



EUROPEAN DATA PROTECTION SUPERVISOR

Annual Activity Report

2016

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1. Introduction

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

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

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

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

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

2. Operational achievements

Each year, the EDPS publishes an ‘Annual Report’ giving an overview of the objectives and achievements of the institution’s work. Information on operational achievements can be found in the annual report³.

3. Resource management

3.1. Human resources

The EDPS has adopted some major decisions during 2016, notably:

- an Ethics framework for the EDPS
- an HR Forward planning
- a staff retention strategy
- an equal opportunity strategy
- a new CCP decision
- an Away days policy
- an email policy

Annex 2 provides the chart relating to Human resources requested by the discharge 2013. It deals with:

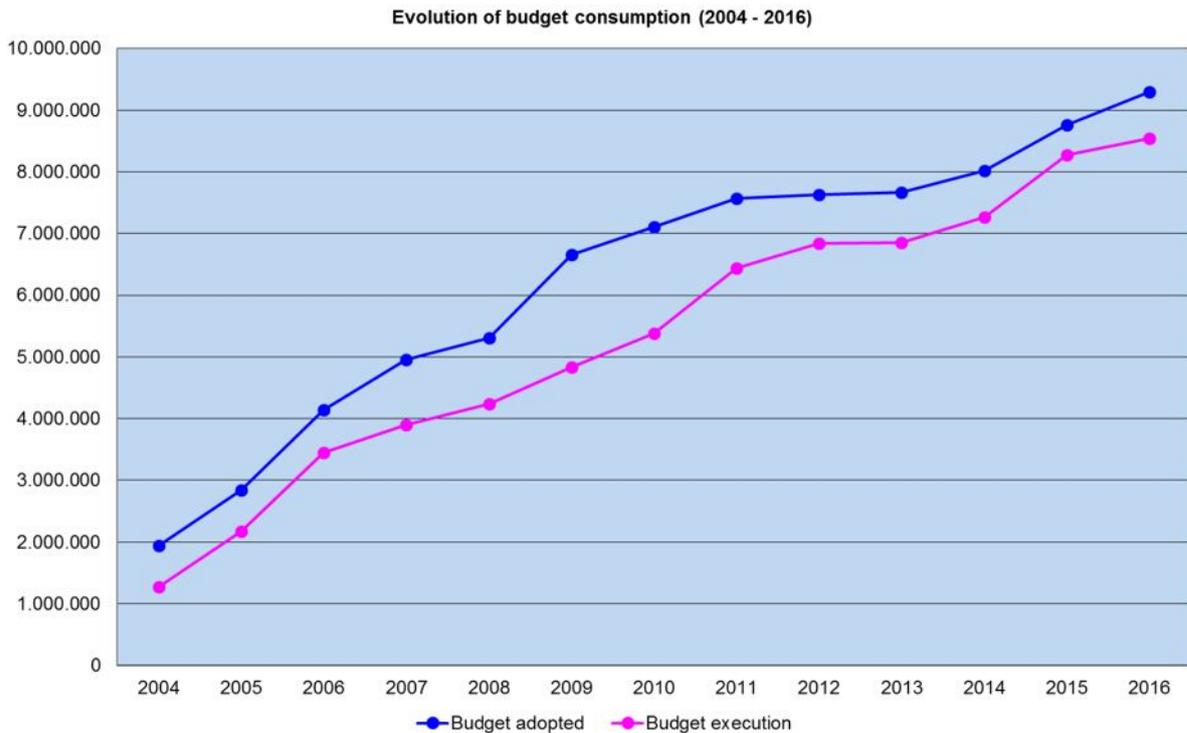
- Staff distribution by nationalities and gender
- Grades for officials
- Contract agents function group

3.2. Budget

The budget for 2016 adopted by the budgetary authority was EUR 9 288 043 (see Annex 3). This represented an increase of 6.02% compared to the 2015 budget.

Since 2011, the EDPS has used a budget implementation control mechanism, consisting of an excel report updated quarterly, which monitors the implementation rate of each budget line. This tool provides the Management Board of the institution with a comparison between the estimated and the actual consumption, as well as the evolution of the implementation rate from one year to another. The intensive and continuous use of this tool, which has been further developed over the time, has consolidated a positive evolution of the implementation rate of the budget, as showed in the chart below, from 76% in 2010 to 92% foreseen in 2016.

³ <http://www.edps.europa.eu/EDPSWEB/edps/site/mySite/lang/en/AR>.



As to the EDPS Establishment Plan, we completed the reduction of 5% with the abolition of a second post in 2016.

With regard to the budgetary procedure, taking into account the size of the institution, the EDPS decided to apply the Commission’s internal rules on budget implementation, in so far as they were applicable to the structure of his budget and to the size of the institution, in cases where no specific rules had been adopted.

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.

The EDPS also participates in various inter-institutional calls for tenders, thus improving efficiency and reducing administrative workload, see table below:

NUMBER OF CONTRACTS PER TYPE (2014-2016)



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

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

Nevertheless, whenever a specific need cannot be covered by an existing inter-institutional framework contract, the EDPS may resort to launching its own call for tender. Indeed, two calls for tender were launched for Video Production in 2014 and 2016.

3.4. Missions management

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

The EDPS has adopted a speaking engagement policy⁴ which clarifies the rules in those cases where the mission should be paid by the organiser and is selective as regards attendance to external events.

2016	Members	Staff
Number of missions	57	237
Average duration	1,8 day	1,8 day
Average cost	1.028 euros	536 euros

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

As requested by the European Parliament in its discharge 2015, the two following tables give more detailed information in terms of transparency.

SUPERVISORS 2016			
NAME	Number of missions	N° DAYS	TOTAL COST
BUTTARELLI Giovanni	32	56	37.423,53
WIEWIOROWSKI Wojciech Rafal	25	48	21.172,36
total	57	104	58.595,89

N° DAYS + COSTS PER TEAM				
UNIT/SECTOR	nbre missions	TOTAL COST	N° DAYS	AT CHARGE OF ORGANISERS
DIRECTOR's TEAM	23	21.897,71	43	6
IT POLICY	27	12.993,60	53	5
COMMUNICATION	11	6.739,88	18	-
POLICY & CONSULTATION	58	37.596,90	97	10
HRBA	32	6.114,35	24	2

⁴ https://secure.edps.europa.eu/EDPSWEB/edps/cache/offonce/EDPS/Events/Speaking_eng_policy

SUPERVISION & ENFORCEMENT	82	39.191,63	191	5
EDPS.SCEPD.DPO	4	2.439,44	10	1
TOTAL	237	126.973,51	434	29

3.5. Service Level agreements

The following table summarizes the Service-Level Agreements between the EDPS and other EU Institutions. The most recent update concerns the on-going amendment of the Transportation SLA with OIB as it will now include the purchase of STIB tickets.

INSTITUTION	SERVICE	FEES	Remarks
COMMISSION - DG EAC	Traineeships Office	6.524,40	Forfait per trainee
COMMISSION - Medical service	Medical service	-	Depending on consumption
COMMISSION - PMO	Staff and administration	42.783,71	Forfait per person per service
COMMISSION - DG HR	SYSLOG training	-	Depending on consumption
COMMISSION - DG HR	Issuance of Laissez-passer		
COMMISSION - DG DIGIT	SYSLOG training - IT products and services	6.162,00	Fix amount
COMMISSION - DG DIGIT	SYSPER2 implementation	20.000,00	Fix amount
COMMISSION - EUSA	Training and development	-	Depending on consumption
COMMISSION - DG BUDG	Use of ABAC	30.000,00	Fix amount
COMMISSION - OIB	Catering services	-	Depending on consumption
COMMISSION - OIB	Transportation - Service cars for the MB and STIB tickets	-	Depending on consumption
COMMISSION - OPOCE	Publications and communication	-	Depending on consumption
COMMISSION - DGT	Translation services	-	Depending on consumption
COMMISSION - IDOC	Managing administrative inquiries and disciplinary procedures	-	Depending on consumption
COMMISSION - DG INTERPRETATION	Interpretation	-	Depending on consumption
EP - DG INLO	Administrative agreement for building and logistics	-	Depending on consumption
EP - DG ITEC	Administrative agreement for IT services	1.000,00	Forfait per user
EP - DG PRES	Administrative agreement for security, accreditation and mail	-	Depending on consumption
ENISA	Security audit for Eurodac database	-	

3.6. Contribution of the EDPS task force on setting up the EDPB

As a new body of the European Union (EU), the European Data Protection Board (EDPB or the Board) will be supported by an independent Secretariat provided by the EDPS. In order to ensure that the Board is fully operational as of 25 May 2018, the budgetary authority has allocated additional human resources to the EDPS to assist in setting up a new EU body.

