



EUROPEAN DATA PROTECTION SUPERVISOR

Annual Activity Report

2019

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1. Introduction

The Financial Regulation (Article 74.9¹) 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 2² 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.

¹ Financial Regulation, Article 74(9): The authorising officer by delegation shall report to his or her Union 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; and
- (c) the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.

The annual activity report shall include information on the operations carried out, by reference to the objectives and performance considerations set in the strategic plans, the risks associated with those operations, the use made of the resources provided and the efficiency and effectiveness of internal control systems. The report shall include an overall assessment of the costs and benefits of controls and information on the extent to which the operational expenditure authorised contributes to the achievement of strategic objectives of the Union and generates EU added value. The Commission shall prepare a summary of the annual activity reports for the preceding year.

The annual activity reports for the financial year of the authorising officers and, where applicable, authorising officers by delegation of Union institutions, Union bodies, European offices and agencies shall be published by 1 July of the following financial year on the website of the respective Union institution, Union body, European office or agency in an easily accessible way, subject to duly justified confidentiality and security considerations.

² Financial Regulation, Article 74(2): For the purposes of paragraph 1 of this Article, the authorising officer by delegation shall, in accordance with Article 36 and the minimum standards adopted by each Union 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 and performance considerations.

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 2019³. Sections below present the main initiatives carried out by the EDPS in 2019.

This report also covers the Ethics framework implementation.

2.1. EDPS in 2019

For the sake of transparency, point 2.1 is made of extracts from the EPDS Annual Report 2019.

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.

In 2019 we reached the end of a five-year supervisory mandate at the EDPS, which began with the appointment of Giovanni Buttarelli and Wojciech Wiewiórowski as EDPS and Assistant Supervisor respectively in December 2014. Our work in 2019 therefore focused on consolidating the achievements of the preceding years, assessing the progress made and starting to define priorities for the future.

Sadly, in August 2019, EDPS Giovanni Buttarelli passed away. He leaves behind a legacy that will shape not only the future of the EDPS, but the future of data protection globally.

In December 2019, former Assistant Supervisor Wojciech Wiewiórowski was appointed by the Council and the European Parliament as the new EDPS. In accordance with the new rules on data protection in the EU institutions, the position of Assistant Supervisor was abolished.

2.1.1. A new chapter for data protection

In 2019, the EU's new data protection framework celebrated its first anniversary. One of the three objectives set out in our Strategy 2015-2019 was to open a new chapter for EU data protection. Our work in 2019 therefore focused on putting the new rules into practice.

³ https://edps.europa.eu/data-protection/our-work/publications/annual-reports/2019-annual-report-year-transition_en

In the case of the General Data Protection Regulation (GDPR), this meant continuing to provide and support the secretariat of the European Data Protection Board (EDPB), while also contributing fully as a member of the EDPB. Made up of the 28 EU Member State data protection authorities (DPAs) and the EDPS, the EDPB is responsible for ensuring the consistent implementation of the GDPR across the EU.

As a member of the EDPB, we contributed to several initiatives in 2019. This included working with the EDPB to produce the first joint EDPS and EDPB Opinion, on the processing of patient data through the EU's eHealth network, as well as issuing joint advice to the European Parliament on the EU response to the US CLOUD Act, which gives US law enforcement authorities the power to request the disclosure of data by US service providers, regardless of where in the world this data is stored.

December 2019 marked a year since the new data protection rules for the EU institutions - set out in Regulation (EU) 2018/1725 - came into force. Our focus over the year was therefore on ensuring that the EU institutions were able to effectively implement these rules. This involved continuing to work closely with the Data Protection Officers (DPOs) in the EU institutions to assess the progress made and discuss how to overcome any of challenges encountered, as well as continuing our programme of data protection training activities for EU institution employees.

In addition to this, we also stepped up our enforcement activities, making use of the powers granted to the EDPS under the new Regulation. In June 2019, for example, we announced the results of our first round of remote inspections of EU institution websites, highlighting several areas in which the EU institutions concerned needed to improve.

One area in which we were particularly active over the course of 2019 was in conducting investigations into the data processing activities of the EU institutions. The EDPS launched four investigations in 2019, addressing a variety of issues. Our aim is to ensure that these investigations leave a lasting, positive impact, strengthening cooperation between the EDPS and the institutions concerned, improving the data protection practices of the EU institutions and ensuring the highest levels of protection for all individuals.

Our investigation into the use of Microsoft products and services by EU institutions is a particularly good example of this, having resulted in the establishment of The Hague Forum. Set to meet for the second time in early 2020, the Forum provides a platform for discussion on both how to take back control over the IT services and products offered by the big IT service providers and the need to collectively create standard contracts instead of accepting the terms and conditions as they are written by these providers.

New legislation is also in place for two of the EU's law enforcement agencies. The EDPS is now well established as the data protection supervisor for operational activities at Europol, the EU body responsible for supporting the law enforcement authorities of the Member States in the fight against serious international crime and terrorism. In late 2019 we also took over similar responsibilities at Eurojust, the EU agency responsible for supporting and improving coordination and cooperation between the competent judicial authorities in the EU Member States on matters relating to serious organised crime.

With public security certain to remain an important policy concern for the EU over the coming years, we are determined to ensure that the EU is able to achieve increased security without applying any undue restriction to individual data protection rights. Our roles at Europol and Eurojust therefore focus on ensuring increased operational effectiveness while ensuring that fundamental rights, including the rights to data protection and privacy, are adequately protected.

2.1.2. Providing guidance and advice

Improving the security of EU borders is a priority for the EU legislator and will remain so over the coming years. The EDPS therefore continues to provide advice and guidance to the European Commission, the European Parliament and the Council on new initiatives in this area, while also working with national DPAs and EU institutions to ensure the continued security of EU information systems.

While we recognise the need for greater EU security, this should not come at the expense of data protection and privacy. EDPS Opinions on proposals such as an EU-US agreement on cross-border access to electronic evidence and European Production and Preservation Orders for electronic evidence in criminal matters, all aim to ensure that both the personal data rights of the individuals concerned and EU borders are protected.

We also continued our 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.

In addition to this, we have endeavoured to provide policymakers with tools to help assess the compliance of proposed EU measures that would impact the fundamental rights to privacy and the protection of personal data with the Charter of Fundamental Rights. On 19 December 2019, we published our Guidelines on assessing proportionality. Combined with our Necessity Toolkit, these Guidelines provide practical guidance for policymakers helping to simplify the challenges they face in assessing the necessity and proportionality of certain policy proposals and therefore ensure that fundamental rights are adequately protected.

Our guidance is not limited to policymakers, however. In 2019 we also issued Guidelines on the roles and concepts of controller, processor and joint controllership, in an attempt to clarify these concepts and help those working in the EU institutions to better understand their roles and comply with data protection rules.

In addition to this, a significant focus of our work in 2019 was on developing and sharing technological expertise. With so much of our lives now reliant on the use of technology, this expertise is essential to ensuring effective data protection and the EDPS has consistently aimed to take the lead in sharing helpful analyses of new technological developments.

Through our TechDispatch publication, launched in July 2019, we contribute to the ongoing discussion on new technologies and data protection. Focusing on a different

emerging technology each issue, we aim to provide information on the technology itself, an assessment of its possible impact on privacy and data protection and links to further reading on the topic.

Following the first round of our remote inspections of EU institution websites, we also took the step of publicly sharing the Website Evidence Collector (WEC) tool developed by the EDPS. The tool is available on the EDPS website and on the code collaboration platform GitHub as free software and allows for the collection of automated evidence of personal data processing. By sharing the WEC, we hope to provide data protection authorities (DPAs), privacy professionals, data controllers and web developers with the tools to carry out their own website inspections.

Lastly, we continued our work on developing the Internet Privacy Engineering Network (IPEN), which brings together experts from a range of different areas to encourage the development of engineering solutions to privacy problems. Five years on from when it was first established, IPEN is now in a position to move beyond more general discussion of the issues surrounding privacy engineering and towards a more targeted approach, focused on developing practical solutions to privacy engineering problems.

2.1.3. An international approach to data protection

Over the past five years, the EDPS has dedicated significant time and energy to the development of greater data protection convergence globally. While data flows internationally, across borders, data protection rules are still decided on a largely national, and at best regional, basis.

Throughout 2019 we have therefore continued to work with our regional and international partners to mainstream data protection into international agreements and ensure consistent protection of personal data worldwide. In particular, we have worked closely with the EDPB on the topic of international data transfers, participating in the review of the Privacy Shield agreement for data transfers between the EU and the US, as well as the EDPB contribution to the hearing on the Schrems case at the EU Court of Justice, focused on the legality of standard contractual clauses for data transfers.

