



What to expect when we inspect

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Date**



Inspection Framework

- Arts. 15(3) and 36 RoP (public);
- Inspection Policy (public);
- Inspection Guidelines (public);
see www.edps.europa.eu
- Inspection Manual (internal);
- AIP: risk assessment (internal) + legal obligations (public / large IT systems).

Risk assessment exercise

Group 1:
Institutions with an
increase in admissible
complaints



Group 2:
Institutions transferring
data to recipients which
are not subject to national
rules implementing
Directive 95/46/EC



**Risks:
Non-compliance
& non-coverage**

Group 3:
Identified based on
PCs/consultations/DPIA,
in particular if sensitive
data are processed as
core business



Group 4:
“Wild card”
All others, possibly
grouped by size in terms
of staff count





Workflow institution / DPO





Timeline - overview

- Initial contact with DPO: ca. 2 months before (envisaged dates OK – or national holiday, annual stakeholder event etc.);
- Announcement letter: at least 1 month before (we tell you what we will do and whom we want to meet – and ask DPO to coordinate);
- Inspection: DPO free to participate (makes sense for follow-up – but DPO is independent...);
- Follow-up: recommendations / road map...

DPO is in copy of all correspondence!



“No, Thursday’s out.
How about never – is never good for you?”



Announcement letter

- Purpose (objectives) + scope of the inspection;
- Date of the inspection (+ deadline of **four days** to duly justify request for a revision of the **date**);
- Formal decision + mandates for team members;
- Working language (EN by default);
- Request to spread inspection privacy statement;
- Request for **additional info** + deadline for **updates: seven days**;
- Working arrangements: office space, a PC + printer and access to your intranet and internet.



Example: objectives

“The inspection exercise will be carried out by taking into consideration the following overall objectives:

- Obtaining more information on actual practices and procedures, in particular in those areas previously triggering complaints;*
- Learning about any problems (e.g. why the number of complaints is significant compared to other EU bodies) ...;*
- Help the follow-up of open cases (e.g. ...);*
- Checking the reality of implementation of certain recommendations on selected and closed cases (e.g. ...);*
- Boosting compliance with the Regulation 45/2001, particularly for aspects relating to general data protection principles and covered by the X Opinions issued so far.”*

Privacy policy



“Privacy policy

The information to be given to data subjects is attached to the announcement letter. The inspected institution is requested to circulate it to all concerned staff members.”



Workflow institution / DPO



- Informal contact
- date of inspection;
- AL (deadlines!) / privacy statement;
- Planning (Who? When? Where?);
- Working arrangements (office, PC, intranet...)

On-the-spot operations

Date	timeslot	Please insert	
		<ul style="list-style-type: none"> ○ topic; ○ name(s) of staff member(s) / interviewee(s); ○ venue of demonstration on-the-spot (where applicable) 	
26/05 Monday	9:30-9:45	Kick-off meeting with DPO; room 1054	
26/05	10:00 – 11:00	Kick-off meeting with top management, Room 2211+2212	
Coffee break	11:00-11:20		
26/05	11:20-12:20	Names interlocutors	<p>interview with the staff member responsible</p> <p>Clarification regarding the link between processing of personal data and EUROSUR</p>
Lunch break	12:20-14:00		
26/05	14:00-14:45	Names interlocutors	<p>meeting the staff member responsible on behalf of the controller for the implementation of the security aspects stipulated in Section 12 of the "Policy on processing of health data in Frontex"</p>
26/05	14:45-15:05	Names interlocutors	<p>demonstration of the availability of the privacy statement on processing of health data in Frontex as well as the "Policy on processing of health data in Frontex" on the Frontex intranet (20 min);</p>
Coffee break	15:05-15:25		
26/05	15:25-17:25	Names interlocutors	<p>separate meetings with each of the staff members responsible on behalf of the controller for the implementation of each item on the road map that has so far not been fully implemented (30 min each);</p>