During 2016, the EDPS has provided the following:

On the HR and Finance side:

- The major aspect is the budget attributed to the EDPB (new title III in the EDPB budget), currently used to provide additional human and financial resources for the setting up of the EDPB. All the financial tasks linked to the EDPB task force meetings were also dealt with.
- The first four factsheets: the first dealt with the setting up, the second with the human resource aspects of the EDPB Secretariat, the third with the financial resources attributed to the EDPB. In addition, the fourth one is dealing with all Services Level Agreements that would need to be adopted or revised.
- The preparation of the Memorandum of Understanding between the EDPS and the EDPB
- The preparation of all technical aspects (building, floors and offices, IT equipment's) to welcome the EDPB by negotiating these matters with the European Parliament. This includes negotiating with EP the extension of EDPS premises in order to have a dedicated floor for EDPS staff working for EDPB secretariat.
- The preparation for the IT infrastructure needs of the EDPB secretariat also requires considerable investment by the EDPS IT specialists who cooperate with experts from national authorities on the matter
- The recruitment of new EU officials with particular expertise on data protection matters at EU level to cover the future needs of the EDPS and the needs of the new EDPB (an EPSO competition was organised for that purpose which was a challenge for our small institution)

On the Policy side:

- Participation in the Article 29 Working Party (WP29) work on testing of the cooperation and consistency mechanism, with the running of case studies and building on previous cooperation models. (ongoing)
- Preparation of the draft Rules of Procedure for the EDPB as well as other basic rules such as document handling, access to documents, transparency or security rules (ongoing)
- Definition of appropriate organisational measures to ensure the existence of "Chinese walls" between the future Secretariat of the EDPB and the EDPS (ongoing)
- Organisation of meetings with the Chair and Vice-Chairs of the Article 29 Working Party to ensure full involvement of this Group on important administrative decisions for the future of the EDPB (WP29 EDPB task force) (ongoing)

- Drafting and evaluation of a Questionnaire - In order to ensure that the IT requirements (building blocks) can be drafted on the basis of the requirements of national Data Protection Authorities (DPAs).
- Identification of requirements for an IT system to support the consistency mechanism and the cooperation between DPAs (including the exchange of confidential/sensitive information, the tracking of deadlines, and possibly other requirements) in cooperation with experts from MS DPAs. (the Requirements Specification for EDPB IT system Building Blocks" - covering general functions that would be needed to support processes of the type that the cooperation and consistency mechanisms require (building blocks) was adopted in December 2016,).
- Evaluating existing IT systems regarding their use for supporting the consistency mechanism and the cooperation between DPAs (including the exchange of confidential/sensitive information, the tracking of deadlines, and possibly other requirements) and testing of the IT infrastructures (ongoing)
- Analysis of requirements, evaluation of options and preparation of draft proposals concerning the appropriate IT case management system (ongoing)
- Working on deliverables on the basis of WP29 action plans, and based on tasks listed in the Regulation, either as rapporteur or contributor i.e.:
 - Guidelines, procedure and templates for imposing administrative fines (ongoing)
 - Specific input on the concept of due process (ongoing).
 - Guidelines on the definitions of main establishment, supervisory authority concerned, cross-border processing of personal data - (ongoing)
 - Guidelines to help controllers and processors to designate a lead / Draft template to designate a lead DPA as controller/processor - (ongoing)
 - Draft guidelines (format, scope, modalities) for data portability - (ongoing)
 - Draft guidelines (e.g. criteria to define – “core activities”, functions) for DPOs- (ongoing)
 - Draft definition of the notion of high risk (ongoing)
 - Draft methodology for DPIA and Template of DPIA and consistency on lists of risky processing (ongoing)
 - Process guide and template for providing mutual assistance under GDPR - adopted December 2016
 - Process guide and agreement outline for cooperation– Joint Operation - adopted December 2016
 - Process guide and template for cooperation– One-Stop-Shop system - adopted December 2016
- Participation in workshops, conferences, and awareness events on the issues mentioned above (accomplished for 2016)
- Preparation of EDPB website based on a strategic analysis of the DRUPAL Content Management System (CMS) used for the new EDPS website as multi-sites web solution (ongoing).

This essential work has been provided by many EDPS staff members increasing their workload and demonstrating their availability to think ahead.

4. Management and internal control systems

For the sake of complete transparency, points 4.1 dealing with the characteristics and the nature of activities and 4.2 dealing with the current EDPS Strategy are extracts from the EPDS Annual Report 2016.

4.1. Characteristics and nature of activities

4.1.1. The mission of the EDPS

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

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

4.1.2. Core values and guiding principles

4.1.2.1. The core values

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

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

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

4.1.2.2. General principles

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

4.1.3. Data Protection and the EDPS in 2016

In our Strategy 2015-2019, we outlined our vision of an EU which leads by example in the global dialogue on data protection and privacy in the digital age. On 4 May 2016 the GDPR was published in the Official Journal of the European Union, marking a big step towards achieving this goal. The GDPR will help shape a global, digital standard for privacy and data protection, centred on individuals, their rights and freedoms and their personal identity and security. However, much work still remains if we are to ensure our vision becomes a reality.

4.1.3.1. Preparing for the changes to come

Much of our work in 2016 focused on preparing for and implementing the GDPR. We worked in close cooperation with our colleagues in the Article 29 Working Party (WP29) to help draft guidance on the new legislation, but also to ensure that we are prepared for the responsibility of both providing the secretariat and acting as an independent member of the new European Data Protection Board (EDPB).

Under the new legislation, the EDPB will replace the WP29, taking on responsibility for ensuring that the GDPR is applied consistently across the EU. It is therefore vital that the EDPB be fully operational by 25 May 2018, when the GDPR becomes applicable and enforceable. Throughout 2016, we worked with the WP29 to start developing rules of procedure, and to analyse options for IT, budget and service level agreements for the new body.

If Europe is to remain at the forefront of the debate on data protection and privacy we also need a modern legal framework for ePrivacy, which both guarantees the fundamental right to the confidentiality of communications and complements the protections offered by the GDPR. At the Commission’s request, we issued a preliminary Opinion on the proposal for a revised ePrivacy Directive in July 2016. We will continue to advocate a smarter, clearer and stronger Directive, the scope of which adequately reflects the technological and societal realities of the digital world, throughout the negotiation process.

4.1.3.2. Moving the global debate forward

As part of our Strategy, we committed to developing an ethical dimension to data protection. In January 2016 we set up the Ethics Advisory Group to examine digital ethics from a variety of academic and practical perspectives. Our aim was to initiate an international debate on the ethical dimension of data protection in the digital era.

The group held their first workshop in May 2016. They will continue their work through to 2018, when they will present their findings at the International Conference of Data Protection and Privacy Commissioners, which will be hosted by the EDPS and the Bulgarian DPA.

The closed session of the 2016 International Conference focused on an equally forward-looking subject: the implications of Artificial Intelligence, machine learning and robotics for data protection and privacy. The EDPS Strategy outlines our commitment to ensuring that data protection goes digital. We therefore sought to inform and steer the debate on this topic through issuing a very well-received background document for discussion at the conference.

Technology continues to develop at a rapid pace and it is essential that all data protection authorities, including the EDPS, make sure that they are ready for the challenges this will bring. To help address these challenges, the EDPS launched IPEN in 2014. Composed of IT experts from all sectors, the group provides a platform for cooperation and information exchange on engineering methods and tools which integrate data protection and privacy requirements into new technologies. The adoption of the GDPR, which requires anyone responsible for processing personal data to observe the principles of data protection by design and by default, has heightened the profile of the group and its work, and has encouraged researchers, developers and data protection regulators to increase their efforts to strengthen and improve the technological dimension of data protection.

4.1.3.3. EU institutions leading by example

However, achieving our goal of establishing the EU as a leader in data protection on the global stage depends first on the EU institutions setting the standard at European level. As the independent authority responsible for supervising the processing of personal data at this level, we have been working with the EU institutions and bodies to help them prepare for the changes to come. Though the GDPR does not apply to their activities, the rules that do apply will be updated over the course of 2017, to bring them in line with the GDPR.

In 2016, we continued our efforts to develop and deepen our cooperation with the Data Protection Officers (DPOs) of the EU institutions and bodies. As those responsible for ensuring that their respective institutions comply with data protection law, DPOs are our closest partners at the institutional level. Throughout the year we have worked with them on both a collective and individual level to prepare them for the changing rules. This included introducing them to new concepts, such as Data Protection Impact Assessments, which are likely to become mandatory under the new rules, as they are under the GDPR, as well as continuing to provide guidance in the form of Guidelines and prior-check Opinions. We also sought their input on the revision of Regulation 45/2001 before providing advice on this to the legislator.

The GDPR includes an explicit reference to the principle of accountability, which it is safe to assume will also be applied to the EU institutions and bodies. It requires that technical and organisational measures be put in place by organisations, transferring the responsibility for demonstrating compliance away from DPAs and DPOs, and to the organisations themselves. In 2016, we launched the EDPS Accountability Initiative, designed to equip EU institutions, beginning with the EDPS as a data controller itself, to lead by example in how they comply and demonstrate compliance with data protection rules. As part of the initiative, we developed a *tool* for evaluating accountability, which we tested first on ourselves, as an institution. We then visited and met the most senior representatives of seven EU Institutions and bodies to promote the initiative and will continue this process in 2017.