We also persisted in the pursuit of our goal to foster global debate on digital ethics. Building on the success of the 2018 International Conference of Data Protection and Privacy Commissioners, co-hosted by the EDPS in Brussels, in 2019 we sought to ensure that the debate on ethics in the digital sphere continued to move forward. We therefore launched a series of webinars, which we published in the form of a podcast on our website. Each webinar focused on a specific area of concern identified during the conference, allowing us to explore the topic in more detail.

Discussion on digital ethics also continued at the 2019 International Conference, both through the working group on Artificial Intelligence, Ethics and Data Protection, and through the organisation of an EDPS side event, focused on the environmental impact of digital technologies.

2.1.4. EDPB

As specified in the GDPR, the EDPB Secretariat is provided by the EDPS and is required to perform all its tasks exclusively under the instructions of the Chair of the EDPB. The EDPB Secretariat facilitates the Board's fair and effective decision-making and partners with EDPB members by offering its multifaceted expertise and acting as the gateway for clear and consistent communications.

2.1.4.1. Meetings

To coordinate work and enable face-to-face exchanges, the EDPB Secretariat organised 11 plenary meetings in 2019.

In addition, 90 expert subgroup meetings took place at the premises of the EDPB Secretariat. The EDPB Secretariat takes part to all of those meetings, provides analytical support and make all the administrative arrangements (invitation, reimbursement of travel costs, security, catering, taking the minutes).

2.1.4.2. Guidelines, Opinions, Decisions and other documents

During these meetings, the EDPB adopted Guidelines, Opinions, Decisions and other documents such as statements or informative notes to advise the European Commission, national Supervisory Authorities, and other stakeholders on GDPR matters. The EDPB Secretariat's legal team drafted nearly 70% of the official documents adopted by the EDPB since May 2018.

2.1.4.2.1. Guidelines

In 2019, the EDPB adopted five new Guidelines aimed at clarifying the range of provisions under the GDPR. Three were adopted in 2019 and finalised in the same year, following a public consultation. Two draft Guidelines were adopted in 2019 and subsequently submitted to public consultation and were not yet finalised by the end of 2019.

- J EDPB Guidelines 1/2019 on Codes of Conduct and Monitoring Bodies under Regulation 2016/679 - version adopted after public consultation
- J Guidelines 2/2019 on the processing of personal data under Article 6(1)(b) GDPR in the context of the provision of online services to data subjects - version adopted after public consultation
- J Guidelines 3/2019 on processing of personal data through video devices - version adopted after public consultation
- J Guidelines 4/2019 on Article 25 Data Protection by Design and by Default - version for public consultation
- J Guidelines 5/2019 on the criteria of the Right to be Forgotten in the search engines cases under the GDPR (part 1) - version for public consultation

Three Guidelines adopted in 2018 were approved by the EDPB in their final form in 2019, following public consultations. These Guidelines clarify accreditation and certification criteria and the territorial scope outlined in the GDPR:

- J EDPB Guidelines 1/2018 on certification and identifying certification criteria in accordance with Articles 42 and 43 of the Regulation - version adopted after public consultation
- J EDPB Guidelines 3/2018 on the territorial scope of the GDPR (Article 3) - version adopted after public consultation
- J EDPB Guidelines 4/2018 on the accreditation of certification bodies under Article 43 of the General Data Protection Regulation (2016/679) - version adopted after public consultation

2.1.4.2.2. Consistency opinions

The EDPB Secretariat's is the main drafter for Consistency Opinions and Decisions (drafting 90 % of the EDPB consistency opinions adopted since May 2018) and serves as an institutional memory, ensuring documents' consistency over time.

In 2019, the EDPB adopted the following Art. 64 GDPR opinions:

- J Five Opinions on the draft data protection impact assessment (DPIA) lists submitted by SAs in Liechtenstein, Norway, Spain, Iceland, and Cyprus.
- J Opinion on transfers of personal data between EEA and non-EEA Financial Supervisory Authorities.
- J Opinion on the interplay between the ePrivacy Directive and the GDPR
- J Opinion on the competence of a Supervisory Authority in case of a change in circumstances relating to the main or single establishment.
- J Two Opinions on draft accreditation requirements for a code of conduct monitoring body pursuant to Article 41 GDPR, submitted by the Austrian and UK SAs.
- J Opinion on Standard Contractual Clauses for processors by Danish SA.
- J Two opinions on Binding Corporate Rules (Equinix and ExxonMobil Corporation).

2.1.4.2.3. Advices on legislative initiatives

A final task of the EDPB is to issue advice to the legislator. As such, the following documents were adopted in 2019:

- J Report on the Second Annual Joint Review of the EU-US Privacy Shield
- J Report on the Third Annual Joint Review of the EU-US Privacy Shield
- J Article 70 GDPR Opinion on Opinion on Clinical Trials Regulation Q&A
- J Statement on the future ePrivacy Regulation
- J Contribution to the consultation on a draft second additional protocol to the Council of Europe Convention on Cybercrime (Budapest Convention)
- J EDPB-EDPS Joint Opinion on the processing of patients' data and the role of the European Commission within the eHealth Digital Service Infrastructure (eHDSI)
- J Information note on data transfers under the GDPR in the event of a no-deal Brexit

- J Information note on Binding Corporate Rules for companies which have the UK Information Commissioner's Office as BCR Lead Supervisory Authority
- J Statement on the US Foreign Account Tax Compliance Act
- J Statement on the use of personal data in political campaigns
- J LIBE Report on the implementation of the GDPR
- J EDPB pleading before the CJEU in Case C-311/18 (Facebook Ireland and Schrems)

2.1.4.3. Stakeholder engagement

The EDPB organises stakeholder events to gather input and opinions on issues with a view to developing guidance. In 2019, the EDPB Secretariat organised three such events focusing on the revised Payments Services Directive (PSD2), on the concepts and responsibilities of controllers and processors, and on data subject rights.

Following the preliminary adoption of Guidelines, the EDPB Secretariat organises public consultations to give stakeholders and citizens the opportunity for additional input. This input is then taken into account by the EDPB members in charge of drafting.

In 2019, the EDPB Secretariat launched the following consultations:

- J In February, the EDPB opened two public consultations, on Guidelines on Codes of Conduct (1/2019) and on the Annex to the Guidelines on Certification (1/2018), for which it received 44 and 8 contributions respectively. The final versions of the Guidelines and of the Annex, including further points of clarification, were adopted in June.
- J In April, the EDPB opened a public consultation on Guidelines on the processing of personal data in the context of online services (2/2019), receiving 45 contributions.
- J In July, the EDPB opened a public consultation on Guidelines on video surveillance (3/2019), receiving 94 contributions.
- J In November, the EDPB opened a public consultation on Guidelines on Data Protection by Design and by Default (4/2019). This consultation was still open at the end of 2019.
- J In December, the EDPB opened a public consultation on Guidelines on the Right to be Forgotten in the search engine cases (5/2019). This consultation was still open at the end of 2019.

For the second year in a row, the EDPB Secretariat conducted a survey as part of the annual review of the Board's activities under Article 71.2 GDPR. Questions focused on the content and adoption process of the EDPB's Guidelines, with a view to understanding to what extent stakeholders find them helpful and practical to interpret GDPR's provisions.

2.1.4.4. Transparency

Transparency is a core principle of the EDPB. Upholding the principle of transparency means that any citizen of the European Union and any natural or legal person residing or having its registered office in a Member State has the right to access EDPB documents.

This right applies to all documents held by the EDPB, concerning any matter relating to its responsibilities. The EDPB Secretariat coordinates public access requests on behalf of the EDPB. In 2019, the number of public access requests registered for documents held by the EDPB was 39.

To further enhance transparency, the EDPB Secretariat publishes the agendas and plenary sessions attended by the EDPB on its website. The EDPB Secretariat also adapted its website to enable the publication of stakeholders' contributions to public consultations.

2.1.4.5. IT solutions

As part of its support to the EDPB, the EDPB Secretariat has developed IT solutions to enable effective and secure communication between the EDPB members, including the Internal Market Information System (IMI), Confluence and a video-conferencing system. The EDPB IMI Helpdesk, created within the EDPB Secretariat, provides day-to-day assistance to users.