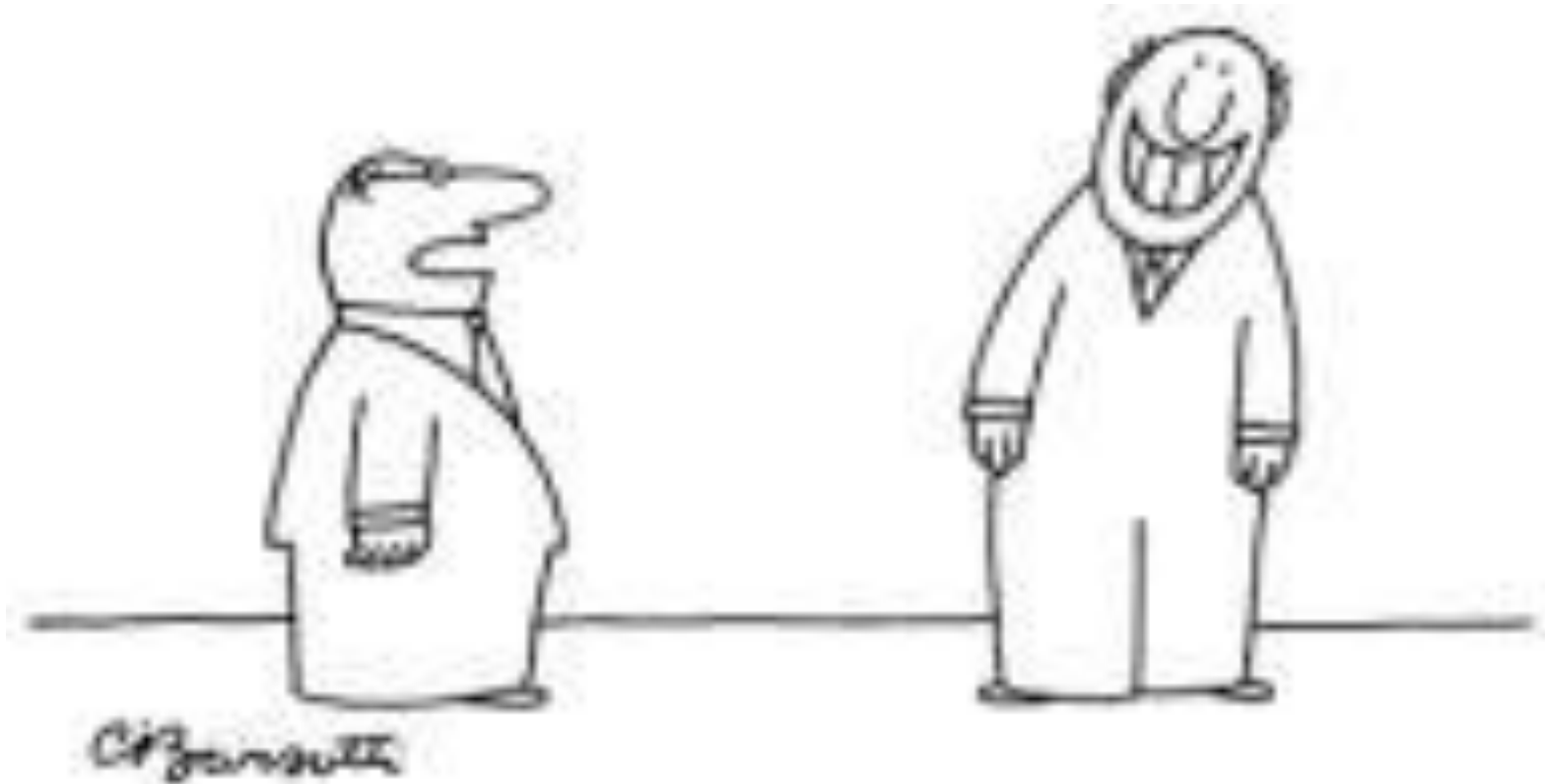


Workflow institution / DPO



- Kick-off meeting DPO
- Kick-off meeting Mgt
- Meetings staff members
- Physical verification on-the-spot
- Collection of evidence
- ... (e.g. training)

On-the-spot operations



“Very good. Now go out there and convince others.”



Post-Inspection planning (Annex 3 EDPS Case Manual) DoI = Date of inspection



Process	Actors	Deliverable	Timescale
Debriefing HoU + Hol	TL + team members		DoI +2 working days (WD)
Minutes	TL TL Hol TL Institution TL TL	draft minutes consult Hol approval send to Institution for comments comments / feedback finalize / consult Hol where appropriate send final Minutes to Institution	DoI +1WD DoI + 10WD DoI + 15WD DoI + 15 WD DoI + 15 WD + 1 week undefined, but < 5 days DoI + 1 month
Legal Analysis & Report	TL TL Hol TL HoU TL Director TL Supervisor TL	draft send to Hol for observations observations send to HoU for approval approval send to Director approval send to Supervisor approval send to Institution	DoI + 1 month DoI + 1 month + 5WD DoI + 1 month + 7WD DoI + 1 month + 2 weeks DoI + 1 month + 2w +2WD DoI + 1 month + 3w -2WD DoI + 1 month + 3 weeks DoI + 2 months DoI + 2 months
Publicity	TL TL Hol TL	draft summary of the inspection send to Hol for comments comments send to I&C	DoI + 2 months DoI + 2 months + 3WD DoI + 2 months + 4WD DoI + 2 months + 1 week
Deadlines for follow-up	TL	insert in outlook for monitoring	DoI + 2 months + 1 week



Minutes

Within 15 working days:
first draft;

1 week for comments by
institution;

Finalized minutes: 1
month after DoI.

