



EUROPEAN DATA PROTECTION SUPERVISOR

Annual Activity Report

2017

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1. Introduction

The Financial Regulation (Article 66(9))¹ provides that each **authorising officer by delegation** (AOD) shall send an **annual activity report** to their institution, together with financial and management information. This report shall present the achievements of their institution in relation to the resources used. It shall also be a management report on performance in the context of their task as AOD. This requirement is the logical consequence of paragraph 2² of this same article, which gives the AOD responsibility for internal controls.

In the annual activity report of the AOD, this latter must include a statement of assurance (“Statement”) based on their own judgment and on the information available in which the AOD:

- states that the information contained in the report gives a true and fair view;
- declares that the AOD has reasonable assurance that the resources allocated to the activities described in the report have been used for their intended purposes and in accordance with principles of sound financial management, and that the control procedures put in place give the necessary guarantees as to the legality and regularity of the underlying transactions;
- confirms that the AOD is not aware of any matter not reported which could harm the interests of the institution.

¹ Financial Regulation, Article 66(9): “*The authorising officer by delegation shall report to his or her institution on the performance of his or her duties in the form of an annual activity report containing financial and management information, including the results of controls, declaring that, except as otherwise specified in any reservations related to defined areas of revenue and expenditure, he or she has reasonable assurance that:*

(a) the information contained in the report presents a true and fair view;

(b) the resources assigned to the activities described in the report have been used for their intended purpose and in accordance with the principle of sound financial management;

(c) the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.

The activity report shall indicate the results of the operations by reference to the objectives set, the risks associated with those operations, the use made of the resources provided and the efficiency and effectiveness of internal control systems, including an overall assessment of the costs and benefits of controls.

No later than 15 June each year, the Commission shall send to the European Parliament and the Council a summary of the annual activity reports for the preceding year. The annual activity report of each authorising officer by delegation shall also be made available to the European Parliament and the Council.”.

² Financial Regulation, Article 66(2): “*For the purposes of paragraph 1, the authorising officer by delegation shall, in accordance with Article 32 and the minimum standards adopted by each institution and having due regard to the risks associated with the management environment and the nature of the actions financed, put in place the organisational structure and the internal control systems suited to the performance of his or her duties. The establishment of such structure and systems shall be supported by a comprehensive risk analysis, which takes into account their cost effectiveness.*”.

2. Operational achievements

Each year, the EDPS publishes an ‘Annual Report’ (AR) giving an overview of the objectives and achievements of the institution’s work. Therefore, comprehensive information on operational achievements can be found in the EDPS annual report for 2017³. Nevertheless, at the request of the Internal Audit Service (IAS) and following its audit on “*establishment and issuance of opinions and formal comments in the EDPS*”, this AAR will report on the main initiatives carried out by the Policy and Consultation Unit in 2017.

As 2017 has been the first year of implementation of the Ethics Framework of the institution, this AAR will also report on it.

2.1. Initiatives/priorities in the context of establishment and issuance of opinions and formal comments in the EPDS

2.1.1. Preparing for the EDPB

The General Data Protection Regulation (GDPR), was adopted on 27 April 2016 and is fully applicable since 25 May 2018. In line with our Strategy commitments, we have been working in close cooperation with data protection authorities (DPAs) across the EU, through the Article 29 Working Party (WP29), to prepare for the GDPR. We have actively contributed to the WP29’s efforts to provide guidance on key provisions of the GDPR, in particular as coordinator of the work of the WP29’s Key Provisions Subgroup, which has provided the majority of this guidance. Specifically, we served as an active co-rapporteur for guidelines on lead authority, DPOs, profiling, consent, and transparency and provided substantial written input to the guidelines on data portability, Data Protection Impact Assessments (DPIAs) and administrative fines. In addition, we continued to work closely with the WP29 to prepare for our new responsibilities of both providing the Secretariat and acting as an independent member of the new European Data Protection Board (EDPB), which has replaced the WP29 under the GDPR.