During the course of the year we also issued several Guidelines for the EU institutions. EDPS Guidelines provide practical advice on how to comply with data protection rules in specific situations. They serve as a reference document against which the institutions can measure their activities and, as such, serve as a valuable tool in improving accountability. Many of our Guidelines are also relevant and applicable to the work of other organisations.

In recognition of the increasingly important role played by digital communication in the everyday work of the EU institutions, we issued Guidelines on web services and mobile applications in November 2016. The Guidelines offer practical advice on how to integrate data protection principles into the development and management of web-based services and mobile apps respectively, and incorporate input from relevant experts at the EU institutions and bodies, as well as DPOs, ensuring that they remain relevant in practice and not just in theory. We also issued a Guidance document on Information Security Risk Management (ISRM), designed to help those responsible for information security to effectively analyse the data protection risks and determine a set of security measures to be implemented, ensuring both compliance and accountability.

Several of our Guidelines are aimed at helping the EU institutions ensure that they are able to comply with the specifications of the EU Staff Regulations whilst respecting the rights to privacy and data protection. In July 2016 we published Guidelines on the processing of personal information as part of a whistleblowing procedure. We provided recommendations on how to create safe channels for staff to report fraud, ensure the confidentiality of information received and protect the identities of anyone connected to the case.

In November 2016 we published Guidelines on the processing of personal information in administrative inquiries and disciplinary proceedings. These Guidelines provide EU institutions with the legal framework required to carry out administrative inquiries and guarantee that the relevant procedures are implemented in a way that ensures the processing of personal data is lawful, fair, transparent and complies with their data protection obligations.

The EDPS has also been preparing to take on a new supervisory responsibility. Under the new legal framework for Europol, approved on 11 May 2016, the EDPS will take over responsibility for supervising the processing of personal data at Europol, as well as providing the secretariat for a new Cooperation Board. This Board will help facilitate cooperation between ourselves and national DPAs in cases relating to data from the Member States. This new role presents a new challenge which both the EDPS and

Europol will endeavour to fulfil in a way which reflects the professionalism and reliability of the EU institutions in the field of data protection.

4.1.3.4. A responsible approach to EU policy

Upholding the credibility of the GDPR internationally requires ensuring that the high standard it sets is promoted in all EU policy. In our role as an advisor to the Commission, the Parliament and the Council, we aim to ensure that this is the case. Two particularly high-profile areas in which the EU sought to develop new policy in 2016 were international data transfers and border management.

Following the 2015 annulment of the Safe Harbour decision by the EU Court of Justice, the Commission negotiated a new adequacy decision with the United States, on which we were consulted in 2016. In our Opinion on the Privacy Shield, which provides for the transfer of data from the EU to the US, we called for a stronger self-certification system, whilst emphasising the need for more robust safeguards on US public authorities' access to personal data and improved oversight and redress mechanisms.

We also issued an Opinion on the EU-US umbrella agreement on the protection of personal data transferred between the EU and the US for law enforcement purposes. In our recommendations, we highlighted the need to ensure that the agreement upholds fundamental rights, particularly in relation to the right to judicial redress. We also emphasised the need for improved safeguards for all individuals and stressed the importance of clarifying that, under the agreement, the transfer of sensitive data in bulk is prohibited.

Border policy remained a particularly high priority for the EU in 2017, resulting in several new EU policy initiatives aimed at keeping EU borders safe and secure. Legislation in this area raises particularly difficult questions related to balancing the need for security with the right to data protection.

In 2016 we issued recommendations on how to ensure that the rights of migrants and refugees are respected, in response to the proposed European Border and Coast Guard Regulation. We followed up on this by providing advice to Frontex on how to use the powers granted to them under the new Regulation to effectively handle personal data in risk analysis relating to people smuggling.

We also issued Opinions on the Commission's revised proposal to establish an Entry/Exit System (EES) for all non-EU citizens entering and exiting the EU, and on the Common European Asylum System. In both cases, we asked the Commission to consider if some of the measures proposed were truly necessary to achieve their desired aims.

4.1.3.5. Internal administration

To be taken seriously as a supervisory and advisory authority, we must ensure that our own internal administration and data protection practices are adequate and effective. This is even more important considering the administrative function we will provide for the new EDPB.

In 2016, staff from the Human Resources, Budget and Administration (HRBA) Unit at the EDPS worked closely with the EDPS DPO to develop and test our accountability tool. We also implemented internal policies, such as an ethics framework, aimed at increasing transparency and promoting professionalism.

As part of our preparations for the EDPB, we are responsible for ensuring that the new body receives adequate human and financial resources from the budgetary authority and that the necessary administrative set-up is in place. This work continued to gather pace in 2016, and was documented in a series of EDPB factsheets outlining our vision, aimed at keeping our partners in the WP29 fully informed about our activities.

We also comply fully with our obligation to respond to requests for access to documents and are committed to increasingly the transparency of our work, principally through the launch of a new EDPS website in early 2017.

4.1.3.6. Communicating our message

The work we do to establish data protection priorities and take a leading role on the international stage depends on ensuring that our voice is heard.

We communicate our work using a variety of tools, including online media, press, events and publications. Our app on the GDPR, which was updated in 2016 to include the final adopted versions of the GDPR and directive on data protection in processing for data protection in the law and justice sectors, was a particularly successful exercise in transparency and legislative accountability. We also launched a blog in 2016, aimed at providing a more detailed insight into the work of the Supervisors.

We continue to strive to reach new audiences both online and off, whether through our rapidly growing social media channels or through visits and events.

With the eyes of the world on Europe, the EDPS will continue to work with our data protection partners to make our vision of an EU which leads by example in the global dialogue on data protection and privacy in the digital age a reality.

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 4.

4.2.2. Action plan

The related action plan is detailed in Annex 5.

4.2.3. Measuring performance

Following the adoption of the EDPS Strategy 2015-2019 in March 2015, we re-evaluated our key performance indicators (KPIs) to take into account our new objectives and

priorities. The new set of KPIs will help us to monitor and adjust, if needed, the impact of our work and our use of resources.

The table below shows our performance in 2016, in accordance with the strategic objectives and action plan defined in the EDPS Strategy.

The KPI scoreboard contains a brief description of each KPI, the results on 31 December 2016 and the set target. The indicators are measured against initial targets in most cases, but there are two KPIs that have been calculated for the first time: KPI 5 and KPI 9.

The results show that the implementation of the Strategy is on track, with all KPIs meeting or exceeding their respective targets. No corrective measures are therefore needed at this stage.

Key Performance Indicators 2015-2019

KEY PERFORMANCE INDICATORS		RESULTS AT 31.12.2016	TARGET 2016
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	9
KPI 2 Internal & External Indicator	Number of activities focused on cross-disciplinary policy solutions (internal & external)	8	8
Objective 2 - Forging global partnerships			
KPI 3 Internal Indicator	Number of initiatives taken regarding international agreements	8	5
KPI 4 Internal Indicator	Number of cases dealt with at international level (WP29, CoE, OECD, GPEN, International Conferences) for which EDPS has provided a substantial written contribution	18	13
Objective 3 – Opening a new chapter for EU data protection			
KPI 5 Internal Indicator	Analysis of impact of the input of EDPS to the GDPR and to the Directive on police, justice and criminal matters	GDPR: high impact Directive: medium impact	2016 as benchmark
KPI 6 External Indicator	Level of satisfaction of DPOs/DPCs/controllers on cooperation with EDPS and guidance, including satisfaction of data subjects as to training	88%	60%
KPI 7 Internal Indicator	Rate of implementation of cases in the EDPS priority list (as regularly updated) in form of informal comments and formal opinions	93%	90%
Enablers – Communication and management of resources			
KPI 8	Number of visits to the EDPS website	459 370 visits to	2015 as benchmark + 10%

External Indicator (composite indicator)	Number of followers on the EDPS Twitter account	the website 6122 followers on Twitter	(195715 visits to website; 3631 followers on twitter)
KPI 9 Internal Indicator	Level of staff satisfaction	75%	2016 as benchmark - biennial survey

4.3. Inter-institutional cooperation

The EDPS benefits from inter-institutional cooperation in many areas by virtue of Service Level Agreements with the Commission and a cooperation agreement with the Parliament. This administrative cooperation is vital for us as it increases efficiency and allows for economies of scale.

In 2016, we continued our close cooperation with various Commission Directorates-General (Personnel and Administration, Budget, Internal Audit Service (by means of an SLA and a Memorandum of Understanding (MoU)), Infrastructure and Logistics, Education and Culture), the Paymaster's Office (PMO); the European School of Administration (EUSA); and the Translation Centre for the Bodies of the European Union. This cooperation takes place by means of service level agreements, which are updated regularly.

