



**2017/2144(DEC)**

7.2.2018

# **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Budgetary Control

on discharge in respect of the implementation of the general budget of the  
European Union for the financial year 2016: European Data Protection  
Supervisor  
(2017/2144(DEC))

Rapporteur: Kostas Chrysogonos

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## SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Budgetary Control, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Notes that the Court of Auditor annual report on the implementation of the EU Budget does not contain any remarks about the European Data Protection Supervisor (EDPS); acknowledges however that no EDPS transaction was selected for audit by the Court of Auditors in 2016 as part of a random sample from administrative expenditure as a whole, covering all institutions and bodies and that therefore the legality and regularity of the underlying EDPS transactions was not examined by the Court of Auditors; stresses however, that the Court of Auditors published clean opinions for the EDPS in the last four years; recalls that transparency is vital for the appropriate function of this Union body;
2. Points out that in its Annual Internal Audit report for the 2016 published at the end of March 2017, the internal auditor (IAS) identified 5 important Internal Control Systems recommendations identified in previous years and that had still not been addressed; regrets that some of these recommendations relate to information security and business continuity policies; notes that the absence of an Information Security Policy increases the risk of information being insufficiently protected, which could lead to leakage of information and could harm the reputation of the institution; welcomes the adoption by the EDPS of the Information Security Policy on 19 June 2017 despite the delay of more than 14 months; calls on the EDPS, especially given the nature of its mission and tasks, to lead by example and implement in the future recommendations without undue delay;
3. Notes with satisfaction that all the Key Performance Indicators set in the EDPS Strategy 2015-2019 are met and sometimes exceeded their respective targets in 2016, which shows that the implementation of the Strategy is on track;
4. Highlights the quality of the advice given to Union policy makers in relation to the adoption of the Umbrella agreement and the Privacy Shield; acknowledges the EDPS efforts to prepare itself for ensuring the Secretariat of the new European Data Protection Board (EDPB) as part of the General Data Protection Regulation (GDPR)<sup>1</sup>; notes with interest the launch by EDPS of the Ethics Advisory Group<sup>2</sup>;
5. Highlights that the GDPR and the Directive for data protection in the police and justice sectors<sup>3</sup> will become enforceable in May 2018 and shall be fully respected and

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<sup>1</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>2</sup> European Data Protection Supervisor Decision of 3 December 2015 establishing an external advisory group on the ethical dimensions of data protection ('the Ethics Advisory Group') (OJ C 33/1, 28.1.2016, p. 1).

<sup>3</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

implemented; acknowledges the intention of the EDPS to keep GDPR as point of reference for its work;

6. Welcomes the ongoing work of Internet Privacy Engineering Network which is a group composed of IT experts from all sectors providing a platform for cooperation and information exchange on engineering methods and tools which integrate data protection and privacy requirements into new technologies, an essential issue in the implementation of the GDPR;
7. Welcomes the launch in 2016 of the EDPS Accountability Initiative, designed to equip Union 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;
8. Encourages the growing contribution of the EDPS to solutions driving innovation and ensuring compliance with privacy and data protection rules, especially by increasing transparency, user control and accountability in big data processing; calls for effective actions maximising benefits of new technologies ensuring full respect for all the fundamental rights;
9. Welcomes the aim of the EDPS, as set out in the Strategy for its mandate, to make data protection as simple and effective as possible for all involved;
10. Notes with satisfaction the publication of guidelines on the processing of personal information as part of a whistleblowing procedure, providing 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.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	1.2.2018
<b>Result of final vote</b>	+: 46 -: 6 0: 0
<b>Members present for the final vote</b>	Asim Ademov, Heinz K. Becker, Malin Björk, Michał Boni, Caterina Chinnici, Frank Engel, Cornelia Ernst, Raymond Finch, Lorenzo Fontana, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Brice Hortefeux, Filiz Hyusmenova, Sophia in 't Veld, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra
<b>Substitutes present for the final vote</b>	Kostas Chrysogonos, Carlos Coelho, Gérard Deprez, Maria Grapini, Teresa Jiménez-Becerril Barrio, Marek Jurek, Andrejs Mamikins, Angelika Mlinar, Jaromír Štětina
<b>Substitutes under Rule 200(2) present for the final vote</b>	Georges Bach, Jonathan Bullock, Julia Reda, Francis Zammit Dimech

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<b>46</b>	<b>+</b>
ALDE	Gérard Deprez, Nathalie Griesbeck, Filiz Hysmenova, Sophia in 't Veld, Angelika Mlinar
ECR	Marek Jurek, Branislav Škripek, Helga Stevens
GUE/NGL	Malin Björk, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat
PPE	Asim Ademov, Georges Bach, Heinz K. Becker, Michał Boni, Carlos Coelho, Frank Engel, Kinga Gál, Monika Hohlmeier, Brice Hortefeux, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Roberta Metsola, Csaba Sógor, Jaromír Štětina, Traian Ungureanu, Francis Zammit Dimech, Tomáš Zdechovský
S&D	Caterina Chinnici, Ana Gomes, Maria Grapini, Sylvie Guillaume, Dietmar Köster, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Julia Reda, Judith Sargentini

<b>6</b>	<b>-</b>
EFDD	Jonathan Bullock, Raymond Finch, Kristina Winberg
ENF	Lorenzo Fontana, Auke Zijlstra
NI	Udo Voigt

<b>0</b>	<b>0</b>

Key to symbols:

+ : in favour

- : against

0 : abstention