Since the entry into application of the GDPR until the end of 2019, 807 cases were registered in the IMI system by the EEA SAs. From the case register, different procedures were initiated:

-) Identification of the Lead Supervisory Authority (LSA) and Concerned Supervisory Authorities (CSA): 1346 procedures.
-) Mutual Assistance Procedures: 115 formal procedures and 2427 informal procedures.
-) OSS: 142 draft decisions, out of which 79 resulted in final decisions.

2.1.4.6. Communications

The EDPB Secretariat set up a network of communication officers within the Supervisory Authorities, to ensure joint communication on EDPB news, joint information campaigns and joint development of communication tools. This network met twice in 2019 and adopted a joint 2020 EDPB Information and Communications Plan.

The EDPB Secretariat assists the Chair in preparing for and presiding over the plenary meetings, as well with her speaking engagements. In 2019, EDPB Chair Andrea Jelinek had 34 speaking engagements, including keynote speeches, presentations and panel debates in a range of institutes, think tanks and forums. She also met with EU Commissioners and travelled to meet with data protection officials from countries outside the EEA. EDPB Deputy Chair Ventsislav Karadjov took part in six speaking engagements during 2019, mainly in the EU but also in the United States, on the occasion of the third annual review of the EU-US Privacy Shield. In 2019, EDPB Secretariat staff members participated in 35 conferences or other engagements with an average of three per month. They were usually invited to deliver speeches or presentations or to join panel discussions.

2.1.4.7. Rules of Procedure

The EDPB Secretariat ensures that all of the EDPB's activities comply with the legal framework applicable to the EDPB as an EU body and with its Rules of Procedure (RoP). In 2019, the EDPB adopted revised wording for Articles 8, 10, 22 and 24 of its RoP. The EDPB also adopted a new Article 37 RoP establishing a Coordinated Supervision Committee in the context of data processing by large information systems in use within the EU institutions, as well as by EU bodies, offices and agencies.

2.1.4.8. Coordinated Supervision Committee

In October 2018, Regulation 2018/1725 on the protection of personal data processed by the EU institutions and bodies was adopted. In accordance to Article 62 of this regulation, the European Data Protection Supervisor (EDPS) and the national SAs shall cooperate actively to ensure effective supervision of large-scale IT systems and of Union bodies, offices and agencies.

The Coordinated Supervision Committee functions autonomously with respect to the EDPB's activities, adhering to its own rules of procedure and working methods. The Secretariat of the Committee is provided by the EDPB Secretariat.

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.

We first adopted a code of conduct for our staff in early 2005, which was substantively updated in 2014 and one more time at the end of 2019. This new version of the Code builds on and modernises the previous versions. The EDPS culture, heavily influenced by its small size, has experienced some changes, in particular since the creation of the EDPB Secretariat, and new tasks and new technologies have also changed the way we work in practice. This new version of the code of conduct is our response to those changes. In order also to update the code with the new legal framework (notably Regulation 2018/1725) and to put more emphasis on some issues such external activities and whistleblowing, the new code was also the occasion to include staff working at the EDPB Secretariat to whom the code of conduct also applies.

A series of decisions following the Staff regulations were put in place at the EDPS, such as on anti-harassment, disciplinary proceedings and administrative investigations, or on whistleblowing. The latter was revised on 29 November 2019 in order to implement Article 25 of Regulation 2018/1725 and to reinforce the rights of the persons concerned whether whistleblowers and alleged wrongdoers. It also introduces an annex of a risk assessment concerning this procedure as well as resulting mitigating measures.

The specific code of conduct for the Supervisors, which 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, has also been revised and adopted on 6 December 2019.

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. It was revised on 12 November 2019 due to the new legal framework (notably Regulation 2018/1725).

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.

Staff members 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 EDPB⁴, 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.

The second action plan of the Ethics officer was fully accomplished except an awareness raising presentation to all staff originally scheduled for the end of 2019. As the new codes of conduct (Staff and Supervisor) and the other new decisions were adopted at the end of the year, it was decided to postpone this presentation to 2020, once the new strategy for the EDPS has been adopted.

The third report provided by the Ethics Officer (31 January 2020) to the Management Board established the following action plan:

- ✚ A new presentation raising awareness of EDPS staff in mid-March 2020 due to the new decision on the external activities and all modifications introduced in the codes of conduct⁵.
- ✚ Explore the possibility of the EDPS joining the transparency registry on the basis of a SLA. As far the registry for transparency is concerned, to dig the issue with the other institutions and to see whether a SLA would be possible
- ✚ To trigger some discussions at the EMB on transparency in general, fostering, where possible, higher levels of transparency for our institution.
- ✚ Once the new strategy is adopted in March 2020, reflect on possible ethical challenges resulting from the new actions
- ✚ To deepen the relations with the European Ombudsman in particular and with the Ethics departments of the European Parliament and the Council.
- ✚ To reflect on the opportunity of having a code of conduct for the EDPB Chair and Vice Chairs.

⁴ Art. 75.4 of the General Data Protection Regulation

⁵ Due to the very specific circumstances of the Covid 19, this presentation will take place as soon as the situation will come back to normal.

3. Resource management

3.1. Human resources

The EDPS has been working on different projects during 2019, notably:

-) Data protection specialist competition
-) Maximising office space for EDPS/EDPB staff
-) Internal coaching and HRBA teasers for staff
-) EDPB secondment programme - pilot
-) Welcome day for newcomers
-) Paperless selections

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 2019, the EDPS was allocated a budget of EUR 16 638 572. This represents an increase of 15.15% compared to the 2018 budget.

The overall increase was mainly due to the impact of the new tasks resulting from the European Data Protection Regulation 1725/2018 and the necessary growth of the European Data Protection Board (hereafter EDPB) that was created on 25th May 2018 and for which the EDPS was entrusted to provide an independent secretariat. 2019 was the first full year of operations of the EDPB secretariat and the implementation of the GDPR which justified the increase.

As regards budget implementation, the overall rate in commitment appropriations amounted to 92%. The overall implementation rate was negatively affected by a lower budgetary execution under Title 3, covering the operations of the EDPB Secretariat. This is because the budget was drafted before the EDPB secretariat started functioning and therefore there was a gap between the forecast and the real needs of the secretariat.

In addition, the delay of the move of the Ombudsman, with whom the EDPS shares the building, negatively affected the execution under title 2. Indeed, if Ombudsman would have moved according to plan, the building related expenses would have increased substantially. The Ombudsman is now expected to move out of the building around September 2020.

Staff

2019 was an important year for HRBA since the tendency to grow in terms of staff numbers continued. Since the beginning of the mandate, staff increase and thus increase in recruitments went up to 75%, soon reaching the moment when the organisation will double its human resources.

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.

3.3.1. Procurement carried out in 2019

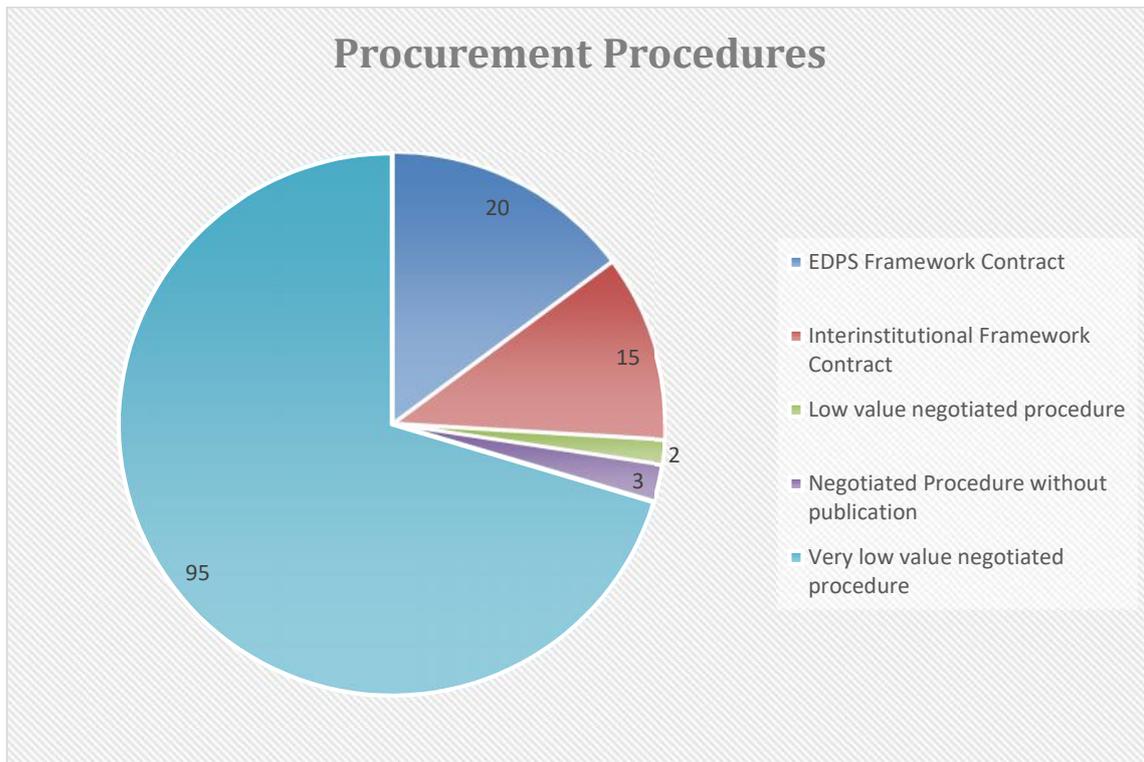
One open procedure was launched and concluded in 2019 for services related to the commissioning of “*Studies on the implication of several GDPR provisions, case laws and other laws having an impact on data protection*”. This procedure resulted in a Framework Contract with a maximum value of 600.000 EUR and a duration of four years.