In 2016, two new SLAs were signed with the European Commission. The first SLA was with IDOC in January 2016. This is an agreement with the Investigation Office of the Commission for managing administrative inquiries and disciplinary procedures. The second SLA was signed with the OIB in February 2016. This is a service cars agreement which allows the members of the MB to order service cars from the European Commission. It also includes additional clauses referring to alternative transportation should the official service cars be unavailable. At the end of 2016, the EDPS contacted the OIB in view of drafting a new SLA which would cover the purchase of STIB transportation tickets. The OIB and the EDPS are still working on the finalisation of such SLA

4.4. Events during the year that affected reputation

There were no events during 2016 that might have had a negative impact on the institution's reputation.

4.5. Internal control management system

Internal control covers the totality of the policies and procedures put in place by the institution to ensure the economic, efficient and effective achievement of its objectives. In order to assess and improve the effectiveness of the internal control system, in 2013 the

EDPS adopted 15 out of the 16 Internal Control Standards (ICS), laid down in the European Commission decision of 2007⁵⁶.

Since then an increasing number of implementing measures were adopted to provide effective internal control of the processes in place. By way of example, measures taken to implement the internal controls standards (ICS) include: adoption of a new ICS decision on 6/7/2015 removing one of the 15 ICS which was inappropriate for the EDPS; adoption of an Ethics framework for the EDPS, of an HR Forward planning, of a staff retention strategy, of a new CCP decision, of an Away days policy and of an email policy.

The four-level system of activity planning (strategic, annual, monthly and weekly) forms the basis on which the EDPS manages his workload.

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 objective. 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 his global strategy. Risk management goes beyond assessing the risks; it also involves putting controls and measures in place that then need to be monitored (see Annex 6).

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.

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

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

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

⁵ Communication SEC(2007)1341.

⁶ Only ICS number 16 related to Internal Audit Capability is not applicable to the EDPS.

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.

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 impact⁷.

4.7. Cost effectiveness and efficiency of Internal Control

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

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

The total number of FTE's involved in the three main control activities (internal control, procurement, finance and ex-post control) is estimated at 3.3 FTE's.

Applying the average cost (all categories of cost included) resulting from an internal cost accounting system (pilot project on ongoing implementation), the total cost of the control activities for 2016 would be around 350.000 Euros.

The total budget implementation in terms of payments for 2016 is expected to be of 8,538,395 Euros.

It means that the cost of the internal control activities represents only 4.1% of the EDPS expenditure.

⁷ The materiality criteria used for this judgment are given in Chapter 5.1 of this report.

4.8. Results of independent audit during the year

There are two kinds of independent audit applicable to the EDPS. The first is the work of the European Court of Auditors and the second is that of the institution's Internal Auditor.

4.8.1. Court of Auditors

Preliminary findings of the Court of Auditors for 2016 have already been received but they the final report will only be made public at a later stage. The EDPS was informed that there will be no remarks but these are only the preliminary findings and it is necessary to wait for the official confirmation.

As regard the legality and regularity of underlying transactions, no EDPS payment was selected as part of the global sample for audit 2016. It formed part of a random sample from administrative expenditure as a whole, covering all Institutions and Bodies.

In the context of the in-depth assessment of supervisory and control systems of the EDPS dealt by the Court of Auditors in 2015, five procedures for the recruitment of contract agents and five procurement procedures for the award of supply or service contracts were examined. Findings and follow up were the following (CoA findings and questions in normal, EDPS answers in blue):

(CoA) **Finding 1** - I presume the EDPS' Vacancy Notices are not published, and still the EDPS takes advantage of the spontaneous applications. Not sure if it is new, but I can see on your website PDF document (publicly available) in which it is written that such practice is in place. Good to have it!

(EDPS) Following the recommendations of the Court this was added on our website in March 2016. Please see the following page:

<https://secure.edps.europa.eu/EDPSWEB/edps/EDPS/HR/recruitment>

- (CoA) Please let me know if there is any new practice in place concerning the Vacancy Notices and also if evidence of consultation the EPSO CAST list is kept for audit purposes in case of 2016 recruitments?

There is no specific practice as concerns vacancy notices. Nonetheless, spontaneous applications have been taken into account for selections taking place in 2016. Given that the EDPS received numerous spontaneous applications, CAST lists were not consulted. We will keep future searches in the new CAST database (if any) for audit purposes.

(CoA) **Finding 2** – Please let me know if any actions were taken to avoid similar issues in the future – e.g.:

- (CoA) keeping the documentation related to rejection of candidates from the Pre-selection List (i.e. initial list of candidates to be invited for interview),

The practice in the EDPS is to use an excel sheet which contains the names of all candidates that have applied. It furthermore contains compiled information about invited candidates, the information if they were selected as well as who contacted them and how (example can be provided if needed). Last but not least, e-mails notifying candidates of the outcome of the interviews are kept in an Outlook folder.

- (CoA) signing declaration of absence of conflict of interest and confidentiality by members of the Selection Board at the very beginning of the recruitment process when the list of candidates to be interviewed and list of questions for interview is established (not before the interview);

The check list for selections was updated following the audit. The signature of the conflict of interest form was added in the section "preparatory meeting of the selection board" (see check list attached). In future, the staff members in charge of the selection will ask for the signature of the above mentioned document at the preparatory meeting. In any case, the panel is set up by experienced staff members, who signal any conflict of interest at the very early stage of the selection, i.e. usually when checking the CV folder as preparation for the first meeting.

(CoA) Finding 3 – I will appreciate if you could let me know how does it work now concerning:

- (CoA) estimation of the needs of same nature services /supplies to be procured over a period of 48 months

The procurement procedure has been updated in October 2016. A detailed step-by-step guide was published on the EDPS Intranet and therefore available for all the staff. In the general rules available in our Intranet, a dedicated paragraph is published concerning the estimation of the needs of same nature services /supplies to be procured over a period of 48 months:

Do I know the value of my purchase?

According to article 167/169 RAP (article 118 FR), direct purchase for the same nature services /supplies cannot exceed 15.000 EUR over a 4 year period ('saucissonage' is forbidden). Therefore anytime a direct contract is foreseen, make sure to proper estimate your needs for a 4 year period.

In addition to that, tutoring sessions have been provided to operational initiating agents (OIA) to raise awareness on the recommendation made by the CoA and the entry into force of the new procurement procedure. In order to facilitate the implementation of the new procedure, the template of 'the note for the file' completed by the OIA has been updated accordingly. The OIA must indicate if an analysis of a market has been conducted and an estimation of same nature services/supplies over a period of 48 months has to be given (see Annex 1 in attachment).

- (CoA) formalised award decision

Regarding the 'formalised award decision', this issue has been dealt with and is integrated in the new procedures. Our checklist has been updated accordingly (see Annex 2): the OIA is requested if the Authorising Officer (AO) has given his or her approval on the award and shall add a supporting document concerning the AO's approval. The Financial Initiating Agent (FIA) prepares the award decision when he receives the file from the OIA and adds it to the file for the AO's signature.

We would like to take this opportunity to share our concern on the point of 'formalised award decision'. For low value contracts, we find this procedure not very appropriate as it only triggers additional administrative work. Given the small size of the EDPS financial team (only 3 persons), we try to simplify as much as possible our internal procedures, as long as they are in conformity with the FR and RAP. As the note for the file already indicates the reason why the contractor is awarded, we think that this is sufficient; the note

for the file is actually the basis/reference for the award decision. In addition to that, the signature of the purchase order/contract constitutes the formalised award.

The AO (by default) makes sure that the rules have been respected before signing a legal commitment and for this purpose, all the necessary information can be found in the note for the file and the supporting documents. In the context of a low value contract, we think that the signature of a formalised award decision itself does not imply any added value to the file as it does not ensure that the rules are respected.

Taking into account the reasoning above, the EDPS has asked to reconsider the need to include the formalised award decision as a compulsory document within a low value procurement procedure. It would appreciate that the existing 'note for the file' could be considered sufficient.

For information, this particular issue has been discussed in working groups on procurement (organised by the RUF network in the Commission) with other Financial Agents from different EU bodies. The general view shared by most of our colleagues was in line with our position.

- (CoA) Please let me also know if the procurement procedure was amended in the mean while.

This point has already been answered in the previous question

4.8.2. Internal Audit Service (IAS)

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

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 a report has been established since 2014 to keep management up to date with their implementation. It is done in the first quarter of the year to assess the implementation in the previous year and a mid-term review is carried out in June.

The IAS carried out an audit on the Establishment and issuance of legislative opinions and formal comments under Art. 28(2) in December 2016. The engagement is currently in the reporting phase. A meeting took place with the EDPS Director, the IAS Director and the EDPS ICC on 3rd of April 2017 presenting the IAS preliminary findings. The final report was sent to the EDPS on 7 June 2017 with 3 recommendations.

