

2016 Discharge

Questionnaire to the European Data Protection Supervisor

Hearing: 4 December 2017

1. According to the Report on budgetary and financial management for the financial year 2016, the new legal data protection framework will have a substantial impact upon the institution and the changes have been and will be reflected in the European Data Protection Supervisor's budgets. Could you explain us which are these major changes and the impact that are going to produce in the European Data Protection Supervisor?

On 25 May 2018 the new General Data Protection Regulation (GDPR) will be applicable and the family of EU institutions and bodies will have a new member: the European Data Protection Board (EDPB). This independent EU body is key in the new governance for data protection in the EU. It has been established to ensure a consistent application of the new legal framework for data protection in the Member States so there is a true European approach when the processing of personal data goes beyond the borders of a single Member State which is often the case. The EDPB allows for a single stop shop for companies, mutual assistance between national data protection authorities and mechanisms for dispute resolution and the adoption of binding legal decisions.

The legislator has entrusted the European Data Protection Supervisor (EDPS) with the challenging task of providing the Secretariat to the EDPB. As a result, the setting up of this new EU body has heavily influenced our budgetary proposals over recent years and it will continue to do so in the coming years. Up to now we have requested resources to prepare the ground and to assist with the setting up of this entity in close cooperation with the national data protection authorities in the Member States. It is with this purpose that Title 3 was created back in 2014 within the EDPS budget. Indeed, this Title includes most of the administrative expenditure necessary for the setting up and future functioning of the EDPB.

In the last two years and until mid-2018, organisational and logistical support, on the one hand, and analytical support on the other hand has been put in place to make sure the secretariat will be operational on day one.

The setting up of the EDPB has had a huge impact both on the EDPS staff, in terms of workload, and the EDPS budget as the table below shows:

	2014	2015	2016	2017	DB2018
Title 1	5.691.953,00	5.934.808,00	6.089.112,00	7.121.860,00	7.234.849,00
Title 2	2.321.000,00	2.314.436,00	2.445.750,00	2.780.000,00	3.440.273,00
Title 3	-	511.173,00	753.181,00	1.422.875,00	3.796.931,00
Total Budget	8.012.953,00	8.760.417,00	9.288.043,00	11.324.735,00	14.472.053,00
Increase vs previous year		9%	6%	22%	28%

In the MFF 2015-2020, the EDPS estimated that the provision of the Secretariat for the EDPB would require 22 FTEs (see HR Forward Planning table in the response to the next question). Since then, these estimations have revealed very conservative because during the negotiations of the GDPR, the legislator entrusted the EDPB with more tasks and responsibilities than originally foreseen. Furthermore, the new e-privacy Regulation which will be probably adopted in 2018 also relies on the EDPB for its uniform application in the Member States.

It would not be wise to advance a figure at this stage but once we have benefited from some experience with the functioning of the new EU body and its real needs, we will be able to forecast the necessary growth in terms of FTES and budgetary appropriations.

2. In the framework of the preparatory works to set up the future European Data Protection Board, the European Data Protection Supervisor requested the creation of a task force that took on duty as from 1 July 2015. In this context, two extra Officials, 2-seconded national experts and two trainees were requested in 2016 in order to reinforce the task force. Are those reinforcements enough to carry the entire working load?

The Budgetary Authority granted the EDPS with 5 additional posts in 2017 and 6 have been requested for 2018.

The table below shows the resources received by the Budgetary Authority so far and the forward planning of FTEs up to year 2020 in accordance with the current Multiannual Financial Framework. As can be seen in the table, more resources are devoted to administrative and logistical matters during the setting up phase, while by 2018 resources will have gradually shifted towards analytical tasks. It is estimated that as from 2020, 75% of the human resources allocated to the Secretariat of the EDPB will become the EDPB unit(s) and the remaining 25% of the resources will reinforce the horizontal support teams of the EDPS which will serve both the EDPS and the EDPB team.

The reinforcements received to assist with the setting up of the EDPB did help, in particular as we benefited from the assistance of some national experts from the Member States who brought very valuable experience at national level. Having said, almost all teams of the EDPS have been involved in different capacities and intensities in the setting up effort which was considered a top priority and an institutional task.

Once we have benefited with some experience with the work of the EDPB, we will be able to better estimate the workload and the needs in terms of FTEs and budget appropriations.