Two low value negotiated procedures were conducted for the memorial of the late Supervisor, Mr Butarelli, and the drafting and editing of the 2019 EDPB annual report.

Furthermore, two negotiated procedures without publication were conducted after a prior approval given by the Authorising Officer. Both of them concerned contract concluded with a service provider in a situation of de facto monopoly without viable alternative.

As the smallest European Institution, the EDPS seeks to carry out procurement procedures on an interinstitutional basis whenever there is a possibility of achieving efficiency gains. This is especially possible in the case of framework contracts for horizontal services (IT systems, communication, etc.). Fifteen legal commitments were concluded implementing such interinstitutional Framework Contracts.

The remainder of the 137 legal commitments were resulting from very low value negotiated procedures (less than 15.000 EUR).



3.3.2. New project on procurement professionalisation

A new project called “Procurement Professionalisation Project” (PPP) was launched in 2017, and implemented in the following years. The project is composed of three main objectives:

-) Appointment of a single Operational Initiating Agent (OIA) in each operational unit/sector: The nomination of operational initiating agents and operational verifying agents took effect by decision of 1/11/2019 of the EDPS Director.
-) An electronic workflow to set-up the paper-less mode: Possibilities to migrate the procurement workflow to the CMS were further explored with the RMS sector for both the EDPS and the EDPB.
-) Updating of procurement procedures: Drafting of a new procurement process guide was initiated and will be implemented in the course of 2020.

Lastly, preparation has been made in order to use the e-Tendering platform of the Publication Office. This is a prerequisite to the implementation of DIGIT’s e-Submission platform which will allow electronic tendering for open procedures.

3.3.3. Finance

Due to the increased budget and further consolidation of the Institution, payment requests increased substantially, from 1.777 in 2018 to 2.653 in 2019. This increased workload over the past years, required a reflection on how to render the Institution more efficient in terms of processing of financial operations.

As a major contribution to this, the Finance team worked together with the ERCEA in order to customize Speedwell, a paperless workflow system which will be introduced as of 1 January 2020. This system is expected to improve the efficiency of the processing of payments, and in a later stage, commitments. Speedwell will involve the operational agents in this formal workflow.

Finance and Procurement has also prepared several decisions or working instructions in order to create a framework more appropriate for an expanding organisation as the EDPS. This includes a decision on the registration and documentation of deviations, an instruction on team-building events and a decision on the reimbursement of travel and subsistence expenses incurred by job applicants.

3.4. Missions management

Missions' management at the EDPS is conducted in accordance with the applicable rules of the Commission's Guide to Missions.

The EDPS has adopted a speaking engagement policy,⁶ 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.

2019	Members	Staff
N° missions	26	301
Average cost	618 euros	690 euros

The chart above provides information about the number of missions 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.

⁶ https://secure.edps.europa.eu/EDPSWEB/edps/cache/offonce/EDPS/Events/Speaking_eng_policy

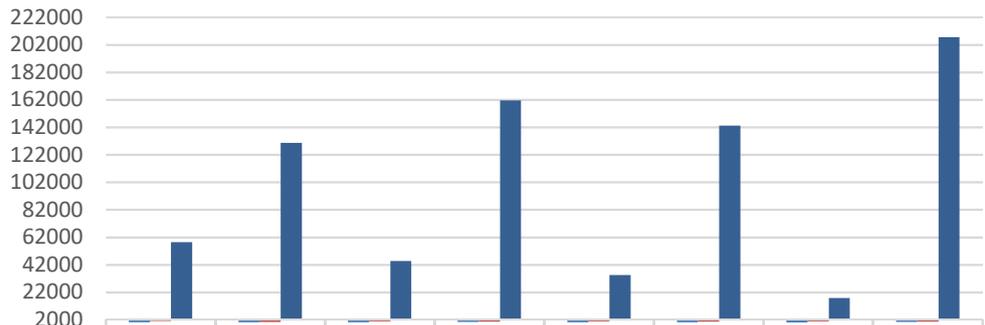
N° DAYS + COSTS PER TEAM 2019			
UNIT/SECTOR	N° MISSIONS	TOTAL COST	AT CHARGE OF ORGANISERS
DIRECTOR	58	43.429,57	16
SUPERVISION&ENFORCEMENT	76	43.027,38	5
POLICY&CONSULTATION	51	36.976,11	7
HRBA	11	4.148,82	
COMMUNICATION	17	12.236,35	
ITP	48	26.110,61	4
DPO	7	3.005,67	1
RECORDS MANAGEMENT SECTOR	2	1.118,15	
EDPB	31	37.444,15	6
Total EDPS/EDPB	301	207.496,81	39,00

SUPERVISORS 2019		
NAME	Number of Missions	TOTAL COST
BUTTARELLI Giovanni	5	2.990,78
WIEWIOROWSKI Wojciech Rafal	21	15.173,95
Total	26	18.164,73

In order to comply with the recommendation of previous discharge reports 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. The growth of expenditure as regards the staff is the result of a combination of factors such as the growth of the institution, increased efforts on international cooperation and the growing visibility of the EDPS after the GDPR, in particular after the successful hosting of the International Conference of Data Protection and Privacy Commissioners in Brussels in late 2018. Some measures are already in place to reduce the expenditure in 2020.

	2016		2017		2018		2019	
	Members	Staff	Members	Staff	Members	Staff	Members	Staff
Number of missions	57	237	52	253	39	204	29	301
Average cost in €	€1.028	€536	€860	€638	€885	€701	€885	€701
Total cost in €	€58.404	€130.607	€44.719	€161.486	€34.517	€143.107	€17.800	€207.497

**TOTAL MISSION COSTS 2019 IN EURO FOR MEMBERS & STAFF
EDPS/EDPB**



	Members	Staff	Members	Staff	Members	Staff	Members	Staff
	2016		2017		2018		2019	
■ Number of missions	57	237	52	253	39	204	29	301
■ Average cost in €	€1.028	€536	€860	€638	€885	€701	€885	€701
■ Total cost in €	€58.404	€130.607	€44.719	€161.486	€34.517	€143.107	€17.800	€207.497

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 2019.

4.1. Characteristics and nature of activities

4.1.1. The mission of the EDPS

Data protection is a fundamental right, protected by European law and enshrined in Article 8 of the Charter of Fundamental Rights of the European Union.

In order to protect and guarantee the rights to data protection and privacy, the processing of personal data is subject to control by an independent authority. The European Data Protection Supervisor (EDPS) is the European Union's independent data protection authority, tasked with ensuring that the institutions and bodies of the EU respect data protection law.

In accordance with Regulation 2018/1725, and with Regulation 45/2001 previously, the EU as a policy making, legislating and judicial entity looks to the EDPS as an independent supervisor and impartial advisor on policies and proposed laws which might affect the rights to privacy and data protection. The EDPS performs these functions by establishing itself as a centre of excellence in the law, and also in technology, insofar as it affects or is affected by the processing of personal data.

We carry out our functions in close cooperation with fellow data protection authorities as part of the European Data Protection Board (EDPB), and aim to be as transparent as possible in our work serving the EU public interest. Under the General Data Protection Regulation, the EDPS is also responsible for providing the secretariat to the EDPB.