Following the in-depth review carried out by the IAS in May 2015 on the implementation of the ICS at the EDPS, a follow-up on outstanding recommendations was also conducted in the EDPS in January 2017 through a desk review, followed by an on-site visit in mid-February 2017.

The IAS issued on 31 March 2017 its Annual Internal Audit Report for 2016 under Article 99(3) of the 2015 Financial Regulation. The follow-up audit did not result in a re-assessment of the adequacy of controls as a whole but did focus on the specific recommendations in the original audits. It was carried out in accordance with the IAS methodological guidelines. The assessment of the state of implementation was based on the status of implementation as reported by the EDPS through the IssueTrack module of

the IAS follow-up tool, on-the-spot review of files and documents by the audit team, documents and tools as provided during the fieldwork and the preparation phase, and on-the-spot interviews with staff responsible for implementing the corresponding action plans.

The results of the follow-up are summarised below:

On 31 January 2017, five important recommendations were still open as indicated below.

- Recommendation N°12: "Ensure completion of the Information Security Policy and Records Management Policy" Overdue by more than six months 31/03/2017
- Recommendation N°11: "Improve the Business Continuity Management Framework (including Business Impact Analysis, Disaster Recovery Plan, and a strategy for BCP testing)" Overdue by less than 6 months 30/09/2017
- Recommendation N°7: "Financial Workflow and procedure for managing delegations for financial actors and monitoring of ABAC access rights" Overdue by less than 6 months 31/03/2017
- Recommendation N°10: "Complete the adoption, implementation, and documentation of the EDPS processes and procedures" Overdue by less than 6 months 31/03/2017
- Recommendation N°8: "Introduce a policy on sensitive functions" Not overdue n-a

Of these five recommendations, the following important recommendation which was still open and overdue by more than six months, is now, at the time of writing, about to be closed.

- Recommendation No.12: **Ensure completion of the Information Security Policy and Records Management Policy** Delayed by over six months – Implementation of the Action Plan originally due by 31/03/2016 – 10 months delay from the original expected implementation date as at the cut-off date of 31/01/2017 Revised target date: 31/03/2017 – 12 months of expected delay

The action plan for this recommendation was sub-divided into two actions:

- A1. Adoption and implementation of Information Security Policy
- A2. Adoption and implementation of Records Management Policy

Action 2 of this recommendation has been implemented. The EDPS Records Management Policy was adopted in December 2016.

The absence of an Information Security Policy increases the risk of information being insufficiently protected, which could lead to leakage of information which may harm the reputation of the institution. The Information Security Policy was adopted on 19 June 2017.

4.8.3. Follow-up to the European Parliament's discharge resolution of 2015

1. Notes that while the Supervisor has only one senior management post, its middle management posts present a gender imbalance of 40 %/60 %; calls on the Supervisor to pursue its efforts to ensure that its recruitment and promotions policy is as gender balanced as possible; (point 6 of the discharge)

The EDPS has adopted an Equal opportunities strategy on 19/12/2016 that has focused on its point 3.1 on maintaining a balanced workforce. On the one hand, the EDPS acknowledges that the vertical distribution of men and women across grades and management and non-management positions is important and any de facto barriers to a representative vertical distribution must be addressed. The EDPS encourages female officials with management potential to apply for higher positions. It has already a tailor-made L&D programme for heads of activity with training and coaching sessions. On the other hand, the HR forward planning allows also to analyse and monitor the evolution of the numbers of male and female staff, their grades and career progression. A new decision on teleworking is also being discussed in order to reinforce and improve work/life balance. Gender is mainstreamed into the selection procedure and gender balance is encouraged in conference panels. Finally, training sessions (for managers, and one for all staff) on unconscious bias are being organised to raise awareness among all EDPS staff members.

2. Notes that the Supervisor adopted a code of conduct for its supervisors on 16 December 2015; stresses, however, that the code is more of a policy statement and provides no rules against conflicts of interests; regrets that the CVs and declarations of interests of the Supervisor's members and staff are not available for public consultation; calls on the Supervisor to draft and submit to the discharge authority a track record of cases of conflicts of interests identified; (point 10 of the discharge)

We respectfully disagree with the appreciation that the code of conduct is more of a policy statement. It lays down clear rules that are binding on the Supervisors. The issue of potential conflicts of interests is dealt in point 4 and Annex 1 of the Code of conduct for the Supervisors. Declarations of interests and CVs of the Supervisors are published on the website. We do not consider necessary or appropriate to publish the CVs of our staff members, in particular as we are the EU institution in charge of data protection matters.

In addition, in line with the principles of transparency, professionalism and accountability, the EDPS adopted in 2016 an Ethics Framework. The Ethics Framework governs the conduct of the Supervisors, EDPS staff members, National Experts, trainees, external staff and any relations with the general public and external stakeholders. It encompasses administrative decisions and policies already in place such as the Codes of Conduct (for the Supervisors and for the staff members), Whistleblowing and Anti-Harassment Decisions, Decision on Disciplinary procedures and Administrative investigations and any other future policy or decision relevant from the perspective of the guarantee of Ethics. The decision foresees the appointment of an Ethics Officer to ensure the internal control, on ethics awareness raising, providing advice and reporting to the Management Board.

We have not identified potential or actual conflicts of interests for our Supervisors so far.

3. Notes with satisfaction that any attendance by the Supervisor at professional meetings with organisations or self-employed individuals outside the Union institutions (including lobbyists) are published at least on its website; notes that, similarly, all conferences in which the Supervisor participates are published on its website, together with any formal speaking notes; reiterates its call on the Supervisor to provide detailed information on missions undertaken by its members and staff in its annual activity report since the information provided was not sufficiently detailed in terms of transparency and cost-effectiveness guarantees; (point 12 of the discharge)

This is addressed in point 3.4 above with more detailed information.

4. Notes the creation of a small task-force in July 2015 to assess the legal, operational and budgetary means for the creation of the European Data Protection Board which will take over the Article 29 Working Party; welcomes the utilisation rate achieved in 2015 for the appropriations entered in the relevant titles; calls on the Supervisor to include the findings of the task force in its annual activity report; (point 14 of the discharge)

This is addressed in the new point 3.6 above with detailed information.

5. Welcomes the cooperation of the Supervisor with the Union institutions and other Union bodies, mainly in administrative, procurement, financial, accounting and budgetary matters; asks the Supervisor to include detailed information on all service-level agreements and the results obtained from this cooperation in its annual activity report; (point 16 of the discharge)

This is addressed in the new point 3.5 above with detailed information.

6. Welcomes the strategy developed by the Supervisor for 2015 to 2019 and the associated key performance indicators used to monitor and adjust, if needed, the use of its resources; acknowledges that the key performance indicators selected show that the implementation of this strategy is largely on track; calls on the Supervisor to continue to provide the scoreboard in its annual activity report and to clarify the distinction between external and internal indicators; (point 17 of the discharge)

This distinction is already included in this current AAR (see point 4.2.3 pages 19-20) and will be implemented for all following exercises.

7. Notes the Supervisor's plan to comply with the inter-institutional agreement to reduce staff by 5 % over a period of five years; is well aware of the future challenge of preparing the Union institutions and bodies for the application of the General Data Protection Regulation, which is to apply from 25 May 2018; suggests that the Supervisor inform Parliament about any alternative savings achieved to compensate the possible delay in the reduction of staff; (point 20 of the discharge)

As requested by the Budgetary Authority, the EDPS has applied the 5% reduction to its staff, which according to our size equals to two posts. One AST post was abolished in 2015 and a second AST post in 2016.

8. Notes the reference, in the introduction to the Supervisor's 2015 annual activity report, to specific sections on procurement and missions' management; calls for its next annual activity report to include an overview of the same data for the last three or four years; (point 22 of the discharge)

This has been inserted in the current AAR. See point 3.3 pages 9-10.

9. Urges the Supervisor to adhere to the rules covered by Article 16 of the Staff Regulation and to lay down clear binding rules regarding "revolving doors", in accordance with the guidelines published by the Commission; (point 24 of the discharge)

Revolving doors have already been touched upon in the code of conduct for the supervisors in its point 9. The EDPS participated to the first meeting of a CPQS subgroup dedicated to revolving doors. It took place on 7 March 2016. And since then, this issue has not been dealt anymore within the CPSQ. Anyhow, the EDPS will follow any further development.

Up to now EDPS had no cases to declare. The EDPS is a very small institution and its only 'senior official' would be therefore the Director of the EDPS. For the time being, the EDPS does not have a decision that deals with revolving door cases but the EDPS will reflect on the topic, studying the reports made by other Institutions to set up its own decision in order to align our position with the common practises of the EU institutions. This is in full line with the very recent consultation launched by European Ombudsman that we just received.

4.9. Conclusions on the effectiveness of internal control

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

5. Reservations and impact on the statement

5.1. Materiality criteria

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

5.1.1. Objectives of materiality criteria

The materiality threshold gives the AOD a basis on which to establish the significant weaknesses that require a formal ⁸ 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.

