



EUROPEAN DATA PROTECTION SUPERVISOR

# **Annual Activity Report**

# **2018**



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# 1. Introduction

The Financial Regulation (Article 66(9))<sup>1</sup> provides that each **authorising officer by delegation** (AOD) shall send an annual activity report to their institution, together with financial and management information. This report shall present the achievements of their institution in relation to the resources used. It shall also be a management report on performance in the context of their task as AOD. This requirement is the logical consequence of paragraph 2<sup>2</sup> of this same article, which gives the AOD responsibility for internal controls.

In the annual activity report of the AOD, this latter must include a statement of assurance (“Statement”) based on their own judgment and on the information available in which the AOD:

- ) states that the information contained in the report gives a true and fair view;
- ) declares that the AOD has reasonable assurance that the resources allocated to the activities described in the report have been used for their intended purposes and in accordance with principles of sound financial management, and that the control procedures put in place give the necessary guarantees as to the legality and regularity of the underlying transactions;
- ) confirms that the AOD is not aware of any matter not reported which could harm the interests of the institution.

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<sup>1</sup> Financial Regulation, Article 66(9): “*The authorising officer by delegation shall report to his or her institution on the performance of his or her duties in the form of an annual activity report containing financial and management information, including the results of controls, declaring that, except as otherwise specified in any reservations related to defined areas of revenue and expenditure, he or she has reasonable assurance that:*

- (a) the information contained in the report presents a true and fair view;*
- (b) the resources assigned to the activities described in the report have been used for their intended purpose and in accordance with the principle of sound financial management;*
- (c) the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.*

*The activity report shall indicate the results of the operations by reference to the objectives set, the risks associated with those operations, the use made of the resources provided and the efficiency and effectiveness of internal control systems, including an overall assessment of the costs and benefits of controls.*

*No later than 15 June each year, the Commission shall send to the European Parliament and the Council a summary of the annual activity reports for the preceding year. The annual activity report of each authorising officer by delegation shall also be made available to the European Parliament and the Council.”.*

<sup>2</sup> Financial Regulation, Article 66(2): “*For the purposes of paragraph 1, the authorising officer by delegation shall, in accordance with Article 32 and the minimum standards adopted by each institution and having due regard to the risks associated with the management environment and the nature of the actions financed, put in place the organisational structure and the internal control systems suited to the performance of his or her duties. The establishment of such structure and systems shall be supported by a comprehensive risk analysis, which takes into account their cost effectiveness.*”.



## 2. Operational achievements

Each year, the EDPS publishes an 'Annual Report' (AR) giving an overview of the objectives and achievements of the institution's work. Therefore, comprehensive information on operational achievements can be found in the EDPS annual report for 2018<sup>3</sup>. Sections below present the main initiatives carried out by the EDPS in 2018. This report also covers the Ethics framework implementation.

### 2.1. EDPS in 2018

For the sake of transparency, point 2.1 is made of extracts from the EPDS Annual Report 2018.

In the EDPS Strategy 2015-2019, the EDPS outlines a vision of an EU that leads by example in the global dialogue on data protection and privacy in the digital age. The EDPS sets itself a challenging and ambitious agenda, which was sought to carry out over the course of the current mandate.

The institution made great strides towards achieving these goals in 2018, a year which could be considered pivotal both in the history of data protection and in the history of the EDPS.

#### 2.1.1. New legislation for a new area

One of the three objectives set out in the EDPS Strategy was to open a new chapter for EU data protection. Technological development is moving at a rapid pace and the way in which human beings live, as individuals and as a society, is also changing rapidly to accommodate this. Logically, the EU's data protection rules also required an update, not aimed at slowing down innovation, but at ensuring that individuals' fundamental rights are protected in the digital era.

On 25 May 2018, new data protection legislation became fully applicable to all companies and organisations operating in the EU Member States. The General Data Protection Regulation (GDPR), marked the first step towards ensuring comprehensive and effective protection of personal data and privacy for all individuals in the EU.

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<sup>3</sup> [https://edps.europa.eu/data-protection/our-work/publications/annual-reports/2018-annual-report-new-era-data-protection\\_en](https://edps.europa.eu/data-protection/our-work/publications/annual-reports/2018-annual-report-new-era-data-protection_en)

With this new legislation came the establishment of the European Data Protection Board (EDPB). Made up of the 28 EU Member State data protection authorities (DPAs) and the EDPS, this new body is entrusted with ensuring the consistent implementation of the GDPR across the EU. Charged with providing the secretariat for this new EU body, a significant amount of the EDPS time and effort in early 2018 went into ensuring that the Board would be prepared to deal with its heavy workload from day one of the new Regulation. EDPS has continued to support the EDPB secretariat administratively throughout the year, as well as participating fully as a member of the Board itself.

The EDPS moved yet another step closer to achieving a comprehensive framework for data protection with the adoption of new rules for the EU institutions and bodies. Regulation 2018/1725 came into force on 11 December 2018, bringing the rules for the EU institutions in line with the rules set out in the GDPR.

As the supervisory authority for data protection in the EU institutions and bodies, the EDPS faced the significant challenge of ensuring that they were all prepared for these new rules. In 2017, it embarked on a campaign of visits, training sessions and meetings, which intensified over the course of 2018. These were aimed at raising awareness and about the new rules and helping to ensure that the EU institutions had the knowledge and tools to put them into practice.

A specific focus of these activities was on encouraging the development of a culture of accountability within the EU institutions. The EDPS wanted to ensure that they not only comply with data protection rules, but that they can demonstrate this compliance. Integral to this was creating awareness that the processing of personal data, even when done lawfully, can put the rights and freedoms of individuals at risk. These activities will continue into 2019, as it endeavours to ensure that the EU institutions lead the way in the application of new data protection rules.

The misuse of personal data for tracking and profiling purposes and the role of technology in the society was a topic of significant public debate in 2018. The EDPS and the data protection community in general were at the forefront of this debate, with the EDPS contributing on two main fronts: through our Opinion on online manipulation and personal data and our Opinion on Privacy by Design.

While the former focused on the need to extend the scope of protection afforded to individuals' interests in today's digital society, the latter looked to address the new challenges resulting from technological and legal developments. On the legal side, the new generation of data protection rules laid down in the GDPR, Directive 2016/680 and the Regulation 2018/1725 on the processing of personal data by EU institutions requires that controllers take account of the state of the art in technical and organisational measures to implement data protection principles and safeguards. This also requires that supervisory authorities are aware of the state of the art in this domain and that they follow its development. Cooperation in this field is of crucial importance in order to ensure that these principles are applied consistently. The Opinion also built on the EDPS work with the Internet Privacy Engineering Network (IPEN) to encourage dialogue between policymakers, regulators, industry, academia and civil society on how new technologies can be designed to benefit the individual and society.

The new data protection rules also introduce the principle of accountability. This means that all controllers, including the EU institutions and bodies, must ensure that they are able to demonstrate compliance with the new rules. This also applies to the management and governance of their IT infrastructure and systems. To help with this, the EDPS extended its catalogue of specific guidelines to include, among others, Guidelines on the use of cloud computing services by the EU administration and further guidance on IT management and IT governance. In 2018, it also began a programme of systematic programme to verify compliance with EDPS guidelines by EU bodies.

### **2.1.2. Finding a balance between security and privacy**

1 May 2018 marked one year since the EDPS took over responsibility for supervising the processing of personal data for operational activities at the EU's law enforcement agency, Europol. One of the action points set out in the EDPS Strategy as integral to opening a new chapter for data protection in the EU is to promote a mature conversation on security and privacy. As an EU agency charged with ensuring the security of the EU while protecting the fundamental rights to privacy and data protection, Europol is a great example of the progress the EDPS is making in this area.

The institution continues to maintain a strong relationship with Europol's Data Protection Officer (DPO) and Data Protection Function (DPF) Unit, which allows it to ensure that it is able to anticipate any possible problems and plan future activities. The EDPS carried out its second inspection of data processing activities at the agency in May 2018 and continued to provide advice and deal with complaints where required.

The security of EU borders remains a hot topic and the EU legislator put forward several new proposals in 2018 aimed at increasing security and improving border management. While the EDPS recognises the need for greater EU security, this should not come at the expense of data protection and privacy.

Facilitating responsible and informed policymaking is another of the action points required in order to open a new chapter in EU data protection. With this in mind, the EDPS issued several Opinions on proposed EU border policy in 2018. One of these focused on the future of information sharing in the EU, addressing Proposals for two Regulations which would establish a framework for interoperability between EU large-scale information systems. As the implications of this Proposal for data protection and other fundamental rights and freedoms are uncertain, the EDPS will launch a debate on this issue in early 2019 to ensure they are explored in detail.

The institution also continued its close cooperation with DPAs to ensure effective and coordinated supervision of the EU's large-scale IT databases, used to support EU policies on asylum, border management, police cooperation and migration.

### **2.1.3. Developing partnerships**

Facilitating responsible and informed policymaking is far from limited to the field of

EU security and border policy, however. In 2018, the EDPS issued 11 Opinions, including two upon request from the Council, on matters ranging from jurisdiction in matrimonial matters to the interoperability of EU large-scale information systems. It also issued 14 sets of formal comments. These are equivalent to Opinions, but typically shorter and more technical. Some of its comments were expressly requested by the European Parliament, or one of its Committees, and concerned not the initial legislative proposals, but draft amendments and outcomes of negotiations between the co-legislators. Taking into account that the EDPS also dealt with over 30 informal consultations on draft proposals by the Commission, these numbers clearly demonstrate the increased need for, and relevance of, independent expert advice on the data protection implications of EU initiatives, as well as growing interest from EU institutional stakeholders. The EDPS looks forward to continuing this mutually beneficial cooperation in the coming years in the context of strengthened legislative consultation powers under the new Regulation 2018/1725.

It also continued its efforts to ensure that activities within the EU institutions are carried out in accordance with the relevant data protection laws, issuing prior-check Opinions, investigating complaints and monitoring compliance through the various tools available to us.

The Strategy also commits the EDPS to forging partnerships in pursuit of greater data protection convergence globally. While data flows internationally, across borders, data protection rules are decided on a largely national, and at best regional, basis.

With this in mind, the EDPS continues to work with its regional and international partners to mainstream data protection into international agreements and ensure consistent protection of personal data worldwide.

The EDPS is also involved in discussions on adequacy findings. These agreements are made by the European Commission on behalf of the EU Member States and provide for the transfer of data from EU countries to non-EU countries whose data protection rules are deemed to provide adequate protection. Specifically, in 2018, the EDPS contributed to the second joint review of the EU-US Privacy Shield and contributed to the EDPB Opinion on a proposed adequacy agreement with Japan.

#### **2.1.4. Digital ethics and the International Conference**

The institution launched the EDPS Ethics Initiative back in 2015, as part of our commitment to forging global partnerships. The EDPS wanted to generate a global discussion on how ~~our~~ fundamental rights and values can be upheld in the digital era.

Three years on and digital ethics is now very much on the international agenda.

The EDPS began 2018 with the publication of the Ethics Advisory Group Report. The Report is a useful tool in helping ~~us~~ to understand how the digital revolution has changed the way of living lives, both as individuals and as a society. It also outlines the changes and challenges this implies for data protection. From here, the EDPS was able to expand its enquiry to reach a much larger audience, through a public consultation launched in early summer 2018. The results of the consultation revealed

the importance of ethics moving forward and called for DPAs to play a proactive role in this.

However, it was the International Conference of Data Protection and Privacy Commissioners, dubbed the *Olympic Games of Data Protection* by EDPS Giovanni Buttarelli that really launched the discussion on digital ethics onto the international agenda.

The public session of the International Conference focused on *Debating Ethics: Dignity and Respect in Data Driven Life*. With over 1000 people from a variety of different backgrounds, nationalities and professions in attendance, high-profile speakers and considerable media coverage, the event served to foster debate on the issue and put new ethical and legal questions high on the agenda of DPAs and others across the world. The EDPS is now seen as a leader in this area and will work hard to progress the debate.

### **2.1.5. The EDPB gets to work**

Leo: this text is an extract from the EDPS AR 2018 (point 4.1.2) but has been revised and developed by Isabelle

On 25 May 2018, the day on which the GDPR became fully applicable for all businesses and organisations operating in the EU, the EDPB started its work.