FORWARD PLANNING OF EDPS SECRETARIAT PROVIDING ADMINISTRATIVE AND ANALYTICAL ASSISTANCE TO THE EDPB (TITLE III OF EDPS BUDGET)		
ADMINISTRATIVE ASSISTANCE	ANALYTICAL ASSISTANCE	TOTAL
2015		3 FTEs (2 + 1)
1 AD	1 CA/SNE	
1 AST		
2016		7 FTEs (4 + 3)
1 CA/SNE	1 AD	
1 AST	1 CA/SNE	
2017		12 FTEs (7 + 5)
1 AD	1 CA/SNE	
1 AD	1 AD	
1 CA/SNE		
2018		17 FTEs (8 + 10)
1 AD		
	1 AD	
	1 AD	
	1 AD	
	1 AD	
	1 AD	
2019		20 FTEs (8 + 12)
	1 FTE	
	1 FTE	
2020		22 FTEs (5 + 17)
	1 FTE	
	1 FTE	
- 1 FTE	1 FTE	
- 1 FTE	1 FTE	
- 1 FTE	1 FTE	
Support: 5 FTEs (25%)	EDPB teams: 15 FTEs (75%)	MFF 2020: 22 FTEs

3. I would like to ask the European Data Protection Supervisor why the implementation rate has been reduced from the 96% reached in 2015 to 92% in 2016, at 2014 levels.

Since 2011, the EDPS uses a budget monitoring mechanism ('BIR' - budget implementation report) consisting of an excel report updated quarterly, which monitors the implementation rate of each budget line. The 'BIR' 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.

Particular attention is paid to strategic budget lines such as salaries, translations, equipment, etc., in order to optimise the resources by internal redeployments according to the EDPS Strategy or to instructions by the Management Board to address particular needs.

The intensive and continuous use of this tool, which has been further developed over time, has consolidated a positive evolution of the implementation rate of the budget, as showed in the chart below, from 75% in 2010 to 92% in 2016.

However, despite the efficient use of budget monitoring tools, there are two major factors that have a crucial impact on the overall budget implementation rate and that may undermine all the efforts made to optimise the budget execution:

- The fact that around 53% of the EDPS budget corresponds to salaries of our staff makes it very difficult to get closer to a 100% implementation rate, as a moderate turnover of staff or even a few colleagues taking personal or parental leave will have a disproportionate negative effect on the overall implementation rate of the budget.
- Title 3 of the EDPS budget was created in 2014 in view to cover the budgetary needs of the European Data Protection Board (EDPB). Resources have been progressively allocated to this Title since 2015 to prepare the setting up of the Board but our budget estimations were often done with very imperfect information and the rhythm of some setting up activities turned sometimes different than the one expected. In this circumstances, it was very difficult to ensure a high implementation rate for Title III despite all our efforts. These difficulties are likely to persist in the coming years until the EDPB has reached a mature state and this may have a negative impact in future budget implementation rates.

Budget execution (per Title per year)	2015	2016	2017
Title 1	97,46%	94,56%	92,14%
Title 2	90,76%	91,44%	98,09%
Title 3 (EDPB)	79,79%	72,23%	86,39%
TOTAL	94,66%	91,93%	92,88%

4. What has been done to improve the communications policy in relation with Union citizens?

Since 2015, the EDPS has intensified communication efforts outside the EU bubble by developing new communication tools:

- Social media: Twitter, LinkedIn, YouTube
- New EDPS website (more customer friendly and mobile oriented)
- An EDPS app on EU data protection reform

These new tools were in addition to more traditional communication tools such as: publications, study visits, information request from public and press, videos, events, etc.

5. What was the amount dedicated by the Institution to travel in 2016 for Members?

63.695, 52€

6. How many former MEPs, Commissioners or high officials (from AD 14) still receive money from the budget of your institution as advisors, contract agents or others? What are their tasks and their respective salaries?

We do not have any former MEPs, Commissioners or high officials hired in our small institution.

7. What were the three most important actions taken by the institution in favour of equality? What were the three most important actions taken by the institution in favour of disabled people?

The EDPS adopted an Equal opportunities strategy on 19/12/2016 that focused on maintaining a balanced workforce, i.e. encouraging a diverse workforce (see point 3.1 of the EDPS policy). In this strategy, firstly, the EDPS acknowledges that the vertical distribution of men and women across grades and management and non-management positions is important and that any de facto barriers to a representative vertical distribution should be addressed. Secondly, the EDPS encourage female officials with management potential to apply for higher positions.