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.

⁸ The Commission (COM(2003)28 of 21 January 2003) considers that only 'material' reservations can be used to qualify the annual statement.

The EDPS has decided on 2% of annual appropriations as the materiality threshold in this regard, namely: EUR 185.760,86

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, Christopher Docksey,

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 21 June 2017.

7. Annexes

Annex 1: Summary of annual activity report

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

Alongside this, Article 48 of Regulation (EC) No 45/2001 provides that the EDPS shall submit an annual activity report 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 48 of Regulation (EC) No 45/2001:

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

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

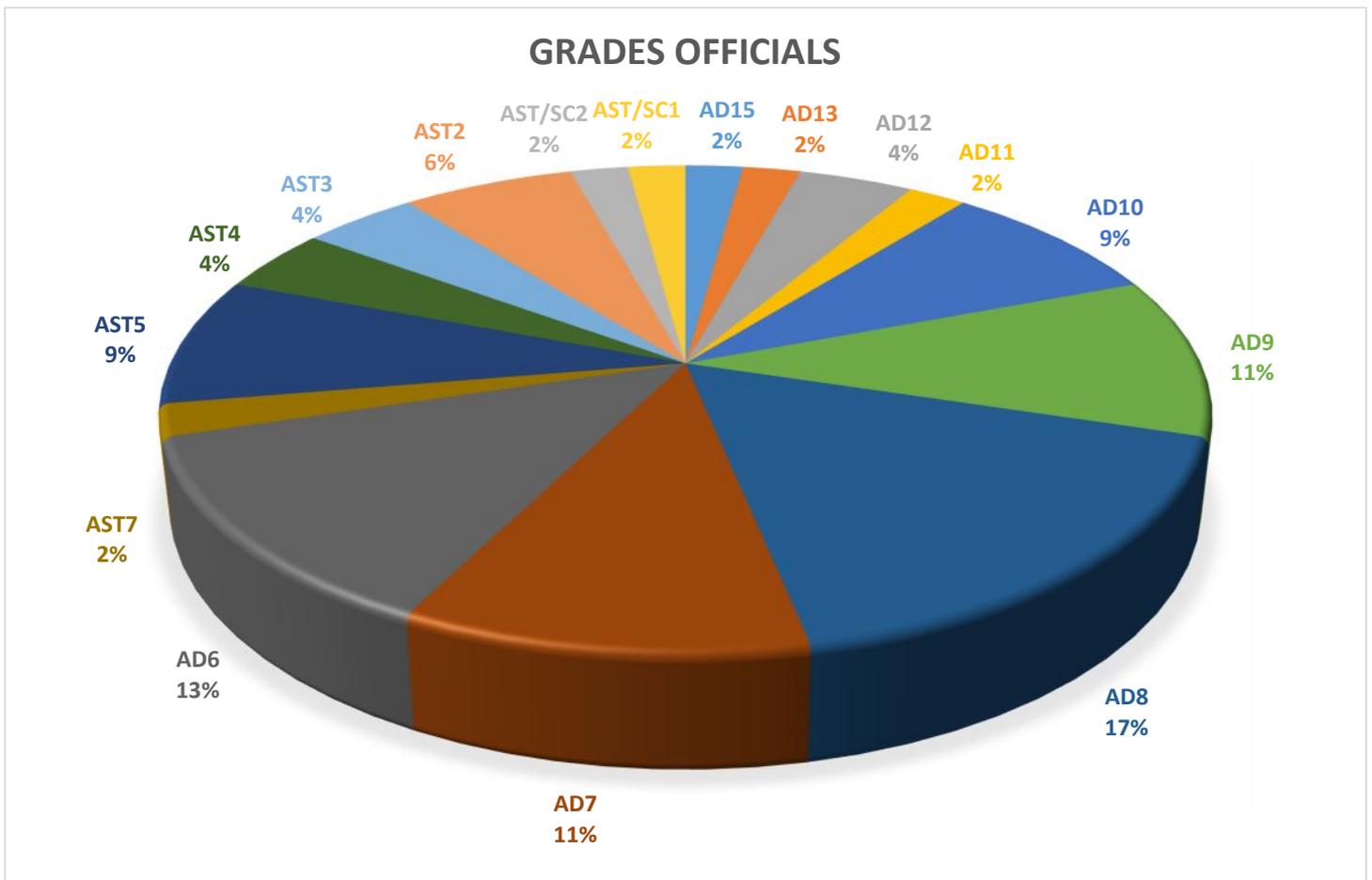
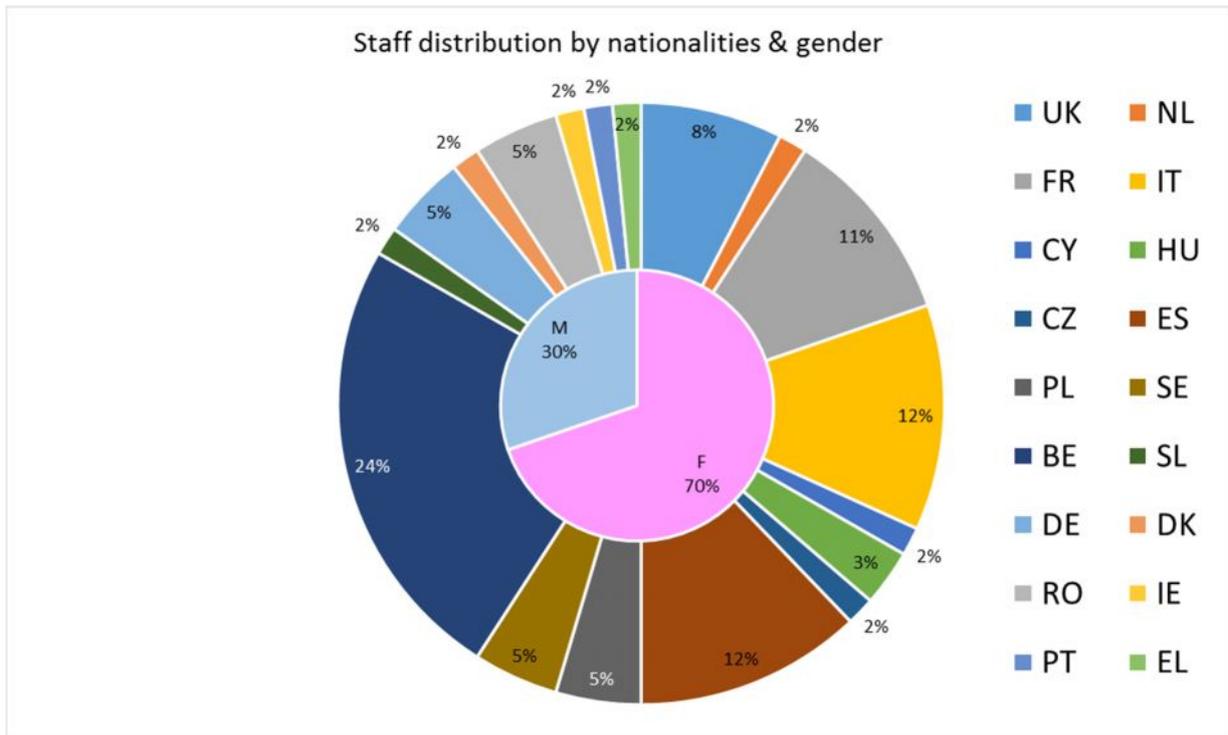
⁹ Financial Regulation, Article 66(9): “*The authorising officer by delegation shall report to his or her institution on the performance of his or her duties in the form of an annual activity report containing financial and management information, including the results of controls, declaring that, except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

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

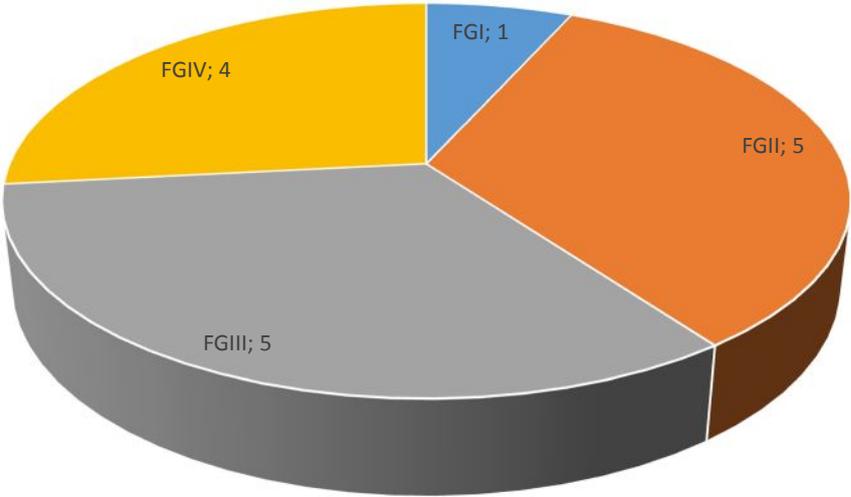
The activity report shall indicate the results of the operations by reference to the objectives set, the risks associated with those operations, the use made of the resources provided and the efficiency and effectiveness of internal control systems, including an overall assessment of the costs and benefits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