Established under the GDPR, the Board replaces the Article 29 Working Party (WP29) as the forum for cooperation between the DPAs of the 28 Member States, the 3 EEA EFTA members and the EDPS. It also takes on many new tasks, aimed at ensuring the consistent application of the GDPR across the EU. In addition to this, the Board is able to issue decisions, guidelines and statements on a wide range of topics.

Under the new legal framework, the EDPS is tasked with providing the secretariat for the EDPB. Operational from day one of the GDPR, the secretariat not only provides administrative and logistic support for the EDPB, but also carries out relevant research and analysis tasks. In 2018 (as from 25 May), the EDPB Secretariat organised 57 working days of EDPB meetings. Much of the work carried out by the EDPB takes place within subgroups, each of which relates to a specific area connected to data protection. These include key provisions of the GDPR, international transfers, technology and financial matters, among many others.

The EDPB Secretariat takes part to all of those meetings, make all the administrative arrangements (invitation, reimbursement of travel costs, security, catering, taking the minutes) but also provide analytical support. In addition to providing the secretariat, the EDPS is a full member of the Board and attend the EDPB meetings to take part of the decision making as a member. Among a number of topics, members shared their views on the consistency and cooperation mechanisms designed to harmonise data protection practice across the EU, including the functioning of the so-called One Stop Shop mechanism. Most DPAs reported a substantial increase in the number of complaints received since 25 May 2018.

The EDPB Secretariat provides the daily-based internal communications between the EDPB members, its Chair and Vice-Chairs and the Commission. Before May 2018, the EDPS Secretariat finalised the customisation of the IT system (Internal Market Information system (IMI)) used for the administrative cooperation between SAs and the consistency mechanism. Since May 2018, the EDPB Secretariat provides a help desk for EDPB members for the use of IMI and organises regular meetings to discuss the performance of the Internal Market Information (IMI) System, the IT platform used to exchange information on cross-border issues, as well as the challenges.

The EDPB Secretariat also take care, in close cooperation with the EDPB Chair, of the external communication of the EDPB. This covers the communication with the public, the media and other institutions, including by replying to public's, press and stakeholders requests and organising public consultations on draft documents.

On May 25 2018, the EDPB endorsed the 16 guidelines prepared by the WP29 between 2016 and May 2018 to enable consistent interpretation of the GDPR. Since 25 May 2018, the EDPB adopted 4 additional guidelines (Guidelines on the territorial scope of the GDPR, on GDPR certification, on accreditation and on derogations for international transfers).

The adopted 28 opinion in 2018. 26 Opinions aimed to ensure consistency between the different national draft lists of processing subject to a Data Protection Impact Assessments (DPIAs). Those draft lists were prepared by the National Supervisory Authorities and the opinions aimed to ensure the consistent application of the GDPR across the EU. An Opinion on the new eEvidence Regulation was also adopted, as well as an Opinion on the draft EU-Japan adequacy decision for international data transfers.

The EDPB adopted also various other letters and documents, including a statement on ePrivacy draft Regulation and on Economic Concentration.

In line with the EDPB rules of procedures, the EDPB Secretariat organised the translation of the documents adopted into 22 languages, for publication on the EDPB website.

In order to confront the Board's increasing workload, the number of plenary meetings is set to double in 2019. As we enter a new era in data protection practice, we look forward to continued and increasing cooperation with our fellow SAs through the newly-established EDPB.

## **2.2. Implementation of the Ethics Framework of the EDPS**

Questions of ethics and morality are relevant at all levels of society. Ethical behaviour is equally important in the workplace as it is in our personal lives. Everywhere business or policies are conducted, ethics matters. The same applies to public administration, whether at national or European level.

Since the early beginning of our institution, the EDPS has given the utmost importance to ethical behaviours and standards which were already enshrined in several administrative decisions. A code of conduct for the staff members was adopted in early 2005 and later reviewed and modernised in 2014. A series of decisions following Staff regulations obligations relevant from the Ethics perspective followed such as on anti-harassment, disciplinary proceedings and administrative investigations, or whistleblowing.

A specific code addressed to the Supervisors was adopted at the end of 2015 to underline the accountability of the Supervisors to integrate ethical insights into their daily work as independent regulators and policy advisors in the field of data protection, following the new EU institutional framework and the Lisbon treaty.

The Ethics framework of the EDPS was adopted on 17 October 2016. It is regarded as an important contribution to the EDPS strategy of leading by example as the guarantee of Ethics reinforces the principles of transparency, professionalism and accountability of the institution and its staff.

The formal establishment of the position of the Ethics Officer of the EDPS with a clear mandate, independence and tasks, including reporting to the Management Board at least once per year on the implementation of the Ethics Framework, shows the commitment of the institution to achieving high levels of Ethical standards.

The Ethics Framework of the EDPS governs the conduct of the Supervisors and all the members of the Secretariat, including detached national experts, trainees and all other external staff, in their relations with other EU Institutions, with other stakeholders, and with the general public at large.

Members of staff shall comply with the provisions of the EDPS ethics framework. The conduct of staff shall neither undermine their professional integrity and impartiality nor harm the reputation of the institution. Save as otherwise provided by the Memorandum of Understanding between the EDPS and the EDPB<sup>4</sup>, the conduct of members of the Secretariat providing assistance to the Secretariat of the EDPB shall also be governed by this Ethics Framework. A specific raising awareness session was provided on 6 December 2018 to the staff members of the EDPB Secretariat.

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<sup>4</sup> Art. 75.4 of the General Data Protection Regulation

The first action plan of the Ethics officer was fully accomplished and the second report provided by the Ethics Officer (22 January 2019) to the Management Board has established the following action plan:

- ✚ A revised decision on external activities
- ✚ The revision of the code of conduct for staff further to the review of the previous decision and to include references to the EDPB Secretariat,
- ✚ The revision of the code of conduct for the Supervisors due to Regulation 2018/1725 and further to the new code of conduct for the Commissioners.
- ✚ To reflect on the possible adhesion to the new transparency registry for all institutions
- ✚ Organisation of meeting open to all staff on Ethics at work with an EU specialist in that field
- ✚ A new presentation raising awareness of EDPS staff by the end of 2019.

# 3. Resource management

## 3.1. Human resources

The EDPS has adopted, or implemented for the first time, major decisions and policies during 2018, notably:

- ) Staff survey report
- ) Revised telework decision
- ) Revised Mentorship decision
- ) Active Senior initiative

Annex 2 provides a series of charts relating to Human resources as regards:

- ) Staff distribution by nationalities and gender
- ) Staff distribution by grades for officials
- ) Staff distribution by function group for contract agents

## 3.2. Budget

In 2018, the EDPS was allocated a budget of EUR 14 449 068. This represents an increase of 27.59 percent compared to the 2017 budget.

As in previous estimates, our budgetary proposal made a clear distinction between the so-called current and new activities. For the current activities, as recommended by the Commission, we persisted with our policy of austerity, with most budget lines frozen at 0% and an overall increase of 1.54%, which is lower than the cost of living of 1.80% foreseen at the time (ceiling proposed by the Commission).

As regards the “new activities”, the increase of 27.59% was mainly due to the new EDPB, not only as a result of the additional 6 FTEs requested, but also of the budget related to the operations and activities of the Board taking function as from the 25th May 2018.

The year 2018 was indeed crucial for the EDPS. The adoption of the General Data Protection Regulation (GDPR) and the Law Enforcement Directive in 2016 were giant steps in modernising data protection rules and ensuring a consistent application of these rules in all Member States of the Union. These legal instruments were already in force but would only deploy their effects in mid-2018 and one of the main outcomes was the creation of the European Data Protection Board (EDPB). This independent EU body has been established by the GDPR to ensure a consistent application of the new legal framework for data protection in the Member States.

The legislator has entrusted the European Data Protection Supervisor (EDPS) with the challenging task of providing an independent Secretariat to this new body, ensuring full administrative synergies with the EDPS. As a result, the setting up of this new EU body has heavily influenced our budgetary proposals over recent years. The EDPS has been working on the setting up of the European Data Protection Board (EDPB) since 2015.

2018 was also the year when the founding regulation of the EDPS was finally adopted. Regulation (EU) 2018/1725 foresees new tasks and responsibilities for our small institution that will need to be properly resourced in the near future. This review is more technical than political as its main purpose is to extend the rules agreed upon in the GDPR to the particular environment of the EU institutions and bodies. However, these technical changes will have a considerable impact from a resources point of view: the considerable new tasks and responsibilities imposed on data protection authorities in the GDPR will also apply to the EDPS as from mid-2018. It is important to bear in mind that these new tasks and responsibilities are in addition to the new supervisory duties over former third pillar agencies transferred from national data protection authorities to the EDPS. As has already been the case for Europol in 2017, that EDPS will also be tasked with the supervision of other agencies such as Eurojust or EPPO in the short term.

Last but not least, as the EDPS entered into the second half of its Third Mandate, the achievement of the strategic objectives for 2015-2019 became a major priority. In this context, the EDPS co-hosted, together with the Bulgarian Data Protection Authority, the 40th edition of the International Conference of Data Protection and Privacy Commissioners, the worldwide forum that connects the efforts of 115 privacy and data protection authorities from across the globe. Up to one thousand representatives from governments, regulators, industry, academia and NGOs met in Brussels during the Strasbourg week of 22-26 October 2018, in the premises of the European Parliament in Brussels. This qualified audience will debated the report on digital ethics and data protection which was drafted and will be presented by the independent Ethics Advisory Group set up by the EDPS in 2016, one of the cornerstones of the EDPS strategy for 2015-2019.

Most of the conference took place in the premises of the European Parliament and the conference costs was mostly self-financed with participant contributions (registration fees). Part of the organisation and the collection of the fees were outsourced to an external contractor with extensive experience organising data protection events in Brussels.

### **Staff**

As regards the staff recruitment planning, in the framework of the preparatory works to set up the future EDPB, the EDPS requested a moderate increase of 6 FTEs, in view to have everything ready for the Board to take function as from the 25th May 2018..

Pending the adoption of the final text of what would become new Regulation (EU) 2018/1725, the 2018 estimates only foresaw the hiring of an additional FTE in the form of a contract agent function IV, to be able to kick off the work in 2018. The budget estimates in coming years would further specify the amount of resources needed to

cope with the new tasks and responsibilities finally attributed to the EDPS by the legislators.

### 3.3. Procurement

The EDPS relies heavily on inter-institutional cooperation as it presents many advantages from the perspective of good financial management and budget consolidation. This cooperation is vital for the EDPS, not only because of the small size of our organisation, but also because it increases efficiency and allows for economies of scale; in addition, most of the expenditure remains within the EU administrations, therefore resulting in appreciable savings for the EU budget.

