

REPORT ON BUDGETARY AND FINANCIAL MANAGEMENT FOR THE 2012 FINANCIAL YEAR¹

SECTION IX- EUROPEAN DATA PROTECTION SUPERVISOR

MISSION

The mission of the European Data Protection Supervisor is to ensure that the fundamental rights and freedoms of individuals, particular their privacy, are respected in connection with the processing of personal data by the institutions and bodies of the Community.

The European Data Protection Supervisor is responsible:

- for overseeing and ensuring the application of the provisions of Regulation (EC) No 45/2001 and other Community instruments on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies by conducting prior checks, by informing data subjects, by hearing and examining complaints, by adopting opinions on administrative measures relating to data protection that are adopted by the European institutions and bodies, by conducting other enquiries and by taking any necessary measures (supervision);
- for advising the Community institutions and bodies on all matters concerning the processing of personal data, including cases in which he is consulted on proposals for legislative provisions regarding the protection of individuals' fundamental rights and freedoms in connection with the processing of personal data, and to follow developments relating to any new technology that is liable to have implications for the protection of personal data (consultation);
- for cooperating with the national supervisory authorities with a view to encouraging consistent application of the rules governing data protection (cooperation).

CONSOLIDATION OF THE INSTITUTION

The EDPS had access to limited additional budgetary resources, which were increased from EUR 7 564 137 in 2011 to EUR 7 624 090 in 2012, and to additional human resources, which were increased from 41 to 43 persons.

Consolidation of administrative cooperation

In 2012, interinstitutional cooperation continued in the areas in which the EDPS is assisted by the other institutions under the Administrative Cooperation Agreement concluded with the Secretaries-General of the Commission, Parliament and the Council on 24 June 2004 and extended for a third time for a period of two years from January 2012. This period was to be used to examine, for each domain in turn, the services that could still be provided in the long term by the departments of the Commission and of the European Parliament. These services were to take the form of administrative service-level agreements (SLAs).

The service-level agreement with the Internal Audit Service (IAS) of the Commission was signed on 1 June 2012.

It should be stressed that such cooperation is a vital asset for the EDPS, providing access to the expertise of other institutions and avoiding the duplication of administrative tasks and infrastructure as well as pointless expenditure, thereby creating economies of scale.

¹ In accordance with Articles 122 and 128 of the Financial Regulation of 25 June 2002.

Interinstitutional cooperation continued with various Directorates-General of the Commission, mainly DG Budget, DG Education and Culture and DG Human Resources, with the Internal Audit Service, with the Office for Official Publications of the European Communities and the European School of Administration and with the various departments of the European Parliament in areas such as accommodation, including fitting out occupied areas and building security, information technology including website maintenance, inventory management, printing, mail, telephones and information technology.

Staff

The entry into force of the Treaty of Lisbon confirmed the growing importance of the protection of personal data. The binding force of the Charter of Fundamental Rights and the framing of the new Stockholm Programme in particular have had a direct impact in terms of generating new data-protection tasks.

In this context, notwithstanding the restructuring and redeployment exercise that has already taken place, the EDPS requested the creation of two AD-grade posts in 2012 in order to ensure that the new tasks could be phased in. The two new posts were agreed by the budgetary authority. The establishment thus increased from 41 in 2010 to 43 in 2012.

Ten trainees were hosted by the EDPS in 2012, one national expert was seconded by national data-protection authorities, and one contract agent was recruited to reinforce the policy and consultation unit.

BUDGET

The budget adopted by the budgetary authority for 2012 amounted to EUR 7 624 090, which represented only a 0.79% increase on the 2011 budget. Indeed the EDPS has adhered to the policy of strict austerity recommended by the Commission and the additional funds that were necessary to attend the salaries and associated expenses resulting from the new staff were covered by means of internal redeployments. As a result the EDPS budget has shrunk rather than received the necessary funds to cope with the increase in workload.

With regard to the budgetary procedure, taking into account the size of his departments, 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.

The Administrative Cooperation Agreement also provides for the departments of DG Budget to render technical assistance to the EDPS in drawing up and implementing his budget and for the Central Financial Service to assist by providing information. The Commission's assistance has been continued, particularly with regard to financial reporting, the Commission's Accounting Officer having been designated to act simultaneously as Accounting Officer to the EDPS.

REVENUE

The revenue budget for the 2012 financial year amounted to EUR 922 000. This sum is derived from chapters 40 - Deductions from remuneration (EUR 512 000) and 41 - Contribution to the pension scheme (EUR 410 000).