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

Annex 2: Human resources at the EDPS



CA Function group



■ FGI ■ FGII ■ FGIII ■ FGIV

Annex 3: Budget 2016

TITLE 1 - EXPENDITURE RELATING TO PERSONS WORKING WITH THE INSTITUTION		2015 (after DAB)	Execution 2015	2016	2016 vs 2015	2016 vs 2015 (%)
Chapter 10	Members of the institution					
Article 100	Remuneration, allowances and other entitlements of Members					
	Item 1000 Remuneration and allowances	627.689,00	100,00%	640.940,00	13.251,00	2,11%
	Item 1001 Entitlements on entering and leaving the service	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 1002 Temporary allowances	251.000,00	95,26%	163.732,00	-87.268,00	-34,77%
	Item 1003 Pensions	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 1004 Provisional appropriation	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	TOTAL Article 100	878.689,00	99,08%	804.672,00	-74.017,00	-8,42%
Article 101	Other expenditure in connection with Members					
	Item 1010 Further training	15.000,00	47,50%	25.000,00	10.000,00	66,67%
	Item 1011 Mission expenses, travel expenses and other ancillary expenditure	59.394,00	84,90%	59.394,00	0,00	0,00%
	TOTAL Article 101	74.394,00	77,36%	84.394,00	10.000,00	13,44%
	TOTAL Chapter 10	953.083,00	97,38%	889.066,00	-64.017,00	-6,72%
Chapter 11	Staff of the institution					
Article 110	Remuneration, allowances and other entitlements of officials and temporary staff					
	Item 1100 Remuneration and allowances	4.105.808,00	97,76%	4.328.815,00	223.007,00	5,43%
	Item 1101 Entitlements on entering, leaving the service and on transfer	50.000,00	0,00%	50.000,00	0,00	0,00%
	Item 1102 Overtime				0,00	#DIV/0!
	Item 1103 Special assistance grants	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 1104 Allowances and miscellaneous contributions in connection with early termination of service				0,00	#DIV/0!
	Item 1105 Provisional appropriation	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	TOTAL Article 110	4.155.808,00	97,51%	4.378.815,00	223.007,00	5,37%
Article 111	Other staff					
	Item 1110 Contract staff	251.756,00	99,99%	272.070,00	20.314,00	8,07%
	Item 1111 Cost of traineeships and staff exchanges	179.428,00	99,84%	179.428,00	0,00	0,00%
	Item 1112 Services and work to be contracted out	51.202,00	#DIV/0!	51.202,00	0,00	0,00%
	TOTAL Article 111	482.386,00	99,98%	502.700,00	20.314,00	4,21%
Article 112	Other expenditure in connection with staff					
	Item 1120 Mission expenses, travel expenses and other ancillary expenditure	157.398,00	95,11%	132.398,00	-25.000,00	-15,88%
	Item 1121 Recruitment costs	6.789,00	27,40%	6.789,00	0,00	0,00%
	Item 1122 Further training	78.500,00	83,64%	78.500,00	0,00	0,00%
	Item 1123 Social service	0,00			0,00	#DIV/0!
	Item 1124 Medical service	14.844,00	49,43%	14.844,00	0,00	0,00%
	Item 1125 Union nursery centre and other day nurseries and after-school centres	80.000,00	84,41%	80.000,00	0,00	0,00%
	Item 1126 Relations between staff and other welfare expenditure	6.000,00	92,49%	6.000,00	0,00	0,00%
	TOTAL Article 112	343.531,00	86,27%	318.531,00	-25.000,00	-7,28%
	TOTAL Chapter 11	4.981.725,00	97,30%	5.200.046,00	218.321,00	4,38%
	TOTAL TITLE 1	5.934.808,00	97,31%	6.089.112,00	154.304,00	2,60%

TITLE 2 - BUILDINGS, EQUIPMENT AND EXPENDITURE IN CONNECTION WITH THE OPERATION OF THE INSTITUTION		2015 (after DAB)	Execution 2015	2016	2016 vs 2015	2016 vs 2015 (%)
Chapter 20	Buildings, equipment and expenditure in connection with the operation of the institution					
Article 200	Rents, charges and buildings expenditure	885.000,00	90,06%	922.000,00	37.000,00	4,18%
	TOTAL Article 200	885.000,00	90,06%	922.000,00	37.000,00	4,18%
Article 201	Expenditure in connection with the operation and activities of the institution					
	Item 2010 Equipment	367.500,00	93,20%	367.500,00	0,00	0,00%
	Item 2011 Supplies	15.000,00	77,99%	15.000,00	0,00	0,00%
	Item 2012 Other operating expenditure	110.250,00	97,63%	110.250,00	0,00	0,00%
	Item 2013 Translation and interpretation costs	707.686,00	99,47%	775.000,00	67.314,00	9,51%
	Item 2014 Expenditure on publishing and information	112.000,00	59,30%	112.000,00	0,00	0,00%
	Item 2015 Expenditure in connection with the activities of the institution	117.000,00	48,86%	144.000,00	27.000,00	23,08%
	Item 2016 Other activities related to external stakeholders	0,00	0,00%	0,00	0,00	#DIV/0!
	TOTAL Article 201	1.429.436,00	87,11%	1.523.750,00	94.314,00	6,60%
	TOTAL CHAPTER 20	2.314.436,00	88,24%	2.445.750,00	131.314,00	5,67%
	TOTAL TITLE 2	2.314.436,00	88,24%	2.445.750,00	131.314,00	5,67%

TITLE 3 - EUROPEAN DATA PROTECTION BOARD (EDPB)		2015 (after DAB)	Execution 2015	2016	2016 vs 2015	2016 vs 2015 (%)
Chapter 30	Expenditure in connection with the operation of the Board					
Article 301	Remuneration, allowances and other entitlements of officials and temporary staff					
	Item 3010 Remuneration and allowances	99.493,00	64,59%	358.000,00	258.507,00	259,82%
	Item 3011 Entitlements on entering, leaving the service and on transfer	25.000,00	0,00%	25.000,00	0,00	0,00%
	Item 3012 Allowances and miscellaneous contributions in connection with early termination of service	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	TOTAL Article 301	124.493,00	51,62%	383.000,00	258.507,00	207,65%
Article 302	Other staff					
	Item 3020 Contract staff	45.579,00	98,09%	76.800,00	31.221,00	68,50%
	Item 3021 Cost of traineeships and staff exchanges	0,00	#DIV/0!	140.000,00	140.000,00	#DIV/0!
	Item 3022 Services and work to be contracted out	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	TOTAL Article 302	45.579,00	98,09%	216.800,00	171.221,00	375,66%
Article 303	Other expenditure in connection with staff of the Board					
	Item 3030 Mission expenses, travel expenses and other ancillary expenditure	15.000,00	0,00%	15.000,00	0,00	0,00%
	Item 3031 Recruitment costs	4.500,00	0,00%	10.500,00	6.000,00	133,33%
	Item 3032 Further training	4.710,00	0,00%	10.990,00	6.280,00	133,33%
	Item 3033 Medical service	891,00	0,00%	891,00	0,00	0,00%
	Item 3034 Union nursery centre and other day nurseries and after-school centres	16.000,00	0,00%	16.000,00	0,00	0,00%
	TOTAL Article 303	41.101,00	0,00%	53.381,00	12.280,00	29,88%
Article 304	Expenditure in connection with the operation and activities of the Board					
	Item 3040 Meetings of the Board	0,00	0,00%	0,00	0,00	#DIV/0!
	Item 3041 Translation and interpretation costs	0,00	0,00%	0,00	0,00	#DIV/0!
	Item 3042 Expenditure on publishing and information	0,00	0,00%	0,00	0,00	#DIV/0!
	Item 3043 Information technology equipment and services	300.000,00	99,64%	100.000,00	-200.000,00	-66,67%
	Item 3044 Travel expenses of external experts	0,00	0,00%	0,00	0,00	#DIV/0!
	Item 3045 External consultancy and studies	0,00	0,00%	0,00	0,00	#DIV/0!
	Item 3046 Other expenditure in connection with the activities of the EDPB	0,00	0,00%	0,00	0,00	#DIV/0!
	TOTAL Article 304	300.000,00	99,64%	100.000,00	-200.000,00	-66,67%
	TOTAL CHAPTER 30	511.173,00	79,79%	753.181,00	242.008,00	47,34%
	TOTAL TITLE 3	511.173,00	79,79%	753.181,00	242.008,00	47,34%
	TOTAL BUDGET	8.760.417,00	93,89%	9.288.043,00	527.626,00	6,02%

Annex 4: 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 5: EDPS strategic objectives and its Action Plan

DATA PROTECTION GOES DIGITAL

ACTION 1 - Promoting technologies to enhance privacy and data protection

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

ACTION 2 - Identifying cross-disciplinary policy solutions

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

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

- Develop a model for information-handling policies, particularly for online services provided by EU bodies, which explains in simple terms how business processes could affect individuals' rights to privacy and protection of personal data, including the risks for individuals to be re-identified from anonymised, pseudonymous or aggregated data;

- Encourage the development of innovative technical solutions for providing information and control to users, reducing information asymmetry and increasing users' autonomy.