#### Public procurement procedures implemented during 2018:

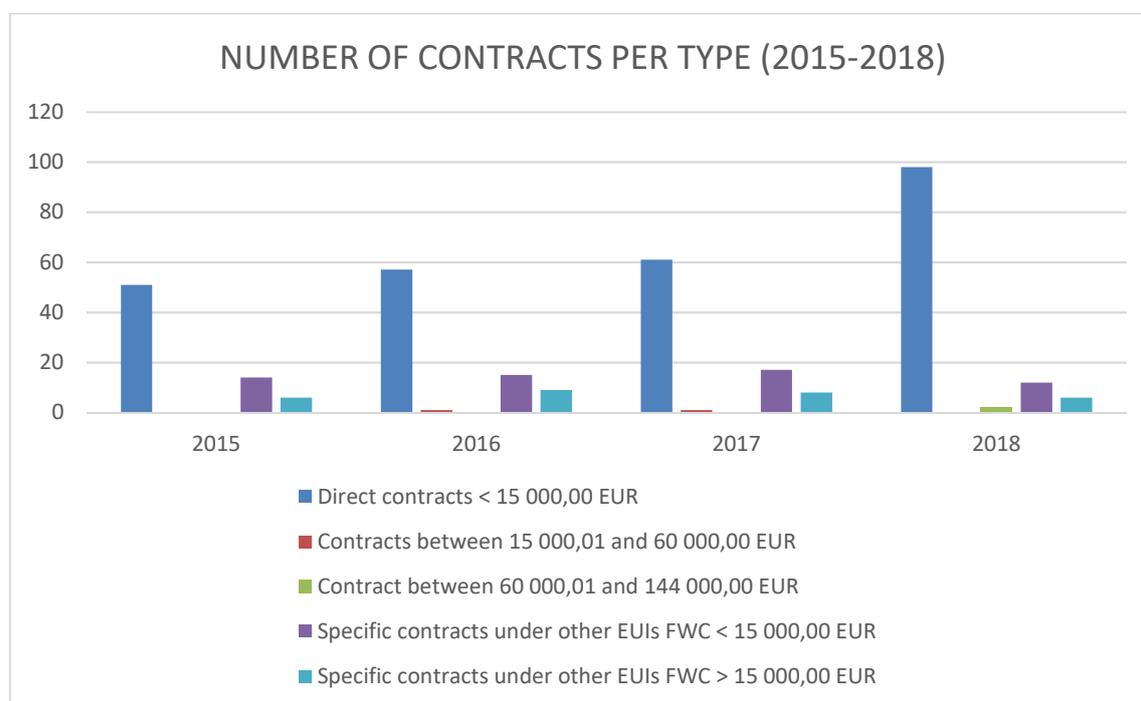
- a. High value contracts (Above 144 000 EUR)  
Several major contracts were concluded through Inter-Institutional Framework Contracts (IIFC) in which EDPS is stakeholder, among others:
  - ⇒ **EC/DIGIT/SIDE (Leading institution = European Commission)**
    - 1. Renewal of our Case Management System (CMS) VDE/SAAS and Consultancy Services
    - 2. Online media monitoring and international media database
  - ⇒ **ITS14 (Lot 2 and 3) (Leading institution = European Parliament)**
    - 1. Web Developers and Drupal Developers for the new EDPS website
    - 2. IT Analyst and Development Specialist for analysis and development of IT Tools
- b. Middle value contracts (Between 15 000 and 144 000 EUR)
  - ) A new contract about Media training was launched and awarded in 2018 for a value of 60.000 EUR (Contractor = CAMERON (GB)).
  - ) A new contract about the practical aspects of the organisation of the International Conference 2018 has been launched in 2017 and awarded in 2018 for a value of 134 900,00 EUR (Contractor = FORUM EUROPE (GB)).
  - ) A new contract about communication services for EDPS & EDPB (Communication and information Unit) has been launched and signed in 2018 for a value of 144 000,00 EUR (Two years contract / Contractor = WEBER & SHANDWICK (BE)).
- c. Low value contracts (Below 15 000 EUR)  
Next to the contracts listed above, many Purchase orders have been signed (Politico newspaper, Escape Prod, EIPA training, Press Club, etc).

#### New project on procurement professionalisation

A new project called 'Procurement Professionalisation Project' (PPP) has been prepared in 2017, developed during 2018 and should be implemented during 2019. The project is composed of three main objectives:

- ) Appointment of a single Operational Initiating Agent (OIA) in each operational unit/sector that will receive a proper training on negotiated procedures for low/middle value contracts;
- ) An electronic workflow to set-up the paper-less mode
- ) Updating of procurement procedures (flow charts).

In order to comply with the recommendation of the discharge 2016 report which calls for an overview in the Supervisor's annual activity report of the sections on procurement and missions' management, to include a comparative table of the last four years, the chart below provides the statistics for procurements.



### 3.4. Missions management

Missions' management at the EDPS is conducted in accordance with the applicable rules and its own mission guide (which is based on the Commission's guide).

The EDPS has adopted a speaking engagement policy<sup>5</sup> which clarifies the rules in those cases where the mission expenses should be paid by the organiser and is selective as regards attendance to external events.

<b>2018</b>	<b>Members</b>	<b>Staff</b>
Number of missions	39	203
Average duration	2 days	2 days
Average cost	885 euros	705 euros

The chart above provides information about the number of missions, the average duration and the average cost. All missions of the Supervisors are conducted with full transparency as provided in their Code of conduct. Missions by staff are encoded in MIPs and a mission report is uploaded as a supporting document in the statement of expenses.

As requested by the European Parliament in the previous discharge report, the two following tables give more detailed information in terms of transparency.

<b>N° DAYS + COSTS PER TEAM 2018</b>				
<b>UNIT/SECTOR</b>	<b>Nb missions</b>	<b>TOTAL COST</b>	<b>N° DAYS</b>	<b>AT CHARGE OF ORGANISERS</b>
DIRECTOR's TEAM	28	16.089,93	52	16
IT POLICY	26	14.167,09	54,42	2
COMMUNICATION	5	3.421,30	5,5	0
POLICY & CONSULTATION	33	20.080,44	74	5
HRBA	7	16.423,15	24	1
SUPERVISION & ENFORCEMENT	65	41.242,22	127	5
EDPS.SCEPD.DPO	4	1.323,70	6	0
RMS	1	752,36	2,5	0
EDPB	35	29.607,26	83	12
<b>TOTAL</b>	<b>204</b>	<b>143.107,45</b>	<b>428,42</b>	<b>41</b>

<sup>5</sup> [https://secure.edps.europa.eu/EDPSWEB/edps/cache/offonce/EDPS/Events/Speaking\\_eng\\_policy](https://secure.edps.europa.eu/EDPSWEB/edps/cache/offonce/EDPS/Events/Speaking_eng_policy)

<b>SUPERVISORS 2018</b>			
<b>NAME</b>	<b>Number of missions</b>	<b>N° DAYS</b>	<b>TOTAL COST</b>
BUTTARELLI Giovanni	18	39	20.076,96
WIEWIOROWSKI Wojciech Rafal	21	38,5	14.440,40
<b>total</b>	<b>39</b>	<b>77,5</b>	<b>34.517,36</b>

In order to comply with the recommendation of the discharge 2017 report which calls for an overview in the Supervisor's annual activity report of the sections on procurement and missions' management, to include a comparative table of the last four years, the chart below and its related graphics provide the statistics for missions.

	<b>2015</b>		<b>2016</b>		<b>2017</b>		<b>2018</b>	
	<b>Members</b>	<b>Staff</b>	<b>Members</b>	<b>Staff</b>	<b>Members</b>	<b>Staff</b>	<b>Members</b>	<b>Staff</b>
<b>Number of missions</b>	49	206	57	237	52	253	39	204
<b>Average duration</b>	1,8	1,6	1,8	1,8	4,1	2,1	2	4,7
<b>Average cost in €</b>	€1.038	€546	€1.028	€536	€860	€638	€885	€701
<b>Total cost in €</b>	€50.471	€113.131	€58.404	€130.607	€44.719	€161.486	€34.517	€143.107



### 3.5. Service Level agreements

The EDPS relies heavily on administrative cooperation with other institutions. Instruments such as Service Level Agreements (see table below) permit effective quality control and tailor-made mechanisms to maximise the efficiency of the services and to achieve some savings in the administrative budget.

The following table summarizes the Service-Level Agreements between the EDPS and other EU Institutions. The most recent update concerns the new SLA with the DG HR with the inclusion of some extra services.

INSTITUTION	SERVICE	FEES	Remarks
COMMISSION - DGEAC	Traineeships Office	112.975,68	Forfait per trainee
COMMISSION - DGHR	Medical service, IDOC, L&D, Art 90, RUE and EUCI	72.976,00	Depending on consumption
COMMISSION - PMO	Staff and administration	63.901,00	Forfait per person per service
COMMISSION - DG DIGIT	SYSPER2 implementation	115.900,00	Fix amount
COMMISSION - EUSA	Training and development	3.150,00	Depending on consumption
COMMISSION - DG BUDG	Use of ABAC	40.000,00	Fix amount
COMMISSION - OIB	Catering services	40.209,79	Depending on consumption
COMMISSION - OIB	Transportation - Service cars for the MB and STIB tickets	-	Depending on consumption
COMMISSION - OPOCE	Publications and communication	11.535,48	Depending on consumption
COMMISSION - DGT	Translation services et Interpretation	827.732,14	Depending on consumption
EP - DG INLO	Administrative agreement for building and logistics	1.133.467,94	Depending on consumption
EP - DG ITEC	Administrative agreement for IT services	80.000,00	Forfait per user
EP - DG PRES	Administrative agreement for security, accreditation and mail	274.866,53	Depending on consumption
ENISA	Security audit for Eurodac database	-	
EP - DG SAVE	Guard and security services	27.486,65	Depending on consumption
		<b>2.804.201,21</b>	



## 4. Management and internal control systems

For the sake of complete transparency, points 4.1.3 dealing with the characteristics and the nature of activities in Communication and internal administration, and 4.2.3 dealing with measuring performance are extracts from the EPDS Annual Report 2018.

### 4.1. Characteristics and nature of activities

#### 4.1.1. The mission of the EDPS

The European Data Protection Supervisor is the European Union's independent data protection authority established under Regulation (EC) No. 45/2001, devoted to protecting personal information and privacy and promoting good practice in the EU institutions and bodies. The EDPS:

- ) **monitors** and **ensures** the protection of personal data and privacy when EU institutions and bodies process the personal information of individuals.
- ) **advises** EU institutions and bodies on all matters relating to the processing of personal information. We are consulted by the EU legislator on proposals for legislation and new policy development that may affect privacy.
- ) **monitors** new technology that may affect the protection of personal information.
- ) **intervenes** before the EU Court of Justice to provide expert advice on interpreting data protection law.
- ) **cooperates** with national supervisory authorities and other supervisory bodies to improve consistency in protecting personal information.

#### 4.1.2. Core values and guiding principles

##### 4.1.2.1. The core values

The EDPS is guided by the following core values in how we approach our tasks and how we work with our stakeholders:

- **Impartiality** – working within the legislative and policy framework given to it, being independent and objective, finding the right balance between the interests at stake.
- **Integrity** – upholding the highest standards of behaviour and doing what is right even if it is unpopular.
- **Transparency** – explaining what it is doing and why, in clear language that is accessible to all.

- **Pragmatism** – understanding its stakeholders’ needs and seeking solutions that work in practice.

#### **4.1.2.2. General principles**

1. The EDPS serves the public interest to ensure that EU institutions comply with data protection policy and practice. He contributes to wider policy as far as it affects European data protection.
2. Using his expertise, authority and formal powers to build awareness of data protection as a fundamental right and as a vital part of good public policy and administration for EU institutions.
3. He focuses his attention and efforts on areas of policy or administration that present the highest risk of non-compliance or impact on privacy. He acts selectively and proportionately.

#### **4.1.3. Data Protection and the EDPS in 2018**

The characteristics and nature of activities at the EDPS dealing with data protection are dealt in point 2 of the present report. This sections deals only with internal administration and communication

##### **4.1.3.1. Internal administration**

With the EDPS role and responsibilities expanding, good internal administration has been more important than ever in ensuring that it is able to achieve its goals.

The EDPS Human Resources, Budget and Administration (HRBA) Unit tackled two particularly big preparatory tasks in 2018. Work on preparations for the new EDPB secretariat intensified significantly in order to ensure that the Board was administratively and logistically prepared to start work on 25 May 2018. Among other things, this involved ensuring that all EDPB staff members were subject to the same rules as those working for the EDPS and able to benefit from the same rights.

Ahead of the new data protection Regulation for the EU institutions, the EDPS also had to ensure that all EDPS HR decisions complied with the new rules. It therefore undertook a full review of all EDPS HR data processing activities and revised its approach as needed.

In addition to a number of initiatives aimed at improving its HR policies, the EDPS launched a new open competition to create a pool of highly qualified data protection experts to satisfy its future recruitment needs. As it moves into 2019, the EDPS main aim is to ensure an efficient and pleasant work environment for all those who work at the EDPS.

#### **4.1.3.2. Communicating data protection**

The importance of EDPS communication activities has increased considerably over the past few years. Effective communication is essential in ensuring that the institution is able to achieve the goals set out in our Strategy. If its work is not visible, it cannot have the impact required.

In addition to consolidating the EDPS efforts to improve and increase the impact of its online presence, it launched and executed two communication campaigns. The EDPS communication efforts for the 2018 International Conference not only helped to ensure that the conference itself was a success, but that the debate on digital ethics reached the widest possible audience.

In December 2018, the EDPS turned its attention to the new data protection Regulation for the EU institutions. Its communication campaign was designed to complement and reinforce ongoing awareness-raising activities, it was aimed not only at EU staff members, but also at ensuring that people outside the EU institutions were aware of the new rules and how they might affect them.