EXPENDITURE

The budgetary appropriations for the European Data Protection Supervisor for the 2012 financial year amounted to EUR 7 624 090.

The volume of commitments for 2012 was EUR 7 258 545.11, corresponding to 95.21% of the available appropriations.

The implementation rate increased by six percentage points compared with the 2011 rate. The main reason was better utilisation of the appropriations for staff remuneration.

Total appropriations for payments (in C1 and C8) amounted to EUR 8 562 926.73, and the payments made for the 2012 financial year amounted, as of 31 December 2012, to EUR 6 959 572.09, which is 81.28% of the appropriations for payments.

USE OF APPROPRIATIONS BY ARTICLE

TITLE I

EXPENDITURE RELATING TO PERSONS WORKING WITH THE INSTITUTION

Title I of the EDPS budget comprises five articles. It is designed to cover expenditure relating directly to the members and staff of the institution.

The amounts entered in Title I of the European Data Protection Supervisor's budget came to a total of EUR 5 361 382.

The utilisation rate for the appropriations entered in Title I was 93.18%, the disbursed amount totalling EUR 4 995 837.11.

The breakdown of the appropriations was as follows:

1. Article 100 Remuneration, allowances and other entitlements of members

The appropriations amounted to EUR 688 642. A total of EUR 616 682.34 was disbursed, making the utilisation rate 89.55%.

2. Article 101 Other expenditure in connection with members

This article is intended to cover other expenditure connected with the Supervisor and the Assistant Supervisor, particularly mission expenses and expenditure on further training.

The appropriations amounted to EUR 64 126 and the utilisation rate was 100%.

3. Article 110 Remuneration, allowances and other entitlements of officials and temporary staff

The appropriations amounted to EUR 3 879 802. A total of EUR 3 603 049.58 was disbursed, making the utilisation rate 92.87%.

4. Article 111 Other staff

This article covers expenditure arising from recourse to seconded national experts, trainees, contract staff and interim staff.

The appropriations amounted to EUR 437 816. A total of EUR 421 059.92 was disbursed, making, and the utilisation rate was 96,17%.

5. Article 112 Other expenditure in connection with staff

The budgetary expenditure covered by this article relates primarily to staff missions and to recruitment and training costs.

The appropriations amounted to EUR 290 996. A total of EUR 290 919.27 was disbursed, making the utilisation rate 99.97%.

TITLE II

BUILDINGS, EQUIPMENT AND EXPENDITURE IN CONNECTION WITH THE OPERATION OF THE INSTITUTION

Title II of the EDPS budget comprises two articles. It is intended to cover institutional expenditure such as running costs and office expenses as well as costs arising from the performance of the institution's tasks.

The amounts entered in Title II of the European Data Protection Supervisor's budget came to a total of EUR 2 262 708.

The utilisation rate for the appropriations entered in Title II was 100%.

The breakdown of the appropriations was as follows:

1. Article 200 Rents, charges and other buildings expenditure

The appropriations amounted to EUR 728 067. The utilisation rate was 100%.

2. Article 201 Expenditure in connection with the operation and activities of the institution

The increase in the workload of the EDPS stemmed from the increasingly high profile of the institution. Such is the nature of its tasks that EDPS expenditure increases with the size of its workload. Translations, for example, account for a large percentage of the EDPS budget. In fact, the opinions of the EDPS on legislative proposals are translated into 23 official languages and published in the Official Journal.

Article 201 provides for the coverage of other expenses, particularly the development of the computer software that proved to be necessary for the establishment of a case-management system. Because of the scale and importance of the project, there was a need to redeploy resources within the article. Transfers were made between items to cover the estimated cost of the development project.

The appropriations in Article 201 amounted to EUR 1 534 641, and the utilisation rate was 100%. After adjustment, the breakdown of these appropriations was as follows:

(a) Equipment

The appropriations amounted to EUR 245 497. The utilisation rate was 100%.

(b) Supplies

The appropriations amounted to EUR 19 524. The utilisation rate was 100%.

(c) Other operating expenditure

The appropriations amounted to EUR 98 368. The utilisation rate was 100%.

(d) Translation and interpretation costs

The appropriations amounted to EUR 930 000. The utilisation rate was 100%.

(e) Expenditure on publishing and information

The appropriations amounted to EUR 166 320. The utilisation rate was 100%.

(f) Expenditure in connection with the activities of the institution

The appropriations amounted to EUR 74 932. The utilisation rate was 100%.