FORGING GLOBAL PARTNERSHIPS

ACTION 4 - Developing an ethical dimension to data protection

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

ACTION 5 - Mainstreaming data protection into international agreements

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

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

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

OPENING A NEW CHAPTER FOR EU DATA PROTECTION

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

- Urge the European Parliament, the Council and the Commission to resolve outstanding differences as soon as possible on the data protection reform package;
- Seek workable solutions that avoid red tape, remain flexible for technological innovation and cross-border data flows and enable individuals to enforce their rights more effectively on and offline;

- Focus during the post-adoption period on encouraging correct, consistent and timely implementation, with supervisory authorities as the main drivers;
- In the event that the EDPS provides the Secretariat for the new European Data Protection Board (EDPB), allow this body to be ready on ‘day one’ in close cooperation with national colleagues, in particular by ensuring proper transitional arrangements are in place to enable a seamless handover from the Article 29 Working Party;
- Work in partnership with authorities through the EDPB to develop training and guidance for those individuals or organisations that collect, use, share and store personal information in order to comply with the Regulation by the beginning of 2018;
- Engage closely in the development of subsequent implementing or sector-specific legislation;
- Develop a web-based repository of information on data protection as a resource for our stakeholders.

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

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

ACTION 9 - Facilitating responsible and informed policymaking

- Develop a comprehensive policy toolkit for EU bodies, consisting of written guidance, workshops and training events, supported by a network;
- Identify each year the EU policy issues with the most impact on privacy and data protection, and provide appropriate legal analysis and guidance, whether in the form of published opinions or informal advice;
- Increase our in-house knowledge of specific sectors so that our advice is well-informed and relevant;

- Establish efficient working methods with the Parliament, Council and Commission and actively seek feedback on the value of our advice;
- Develop our dialogue with the Court of Justice of the EU on fundamental rights and assist the Court in all relevant cases, whether as a party or an expert.

ACTION 10 - Promoting a mature conversation on security and privacy

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

Annex 6: Risk Register

The EDPS has implemented a risk management exercise in 2016 with a risk analysis performed by all units and sectors of the Institution. Workshops took place in order to establish the possible risks and the related mitigating measures. The results of this exercise are summarised in the table below:

Risk title & description (cause and effect)	Policy area & Activity / objective affected	Gross risk score			Controls	Person responsible & supervisor	Net (residual) risk score			Risk response	Monitoring		Control effectiveness Good = 1 Ok but so/so = 2 Pretty dreadful = 3	Further action		
		Likelihood	Impact	Overall score (L x I)			Likelihood	Impact	Overall score (L x I)		Frequency	Monitor		Action	Owner	Deadline
Inconsistent revision of Reg. 45/2001	Priority 7: Adopting and implementing up-to-date DP° rules	4	5	20	<p>Dialogue with DPOs</p> <p>Dialogue with relevant institutions</p> <p>Proactive contacts with the Commission's departments as well as upper level</p> <p>Support to co-legislators for sound decisions</p>	All and Policy team	2	5	10	Reduce				<p>EDPS opinion to the Commission proposal Formal opinion</p> <p>Proactive contacts with the Commission, the Parliament and the Council</p> <p>Note on the advisory role of the EDPS</p>	SL	

Accountability project for EU institutions and bodies	<u>Priority 7:</u> Adopting and implementing up-to-date DP° rules	4	4	16	Supervision powers of the EDPS Complaint management Notifications and prior checks Dialogue with DPOs	All + DPO	3	3	9	Reduce				Program of accountability visits Guidance and training courses to data controllers & DPOs Internal data protection accountability project with the HRBA team Joint workshop S&E and HRBA in May 2017	All + DPO	
Transition to new regime on Supervision	<u>Priority 7:</u> Adopting and implementing up-to-date DP° rules	4	5	20	Setting up and management of the project “transition to the new regulation”	All	3	4	12	Reduce				Implement the tasks identified in the transition project	All	
Delayed / inadequate preparation of International Conference	<u>Priority 6:</u> Speaking with a single EU voice in the international arena	3	5	15	Resources allocation and clear distribution of tasks and responsibilities as an important part of the HRFP 2017	CD	2	5	10	Reduce				Ongoing exchange of views with the Executive Committee of the ICDPPC,	All	
Delayed / inadequate preparation for secretariat of EDPB	<u>Priority 7:</u> Adopting and implementing up-to-date DP° rules Action point affected: Ensure good management of human resources	4	5	15	HR forward planning Annual management plan actions Budget implementation reports	SP LP MSL	3	5	15	Reduce				Publication of EDPB Factsheet 5 (IT) and 6 (Communication) in the first months of 2016. Continue work on MoU EDPS and EDPB and internal rules of procedure of the EDPB	AK-OR ACL/R R	All Year 03/2017

	<p>Action point affected: Ensure sound financial management</p> <p>Action point affected: Ensure good administration</p>				Participation in MB meetings	LCN								<p>Clear distribution of tasks and responsibilities as an important part of the HRFP 2017</p> <p>Preparation of draft budget EDPS 2018</p> <p>New SLAs if necessary</p> <p>Continue work with DG INLO (EP) for the offices for colleagues assisting with the setting up of the EDPB</p> <p>Appointment of a coordinator and later of a HoU, where necessary.</p> <p>Briefing WP 29 & FoP on EDPS preparation</p> <p>Agreement of FoP on shared resources</p>	<p>CD</p> <p>MSL</p> <p>LB</p> <p>CP</p> <p>MB</p> <p>All</p> <p>SL/AC L</p>	
Delayed / inadequate preparation of new tasks linked to Europol	<u>Priority 10:</u> Promoting a mature conversation on security and privacy	3	4	8	Internal task force & project for transition to Europol	Supervision team	2	4	8					<p>Closed management of this project with all relevant people and teams</p>		

Delayed / inadequate preparation of Ethics Advisory Group	Priority 4: Developing an ethical dimension to DP°	4	4	16	Secretary of the Group Milestones of the project More resources devoted to the project	DH DH + CG + DI	2	3	6	Reduce				Interim report Workshop 2017	DH	May
														State of play during next CPDP	DH	February
Missing legal deadlines (including Europol supervision)	Supervision Action point affected: Perform supervisory activities with excellence	5	5	25	Raise awareness with case officers Report on true prior checks every two weeks (SA) Controls HoAs/HoU Use of monitoring tool for complaints	Supervision team	2	5	10	Reduce				Revision of case manuals in the light of Europol Supervision Develop a monitoring tool for Europol	IC UK BR	2017
Inconsistent position of the EDPS	Supervision Action point affected: Perform supervisory activities with excellence	5	4	20	HoA/HoU to ensure consistency Cross reading between colleagues Internal communication to be continued (weekly meetings) DM Weekly team meetings	All + supervision team	2	4	8	Reduce				Sharing of annotated version of Regulation	MVPA	
Ineffective personal data protection notwithstanding high level of formal compliance	All EDPS + DPO Objective affected: Ensure compliance of the institution with the Reg. 45/2001	3	5	15	EDPS accountability program / privacy policy Follow up of the review plan for notifications ex. Art 25 Improve dialogue with staff delegated by the controller to perform operations	all EDPS + DPO	2	5	10	Reduce				HRBA action plan on the accountability project for 2017 Workshop between the S&E team and the HRBA team to be organised in 2017 Follow up of the EDPS accountability	AFR LB DPO	

					Further training of EDPS colleagues in the DPO certification programme									exercise 2016 (including proposed action plan) = input of Massimo		
Reputational risk	<i>All EDPS activities</i>	4	5	20	Accountability of staff on their daily work (handling contracts, respect deadlines, follow-up, etc.) Processes and procedures in place (ICS 8) Internal Control System in place (AAR, ICC) Ethics Framework of the EDPS	All SP SP SP	2	5	10					Reducing that monitoring tools are effectively used Ensure good communication (clear messages to be given) New function of the Ethics officer of the EDPS	All All SP	All year
Emotional capital and change management in the EDPS	<i>All EDPS activities</i>	4	4	16	Work with the external consultant on organisational development at the EDPS	GR / LCN	3	3	9					Reducing the preparation of the Away Day 2017 Implementation of the action plan further to the Away Day of May 2016	KR All and HRBA	06/17 On going