With the global presence and influence of the EDPS only set to increase, it anticipates another busy year ahead in 2019.

## **4.2. Strategy 2015-2019**

### **4.2.1. EDPS strategic objectives**

The EDPS' vision is to help the EU lead by example in the global dialogue on data protection and privacy in the digital age. Its three strategic objectives and 10 actions are detailed in Annex 5.

### **4.2.2. Action plan**

The related action plan is detailed in Annex 6.

### **4.2.3. Measuring performance**

The EDPS uses a number of key performance indicators (KPIs) to help the monitoring of its performance. This ensures that the EDPS is able to adjust its activities, if required, to increase the impact of its work and the efficiency of its use of resources. These KPIs reflect the strategic objectives and action plan defined in the EDPS Strategy 2015-2019.

The KPI scoreboard below contains a brief description of each KPI and the results on 31 December 2018. In most cases, these results are measured against initial targets.

In 2018, the EDPS met or surpassed - in some cases significantly - the targets set in the majority of its KPIs. This shows that implementation of the relevant strategic objectives is well on track and no corrective measures are needed.

In two cases it does not have monitoring results. In the case of KPI 6, as in the course of 2018 the EDPS opted to monitor and prioritise its policy activities in relation to the relevant priority actions outlined in the Strategy, instead of publishing a list of priorities. The EDPS took this decision because it felt that this was a more efficient way of ensuring that it meets the targets set out in the EDPS Strategy.

In the case of KPI 7, the EDPS is not currently able to accurately measure the number of visitors to the EDPS website, due to a change in the cookie and tracking policy on its website. This change is aimed at ensuring that users of its website will be able to consciously *opt-in* to having their online activity tracked on the EDPS website. It will therefore ensure that the website is as data protection friendly as possible. For this reason, the results for KPI 7 are not complete.

The target for KPI 4 is readjusted yearly, in accordance with the legislative cycle.

## Key Performance Indicators 2015-2019

KEY PERFORMANCE INDICATORS		Results at 31.12.18	Target 2018
<b>Objective 1 - Data Protection goes digital</b>			
KPI 1 Internal indicator	Number of initiatives promoting technologies to enhance privacy and data protection organised or co-organised by EDPS	9	9 initiatives
KPI 2 Internal & External Indicator	Number of activities focused on cross-disciplinary policy solutions (internal & external)	8	8 activities
<b>Objective 2 - Forging global partnership</b>			
KPI 3 Internal Indicator	Number of cases dealt with at international level (EDPB, CoE, OECD, GPEN, International Conferences) for which EDPS has provided a substantial written contribution	31	10 cases
<b>Objective 3 – Opening a new chapter for EU Data Protection</b>			
KPI 4 External Indicator	Level of interest of stakeholders (COM, EP, Council, DPAs...)	13	10 consultations
KPI 5 External Indicator	Level of satisfaction of DPO's/DPC's/controllers on cooperation with EDPS and guidance, including satisfaction of data subjects as to training	95%	70%
KPI 6 Internal Indicator	Rate of implementation of cases in the EDPS priority list (as regularly updated) in form of informal comments and formal opinions	NA	NA
<b>Enablers – Communication and management of resources</b>			
KPI 7 composite External Indicator	Number of visits to the EDPS website	N/A	) Reach 195715 (2015 results) visits ) 9407 followers (2017 results) + 10%
	Number of followers on the EDPS Twitter account	14K	
KPI 8 Internal Indicator	Level of Staff satisfaction	75%	75%
KPI9 Internal Indicator	Budget implementation	93.80%	90%

### 4.3. Inter-institutional cooperation

In 2018, inter-institutional cooperation continued in the areas in which the EDPS is assisted by other EU institutions and bodies.

The Commission's assistance is extremely valuable to us in particularly with regard to financial, accounting and budgetary matters. DG Budget provides with technical assistance to the EDPS in financial and accounting matters and the Central Financial Service assists by providing information. The Commission's Accounting Officer acts simultaneously as Accounting Officer to the EDPS. The same applies to the Commission's Internal Audit Service.

Inter-institutional cooperation presents many advantages from the perspective of good financial management and budget consolidation. This cooperation is vital for the EDPS, not only because of the small size of our organisation, but also because it increases efficiency and allows for economies of scale; in addition, most of the expenditure remains within the EU administrations, therefore resulting in appreciable savings for the EU budget.

The EDPS also participates in various inter-institutional calls for tenders (see table below), thus increasing efficiency in many administrative areas and making progress towards greater autonomy.

The list below includes the inter-institutional framework contracts (FWCs) that the EDPS currently uses to conclude purchase orders and/or specific contracts to cover needs particularly in the area of Information Technology and Administration:

	Name of Framework Contract	Area of use	EDPS Purchase
European Commission	DIGIT/R2/PO/2013/023 SIDE	Acquisition of user right licences of computer software products and licences	Case Management System (Fabasoft VDE + SAAS), Consultancy and license PhPstorm PHP IDE
	ADMIN/D1/PR/2009/036	Accident insurance for non-statutory staff	Accident insurance for non-statutory staff
	ADMIN/D1/PR/2009/013	Travel agency services for organising work-related travel	Travel agency services for organising work-related travel
	PMO8/PR/2011/053	Missions insurance "Assurance Responsabilité Civile"	Missions insurance "Assurance Responsabilité Civile"
	PMO2/PR/2013/001	Civil Liability Insurance	Civil Liability Insurance
	HR//R3/PR/2015/003 General Training - Lot 2	Policy Making	Impact of the EDPS' opinions on the GDPR and on the Directive Justice & Police
	HR/R3/PR/2015/005 OD	Organisational Development	Organisational development consultancy on EDPS internal reorganisation and new ways of working.
	HR/R3/PR/2014/078 intérimaires	Interim Staff	Interim Staff
European Parliament	INLO.AO-2012-028-LUX-UAGBI-0	Purchase Printers A paper	Purchase Printers A paper
	PE/ITEC-ITS14 Lot 2	External Service Provision for IT Services	Webdeveloper Consultancy + Drupal Migration
	PE/ITEC-ITS14 Lot 3	External Service Provision for IT Services	Analysis & Developments on Information Systems
	PE/2008/26/UPGF/9	Office Supplies	Office Supplies
	PE/2010/UAGBI/1	Office Chairs	Office Chairs

#### **4.4. Events during the year that affected reputation**

There were no events during 2018 that might have had a negative impact on the institution's reputation.

#### **4.5. Internal control management system**

Internal control covers the totality of the policies and procedures put in place by the institution to ensure the economic, efficient and effective achievement of its objectives. In order to assess and improve the effectiveness of the internal control system, in 2013 the EDPS adopted 15 out of the 16 Internal Control Standards (ICS), laid down in the European Commission decision of 2007<sup>6 7</sup>.

Since then an increasing number of implementing measures were adopted to provide effective internal control of the processes in place. By way of example, measures taken to implement the internal controls standards (ICS) included in 2018 a Staff survey report, a revised telework decision, a revised Mentorship decision and an active senior initiative.

The four-level system of activity planning (strategic, annual, monthly and weekly) forms the basis on which the EDPS manages his workload. The monthly and weekly tables were merged end of 2017 into a new planning tool managed by the Assistant to the Director. This allows to have a clearer overview of the state of play for all teams and for the Supervisors.

According to Art. 13 of the EDPS Rules of Procedure, the EDPS shall establish each year an Annual Management Plan. That plan shall translate the long term strategy of the EDPS into general and specific objectives. The plan sets out the activities to be undertaken by specific objectives. In line with Art. 13 the Annual Management Plan also includes the key performance indicators, defined in the Strategy 2015-2019, which were regularly measured to monitor progress achieved during the implementation phase.

Since the adoption of the decision on risk management in July 2012 –modern tools that help to identify the risks and possible plans of action- the EDPS has included risk management as an essential element of its global strategy. Risk management goes beyond assessing the risks; it also involves putting controls and measures in place that then need to be monitored (see Annex 7).

These controls put in place by the EDPS, along with the procedural channels, are intended to correct any financial or procedural error that might arise. They are an integral part of the management of the EDPS, as are any corrections to which they give

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<sup>6</sup> Communication SEC(2007)1341.

<sup>7</sup> Only ICS number 16 related to Internal Audit Capability is not applicable to the EDPS.

rise. The AOD is thus aware of any corrections. Neither the nature nor the frequency of the identified risks has been significantly relevant.

#### **4.6. Internal evaluation of the internal control system and indicators underpinning the statement of assurance**

The monitoring of the implementation of the ICS is the responsibility of the Internal Control Coordinator (ICC), who reports directly to the Director. Regular controls are carried out on the basis of a control matrix, which includes all the recommendations and actions to be undertaken in order to comply with the adopted ICS. The matrix is the object of regular reviews and updates. The ICC also meets the EDPS units/sectors to ensure effective implementation.

Since July 2014 a report on the implementation of the ICS is established twice a year to assess their effectiveness. The report is submitted to the Management Board for adoption.

Furthermore, the ex-post facto verification and the accounting correspondent functions monitor, on a sample basis, the legality and regularity of the financial transactions as well as the quality of accountancy once a year. Due to new recruitments and appropriate training, the ex post control and the accounting correspondent functions are again performed within the EDPS.

This enables the institution to demonstrate that the overall internal control system is effective, not only that sufficient controls are in place but also that these controls take account of the risks involved and are effective.

At this stage, the AOD estimates that the level of management and control put in place is appropriate and improving. Such improvements are not likely to have a 'material' impact within the meaning of paragraph 5.1. No reservations are necessary with regard to the improvements underway.

At the time of writing this annual activity report, no significant errors have occurred, and no reservations are necessary as regards preventive controls.

No recommendations that are currently being implemented are therefore likely to have a material impact<sup>8</sup>.

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<sup>8</sup> The materiality criteria used for this judgment are given in Chapter 5.1 of this report.

## **4.7. Cost effectiveness and efficiency of Internal Control**

As the EDPS undertook to the Court of Auditors last year, the purpose of this new paragraph is to report on the results of the cost-benefit analysis carried out on the Internal Control, as provided for in Article 66.9 of the Financial Regulation.

Being a very small Institution, the EDPS has neither the means nor the resources to carry out a classic cost-benefit analysis. Therefore, we have taken as a base the model applied by EPSO, since this office, as the EDPS, only manages administrative appropriations under Heading V of the EU budget. This model consists of a single global indicator which is calculated by dividing the approximate total cost of control by all expenditure made during the year (budget implementation in terms of payments).

The total number of FTE's involved in the three main control activities (internal control, procurement, finance and ex-post control) is estimated at around 3 FTE's.

The estimated average cost (all categories of cost included) of the control activities for 2018 would be around 375.000 Euros.

The total budget implementation in terms of payments for 2018 is expected to be of 13.219.905 Euros.

It means that the cost of the internal control activities represents only 2.65% of the EDPS expenditure.

## **4.8. Results of independent audit during the year**

There are two independent audits applicable to the EDPS: the European Court of Auditors and the institution's Internal Auditor.

### **4.8.1. Court of Auditors**

#### **4.8.1.1. Statement of Assurance 2018**

Preliminary findings of the Court of Auditors for 2018 are partially available at the date of the AAR issuance and the final report will only be made public at a later stage in July most probably. The EDPS will be informed if any remarks. At the date of issuing this AAR, the Court informed the EDPS that it has examined one transaction underlying the accounts for the financial year 2018 and this examination did not give rise to any observation.

Nevertheless, the Court of Auditors in its kick off meeting with the EDPS has informed that they will select one transaction for the main sample (so far, they have not selected any); if the transaction is a payment resulting from a contract signed between 2011

and 2018, the auditors will audit the related procurement procedure and treat any error according to the above methodology, as they did in previous years.

The Court approach as regards the audit of the accounts and other work on supervisory and control systems and on the annual activity report remains the same as in previous years.

#### **4.8.1.2. Statement of Assurance 2017 conclusions**

For the seventh consecutive year, the Statement of Assurance of the European Court of Auditors concerning the financial year 2017 (SoA 2017) did not contain any observation on the reliability or the 2017 provisional accounts.

The audit examined the supervisory and controls systems, in particular the implementation of key controls defined in the Financial Regulation and of the Internal Control Standards. This examination did not give rise to any observation, nor the examination of the 2017 annual activity report of the EDPS. The Court only underlined the need of re-implementing the ex post control, which is again in place.