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 2019

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

The size and responsibilities of the EDPS continue to increase. A priority for the EDPS Human Resources, Budget and Administration (HRBA) unit in 2019 was therefore to ensure that the EDPS has the appropriate resources to carry out its tasks. This included the completion of a competition for experts in the area of data protection and the

publication of a reserve list from which to draw new staff members, as well as stepping up efforts to maximise and acquire office space to accommodate our growing population.

We also endeavoured to improve learning and development opportunities for existing staff members, in particular through the launch of an internal coaching initiative. In addition, significant progress was made in the areas of finance and procurement, with the introduction of more efficient processes for financial operations; this will continue to be an area to work on in 2020.

As we begin the new mandate, our focus will be on continuing to improve the efficiency of administrative processes, in order to ensure that the EDPS is well equipped to respond to new challenges in data protection.

4.1.3.2. Communicating data protection

The reach and influence of EDPS communications is constantly expanding. Effective communication is vitally important in ensuring that information on EDPS activities reaches the relevant external audience.

With public interest and engagement with data protection increasing, our communication efforts in 2019 aimed to build on successes of previous years and reinforce our status as a respected, international leader in the data protection field. This involved sustained efforts in several areas, including online media, events and publications and external relations with press and stakeholders.

With a new mandate now underway, our focus for the coming year will be on continuing to develop our communications tools to support the successful implementation of the new Strategy, to be published in March 2020.

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. This action plan is implemented and monitored through the yearly annual management plan (AMP).⁷

⁷ Intranet page on annual planning: <https://edpsnet.in.ep.europa.eu/home/edps-intranet/planning-at-edps/annual-planning.html>

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 2019. In most cases, these results are measured against initial targets. In 2019, we met or surpassed - in some cases significantly - the targets set in six out of the eight KPIs, with KPI 2 just falling short of the set target. These results reflect the positive outcome we have had in implementing relevant strategic objectives during the last year of the 2015-2019 Strategy. Finally, KPI 7 cannot be measured in 2019, as the staff survey is conducted only once every two years.

Key Performance Indicators 2015-2019

KEY PERFORMANCE INDICATORS		Results at 31.12.2019	Target 2019
Objective 1 - Data Protection goes digital			
KPI 1 Internal indicator	Number of initiatives promoting technologies to enhance privacy and data protection organised or co-organised by EDPS	9 initiatives	9 initiatives
KPI 2 Internal & External Indicator	Number of activities focused on cross-disciplinary policy solutions (internal & external)	7 activities	8 activities
Objective 2 - Forging global partnership			
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	62 cases	10 cases
Objective 3 – Opening a new chapter for EU Data Protection			
KPI 4 External Indicator	Number of opinions/comments issued in response to consultation requests (COM, EP, Council, DPAs...)	26 consultations	10 consultations
KPI 5 External Indicator	Level of satisfaction of DPOs/DPCs/controllers on cooperation with EDPS and guidance, including satisfaction of data subjects as to training	90%	70%
Enablers – Communication and management of resources			
KPI 6 External Indicator	Number of followers on the EDPS social media accounts (Twitter, LinkedIn, YouTube)	40421 (L: 20357, T: 18424, Y: 1640)	Number of followers of previous year + 10%
KPI 7 Internal Indicator	Level of Staff satisfaction	N/A	75%
KPI8 Internal Indicator	Budget implementation	91.69%	90%

4.3. Inter-institutional cooperation

In 2019, 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 technical assistance to the EDPS in financial and accounting matters and the Central Financial Service assists our small organisation providing information upon request. 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 following table summarizes the Service Level Agreements between the EDPS and other EU Institutions and bodies. 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	114.896,64	Forfait per trainee
COMMISSION - DGHR	Medical service, IDOC, L&D, Art 90, RUE and EUCI	61.245,72	Depending on consumption
COMMISSION - PMO	Staff and administration	68.769,04	Forfait per person per service
COMMISSION - DG DIGIT	SYSPER2 implementation	97.479,00	Fix amount
COMMISSION - EUSA	Training and development	11.795,00	Depending on consumption
COMMISSION - DG BUDG	Use of ABAC	50.000,00	Fix amount
COMMISSION - OIB	Catering services	39.098,67	Depending on consumption
COMMISSION - OIB	Transportation - Service cars for the MB and STIB tickets	2.944,51	Depending on consumption
COMMISSION - OPOCE	Publications and communication	7.096,40	Depending on consumption
COMMISSION - DGT	Translation services et Interpretation	-	
COMMISSION - SCIC	Interpretation costs	544.812,00	Depending on consumption
CENTRE DE TRADUCTION	Translation services	1.310.175,20	Depending on consumption
EP - DG INLO	Administrative agreement for building and logistics	1.143.847,55	Depending on consumption
EP - DG ITEC	Administrative agreement for IT services	132.359,08	Forfait per user
EP - DG PRES	Administrative agreement for security, accreditation and mail	289.228,79	Depending on consumption
EP - DG SAVE	Guard and security services	32.136,53	Depending on consumption
ENISA	Security audit for Eurodac database	-	
		3.905.884,13	

4.4. Ex post controls

According to art. 74.6 of the Financial Regulation, the Authorising Officer can organise, in addition to the mandatory ex-ante controls, also ex-post controls on sample basis depending on risks related to the transactions. As the Institution grew over the years with a substantially increasing budget and number of financial transactions, the EDPS Director, being the Institution's Authorising Officer by Delegation, appointed a verifier who issued

ex-post verification reports since 2011. Results and major findings were systematically taken into consideration to re-enforce the existing internal controls.

Due to an internal re-organisation at the end of 2019, whereby the previous ex-post verifier was re-assigned to a position within the Finance Team, the ex-post verification was postponed until the second half of 2020. In order to avoid the risk of self-review, the ex-post verifier should not be involved in the financial circuits but on the other hand, have a thorough understanding of the financial legal and regulatory framework. For a small Institution as the EDPS, it was therefore extremely difficult to find a replacement fulfilling both of the aforementioned requirements. In February 2020, a staff member was identified with the necessary skills and with previous experience in the EDPS' Finance Team. She was subsequently formally appointed by decision of the Director and will be trained to carry out this assignment.

The first task of the newly appointed ex-post verifier will be the drafting of comprehensive guidelines on all aspects of the verification, covering as well the selection of a sampling method appropriate for the Institution's transactions.

The EDPS is committed to continue the practise of issuing ex-post verification report and will share the main findings and results in the next AARs.

4.5. Events during the year that affected reputation

There were no events during 2019 that might have had a negative impact on the institution's reputation.

4.6. 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 2007⁸ ⁹. The ICS decision was revised on 12/11/2019 in order to update the legal framework applicable to the EDPS.

An increasing number of implementing measures have been 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 2019 revised codes of conduct, a revised ICS decision, a revised external activities decision, a revised decision on

⁸ Communication SEC(2007)1341.

⁹ Only ICS number 16 related to Internal Audit Capability is not applicable to the EDPS.

reporting improprieties (the so called “anti-fraud strategy”), a revised whistleblowing decision and a revised ethics framework.

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. This assessment of risks and controls and measures in place is detailed in a risk register which is adopted, with close involvement of all managers of the organisation, at the end of every year. Due to the very specific EDPS circumstances and the Covid-19 situation, the 2020 risk register is still on-going. In view of the sensitivity of some of the issues mentioned in the register, from now on the risk register will only be disclosed upon request.

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

4.7. 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 presented to the Management Board. Following a suggestion from the Court of Auditors , the ICS monitoring report will issued from now on once per year (see below point 4.9.1.1.).

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 impact¹⁰.

4.8. Cost effectiveness and efficiency of Internal Control

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 four main control activities (internal control, procurement, finance and ex-post control) is estimated at around 4.5 FTE's.

The estimated average cost (all categories of cost included) of the control activities for 2019 would be around 500.000 Euros.

The total budget implementation in terms of payments for 2019 is expected to be of 13.267.134 Euros.

It means that the cost of the internal control activities represents only 3.77% of the EDPS expenditure.

4.9. 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.

¹⁰ The materiality criteria used for this judgment are given in Chapter 5.1 of this report.

4.9.1. Court of Auditors

4.9.1.1. Statement of Assurance 2019

For the Statement of Assurance 2019, the Court of Auditors has selected one transaction for the main sample. If the transaction is a payment resulting from a contract signed between 2011 and 2019, the auditors will audit the related procurement procedure and treat any error according to the above methodology, as they did in previous years.