Among many other things, the GDPR provides for the establishment of the EDPB. The Board not only takes over the responsibilities of the WP29, but performs many new tasks aimed at ensuring the consistent application of the GDPR across the EU. The EDPS will act as a member of the EDPB, while also providing its Secretariat. Across all EDPS units and sectors, we worked in close cooperation with our WP29 colleagues to ensure that the EDPB could start its work on 25 May 2018, the day on which the GDPR became fully applicable. In 2017, we appointed a liaison

³ <http://www.edps.europa.eu/EDPSWEB/edps/site/mySite/lang/en/AR>.

coordinator tasked with coordinating all EDPS work relating to the preparation of the EDPB Secretariat. This has included working with the WP29 to develop the future EDPB website and to design and choose the future EDPB logo (see section 7.1.4), as well as cooperating with the WP29 to draft a Memorandum of Understanding between the EDPB and the EDPS⁴. In addition, we have contributed to the drafting of the EDPB rules of procedure⁵ and helped to define different procedures relating to the consistency mechanism, which aims to ensure consistent application of the GDPR across the EU. We also completed the specification of requirements for the IT system for the EDPB and DPAs, which will support the application of the GDPR, and have started the implementation project for this system.

2.1.2. Completing the data protection framework: ePrivacy Regulation

The GDPR is one of the EU's greatest recent achievements, but without a complementary and effective legal tool to protect the right to the confidentiality of communications, the data protection framework remains incomplete. To fill this void, the Commission published its proposal for a new ePrivacy Regulation on 10 January 2017. On 24 April 2017, we issued our response. As well as welcoming the proposal and recalling the need expressed in our 2016 Preliminary Opinion for smarter, clearer and stronger rules for ePrivacy, our 2017 Opinion outlined our key concerns. These related to scope and definitions, the need to ensure genuinely freely given consent, the need for clarity about the relationship of the ePrivacy Regulation with the GDPR and the need for privacy by default.

On 27 October 2017, the plenary of the European Parliament approved their Report on the new ePrivacy Regulation. We were pleased to note that the Report, which they will use in their negotiations with the Council and Commission on the final Regulation, follows many of the recommendations provided in our Opinions. It also builds on our recommendations on the proposed parliamentary amendments, which we published on 5 October 2017, as well as the recommendations set out by the WP29, to which we actively contributed as co-rapporteurs. Importantly, and despite massive lobbying efforts, the Parliament's Report refrains from unduly expanding the legal bases for the processing of personal data specified in the proposed ePrivacy Regulation. Most notably, amendments aimed at allowing the processing of data on the basis of legitimate interest were not included in the Report. With few exceptions, the Report specifies that internet companies and communication providers should only be able to process user data with user consent. It also prohibits tracking walls and take it- or-leave-it approaches, helps to ensure that consent is genuinely freely given and requires privacy by default for software settings. The work in the Council will continue in 2018. We will actively follow the ongoing negotiations and provide targeted input where appropriate.

⁴ which was signed on 25 May 2018 by the Supervisor and the Chair of the Board.

⁵ also adopted at the first meeting of the Board.

2.1.3. Preparing for the revised Regulation for the EU Institutions

While the GDPR provides the rules for data protection in businesses and organisations operating across the EU, it does not apply to the EU institutions and bodies, which are subject to their own rules. These rules are currently set out under Regulation 45/2001, but the process of updating them and bringing them in line with the GDPR is well underway. The new Regulation must ensure consistency with the GDPR through an emphasis on accountability and safeguards for individuals, rather than procedures. Though some deviations from the GDPR might be justifiable, it is important that they are kept to a minimum. The European Commission adopted a proposal for the updated Regulation on 10 January 2017. On 15 March 2017, we published an Opinion on it.

Though we felt the proposal achieved a good balance between the various interests at stake, we also highlighted a number of areas for improvement, particularly in relation to the restriction of the rights of the individual and the need to provide the EU institutions with the possibility to use certification mechanisms in certain contexts. The Regulation also sets out the tasks and powers of the EDPS. In this respect, we found that the proposal struck a reasonable balance between the interests at stake and reflected the normal functions of an independent data protection authority. Following the adoption of positions by the European Parliament and the Council, discussions on the revised Regulation entered the trilogue phase in November 2017. We called on the European Parliament, the Council and the Commission to reach an agreement on the new Regulation as swiftly as possible, so that the EU institutions can lead by example in the application of new data protection rules. A political agreement has been announced by the negotiators on GDPR day (25 May 2018) and it is expected that the new Regulation for EU institutions will be in place in October 2018.

