



EUROPEAN DATA PROTECTION SUPERVISOR (EDPS)

Report on budgetary and financial management for the financial year 2016¹

¹ In accordance with Articles 142 and 128 of the Financial Regulation of 25 June 2002.

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1. MISSION

The European Data Protection Supervisor (EDPS) 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.

- We monitor and ensure the protection of personal data and privacy when EU institutions and bodies process the personal information of individuals.
- We advise 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.
- We monitor new technology that may affect the protection of personal information.
- We intervene before the EU Court of Justice to provide expert advice on interpreting data protection law.
- We cooperate with national supervisory authorities and other supervisory bodies to improve consistency in protecting personal information.
- We provide the independent Secretariat of the new European Data Protection Board.

Privacy and data protection are fundamental rights enshrined in Articles 7 and 8 of the EU Charter of Fundamental Rights, which has the same legal force as the Treaties since the Lisbon Treaty. Article 16 of the Treaty on the Functioning of the European Union (TFEU), also introduced by the Lisbon Treaty, has also reinforced the importance of data protection in the EU acquis.

2. BUDGET

The budget adopted by the budgetary authority for 2016 amounted to EUR 9 288 043, which represented a 6.02% increase compared to the 2015 budget.

In our proposal for 2016, as recommended again by the Commission, we persisted in our policy of austerity. Most budgetary lines, for the third consecutive year, were frozen to 0% and the overall increase as to EDPS current activities was of 1.30%, which equals the nominal freeze at the 2015 level recommended by the European Commission.

After more than three years of an unprecedented high level political debate in the European Parliament and in the Council, the General Data Protection Regulation (GDPR hereafter) was adopted in May 2016. This new legal data protection framework will have a substantial impact upon our small institution and the changes have been and will be reflected in the EDPS' budgets.

As proposed by the Commission in the first GDPR draft, our planning was built on the assumption that the EDPS would be asked to provide a Secretariat to the future European Data Protection Board (EDPB hereafter). For 2016, we only requested a very moderate increase for the resources of a Task Force entrusted to identify the relevant needs in close cooperation with the Article 29 Working Party and the Commission, which is currently entrusted with the provision of the Secretariat, to prepare the transition and the transformation of the Article 29 Working Party into the future EDPB.

Taking also into account another new activities foreseen in the MFF, the total increase of the budget was of 6.02% , very far from the ceiling forecast for 2016 in the MFF 2014-2020, which was 89%, as the massive incorporation of new resources for the EDPB would not take place before 2017 and 2018.

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

Staff

As regards the staff recruitment planning, the strategy chosen by the EDPS was a moderate but sustainable growth that was agreed by the Council and the Parliament in the Financial Perspectives for 2007-2013. This moderate growth came to an end in 2013 with the last two permanent posts that were granted to complete our establishment plan. Therefore, no additional human resources were requested for the following years as far as the EDPS is concerned.

As to the requirement to reduce our establishment plan by 5% over a period of 5 years (two posts in our case), the EDPS applied the withdrawal of one post in 2015 and a second and last post in 2016.

In the framework of the preparatory works to set up the future EDPB, the EDPS requested the creation of a task force that took on duty as from 1 July 2015. In this context, two extra officials, two seconded national experts and two trainees were requested in 2016 in order to reinforce the task force.

3. REVENUE

The revenue budget for the 2016 financial year amounted to EUR 972 000. This sum is derived from Chapter 40 – Deductions from remuneration (Article 400 'Tax on salaries' - EUR 495 000 and Article 404 'Special levy - EUR 83 000) and Chapter 41 – Contribution to the pension scheme (EUR 394 000).

4. EXPENDITURE

The budgetary appropriations for the European Data Protection Supervisor for the 2016 financial year amounted to EUR 9 288 043.

The volume of commitments for 2016 was EUR 8 780 184 corresponding to 94.53% of the available appropriations.

Total appropriations for payments (in C1 and C8) are expected to amount to EUR 8 544 263 which is 92% of the appropriations for payments. The payments made for the 2016 financial year amounted, as of 31 December 2016 (C1 only), to EUR 7 866 832 which is 84.70% of the appropriations for payments.

5. CONSOLIDATION OF THE INTER-INSTITUTIONAL COOPERATION

In 2016, interinstitutional cooperation continued in the areas in which the EDPS is assisted by other EU institutions and bodies.