As regards audit work on supervisory and control systems, the Court launched in 2019 an examination of Internal Control Standards (ICS), of risk management, of ex ante and ex post controls, of the register of exceptions, of internal audit reports and of anti-fraud measures. Its examination has included procedures for implementing the actions and for analysing the results as well as resulting action plans.

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.

At the date of issuing this AAR, preliminary findings of the Court of Auditors for 2019 are not available and the final report will only be made public at a later stage, most probably in July. The EDPS will be informed in case of any remarks.

4.9.1.2. Statement of Assurance 2018 conclusions

For the eighth consecutive year, the Statement of Assurance of the European Court of Auditors concerning the financial year 2018 (SoA 2018) did not contain any observation on the reliability or the 2018 provisional accounts. As to the remark of the Court on the compliance to the principle of annuality, the EDPS has underlined it has always respected this principle and when necessary the related rules applying to the carry-over of appropriations.

When executing its budget, the EDPS aims to maximise the use of its funds within the strict respect of the Financial Regulation in general and the principle of sound financial management in particular. In this context of maximisation, the EDPS may need to commit appropriations towards the end of a financial year to cover for projects that kicked-off before the end of the current year but could be only finalised during the following year. In all cases, both the preparatory stages of the procedure and the related legal commitment have been completed and signed before the end of the financial year.

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 2018 annual activity report of the EDPS.

4.9.2. 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 2019, the IAS did not performed any audit. The IAS issued on 23 March 2020 its Annual Internal Audit Report (ARIA) for 2019 under Article 118(4) of the 2018 Financial Regulation with only two statements:

1. No audits were finalised in 2019
2. There is no open recommendations.

It should be noted nevertheless that in 2019 the IAS launched a preliminary survey of the audit on EDPS Supervision of Europol foreseen for 2020. This audit took place in March 2020. At the date of the AAR issuance, the preliminary findings of the audit are not issued. The final report would be available most probably in July.

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 ICS decision has been revised on 12 November 2019 in order to update the legal framework applicable to the EDPS.

On 12 July 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. No IAS or Court of Auditors recommendations are anymore pending. The EDPS is showing its full commitment to the full compliance with IAS and Court of Auditors recommendations.

4.9.3. Follow-up to the European Parliament's discharge resolution of 2018

On 12 November 2019, the hearing on the 2018 discharge took place at the European Parliament. At the issuance date of the AAR, the discharge votes happened on 20/02/2020 and the reports were tabled to Plenary but only circulated to the CONT Members. The committees' final reports have been distributed on 18/03/2020. The vote in Plenary for the 2018 discharge is still to be rescheduled. The EDPS is therefore waiting for the final report of the discharge.

4.10. 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 ¹¹ 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.

¹¹ 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 332.771,44 €.

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 03/04/2020.


Leonardo CERVERA NAVAS

7. Annexes

Annex 1: Summary of annual activity report

The Financial Regulation (Article 74.9)¹² provides that the annual activity report for the financial year of the authorising officer of Union institutions, Union bodies, European offices and agencies shall be published by 1 July of the following financial year on the website of the respective Union institution.

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. The disruption resulting from Covid-19 crisis has made it impossible to respect this deadline. The report has been adopted on the 3rd of April 2020.

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.

¹² Financial Regulation, Article 74(9): The authorising officer by delegation shall report to his or her Union 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; and
- (c) the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.

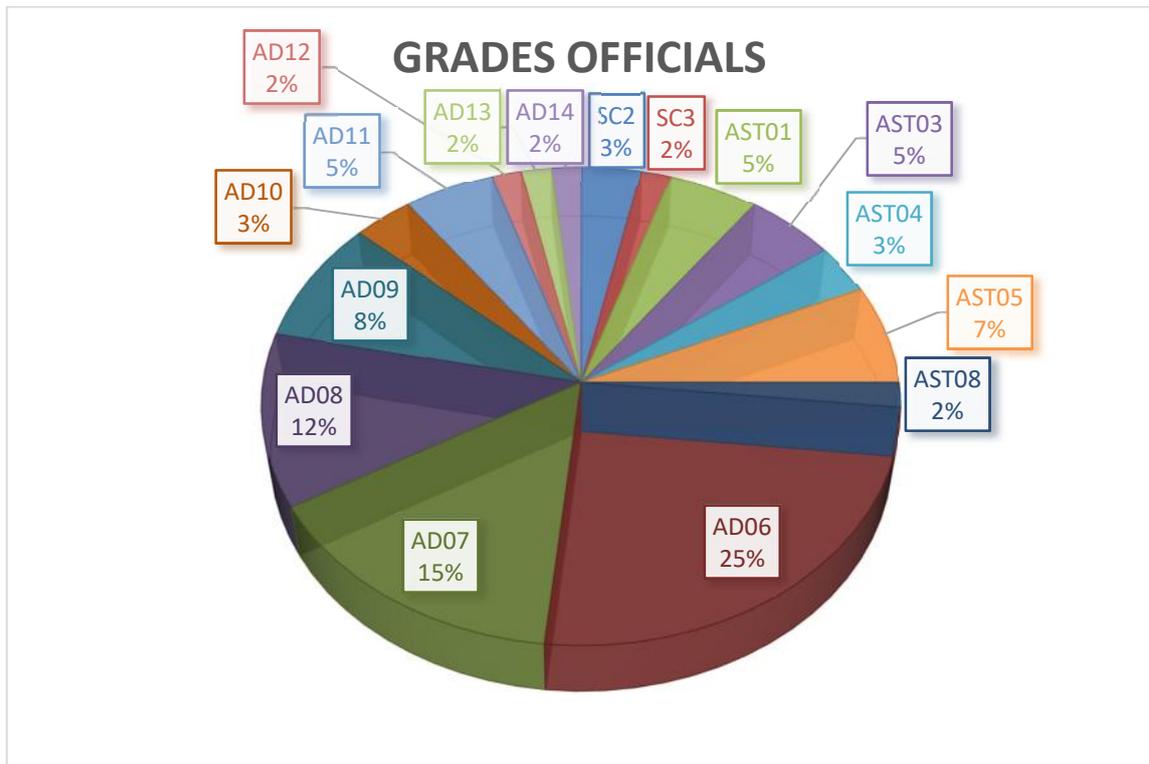
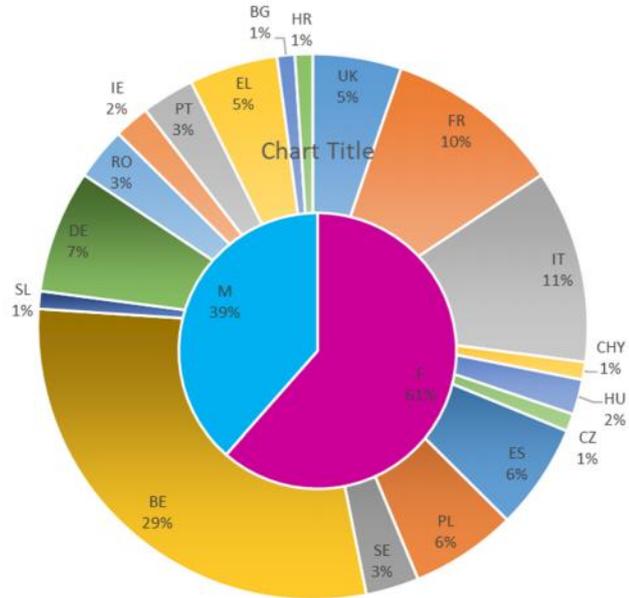
The annual activity report shall include information on the operations carried out, by reference to the objectives and performance considerations set in the strategic plans, the risks associated with those operations, the use made of the resources provided and the efficiency and effectiveness of internal control systems. The report shall include an overall assessment of the costs and benefits of controls and information on the extent to which the operational expenditure authorised contributes to the achievement of strategic objectives of the Union and generates EU added value. The Commission shall prepare a summary of the annual activity reports for the preceding year.