The strategy contains actions, most of which have already been implemented during 2016 and 2017, namely:

- A tailor-made L&D programme for heads of activity (equivalent to team leaders in the European Commission) was organised in 2016 with training and coaching sessions. All our Heads of Activity attending this programme were women.
- A new decision on teleworking has been discussed in order to reinforce and improve work/life balance and last but not least, gender is mainstreamed into the selection procedure and gender balance is encouraged in conference panels.
- Two internal trainings have been organised "Managing teleworkers and people at distance" and "Unconscious bias" all have the same aim: making colleagues aware of the biases they as well as learn how to implement the new telework decision in the best possible way for staff and the institution. Furthermore, trainings on emotional intelligence have been conducted last and this year.
- The application form and privacy statement for selections was amended to allow persons with disabilities to apply for vacancies and accommodate them accordingly. The EDPS will further investigate on our building's ability to host persons with disabilities.

As complementary information on how the EDPS is performing concerning equality (gender balance), please find below the results recently published by the European Commission:

European institutions and other EU and European Bodies - Gender Balance		
Figures as of 31 December 2016		EDPS
Total number of staff (all levels and status excluding national experts and 'Hors Cadre')		62
% of female staff		70%
Number of management level staff (Directors-General, Deputy Directors-General, Directors, Heads of Unit and those in receipt of management allowance)		4
% of female managers		67%
Number of women in senior management (DG, DDG, Director) (officials only)	overall	0
% of women in senior management (DG, DDG, Director) (officials only)	overall	0%
Number of women in middle management (HoU) (officials only)	overall	2
% of women in middle management (HoU) (officials only)	overall	67%
% of women amongst ADs (AD officials and AD temporary agents)	overall	63%
% of women amongst ASTs (AST officials and AST temporary agents)	overall	79%
% of women amongst SCs (SC officials and SC temporary agents)	overall	100%
Total number of contract agents	overall	11
% of women amongst contract agents	overall	82%

Staff

8. What was the amount of the highest pensions for officials of your institution paid in 2015? What was the average pension paid in 2016 for officials of your institution? What is the average pension paid for officials of your institution who retired in 2016?

Thanks to a Service Level Agreement, PMO manages and pays the pensions to retired EDPS staff members.

EU pension rights are acquired by staff in proportion to the service rendered throughout their whole career across all EU institutions and bodies.

As the EU Pension scheme is unique and there are no specific pensions associated with individual EU institutions or bodies, the Commission will provide consolidated figures for all Institutions.

9. What were the costs in 2016 respectively for away days, closed conferences or similar events for staff? How many staff members participated in the respective events? Where exactly did these events take place?

EDPS Away days / closed events 2016	Cost	City	N° Staff	Comments
MB Away Day	1.056,80	Brussels	4	2 Away days / 4 participants per day
S&E Away Day	2.998,42	Den Haag	14	Combination with a mission for Europol presentation
P&C Away Day	1.468,31	Brussels	14	
HRBA Away Day	730,68	Bruges	12	
I&C Away Day	411,92	Ghent	7	
EDPS Away day	11.767,35	Brussels	66	2 closed conferences for the staff
	18.433,48			

10. How many officials in which functions and grades were retired in 2016 in the interest of service according to Article 50 of the staff regulations?

Non applicable

11. How many working days were granted as vacation days in 2016 for years of service in your institution? How many persons were concerned?

Non applicable

12. We would appreciate a comprehensive overview of staff on sick leave in 2016 broken down by the number of staff members that were on sick leaves and by how many days they were on sick leave?

50 members of the staff were sick for a total number of 490 days.

How many days lasted the three longest cases of sick leave?

1. 45 days

2. 30 days

3. 21 days

How many days of sick leave concerned Mondays and Fridays in 2016?

194 days concerned Mondays and Fridays

13. What were the cost for the expatriation allowance in 2016? How many persons received such an expatriation allowance?

The total cost of the expatriation allowance amounted to 487 202.80 EUR and 44 persons benefited from it.