The Commission's assistance has been continued, particularly with regard to financial, accounting and budgetary matters. DG Budget provides with technical assistance to the EDPS in financial and accounting matters and the Central Financial Service assists by providing information. The Commission's Accounting Officer acts simultaneously as Accounting Officer to the EDPS. The same applies to the Commission's Internal Audit Service.

Inter-institutional cooperation presents many advantages from the perspective of good financial management and budget consolidation. This cooperation is vital for the EDPS, not only because of the small size of our organisation, but also because it increases efficiency and allows for economies of scale; in addition, most of the expenditure remains within the EU administrations, therefore resulting in appreciable savings for the EU budget.

The EDPS relies heavily on administrative cooperation with other institutions. Instruments such as Service Level Agreements (see table below) permit effective quality control and tailor-made mechanisms to maximise the efficiency of the services and to achieve some savings in the administrative budget.

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	SYSLOGtraning	-	Depending on consumption
COMMISSION - DG DIGIT	SYSLOGtraning - 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
ENISA	Security audit for Eurodac database	-	
CDT	Translation services	-	Depending on consumption
OPOCE	Publications and communication	-	Depending on consumption
SLA OIB	Service Cars for the memebers of the Management Board	-	Depending on consumption
SLA IDOC	Managing administrative inquiries and disciplinary procedures	-	Depending on consumption
SLA DGT	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

The EDPS also participates in various inter-institutional calls for tenders (see table below), thus increasing efficiency in many administrative areas and making progress towards greater autonomy.

The list below includes the inter-institutional framework contracts (FWCs) that the EDPS currently 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-UAGBI-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/UAGBI/1	Office Chairs	Office Chairs

6. 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 6 089 112. The utilisation rate for the appropriations entered in Title I was 94.65%, the committed amount totalling EUR 5 763 572.

The breakdown of the appropriations after transfers and amending budgets was as follows:

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

The appropriations amounted to EUR 804 672. A total of EUR 769 875 was committed, making the utilisation rate 95.68%.

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 84 394. A total of EUR 78 394 was committed, making the utilisation rate 92.89%.

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

The appropriations amounted to EUR 4 128 815. A total of EUR 3 953 190 was committed, making the utilisation rate 95.75%.

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 752 700. A total of EUR 720 782 was committed, making, and the utilisation rate was 95.76%.

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 318 531. A total of EUR 285 957 was committed, making the utilisation rate 89.77%.

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 2 445 750. The utilisation rate for the appropriations entered in Title II was 99.15%.

The breakdown of the appropriations after transfers was as follows:

1. Article 200 Rents, charges and other buildings expenditure

The appropriations amounted to EUR 922 000. 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.

Nevertheless, thanks to a new translations policy that was implemented in 2012, substantial savings were generated through better advance forecasting of translations and limiting the number of pages per document. Those savings enabled us to carry out internal redeployments to cover other budgetary needs resulting from new tasks/responsibilities.

The appropriations in Article 201 amounted to EUR 1 523 750, and the utilisation rate was 98.64%. After redeployments, the breakdown of these appropriations was as follows:

TITLE III

EUROPEAN DATA PROTECTION BOARD (EDPB)

Title III of the EDPS budget comprises five articles. It is intended to cover expenditure such as staff cost and any other costs arising from the performance of the EDPB's tasks.

The amounts entered in Title III of the European Data Protection Supervisor's budget came to a total of EUR 753 181. The utilisation rate for the appropriations entered in Title III was 72.61%, the committed amount totalling EUR 546 907.

The breakdown of the appropriations was as follows:

1. Article 300 Remuneration, allowances and other entitlements of the Chair

The appropriations amounted to EUR 0.

2. Article 301 Remuneration, allowances and other entitlements of officials and temporary staff

The appropriations amounted to EUR 383 000. A total of EUR 303 339 was committed, making the utilisation rate 79.20%.

3. Article 302 Other staff

This article is intended to cover expenditure relating to the use of other staff.

The appropriations amounted to EUR 216 800. A total of EUR 132 662 was committed, making the utilisation rate 61.19%.

4. Article 303 Other expenditure in connection with staff of the Board

The appropriations amounted to EUR 53 381. A total of EUR 7 456 was committed, making the utilisation rate 13.97%.

5. Article 304 Expenditure in connection with the operation and activities of the Board

The appropriations amounted to EUR 100 000. A total of EUR 100 000 was committed, making, and the utilisation rate was 100%.