#### **4.8.2. Internal Audit Service (IAS)**

The Commission's Internal Auditor is the internal auditor of the EDPS. To make sure that EDPS resources are effectively managed, the internal auditor conducts regular checks on EDPS internal control systems and on its financial transactions.

During 2018, the IAS finalised an excellent consultancy engagement on the EDPS Secretariat, and carried out from its office a follow-up audit of outstanding recommendations from the past IAS audit on the limited review of Internal Control Standards in the EDPS.

Last but not least, the IAS has issued on 7 March 2019 its Annual Internal Audit Report (ARIA) for 2018 under Article 99(3) of the 2015 Financial Regulation, with the two following conclusions:

1. The IAS was invited to reflect EDPB consulting engagement and define actions to improve identified areas. IAS will not follow up on the implementation of these actions (see point 4.8.2.1 below).
2. There is no open recommendations (see point 4.8.2.2 below).

##### **4.8.2.1. EDPB consultancy engagement**

The IAS carried out a consultancy engagement on the EDPS Secretariat from 23/04/2018 to 27/04/2018. The purpose of this exercise was to provide advice to the EDPS and the Director on the adequacy of the governance, risk management process and internal controls system of the EDPS to efficiently support the activities

related to the Secretariat of the EDPB, in compliance with the EU regulatory framework. Three main areas were subject of close scrutiny:

- ) EDPS governance in connection with the EDPB.
- ) The framework for providing human resources, budget and financial administration, and logistical support for the EDPB
- ) EDPS support teams

The IAS issued a final consulting report on the EDPB secretariat in the EDPS on the 10th of October 2018 that took into account all EDPS comments. All recommendations are only "issues for consideration" and will not be subjected to any follow up from the IAS side nor to any implementation monitoring in their central database.

Some of the potential improvements suggested, for example possible changes to the text of the MoU between the EDPS and the EDPB remain entirely in the EDPS' discretion.

The IAS has also reviewed its 2019 Annual Audit Plan based on the information received from the EDPS on 27/09/2018. This review was risk-based and takes account of the overall group of Union bodies. As a result of this review, the audit topic selected by the IAS for the EDPS is Supervision of Europol (including IT security arrangements). This engagement is envisaged to start shortly before year-end.

#### **4.8.2.2. ICS monitoring situation**

The EDPS follows 14 of the 16 ICS established by the European Commission (see EDPS decisions 2012 and 2015). The ICS are regularly monitored and reports (twice a year) are established since 2014 to keep management up to date with their implementation.

The IAS carried out from its office a follow-up audit of outstanding recommendations from the past IAS audit on the limited review of Internal Control Standards in the EDPS. It was carried out in accordance with the IAS methodological guidelines. The assessment of the state of implementation was based on the status of implementation as reported by the EDPS through TEAM CENTRAL, new module of the IAS follow-up tool, on-the-spot review of files and documents by the audit team, documents and tools as provided during the fieldwork and the preparation phase, and on-the-spot interviews with staff responsible for implementing the corresponding action plans.

On 9 January 2019, the ICS monitoring situation at the EDPS was the following:

The EDPS report on the implementation of the ICS shows that the level of internal control is satisfactory and effective.

All teams have gradually implemented the standards as recommended by the IAS in all blocks. No IAS recommendations are pending anymore. The recommendation of the Court of Auditors on the need of re-implementing the ex post control was effectively implemented. The EDPS is fully committed to the full compliance with IAS and Court of Auditors recommendations.

### **4.8.3. Follow-up to the European Parliament's discharge resolution of 2017**

On 25 February 2019, the European Parliament granted the EDPS discharge in respect of the implementation of its budget for the financial year 2017.

The discharge decision is accompanied by a resolution where the EP sets out its observations, among which the following are addressed in the context of this AAR or deals with audit matters.

- ) Welcomes the conclusion of the Court of Auditors (the “Court”), according to which the payments as a whole for the year ended on 31 December 2017 for administrative and other expenditure of the European Data Protection Supervisor (the “Supervisor”) were free from material error and that the examined supervisory and control systems for administrative and other expenditure were effective;
- ) Notes that in its annual report for 2017, the Court observed no serious weaknesses in respect of the audited topics related to the Supervisor’s human resources and procurement activities;
- ) Welcomes the decision of the Supervisor to publish its annual activity reports by 31 March 2019 with a view to optimizing and speeding up the discharge procedure;
- ) Welcomes the Supervisor’s implementation of a 5 % staff reduction in its establishment plan and notes that the Court had no further remarks in that regard;
- ) Welcomes the charts in the annual activity report, which provide detailed information about the number of missions, the average duration and the average cost of the Supervisors staff and its Members; notes the inclusion of a comparative table on procurement as requested in the discharge report of 2016;
- ) Welcomes the available information on the internal control measures; welcomes the follow-up to the recommendations of the Internal Audit Service (IAS) resulting from the Annual Internal Audit for 2016 and that the three pending recommendations are about to be closed;

All IAS recommendations are now implemented (see point 4.8.2.2 just above)

- ) Regrets the lack of information on internal procedures for whistleblowing provided by the Supervisor in the context of the 2017 discharge; stresses the importance of ensuring that necessary procedures are in place and that all staff are properly informed of their rights, in order to build an institutional culture of trust;

As the EDPS never had any case of whistleblowing, it was difficult to give more information in the context of the 2017 discharge. Nevertheless, to make this matter

clearer for the European Parliament and any other recipient of this report, the EDPS:

- has adopted a decision on internal rules concerning whistleblowing on 14/6/2016,
- has tackled the issue of retaliation and whistleblowing in part 4 of its code of conduct for staff
- will ask its Ethics officer to give a special attention to this issue in the next awareness raising session to all staff that she will provide in December 2019 (as mentioned in point 2.2 above page 14).

#### **4.9. Conclusions on the effectiveness of internal control**

In light of the information above, the authorising officer by delegation considers that the internal control system is operating appropriately; bearing in mind the level of expenditure and budget handled by the institution, and thus gives the necessary assurance to his annual statement.



# 5. Reservations and impact on the statement

## 5.1. Materiality criteria

In order to establish the Statement of Assurance the AOD applies the materiality criteria adopted by the Court of Auditors.

### 5.1.1. Objectives of materiality criteria

The materiality threshold gives the AOD a basis on which to establish the significant weaknesses that require a formal <sup>9</sup> reservation to his statement. The assessment of a weakness falls to the qualitative and quantitative judgment of the authorising officer by delegation, who remains responsible for the statement of assurance, including the reservations made.

The purpose of this chapter is to define the qualitative and quantitative criteria for determining the level of materiality.

### 5.1.2. Qualitative criteria

The following parameters were used to establish significant weaknesses:

- significant/repeated errors without mitigation
- weakness in the internal control system
- insufficient supporting documents
- material problems identified by the Court of Auditors or the Internal Audit Service
- problems of reputation.

### 5.1.3. Quantitative criteria

Once a significant weakness has been identified, quantitative criteria must be applied to determine the level of materiality. This level will be used to determine whether the weakness 'merits' being reported.

- margin of error
- maximum amount of risk.

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<sup>9</sup> The Commission (COM (2003)28 of 21 January 2003) considers that only 'material' reservations can be used to qualify the annual statement.

The Court of Auditors uses a 2% materiality threshold. Should the residual risk of an error be higher, the institution must explain the reasons for this.

The EDPS has decided on 2% of annual appropriations as the materiality threshold in this regard, namely: EUR 288.981,36 €

#### 5.1.4. Criteria of the Internal Audit Service

A 'table of significance' is added to the internal auditors' report.

In this table, a distinction is made between recommendations and observations on the one hand, and levels of importance on the other: critical, very important, important and desirable.

According to the internal auditors, only 'critical' level observations *may* result in a reservation in the statement given in the annual activity report. For the EDPS, there are no observations at this level.

## 5.2. Reservations

No reservation.

## 5.3. Conclusion

Based on the above, the Director of the EDPS Secretariat has issued the annual statement with no reservation.

## **6. Statement of assurance from the authorising officer by delegation**

I, the undersigned, Leonardo CERVERA NAVAS,

Director of the EDPS Secretariat,

as Authorising Officer by Delegation

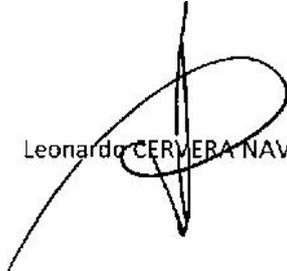
hereby declare that the information contained in this report is true and faithful.

I state that I have had reasonable assurance that the resources allocated to the activities described in this report have been used for the purposes anticipated and in accordance with the principle of sound financial management, and that the control procedures established provide the necessary guarantees as to the legality and regularity of the underlying operations.

This reasonable assurance is based on my own judgment and on the information available to me, such as the results of the self-evaluation and the report of the Internal Audit Service.

I confirm that I am not aware of any matter not reported that might be harmful to the institution's interests.

Signed at Brussels on 18 March 2019.

  
Leonardo CERVERA NAVAS



## **7. Annexes**



## Annex 1: Summary of annual activity report

The Financial Regulation (Article 66(9))<sup>10</sup> provides that the *institution* shall submit to the budgetary authority (European Parliament and Council), no later than 15 June each year, a summary of the annual activity report for the previous year.

Following the report on discharge in respect of the implementation of the general budget of the European Union for the financial year 2016 issued on 26 March 2018, the European Parliament requested to set a deadline for the submission of the annual activity reports of 31 March of the year following the accounting year. Thus the EDPS follows this request by adopting its AAR by 31 March 2019.

Alongside this, Article 60 of Regulation (EC) No 2018/1725 provides that the EDPS shall submit an annual report on his/her activities to the European Parliament, the Council and the Commission.

The proposal is thus to summarise the authorising officer by delegation's annual activity report and include this summary in the activity report that is provided for in Article 60 of Regulation (EC) No 2018/1725:

**Overall, the European Data Protection Supervisor considers that the internal control systems in place provide reasonable assurance as to the legality and regularity of the operations for which the institution is responsible.**

**The European Data Protection Supervisor will ensure that his authorising officer by delegation continues his efforts to guarantee that the reasonable assurance given in the statement attached to his activities report is effectively backed up by appropriate internal control systems.**

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<sup>10</sup> Financial Regulation, Article 66(9): “*The authorising officer by delegation shall report to his or her institution on the performance of his or her duties in the form of an annual activity report containing financial and management information, including the results of controls, declaring that, except as otherwise specified in any reservations related to defined areas of revenue and expenditure, he or she has reasonable assurance that:*

- (a) the information contained in the report presents a true and fair view;*
- (b) the resources assigned to the activities described in the report have been used for their intended purpose and in accordance with the principle of sound financial management;*
- (c) the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.*

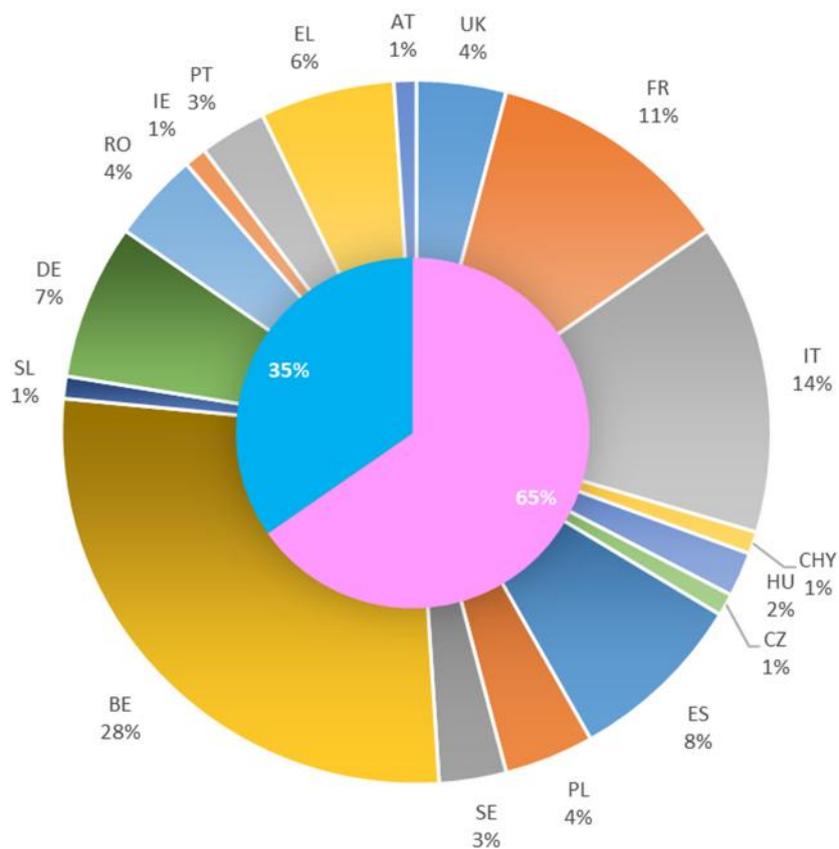
*The activity report shall indicate the results of the operations by reference to the objectives set, the risks associated with those operations, the use made of the resources provided and the efficiency and effectiveness of internal control systems, including an overall assessment of the costs and benefits of controls.*