That's the theory!

¹⁵ In practice: Easter, Xmas, summer holidays...



In no case can comments received affect the factual description of any findings spotted during the inspection. In addition, any information/explanations/justifications provided at this stage but not mentioned during the inspection cannot be considered as part of the minutes and will be assessed in the framework of the follow-up. The inspected institution should be informed accordingly.



Post-Inspection planning (Annex 3 EDPS Case Manual) DoI = Date of inspection



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Debriefing HoU + Hol	TL + team members		DoI +2 working days (WD)
Minutes	TL	draft minutes	DoI +1WD
	TL	consult Hol	DoI + 10WD
	Hol	approval	DoI + 15WD
	TL	send to Institution for comments	DoI + 15 WD
	Institution	comments / feedback	DoI + 15 WD + 1 week
	TL	finalize / consult Hol where appropriate	undefined, but < 5 days
	TL	send final Minutes to Institution	DoI + 1 month
Legal Analysis & Report	TL	draft	DoI + 1 month
	TL	send to Hol for observations	DoI + 1 month + 5WD
	Hol	observations	DoI + 1 month + 7WD
	TL	send to HoU for approval	DoI + 1 month + 2 weeks
	HoU	approval	DoI + 1 month + 2w +2WD
	TL	send to Director	DoI + 1 month + 2w +2WD
	Director	approval	DoI + 1 month + 3w -2WD
	TL	send to Supervisor	DoI + 1 month + 3 weeks
	Supervisor	approval	DoI + 2 months
	TL	send to Institution	DoI + 2 months
Publicity	TL	draft summary of the inspection	DoI + 2 months
	TL	send to Hol for comments	DoI + 2 months + 3WD
	Hol	comments	DoI + 2 months + 4WD
	TL	send to I&C	DoI + 2 months + 1 week
Deadlines for follow-up	TL	insert in outlook for monitoring	DoI + 2 months + 1 week



Report

Finalized minutes
(1 month after DoI)



Report
(2 months after DoI)

That's the theory!

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Follow-up: recommendations + road map

Recommendations	
Taking into account the findings reported above, the EDPS recommends that institution X implements the following measures:	
Recommendation number:	Deadline for implementation:
1. ...	Within X weeks of receipt of this Report
2. ...	Within X months of receipt of this Report
3. ...	Within X months of receipt of this Report
...	...
...	...
...	...
...	...



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	TL	send to Hol for observations	DoI + 1 month + 5WD
	Hol	observations	DoI + 1 month + 7WD
	TL	send to HoU for approval	DoI + 1 month + 2 weeks
	HoU	approval	DoI + 1 month + 2w +2WD
	TL	send to Director	DoI + 1 month + 2w +2WD
	Director	approval	DoI + 1 month + 3w -2WD
	TL	send to Supervisor	DoI + 1 month + 3 weeks
Supervisor	approval	DoI + 2 months	
TL	send to Institution	DoI + 2 months	
Publicity	TL	draft summary of the inspection	DoI + 2 months
	TL	send to Hol for comments	DoI + 2 months + 3WD
	Hol	comments	DoI + 2 months + 4WD
	TL	send to I&C	DoI + 2 months + 1 week
Deadlines for follow-up	TL	insert in outlook for monitoring	DoI + 2 months + 1 week



Workflow institution / DPO



- Comments on draft minutes
- Report
- Possibly: Press release
- Follow-up / road map

Workflow institution / DPO

Pre-inspection

- Informal contact date of inspection;
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- Planning (Who? When? Where?);
- Working arrangements...

On-the-spot operations

- Kick-off meeting DPO
- Kick-off meeting Mgt
- Meetings staff members
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- Collection of evidence
- ... (e.g. training)

Post-inspection

- Comments on draft minutes
- Report
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- Follow-up / road map

Thank you for your attention!

For more information:

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@EU_EDPS