14. What was the amount dedicated by the Institution to travel in 2016 for staff?

EDPS = 123.535, 23€

EDPB = 4.190, 72€

TOTAL = 127.725, 95€

15. What was the amount dedicated by the Institution to training for staff inside and outside the EU?

- Outside EU: N/A

- Members (Supervisor and Assistant Supervisor) inside EU: 4.000€

- Staff inside EU: 69.572, 13€

16. What is the average overtime of the Institution's staff in 2016? And in 2013?

Non applicable

17. Were there any special leaves requested by members of staff in 2016 because of overworking? In this case how many were there?

Non applicable

Services

18. What were the costs of the institution for interpretation, translation and languages classes (those not included in the category of training - see question 15)?

340.263, 95€

19. How many call for tenders did you organised in 2016? Please indicate the value and the number of applicants for each tender.

Two calls for tenders were organised in 2016:

- Video Production for a value of 60.000 EUR for which 3 applicants submitted a tender.
- Promotional Items for a value of 60.000 EUR for which 2 applicants submitted a tender (procedure launched end of 2016 and awarded in 2017).

20. How much have you spent in internal events and meetings with external stakeholders?

- Internal meetings: 2.966, 36€
- External meetings:
 - Catering services = 21.221, 67€
 - Governmental experts = 37.593, 67€
 - Private experts = 20.541, 36€
 - Others (moderators) = 900€

Building

21. Were there any improvements done to the organization of workspaces? What changes have there been in 2016?

Non applicable

22. How many buildings/office space were you renting in 2016? Under which type of contract? Were those contracts celebrated through real state agencies? If not, could you provide the data about the property owners?

The renting space during 2016 was 2.298,75 m2. We are hosted by the European Parliament which has a renting contract with the owners of the building: Fedimmo SA, Chaussée de Wavre 1945, 1160 Bruxelles. Administrator Mr Laurent Carlier and Administrator "délégué" Mr Benoît De Blicq.

23. How much have you spent with the maintenance of the buildings? And the furniture costs, how much are they?

EP (Rent and charges): 798 402.39€

Interstuhl (chairs): 748.20€

Lyreco (chairs): 2 257.20€

Konig & Neurath (desks, etc.): 4 859.40€

Harassment

The Human Resources unit of the EDPS has organised an internal training on "Preserving respect and dignity at work" with the aim to enhance a culture of respect towards the colleagues and prevent any potential harassment case.

24. What were the expenditures in 2016 for the management/ Court sentences of harassment cases?

Non applicable

25. What is the rate of compliance of your institution with regard to the recommendations of the Ombudsman?

Non applicable

26. Were there any harassment cases reported, investigated and concluded in 2016? What was the amount in 2016 budget devoted to the management of harassment cases?

Non applicable

Conflict of interests

27. Has the EDPS developed new rules against conflict of interests? Have any conflict of interests among its members and staff been identified?

The code of conduct for the Supervisor and the Assistant Supervisor lays down clear rules. The issue of potential conflicts of interests is dealt with 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.

It was not considered necessary to develop new rules against conflict of interests because we did not identify any issues justifying an intervention either in relation to our members or to our staff.

In 2016, we have adopted an Ethics Framework and an Ethics Officer is consulted in any issues that may lead to a potential conflict of interest (e.g. external activities).

28. Have clear binding rules regarding “revolving doors” been implemented?

Revolving doors are dealt with in the code of conduct for the supervisors, more in particular in its point 9. The EDPS took part in the first meeting of a CPQS subgroup dedicated to revolving doors of 7 March 2016. Since then, to the best of our knowledge, this issue of the revolving doors has not been dealt with anymore by the CPQS and in any case the EDPS will follow any further developments.

Up to now, the EDPS never had any revolving door situations. The EDPS is a very small institution and the only 'senior official' would be therefore the Director of the EDPS. The EDPS will nevertheless reflect on the topic and, if considered necessary, it will set up its own decision which will be aligned with the best practices of the big EU institutions.

Whistle-blowing protection

29. What improvements were made regarding procedures for whistleblowing?

A whistleblowing decision was adopted based on the recommendations of the European Ombudsman on 14.06.2016.

30. How many whistle-blower cases did the institution have in 2016? What were the results of the procedure? Was/were the case(s) transferred to the Ombudsman or to the ECJ?

None

31. Has the Supervisory introduced internal whistleblowing rules on the basis of the Staff Regulation and the Ombudsman's recommendations?

Yes