*No later than 15 June each year, the Commission shall send to the European Parliament and the Council a summary of the annual activity reports for the preceding year. The annual activity report of each authorising officer by delegation shall also be made available to the European Parliament and the Council.”.*

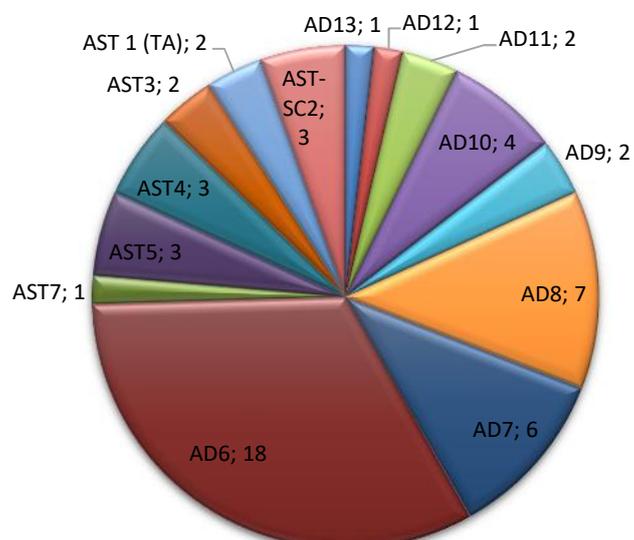


## Annex 2: Human resources at the EDPS

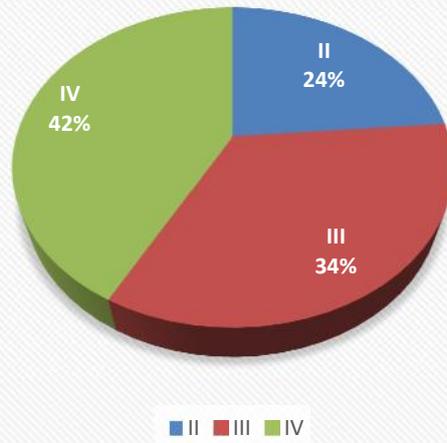
Staff distribution by gender & nationality



Grades officials



## Function Groups



# Annex 3: Budget 2018

TITLE 1 - EXPENDITURE RELATING TO PERSONS WORKING WITH THE INSTITUTION		2016	Execution 2016	2017	2017 vs 2016	2017 vs 2016 (%)	2018	2018 vs 2017	2018 vs 2017 (%)
<b>Chapter 10</b>	<b>Members of the institution</b>								
<b>Article 100</b>	<b>Remuneration, allowances and other entitlements of Members</b>								
	Item 1000 Remuneration and allowances	640.940,00	100,00%	667.290,00	26.350,00	4,11%	684.881,00	17.591,00	2,64%
	Item 1001 Entitlements on entering and leaving the service	0,00	#DIV/0!	0,00	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 1002 Temporary allowances	163.732,00	77,51%	171.131,00	7.399,00	4,52%	0,00	-171.131,00	-100,00%
	Item 1003 Pensions	0,00	#DIV/0!	0,00	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 1004 Provisional appropriation	0,00	#DIV/0!	0,00	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	<b>TOTAL Article 100</b>	<b>804.672,00</b>	<b>95,68%</b>	<b>838.421,00</b>	<b>33.749,00</b>	<b>4,19%</b>	<b>684.881,00</b>	<b>-153.540,00</b>	<b>-18,31%</b>
<b>Article 101</b>	<b>Other expenditure in connection with Members</b>								
	Item 1010 Further training	25.000,00	40,00%	25.000,00	0,00	0,00%	25.000,00	0,00	0,00%
	Item 1011 Mission expenses, travel expenses and other ancillary expenditure	59.394,00	85,22%	59.394,00	0,00	0,00%	59.394,00	0,00	0,00%
	<b>TOTAL Article 101</b>	<b>84.394,00</b>	<b>79,86%</b>	<b>84.394,00</b>	<b>0,00</b>	<b>0,00%</b>	<b>84.394,00</b>	<b>0,00</b>	<b>0,00%</b>
	<b>TOTAL Chapter 10</b>	<b>889.066,00</b>	<b>94,17%</b>	<b>922.815,00</b>	<b>33.749,00</b>	<b>3,80%</b>	<b>769.275,00</b>	<b>-153.540,00</b>	<b>-16,64%</b>
<b>Chapter 11</b>	<b>Staff of the institution</b>								
<b>Article 110</b>	<b>Remuneration, allowances and other entitlements of officials and temporary staff</b>								
	Item 1100 Remuneration and allowances	4.328.815,00	96,92%	5.185.664,00	856.849,00	19,79%	5.427.553,00	241.889,00	4,66%
	Item 1101 Entitlements on entering, leaving the service and on transfer	50.000,00	0,00%	50.000,00	0,00	0,00%	50.000,00	0,00	0,00%
	Item 1102 Overtime	0,00	#DIV/0!	0,00	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 1103 Special assistance grants	0,00	#DIV/0!	0,00	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 1104 Allowances and miscellaneous contributions in connection with early termination of service	0,00	#DIV/0!	0,00	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 1105 Provisional appropriation	0,00	#DIV/0!	0,00	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	<b>TOTAL Article 110</b>	<b>4.378.815,00</b>	<b>95,75%</b>	<b>5.235.664,00</b>	<b>856.849,00</b>	<b>19,57%</b>	<b>5.477.553,00</b>	<b>241.889,00</b>	<b>4,62%</b>
<b>Article 111</b>	<b>Other staff</b>								
	Item 1110 Contract staff	272.070,00	94,52%	349.000,00	76.930,00	28,28%	349.366,00	366,00	0,10%
	Item 1111 Cost of traineeships and staff exchanges	179.428,00	99,39%	237.000,00	57.572,00	32,09%	250.000,00	13.000,00	5,49%
	Item 1112 Services and work to be contracted out	51.202,00	86,13%	52.748,00	1.546,00	3,02%	52.748,00	0,00	0,00%
	<b>TOTAL Article 111</b>	<b>502.700,00</b>	<b>95,02%</b>	<b>638.748,00</b>	<b>136.048,00</b>	<b>27,06%</b>	<b>652.114,00</b>	<b>13.366,00</b>	<b>2,09%</b>
<b>Article 112</b>	<b>Other expenditure in connection with staff</b>								
	Item 1120 Mission expenses, travel expenses and other ancillary expenditure	132.398,00	95,08%	135.000,00	2.602,00	1,97%	135.000,00	0,00	0,00%
	Item 1121 Recruitment costs	6.789,00	55,54%	6.789,00	0,00	0,00%	6.789,00	0,00	0,00%
	Item 1122 Further training	78.500,00	84,92%	80.000,00	1.500,00	1,91%	80.000,00	0,00	0,00%
	Item 1123 Social service	0,00	#DIV/0!	0,00	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 1124 Medical service	14.844,00	35,66%	14.844,00	0,00	0,00%	14.844,00	0,00	0,00%
	Item 1125 Union nursery centre and other day nurseries and after-school centres	80.000,00	54,47%	80.000,00	0,00	0,00%	80.000,00	0,00	0,00%
	Item 1126 Relations between staff and other welfare expenditure	6.000,00	89,51%	8.000,00	2.000,00	33,33%	8.000,00	0,00	0,00%
	<b>TOTAL Article 112</b>	<b>318.531,00</b>	<b>79,21%</b>	<b>324.633,00</b>	<b>6.102,00</b>	<b>1,92%</b>	<b>324.633,00</b>	<b>0,00</b>	<b>0,00%</b>
	<b>TOTAL Chapter 11</b>	<b>5.200.046,00</b>	<b>94,63%</b>	<b>6.199.045,00</b>	<b>998.999,00</b>	<b>19,21%</b>	<b>6.454.300,00</b>	<b>255.255,00</b>	<b>4,12%</b>
	<b>TOTAL TITLE 1</b>	<b>6.089.112,00</b>	<b>94,56%</b>	<b>7.121.860,00</b>	<b>1.032.748,00</b>	<b>16,96%</b>	<b>7.223.575,00</b>	<b>101.715,00</b>	<b>1,43%</b>

TITLE 2 - BUILDINGS, EQUIPMENT AND EXPENDITURE IN CONNECTION WITH THE OPERATION OF THE INSTITUTION		2016	Execution 2016	2017	2017 vs 2016	2017 vs 2016 (%)	2018	2018 vs 2017	2018 vs 2017 (%)
<b>Chapter 20</b>	<b>Buildings, equipment and expenditure in connection with the operation of the institution</b>								
<b>Article 200</b>	Rents, charges and buildings expenditure	922.000,00	87,43%	926.000,00	4.000,00	0,43%	1.403.747,00	477.747,00	51,59%
	<b>TOTAL Article 200</b>	<b>922.000,00</b>	<b>87,43%</b>	<b>926.000,00</b>	<b>4.000,00</b>	<b>0,43%</b>	<b>1.403.747,00</b>	<b>477.747,00</b>	<b>51,59%</b>
<b>Article 201</b>	<b>Expenditure in connection with the operation and activities of the institution</b>								
	Item 2010 Equipment	367.500,00	180,09%	420.000,00	52.500,00	14,29%	420.000,00	0,00	0,00%
	Item 2011 Supplies	15.000,00	51,56%	15.000,00	0,00	0,00%	15.000,00	0,00	0,00%
	Item 2012 Other operating expenditure	110.250,00	141,10%	130.000,00	19.750,00	17,91%	215.000,00	85.000,00	65,38%
	Item 2013 Translation and interpretation costs	775.000,00	45,02%	825.000,00	50.000,00	6,45%	825.000,00	0,00	0,00%
	Item 2014 Expenditure on publishing and information	112.000,00	93,31%	127.000,00	15.000,00	13,39%	158.000,00	31.000,00	24,41%
	Item 2015 Expenditure in connection with the activities of the institution	144.000,00	105,34%	144.000,00	0,00	0,00%	144.000,00	0,00	0,00%
	Item 2016 Other activities related to external stakeholders	0,00	0,00%	193.000,00	193.000,00	#DIV/0!	250.000,00	57.000,00	29,53%
	<b>TOTAL Article 201</b>	<b>1.523.750,00</b>	<b>93,86%</b>	<b>1.854.000,00</b>	<b>330.250,00</b>	<b>21,67%</b>	<b>2.027.000,00</b>	<b>173.000,00</b>	<b>9,33%</b>
	<b>TOTAL CHAPTER 20</b>	<b>2.445.750,00</b>	<b>91,44%</b>	<b>2.780.000,00</b>	<b>334.250,00</b>	<b>13,67%</b>	<b>3.430.747,00</b>	<b>650.747,00</b>	<b>23,41%</b>
	<b>TOTAL TITLE 2</b>	<b>2.445.750,00</b>	<b>91,44%</b>	<b>2.780.000,00</b>	<b>334.250,00</b>	<b>13,67%</b>	<b>3.430.747,00</b>	<b>650.747,00</b>	<b>23,41%</b>

