impacts of their use of technological systems.



Article 11

Cooperation and Interoperability

1. Ombuds institutions shall cooperate with other ombuds institutions, as well as with national, regional, European, and international bodies, in matters relating to the use of technological systems in their activities.
2. They shall promote interoperability and the portability of relevant information to ensure that their activities are not hindered by technical barriers or dependencies, while respecting confidentiality, data protection requirements and the mandate of the ombuds institution.

Article 12

Closing Commitment

1. The use of technology shall not infringe upon the autonomy, independence, objectivity, credibility, or accountability of the ombuds institutions.
2. Ombuds institutions shall uphold human dignity, fundamental rights, and the rule of law in the use of technological systems in their activities.
3. Ombuds institutions shall ensure that technological innovation supports justice, fairness, transparency and trust, and does not undermine these principles.
4. Ombuds institutions shall apply these principles in a manner that remains effective as technologies evolve, ensuring accessible, impartial, and transparent remedies for persons.