ANNEX 1 - IMPLEMENTATION IN PAYMENT APPROPRIATIONS BY ARTICLE

TITLE 1 - EXPENDITURE RELATING TO PERSONS WORKING WITH THE INSTITUTION		Budget 2016							
		Budget	Transfers	Budget after transfers	Payment Consumption			C8 (forecast)	
					C1	C8 (forecast)	TOTAL	C1	TOTAL
Chapter 10	Members of the institution								
Article 100	Remuneration, allowances and other entitlements of Members	804.672,00	0,00	804.672,00	769.874,68	0,00	769.874,68	95,68%	95,68%
Article 101	Other expenditure in connection with Members	84.394,00	0,00	84.394,00	57.370,11	9.961,92	67.332,03	67,98%	79,78%
TOTAL Chapter 10		889.066,00	0,00	889.066,00	827.244,79	9.961,92	837.206,71	93,05%	94,17%
Chapter 11	Staff of the institution								
Article 110	Remuneration, allowances and other entitlements of officials and temporary staff	4.378.815,00	-250.000,00	4.128.815,00	3.953.190,36	0,00	3.953.190,36	95,75%	95,75%
Article 111	Other staff	502.700,00	250.000,00	752.700,00	690.758,50	24.446,95	715.205,45	91,77%	95,02%
Article 112	Other expenditure in connection with staff	318.531,00	0,00	318.531,00	199.813,36	52.556,34	252.369,70	52,06%	79,23%
TOTAL Chapter 11		5.200.046,00	0,00	5.200.046,00	4.843.762,22	77.003,29	4.920.765,51	93,15%	94,63%
TOTAL TITLE 1		6.089.112,00	0,00	6.089.112,00	5.671.007,01	86.965,21	5.757.972,22	93,13%	94,56%
TITLE 2 - BUILDINGS, EQUIPMENT AND EXPENDITURE IN CONNECTION WITH THE OPERATION OF THE INSTITUTION		Budget 2016							
		Budget	Transfers	Budget after transfers	Payment Consumption			C8 (forecast)	
					C1	C8 (forecast)	TOTAL	C1	TOTAL
Chapter 20	Buildings, equipment and expenditure in connection with the operation of the institution								
Article 200	Rents, charges and buildings expenditure	922.000,00	0,00	922.000,00	798.402,39	7.735,35	806.137,74	86,59%	87,43%
Article 201	Expenditure in connection with the operation and activities of the institution	1.523.750,00	0,00	1.523.750,00	855.028,93	575.212,91	1.430.241,84	56,11%	93,86%
TOTAL Chapter 20		2.445.750,00	0,00	2.445.750,00	1.653.431,32	582.948,26	2.236.379,58	67,60%	91,44%
TOTAL TITLE 2		2.445.750,00	0,00	2.445.750,00	1.653.431,32	582.948,26	2.236.379,58	67,60%	91,44%
TITLE 3 - EUROPEAN DATA PROTECTION BOARD (EDPB)		Budget 2016							
		Budget	Transfers	Budget after transfers	Payment Consumption			C8 (forecast)	
					C1	C8 (forecast)	TOTAL	C1	TOTAL
Chapter 30	Expenditure in connection with the operation of the Board								
Article 300	Remuneration, allowances and other entitlements of the Chair	0,00	0,00	0,00	0,00	0,00	0,00	#DIV/0!	#DIV/0!
Article 301	Remuneration, allowances and other entitlements of officials and temporary staff	383.000,00	0,00	383.000,00	303.339,45	0,00	303.339,45	79,20%	79,20%
Article 302	Other staff	216.800,00	0,00	216.800,00	132.023,31	1.224,45	133.247,76	60,90%	61,46%
Article 303	Other expenditure in connection with staff of the Board	53.381,00	0,00	53.381,00	7.031,19	424,50	7.455,69	13,17%	13,97%
Article 304	Expenditure in connection with the operation and activities of the Board	100.000,00	0,00	100.000,00	100.000,00	0,00	100.000,00	100,00%	100,00%
TOTAL Chapter 30		753.181,00	0,00	753.181,00	542.393,95	1.648,95	544.042,90	72,01%	72,23%
TOTAL TITLE 3		753.181,00	0,00	753.181,00	542.393,95	1.648,95	544.042,90	72,01%	72,23%
TOTAL BUDGET		9.288.043,00	0,00	9.288.043,00	7.866.832,28	671.562,42	8.538.394,70	84,70%	91,93%