TITLE 3 - EUROPEAN DATA PROTECTION BOARD (EDPB)		2016	Execution 2016	2017	2017 vs 2016	2017 vs 2016 (%)	2018	2018 vs 2017	2018 vs 2017 (%)
<b>Article 301</b>	<b>Remuneration, allowances and other entitlements of officials and temporary staff</b>								
	Item 3010 Remuneration and allowances	358.000,00	84,73%	562.375,00	204.375,00	57,09%	1.196.482,00	634.107,00	112,76%
	Item 3011 Entitlements on entering, leaving the service and on transfer	25.000,00	0,00%	25.000,00	0,00	0,00%	50.000,00	25.000,00	100,00%
	Item 3012 Allowances and miscellaneous contributions in connection with early termination of service	0,00	#DIV/0!	0,00	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	<b>TOTAL Article 301</b>	<b>383.000,00</b>	<b>79,20%</b>	<b>587.375,00</b>	<b>204.375,00</b>	<b>53,36%</b>	<b>1.246.482,00</b>	<b>659.107,00</b>	<b>112,21%</b>
<b>Article 302</b>	<b>Other staff</b>								
	Item 3020 Contract staff	76.800,00	93,29%	79.119,00	2.319,00	3,02%	81.205,00	2.086,00	2,64%
	Item 3021 Cost of traineeships and staff exchanges	140.000,00	44,00%	250.000,00	110.000,00	78,57%	250.000,00	0,00	0,00%
	Item 3022 Services and work to be contracted out	0,00	#DIV/0!	0,00	0,00	#DIV/0!	52.748,00	52.748,00	#DIV/0!
	<b>TOTAL Article 302</b>	<b>216.800,00</b>	<b>61,46%</b>	<b>329.119,00</b>	<b>112.319,00</b>	<b>51,81%</b>	<b>383.953,00</b>	<b>54.834,00</b>	<b>16,66%</b>
<b>Article 303</b>	<b>Other expenditure in connection with staff of the Board</b>								
	Item 3030 Mission expenses, travel expenses and other ancillary expenditure	15.000,00	27,94%	15.000,00	0,00	0,00%	20.000,00	5.000,00	33,33%
	Item 3031 Recruitment costs	10.500,00	0,00%	10.500,00	0,00	0,00%	3.500,00	-7.000,00	-66,67%
	Item 3032 Further training	10.990,00	25,85%	10.990,00	0,00	0,00%	15.867,00	4.877,00	44,38%
	Item 3033 Medical service	891,00	47,64%	891,00	0,00	0,00%	2.944,00	2.053,00	230,42%
	Item 3034 Union nursery centre and other day nurseries and after-school centres	16.000,00	0,00%	16.000,00	0,00	0,00%	32.000,00	16.000,00	100,00%
	<b>TOTAL Article 303</b>	<b>53.381,00</b>	<b>13,97%</b>	<b>53.381,00</b>	<b>0,00</b>	<b>0,00%</b>	<b>74.311,00</b>	<b>20.930,00</b>	<b>39,21%</b>
<b>Article 304</b>	<b>Expenditure in connection with the operation and activities of the Board</b>								
	Item 3040 Meetings of the Board	0,00	#DIV/0!	0,00	0,00	#DIV/0!	560.000,00	560.000,00	#DIV/0!
	Item 3041 Translation and interpretation costs	0,00	#DIV/0!	0,00	0,00	#DIV/0!	580.000,00	580.000,00	#DIV/0!
	Item 3042 Expenditure on publishing and information	0,00	#DIV/0!	45.000,00	45.000,00	#DIV/0!	45.000,00	0,00	0,00%
	Item 3043 Information technology equipment and services	100.000,00	100,00%	385.000,00	285.000,00	285,00%	650.000,00	265.000,00	68,83%
	Item 3044 Travel expenses of external experts	0,00	#DIV/0!	20.000,00	20.000,00	#DIV/0!	35.000,00	15.000,00	75,00%
	Item 3045 External consultancy and studies	0,00	#DIV/0!	0,00	0,00	#DIV/0!	150.000,00	150.000,00	#DIV/0!
	Item 3046 Other expenditure in connection with the activities of the EDPB	0,00	#DIV/0!	3.000,00	3.000,00	#DIV/0!	70.000,00	67.000,00	2233,33%
	<b>TOTAL Article 304</b>	<b>100.000,00</b>	<b>100,00%</b>	<b>453.000,00</b>	<b>353.000,00</b>	<b>353,00%</b>	<b>2.090.000,00</b>	<b>1.637.000,00</b>	<b>361,37%</b>
	<b>TOTAL CHAPTER 30</b>	<b>753.181,00</b>	<b>72,23%</b>	<b>1.422.875,00</b>	<b>669.694,00</b>	<b>88,92%</b>	<b>3.794.746,00</b>	<b>#DIV/0!</b>	<b>166,70%</b>
	<b>TOTAL TITLE 3</b>	<b>753.181,00</b>	<b>72,23%</b>	<b>1.422.875,00</b>	<b>669.694,00</b>	<b>88,92%</b>	<b>3.794.746,00</b>	<b>2.371.871,00</b>	<b>166,70%</b>
	<b>TOTAL BUDGET</b>	<b>9.288.043,00</b>	<b>91,93%</b>	<b>11.324.735,00</b>	<b>2.036.692,00</b>	<b>21,93%</b>	<b>14.449.068,00</b>	<b>3.124.333,00</b>	<b>27,59%</b>



## Annex 4: Detailed list of missions undertaken by the Supervisors and by the EDPB Chair (2018)

<b>BUTTARELLI Giovanni</b>				
<b>Location</b>	<b>Mission Purpose</b>	<b>Date from</b>	<b>Date to</b>	<b>TOTAL</b>
Rome (ITA)	- Event: "Giornata di studio "Chiesa e protezione dei dati personali" : questioni tecniche - Seminar Arel, Privacy - 5G International PhD School	09/12/2018	10/12/2018	1.371,94
Lugano (CHE),New York (USA),Rome (ITA)	Meeting Global Pulse Meeting CFR TV programme about "Big data" on 21 November Lugano (Switzerland) Seminar as a speaker "How can we govern Europe? 5th Edition, Rome, Chamber of Deputies in Rome (Italy)	19/11/2018	23/11/2018	6.344,84
Rome (ITA)	P18064 - La tutela dell'integrità psico-fisica della persona di minore età al tempo di internet nella prospettiva interna, europea ed internazionale	24/09/2018	24/09/2018	384,59
Rome (ITA)	-Celebration of the 242nd Anniversary of the Independence of the United States of America in Rome - LA VALORIZZAZIONE DEL REGISTRO IMPRESE videoconferenza Farmindustria - Public Assembly 2018	05/07/2018	11/07/2018	798,22
Rome (ITA)	Invito Audizione Atto del Governo n. 22 , Hearing at the Italian Senate	07/06/2018	07/06/2018	615,91
Rome (ITA)	- Video conference: Austrian Commission of Jurists' Spring conference - Invitation to the Chamber of Deputies ROME - Reception at the Presidency of Republic at the occasion of the National Day on June 1st	31/05/2018	01/06/2018	451,65
Tel Aviv (ISR)	IAPP meeting at Tel Aviv	12/06/2018	25/06/2018	266,00

Milan (ITA),Naples (ITA),Rome (ITA)	MILAN ASSO DPO CONGRESS 2018 - Milan (Italy) Naples Seminari Istituto italiano studi storici e DIETI Naples (Italy) MILAN L'Europa e la privacy . Modelli organizzativi di impresa tra regole e mercato	08/05/2018	19/05/2018	1.172,29
Florence (ITA)	CORSO P18029 - DAL TELELAVORO AL LAVORO AGILE: LE PRINCIPALI NOVITA' LEGISLATIVE ED IL RUOLO DEL GIUDICE DEL LAVORO AL COSPETTO DELLA MODERNITA'	16/04/2018	16/04/2018	583,80
Rome (ITA)	International Conference on Artificial Intelligence	02/03/2018	03/03/2018	234,35
Paris (FRA)	March Working Group on Bribery meeting OECD	13/03/2018	13/03/2018	385,77
Paris (FRA)	March Working Group on Bribery meeting OECD	14/03/2018	14/03/2018	289,50
Washington (USA)	IAPP Summit and DPA Day <ul style="list-style-type: none"> <li>• Meetings with other DPAs from around the world with the Federal Privacy Council at the White House <ul style="list-style-type: none"> <li>• Meeting with members of the US Chamber of Commerce</li> </ul> </li> <li>• Remote presentations to two events organised in Rome one on the preparation of new national data protection rules in Italy and the other hosted by French and German ambassadors and the French search engine Qwant <ul style="list-style-type: none"> <li>• Meeting with civil liberties NGOs hosted by Electronic Privacy Information Center</li> </ul> </li> <li>• Meeting of the Executive Committee of the International Conference <ul style="list-style-type: none"> <li>• Information Privacy Law Tutorial</li> </ul> </li> <li>• Discussion with board of directors of the Centre for Democracy and Technology</li> </ul>	25/03/2018	30/03/2018	4.844,74
Rome (ITA)	Giornata annuale sulle Comunicazioni elettroniche Diritto ed economia delle piattaforme digitali	21/03/2018	22/03/2018	300,85
Rome (ITA),Washington (USA)	Giornata annuale sulle Comunicazioni elettroniche - RomelAPP Conference	21/03/2018	03/04/2018	0,00
London (GBR)	Dentons event Meeting Mr Rasi, Director EMA Working dinner with Mr Aldoforte, Founder & CEO of "The flow"	22/02/2018	24/02/2018	941,31
Rome (ITA)	IL REGOLAMENTO EUROPEO PRIVACY: IMPATTO SUL SISTEMA SANITARIO	08/02/2018	09/02/2018	436,27
Rome (ITA)	Gnosis event on 18 January AISI	17/01/2018	18/01/2018	654,93

**Total 2018 Mr BUTTARELLI: 20.076,96 €**

**WIEWIOROWSKI Wojciech Rafal**

<b>Location</b>	<b>Mission Purpose</b>	<b>Date from</b>	<b>Date to</b>	<b>TOTAL</b>
Paris (FRA)	Compliance visit to EUISS	26/11/2018	26/11/2018	367,99
Paris (FRA), Warsaw (POL)	- GDPR Event with British Embassy in Paris - Visit of Frontex in Warsaw	05/12/2018	07/12/2018	690,23
Leuven (BEL)	EAB Seminar - Biometric data use in the new era of GDPR	09/11/2018	09/11/2018	58,08
Milton Keynes (GBR)	ALLEA and Royal Society conference: Flourishing in a data-enabled society	01/11/2018	02/11/2018	692,89
London (GBR), The Hague (NLD)	1) Data Protection World Forum - The Governance, Risk & Compliance Seminar, London Excel 2) Freedom & Security Conference, The Hague	20/11/2018	22/11/2018	530,89
Paris (FRA)	Centre for Information Policy Leadership (CIPL) Workshop in collaboration with AXA Accountability under the GDPR – How to Implement, Demonstrate and Incentivise it	05/10/2018	05/10/2018	367,87
Warsaw (POL)	52th Congress of the European Bars Federation and Conference „Right to privacy in a digital age”	20/09/2018	21/09/2018	681,62
Strasbourg (FRA)	Meeting with Rapporteur and Shadows on the CIR (Common Identity Repository)	12/09/2018	13/09/2018	1.145,88
Copenhagen (DNK)	Workshop: Data Protection within International Organizations	11/07/2018	13/07/2018	986,39
Warsaw (POL)	- Meeting Minister of Digitisation - Zagórski - Klub Informatyka PTI	29/05/2018	30/05/2018	619,66

Barcelona (ESP)	-1) Annual Privacy Forum -2) The Application of the New European Data Protection Regulation, First Steps -3) IPEN	12/06/2018	15/06/2018	224,12
Santpoort-Noord (NLD)	Forum on International Privacy Law	23/04/2018	25/04/2018	222,53
Tirana (ALB)	28th edition of the Conference of European Data Protection Authorities: Data Protection - Protecting Better Together	02/05/2018	04/05/2018	879,44
Frankfurt (DEU)	Financial Centre Breakfast event series on General Data Protection Regulation	16/04/2018	17/04/2018	471,47
Sofia (BGR)	Meeting of the Joint Parliamentary Scrutiny Group on the European Union Agency for Law Enforcement Cooperation	18/03/2018	19/03/2018	889,46
Sofia (BGR)	Professional Conference on the Future of PNR Data - Effective Use and Challenges	20/02/2018	21/02/2018	963,27
Toronto (CAN)	RightsCon, Toronto on 16-18 May 2018	15/05/2018	19/05/2018	1.138,11
Paris (FRA)	GDPR Conference "NOUVEAU REGLEMENT DATA PROTECTION"	08/02/2018	08/02/2018	341,07
Barcelona (ESP)	Ministerial Programme " Creating a Better Future"	25/02/2018	28/02/2018	1.241,95
Luxembourg (LUX), Sofia (BGR)	-GDPR event -Follow up meeting on next steps in discussion on new Regulation 45/2001 (informal) -Training sessions and accountability meetings in Luxembourg	28/01/2018	31/01/2018	1.541,74
Vienna (AUT)	Workshop" The EDPB Secretariat, the EDPB Chair and Chair's team: Training on working efficiently as a team"	26/09/2018	28/09/2018	727,47
Bonn (DEU)	Training for stakeholders in Germany using a new IT system to interact with new European Body (European Data Protection Board).	29/05/2018	31/05/2018	189,15
<b>Total 2018 Mr WIEWIOROWSKI:</b>				<b>14.971,29</b>