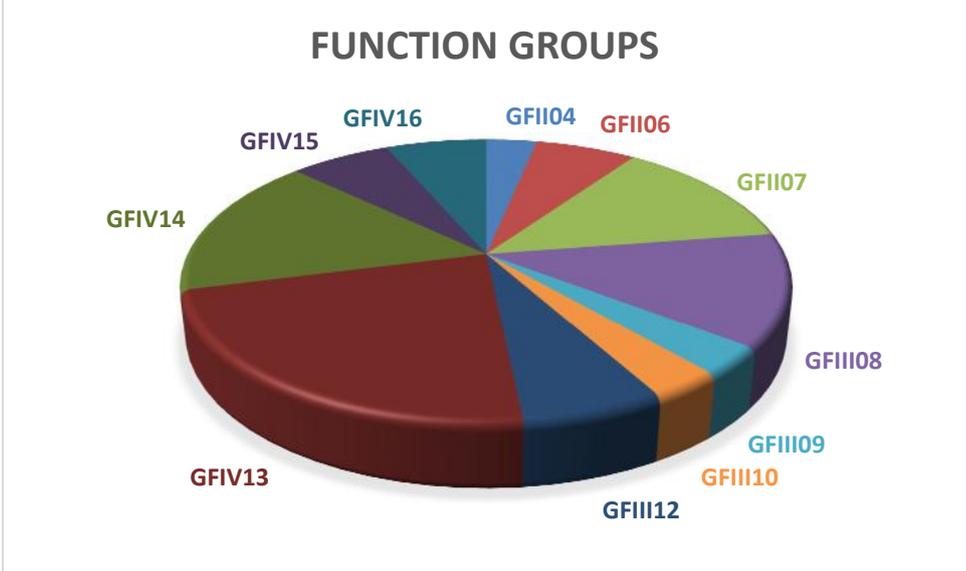
The annual activity reports for the financial year of the authorising officers and, where applicable, authorising officers by delegation of Union institutions, Union bodies, European offices and agencies shall be published by 1 July of the following financial year on the website of the respective Union institution, Union body, European office or agency in an easily accessible way, subject to duly justified confidentiality and security considerations.

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.

Annex 2: Human resources at the EDPS

Staff distribution by gender & nationalities





Annex 3: Budget 2019

TITLE 1 - EXPENDITURE RELATING TO PERSONS WORKING WITH THE INSTITUTION		2018 (after transfers)	Execution 2018	2019	2019 vs 2018	2019 vs 2018 (%)
Chapter 10	Members of the institution					
Article 100	Remuneration, allowances and other entitlements of Members					
	Item 1000 Remuneration and allowances	684.881,00	98,79%	705.363,00	20.482,00	2,99%
	Item 1001 Entitlements on entering and leaving the service	0,00		0,00	0,00	
	Item 1002 Temporary allowances	0,00		0,00	0,00	
	Item 1003 Pensions	0,00		0,00	0,00	
	Item 1004 Provisional appropriation	0,00		0,00	0,00	
	TOTAL Article 100	684.881,00	98,79%	705.363,00	20.482,00	2,99%
Article 101	Other expenditure in connection with Members					
	Item 1010 Further training	25.000,00	22,00%	25.000,00	0,00	0,00%
	Item 1011 Mission expenses, travel expenses and other ancillary expenditure	59.394,00	57,21%	59.394,00	0,00	0,00%
	TOTAL Article 101	84.394,00	46,78%	84.394,00	0,00	0,00%
	TOTAL Chapter 10	769.275,00	93,08%	789.757,00	20.482,00	2,66%
Chapter 11	Staff of the institution					
Article 110	Remuneration, allowances and other entitlements of officials and temporary staff					
	Item 1100 Remuneration and allowances	4.664.539,90	95,86%	5.540.716,00	876.176,10	18,78%
	Item 1101 Entitlements on entering, leaving the service and on transfer	53.013,10	100,00%	50.000,00	-3.013,10	-5,68%
	Item 1102 Overtime	0,00		0,00	0,00	
	Item 1103 Special assistance grants	0,00		0,00	0,00	
	Item 1104 Allowances and miscellaneous contributions in connection with early termination of service	0,00		0,00	0,00	
	Item 1105 Provisional appropriation	0,00		0,00	0,00	
	TOTAL Article 110	4.717.553,00	95,90%	5.590.716,00	873.163,00	18,51%
Article 111	Other staff					
	Item 1110 Contract staff	1.168.114,00	97,03%	605.749,00	-562.365,00	-48,14%
	Item 1111 Cost of traineeships and staff exchanges	215.000,00	98,99%	281.845,00	66.845,00	31,09%
	Item 1112 Services and work to be contracted out	29.000,00	99,02%	52.748,00	23.748,00	81,89%
	TOTAL Article 111	1.412.114,00	97,37%	940.342,00	-471.772,00	-33,41%
Article 112	Other expenditure in connection with staff					
	Item 1120 Mission expenses, travel expenses and other ancillary expenditure	135.000,00	80,02%	135.000,00	0,00	0,00%
	Item 1121 Recruitment costs	12.789,00	92,99%	6.789,00	-6.000,00	-46,92%
	Item 1122 Further training	92.000,00	79,25%	80.000,00	-12.000,00	-13,04%
	Item 1123 Social service	0,00	0,00%	0,00	0,00	
	Item 1124 Medical service	14.844,00	66,32%	14.844,00	0,00	0,00%
	Item 1125 Union nursery centre and other day nurseries and after-school centres	52.000,00	82,03%	80.000,00	28.000,00	53,85%
	Item 1126 Relations between staff and other welfare expenditure	18.000,00	86,55%	8.000,00	-10.000,00	-55,56%
	TOTAL Article 112	324.633,00	80,37%	324.633,00	0,00	0,00%
	TOTAL Chapter 11	6.454.300,00	95,44%	6.855.691,00	401.391,00	6,22%
	TOTAL TITLE 1	7.223.575,00	95,19%	7.645.448,00	421.873,00	5,84%

TITLE 2 - BUILDINGS, EQUIPMENT AND EXPENDITURE IN CONNECTION WITH THE OPERATION OF THE INSTITUTION		2018 (after transfers)	Execution 2018	2019	2019 vs 2018	2019 vs 2018 (%)
Chapter 20	Buildings, equipment and expenditure in connection with the operation of the institution					
Article 200	Rents, charges and buildings expenditure	1.718.747,00	100,00%	1.832.286,00	113.539,00	6,61%
	TOTAL Article 200	1.718.747,00	98,42%	1.832.286,00	113.539,00	6,61%
Article 201	Expenditure in connection with the operation and activities of the institution					
	Item 2010 Equipment	514.500,00	95,70%	420.000,00	-94.500,00	-18,37%
	Item 2011 Supplies	18.000,00	91,40%	15.000,00	-3.000,00	-16,67%
	Item 2012 Other operating expenditure	265.000,00	100,00%	230.000,00	-35.000,00	-13,21%
	Item 2013 Translation and interpretation costs	412.500,00	84,55%	700.000,00	287.500,00	69,70%
	Item 2014 Expenditure on publishing and information	158.000,00	69,52%	158.000,00	0,00	0,00%
	Item 2015 Expenditure in connection with the activities of the institution	144.000,00	77,41%	144.000,00	0,00	0,00%
	Item 2016 Other activities related to external stakeholders	400.000,00	91,56%	80.000,00	-320.000,00	-80,00%
	TOTAL Article 201	1.912.000,00	89,44%	1.747.000,00	-165.000,00	-8,63%
	TOTAL CHAPTER 20	3.630.747,00	94,44%	3.579.286,00	-51.461,00	-1,42%
	TOTAL TITLE 2	3.630.747,00	94,44%	3.579.286,00	-51.461,00	-1,42%

TITLE 3 - EUROPEAN DATA PROTECTION BOARD (EDPB)		2018 (after transfers)	Execution 2018	2019	2019 vs 2018	2019 vs 2018 (%)
Article 301	Remuneration, allowances and other entitlements of officials and temporary staff					
	Item 3010 Remuneration and allowances	996.482,00	61,51%	1.358.406,00	361.924,00	36,32%
	Item 3011 Entitlements on entering, leaving the service and on transfer	50.000,00	0,00%	50.000,00	0,00	0,00%
	Item 3012 Allowances and miscellaneous contributions in connection with early termination of service	0,00		0,00	0,00	
	TOTAL Article 301	1.046.482,00	58,57%	1.408.406,00	361.924,00	34,58%
Article 302	Other staff					
	Item 3020 Contract staff	344.379,00	95,93%	156.781,00	-187.598,00	-54,47%
	Item 3021 Cost of traineeships and staff exchanges	235.000,00	96,67%	393.203,00	158.203,00	67,32%
	Item 3022 Services and work to be contracted out	4.574,00	0,00%	52.748,00	48.174,00	1053,21%
	TOTAL Article 302	583.953,00	95,47%	602.732,00	18.779,00	3,22%
Article 303	Other expenditure in connection with staff of the Board					
	Item 3030 Mission expenses, travel expenses and other ancillary expenditure	30.000,00	90,76%	25.000,00	-5.000,00	-16,67%
	Item 3031 Recruitment costs	3.500,00	87,26%	6.000,00	2.500,00	71,43%
	Item 3032 Further training	34.867,00	66,76%	25.000,00	-9.867,00	-28,30%
	Item 3033 Medical service	2.944,00	89,99%	4.000,00	1.056,00	35,87%
	Item 3034 Union nursery centre and other day nurseries and after-school centres	3.000,00	0,00%	32.000,00	29.000,00	966,67%
	TOTAL Article 303	74.311,00	75,64%	92.000,00	17.689,00	23,80%
Article 304	Expenditure in connection with the operation and activities of the Board					
	Item 3040 Meetings of the Board	343.993,75	79,21%	935.700,00	591.706,25	172,01%
	Item 3041 Translation and interpretation costs	762.000,00	91,33%	1.500.000,00	738.000,00	96,85%
	Item 3042 Expenditure on publishing and information	127.006,25	82,39%	45.000,00	-82.006,25	-64,57%
	Item 3043 Information technology equipment and services	517.000,00	83,32%	400.000,00	-117.000,00	-22,63%
	Item 3044 Travel expenses of external experts	55.000,00	66,08%	10.000,00	-45.000,00	-81,82%
	Item 3045 External consultancy and studies	15.000,00	96,89%	280.000,00	265.000,00	1766,67%
	Item 3046 Other expenditure in connection with the activities of the EDPB	70.000,00	76,34%	140.000,00	70.000,00	100,00%
	TOTAL Article 304	1.890.000,00	85,09%	3.310.700,00	1.420.700,00	75,17%
	TOTAL CHAPTER 30	3.594.746,00	78,86%	5.413.838,00	1.819.092,00	50,60%
	TOTAL TITLE 3	3.594.746,00	78,86%	5.413.838,00	1.819.092,00	50,60%
	TOTAL BUDGET	14.449.068,00	90,94%	16.638.572,00	2.189.504,00	15,15%

Annex 4: Detailed list of missions undertaken by the Supervisors and by the EDPB Chair (2019)

BUTTARELLI Giovanni				
Location	Mission Purpose	Date from	Date to	Cost
Milan (ITA)	<ul style="list-style-type: none"> - Conference "Accelerating Italy, le tecnologie per la crescita del Paese" - "La nuova sfida della sicurezza nelle banche e nelle assicurazioni". ABI - Conferenza biennale dell'Associazione Antitrust Italiana - Wirenestfest - Relatore evento DIG.Eat ANORC 2019 - Invitation from the President of the Italian Republic 	20/05/2019	24/05/2019	400,05
Pavia (ITA), Rome (ITA)	<p>Il General Data Protection Regulation (GDPR) e la sua applicazione nella ricerca scientifica</p> <p>Meeting at EP in Rome to be defined</p>	15/04/2019	24/04/2019	783,43
Rome (ITA)	<p>Interview with RAI3</p> <p>Meeting Di Renzo Editor for the book</p> <p>Invitation to the University of Europe Rome "'Fairness, innovation and competition in Data Economy'</p> <p>Registration video for the event on 12 March in Rome</p>	02/03/2019	17/03/2019	922,89
Rome (ITA)	<ul style="list-style-type: none"> - Debate GDPR - Rome - Preparatory meetings for edition of a book - EDPS participation at the ESS Committee meeting on 7 February 2019 	04/02/2019	07/02/2019	501,90
Paris (FRA)	Opening speech of the conference on "New Technology as a Disruptive Global Force."	20/01/2019	21/01/2019	382,51
Total 2019 Mr BUTTARELLI:			2.990,78 €	

WIEWIOROWSKI Wojciech Rafal

Location	Mission Purpose	Date from	Date to	Cost
Maastricht (NLD)	Guest speech at Maastricht University on the occasion of our DPO Certification course	15/01/2019	15/01/2019	103,84
The Hague (NLD)	TFTP inspection at Europol	06/02/2019	06/02/2019	261,76
Bucharest (ROU)	Europol JPSG	24/02/2019	25/02/2019	530,70
London (GBR)	ICDPPC Policy Strategy Brainstorm Workshop	20/03/2019	21/03/2019	915,85
Opole (POL)	-FORUM PRAWA MEDIÓW ELEKTRONICZNYCH - BLOCKCHAIN in Opole	08/04/2019	10/04/2019	492,16
Tbilisi (GEO)	Spring Conference, Tbilissi	08/05/2019	11/05/2019	933,39
Frankfurt (DEU),Gdansk (POL)	- Conference "Rok RODO" à Gdansk - DPO meeting à Frankfurt	15/05/2019	17/05/2019	1.041,28
Berlin (DEU),Stockholm (SWE)	1) EDPD Conference 2019 in Berlin 2) Swedish Conference Marking a Year on with GDPR	19/05/2019	21/05/2019	1.432,12
The Hague (NLD)	TFTP Inspection - finalisation of the report	28/05/2019	28/05/2019	153,76
Rome (ITA)	- IPEN - Annual Privacy Forum	11/06/2019	14/06/2019	1.251,04
Paris (FRA)	Workshop: Data Protection within International Organisations	17/06/2019	18/06/2019	643,78
Maastricht (NLD)	The ELSA Maastricht Summer Law School on Data Management	21/06/2019	21/06/2019	117,36
Cambridge (GBR)	Privacy Laws & Business 32nd Annual International Conference 1-3 July 2019, St. John's College, Cambridge	01/07/2019	03/07/2019	733,06
Brussels (BEL)	Urgent mission back to Brussels - cas de force majeure Rappel de congé	21/08/2019	21/08/2019	485,57
Rome (ITA)	Giovanni Buttarelli's funeral	23/08/2019	25/08/2019	882,16
Den Haag (NLD)	First meeting of the EU software and cloud suppliers customer council	28/08/2019	29/08/2019	698,95

Gdansk (POL)	-2019 Global Law Deans' Forum	19/09/2019	20/09/2019	909,87
	-2019 Annual Meeting			
	-Visit to Frontex			
Warsaw (POL)	-XXV Forum Teleinformatyki - Polska '25 - strategie i praktyki cyfrowej transformacji	24/09/2019	27/09/2019	1.097,22
Venice (ITA)	To participate to the International Annual Conference: "The data driven society" in Venice organised by the Aspen Institute.	11/10/2019	13/10/2019	464,15
Tirana (ALB)	ICDPPC in Tirana	20/10/2019	23/10/2019	1.762,58
The Hague (NLD)	Visit to Eurojust	29/10/2019	29/10/2019	263,36
Total 2019 Mr WIEWIOROWSKI:				15.173,95

JELINEK Andrea - EDPB CHAIR

Location	Mission Purpose	Date from - to	TOTAL
Barcelona	Cancellation mission costs - GSMA Ministerial Program -MWC	23-26/02/2019	€186,14
Helsinki	Finnish National Justice Day	14-15/03/2019	€678,59
Berkeley(CA)USA	Panel invitation: Berkeley 23rd Annual BCLT Symposium	04-06/04/2019	€5.703,99
Washington DC	IAPP Summit & DPA Day	30/04-03/05/19	€4.680,63
Berlin Bruxelles	9th Data protection days + FORUM EU-US	20-21/05/2019	€1.268,72
Tokyo	APPA FORUM & INT SEMINAR ON PERSONAL DATA	28/05-04/06/19	€5.672,11
Cambridge(UK)	Annual International conference of Privacy laws	29/06-02/07/19	€986,86
Luxembourg	SCHREMS court case pleading in LUX	08-09/07/2019	€1.004,74
Rome	Representing EDPB on Giovanni Buttarelli's funeral	23-25/08/2019	€1.409,66
Paris	Forum for EU-US Legal-Economic Affairs	11-13/09/2019	€902,76
London	IICOM 50th Annual conference	11-13/10/2019	€683,63
Tirana	ICDPPC Conference	20-24/10/2019	€1.751,03
Total 2019 Ms JELINEK:			€24.245,23

KARADJOV Ventsislav - EDPB VICE-CHAIR

Location	Mission Purpose	Date from - to	TOTAL
Barcelona	GSMA Ministerial Program -MWC	24-27/02/2019	€1.946,43
Rome	ENISA: Annual Privacy Forum	14/05/2019	€128,50
Washington DC	EU-US privacy shield second annual review	10-15/09/2019	€1.193,34
Amsterdam	Compliance week	03-06/11/2019	€2.013,64
Malaga	Global Blockchain Challenge Conference	12-14/11/2019	€1.327,78
Total 2019 Mr KARADJOV:			€6.609,69

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.