## JELINEK Andrea - EDPB CHAIR

Location	Mission Purpose	Date from - to	TOTAL
New York	Interviews Bloomberg TV - WSJ	13-15/6/2018	€3.231,90
Washington	Washington Forum Confernce	13-15/9/18	€56,00
Dublin	Data Summit Conference Dublin	18-20/9/18	€603,81
Washington	US Senate Hearing on commerce science and transportation	09/10/2018	€4.062,00
San Francisco	Meetings with sector organisations and academics - media interviews	6-13/11/2018	€6.234,77
Madrid	25 years of ES DPA + meeting ES DPA	13/11/2018	€441,29
<b>Total 2018 JELINEK Andrea</b>			<b>€14.629,77</b>



## **Annex 5: EDPS strategic objectives**

### ***1. Data protection goes digital***

- (1) Promoting technologies to enhance privacy and data protection;
- (2) Identifying cross-disciplinary policy solutions;
- (3) Increasing transparency, user control and accountability in big data processing.

### ***2. Forging global partnerships***

- (4) Developing an ethical dimension to data protection;
- (5) Mainstreaming data protection into international policies;
- (6) Speaking with a single EU voice in the international arena.

### ***3. Opening a new chapter for EU data protection***

- (7) Adopting and implementing up-to-date data protection rules;
- (8) Increasing accountability of EU bodies collecting, using and storing personal information;
- (9) Facilitating responsible and informed policymaking;
- (10) Promoting a mature conversation on security and privacy.



# Annex 6: EDPS strategic objectives and its Action Plan

## DATA PROTECTION GOES DIGITAL

### ACTION 1 - Promoting technologies to enhance privacy and data protection

- ) Work with communities of IT developers and designers to encourage the application of privacy by design and privacy by default through privacy engineering;
- ) Promote the development of building blocks and tools for privacy-friendly applications and services, such as libraries, design patterns, snippets, algorithms, methods and practices, which can be easily used in real-life cases;
- ) Expand the Internet Privacy Engineering Network (IPEN) to work with an even more diverse range of skill groups to integrate data protection and privacy into all phases of development of systems, services and applications;
- ) Provide creative guidance on applying data protection principles to technological development and product design;
- ) Highlight that data protection compliance is a driver for consumer trust and more efficient economic interaction, and hence can encourage business growth;
- ) Work with academia and researchers in the public and private sectors focusing on innovative fields of technical developments that affect the protection of personal data, in order to inform our technology monitoring activities.

### ACTION 2 - Identifying cross-disciplinary policy solutions

- ) Initiate and support a Europe-wide dialogue amongst EU bodies and regulators, academics, industry, the IT community, consumer protection organisations and others, on big data, the internet of things and fundamental rights in the public and private sector;
- ) Work across disciplinary boundaries to address policy issues with a privacy and data protection dimension;
- ) Initiate a discussion on broad themes which integrates insights from other fields, and coordinate training efforts to familiarise staff with these related disciplines.

### ACTION 3 - Increasing transparency, user control and accountability in big data processing

- ) Develop a model for information-handling policies, particularly for online services provided by EU bodies, which explains in simple terms how business processes could affect individuals' rights to privacy and protection of personal data, including the risks for individuals to be re-identified from anonymised, pseudonymous or aggregated data;
- ) Encourage the development of innovative technical solutions for providing information and control to users, reducing information asymmetry and increasing users' autonomy.

## **FORGING GLOBAL PARTNERSHIPS**

### ACTION 4 - Developing an ethical dimension to data protection

- ) Establish an external advisory group on the ethical dimension of data protection to explore the relationships between human rights, technology, markets and business models in the 21st century;
- ) Integrate ethical insights into our day-to-day work as an independent regulator and policy advisor.

### ACTION 5 - Mainstreaming data protection into international agreements

- ) Advise EU institutions on coherently and consistently applying the EU data protection principles when negotiating trade agreements (as well as agreements in the law enforcement sector), highlighting that data protection is not a barrier but rather a facilitator of cooperation;
- ) Monitor the implementation of existing international agreements, including those on trade, to ensure they do not harm individuals' fundamental rights.

### ACTION 6 - Speaking with a single EU voice in the international arena

- ) Promote a global alliance with data protection and privacy authorities to identify technical and regulatory responses to key challenges to data protection such as big data, the internet of things and mass surveillance;
- ) Cooperate with national authorities to ensure more effective coordinated supervision of large scale IT systems involving databases at EU and national levels, and encourage the legislator to harmonise the various existing platforms;
- ) Maximise our contribution to discussions on data protection and privacy at international fora including the Council of Europe and the OECD;
- ) Develop our in-house expertise on comparative data protection legal norms.

## **OPENING A NEW CHAPTER FOR EU DATA PROTECTION**

### ACTION 7 - Adopting and implementing up-to-date data protection rules

- ) Urge the European Parliament, the Council and the Commission to resolve outstanding differences as soon as possible on the data protection reform package;
- ) Seek workable solutions that avoid red tape, remain flexible for technological innovation and cross-border data flows and enable individuals to enforce their rights more effectively on and offline;
- ) Focus during the post-adoption period on encouraging correct, consistent and timely implementation, with supervisory authorities as the main drivers;
- ) In the event that the EDPS provides the Secretariat for the new European Data Protection Board (EDPB), allow this body to be ready on 'day one' in close cooperation with national colleagues, in particular by ensuring proper transitional arrangements are in place to enable a seamless handover from the Article 29 Working Party;
- ) Work in partnership with authorities through the EDPB to develop training and guidance for those individuals or organisations that collect, use, share and store personal information in order to comply with the Regulation by the beginning of 2018;
- ) Engage closely in the development of subsequent implementing or sector-specific legislation;
- ) Develop a web-based repository of information on data protection as a resource for our stakeholders.

### ACTION 8 - Increasing the accountability of EU bodies processing personal information

- ) Work with the European Parliament, Council and Commission to ensure current rules set out in Regulation 45/2001 are brought into line with the General Data Protection Regulation and a revised framework enters into force by the beginning of 2018 at the latest;
- ) Continue to train and guide EU bodies on how best to respect in practice data protection rules, focusing our efforts on types of processing which present high risks to individuals;
- ) Continue to support EU institutions in moving beyond a purely compliance-based approach to one that is also based on accountability, in close cooperation with data protection officers;
- ) Improve our methodology for inspections and visits, in particular a more streamlined method for inspecting IT systems.

#### ACTION 9 - Facilitating responsible and informed policymaking

- ) Develop a comprehensive policy toolkit for EU bodies, consisting of written guidance, workshops and training events, supported by a network;
- ) Identify each year the EU policy issues with the most impact on privacy and data protection, and provide appropriate legal analysis and guidance, whether in the form of published opinions or informal advice;
- ) Increase our in-house knowledge of specific sectors so that our advice is well-informed and relevant;
- ) Establish efficient working methods with the Parliament, Council and Commission and actively seek feedback on the value of our advice;
- ) Develop our dialogue with the Court of Justice of the EU on fundamental rights and assist the Court in all relevant cases, whether as a party or an expert.

#### ACTION 10 - Promoting a mature conversation on security and privacy

- ) Promote an informed discussion on the definition and scope of terms such as national security, public security and serious crime;
- ) Encourage the legislators to practically collect and examine evidence from Member States (in closed sessions if required) that require the collection of large volumes of personal information, for purposes such as public security and financial transparency, which would interfere with the right to privacy, to inform our advice to the EU legislator on necessity and proportionality;
- ) Promote convergence between the different laws on data protection in the areas of police and judicial cooperation, as well as consistency in the supervision of large scale IT systems. This should include the swift adoption of the draft Directive on the processing of data for the purposes of prevention, investigation, detection or prosecution of criminal offences.

## Annex 7: Risk Register

The EDPS has implemented a risk management exercise as usual with a risk analysis performed by all units and sectors of the Institution. Workshops took place in order to establish the possible risks and the related mitigating measures. The results of this exercise are summarised in the table below:

Risk title & description (cause and effect)	Policy area & Activity / objective affected	Gross risk score			Controls	Person responsible & supervisor	Net (residual) risk score			Risk response	Monitoring		Control effectiveness Good = 1 Ok but so/so = 2 Pretty dreadful = 3	Further action		
		Likelihood	Impact	Overall score (L x I)			Likelihood	Impact	Overall score (L x I)		Frequency	Monitor		Action	Owner	Deadline
Full operational EDPB secretariat	Priority 7: Adopting and implementing up-to-date dp rules	4	4	16	Maintain high level of synergies and cooperation with all colleagues  Staff members duly qualified  Ensure full operational capabilities to allow the Secretariat to run the EDPB workload		3	3	9	Accept						
Ensure Eurojust continuity regarding the new tasks and EPPO taking new tasks	Priority 10: Promoting a mature conversation on security and	3	4	8	Adopting a new generation of supervision model		2	4	8	Accept						

	privacy				Being proactive, accountable and selective											
Driving the implementation of Regulation 2018/1725	Priority 7: Adopting and implementing up-to-date dp rules	4	5	20	Dialogue with DPOs  Dialogue with the hierarchy of all EU institutions  Establish proper prioritisation due to the work programme of the Supervision team  Making sure that the GDPR works in practice		2	5	10	Accept						
Adaptation of rules of procedure and internal procedures to Regulation 2018/1725	Action7	4	5	20	Task force on RoP  Review of all internal procedures		3	4	12	Accept						
Challenges linked to the end of the institutional mandate	Objective affected:  Ensure good administration as AIPN	5	5	25	Internal communication  Good planning and anticipation		3	3	9	Accept						
New legal framework for legislative consultation (article 42.2 GDPR)	Policy  Action point 2 Cooperation with EDPB, the Institutions and other Stakeholders	3	5	15	When in place and how are the main challenges to face.  Difficulties when Commission will consult EDPS and EDPB at the same time (nothing foreseen on timing and		2	4	8	Accept				Update of the procedure		

	Cooperation with CSG's				conditions of delivering the opinions)											
Respect of internal deadlines	Supervision Action point affected: Perform supervisory activities with excellence	4	3	12	Use of monitoring tool for complaints, consultations, data breaches  Revision of case manuals		3	3	9	Accept						
Consistency of new EDPS positions with previous case law	Supervision Action point affected: Perform supervisory activities with excellence	5	4	20	HoA/HoU to ensure consistency Back up policy Internal communication to be continued (weekly meetings) DM Weekly team meetings Wiki Experts lunch	All + supervision team	3	3	9	Reduce				Training for newcomers		
Adequate preparation in dealing with new tasks (implementation of 2018/1725 and Eurojust 2018/1727)	Supervision Action point affected: Perform supervisory activities with excellence	4	5	20	Dedicated team for Europol + Eurojust with HoA Raise awareness Controls HoU/HoA Use of monitoring tool of pending cases		2	5	10	Reduce						
Sufficient resources to face EDPB Secretariat extended workload	Ensuring good functioning of the EDPB Secretariat	4	5	20	Allocate certain responsibilities outside the EDPB secretariat (becomes an EDPB risk)  Enough staff for managing the different requests	EDPB Secretariat	3	5	15	Transfer						

Issuing and publishing the EDPS annual report because of institutional demand	EDPS annual report (and executive summary)	2	5	10	Close follow up of briefings and time tables and planning + no paper version  Help of a communication company		2	4	8	Accept						
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