2.1.4. Completing the Security Union

In the EDPS Strategy, as part of our pledge to opening a new chapter for data protection, we commit to facilitating responsible and informed policymaking in all cases where EU legislation has a notable impact on privacy and data protection, and to promoting a mature conversation on security and privacy. In the case of EU border and security policy, these objectives are inseparable.

In recent years, the Commission has proposed several initiatives aimed at ensuring EU borders, both on land and online, remain safe and secure, and 2017 was no exception. Though we support these efforts, it is vital to ensure that all proposals fully respect the fundamental rights of those concerned. Through providing appropriate legal analysis, guidance and recommendations, we aim to ensure that policymakers are able to make informed decisions on EU border and security policy, which strike a balance between the need for greater security, both online and offline, and the right to data protection.

2.1.4.1. Protecting fundamental rights in the area of freedom, security and justice

Since its establishment in 2011, eu-LISA has gradually been entrusted with the operational management of the Schengen Information System, the Visa Information System and Eurodac. After four years of operation, the European Commission conducted an evaluation and in June 2017 they published a Proposal for a Regulation on eu-LISA.

Under the proposal, eu-LISA would be entrusted with the operational management of existing and future large-scale IT systems in the area of freedom, security and justice, as well as the development of some features related to the interoperability of these systems (see section 4.3.4). The agency would also be required to carry out research activities and to develop, manage and host a common IT system for Member States interested in a centralised solution for implementing technical aspects of EU legislation in the area of freedom, security and justice.

On 10 October 2017, we issued an Opinion on the proposal. As the supervisory authority for eu-LISA, we recommended that the Commission conduct a detailed impact assessment to determine how the proposal might affect fundamental rights. In particular, we specified that the assessment should focus on the issues associated with concentrating all EU large-scale IT systems in one agency and should take into account the broader legal context, including other ongoing legislative proposals relating to large-scale IT systems.

We also recalled that no legal framework currently exists relating to the interoperability of large-scale IT systems in the EU, and therefore recommended that references to interoperability be removed from the proposal. In addition, the provision allowing for the possible establishment of a central solution for the decentralised systems on the basis of a delegated agreement between eu-LISA and a group of Member States should also be removed, as such an agreement cannot, under any circumstances, provide a proper legal basis for such a crucial change to the system's architecture.

2.1.4.2. Assessing the EU's approach to visa-exempt travellers

On 6 March 2017 we issued an Opinion on the proposed European Travel Information and Authorisation System (ETIAS). The proposal would require visa-exempt travellers to undergo a risk assessment with respect to security, irregular migration and public health before entering the EU.

As the information gathered will be used to grant or deny individual's access to the EU, it is vital that the definition of what constitutes a risk is clearly defined and that reliable methods are used to determine in which cases a risk exists. This is particularly important in relation to the proposed introduction of screening rules, a profiling tool that would enable the ETIAS system to single out individuals suspected of posing a risk. Profiling techniques, as with any other form of computerised data analysis, raise serious technical, legal and ethical questions, related to their transparency and accuracy, which is why we called on the Commission to produce convincing evidence of the need to include and use them in the ETIAS system.

We also stressed the need to conduct a thorough assessment of the impact this proposal will have on the rights to privacy and data protection, to determine whether the measures proposed, and the implications they have for the right to data protection of the individuals concerned, are truly necessary, given the resources already available to the EU in this area.

Border management and law enforcement are distinct objectives, with different implications for data protection and privacy. It is important to ensure that the EU is better able to address the challenges of migration, borders and refugees, but this cannot come at the expense of protecting fundamental rights. A balance must be found between the two in order to ensure a consistent and effective approach to EU border policy.

2.1.4.3. Encouraging a consistent approach to criminal records

The current European Criminal Records Information Service (ECRIS) is primarily used to facilitate judicial cooperation between Member States, through the exchange of information relating to criminal convictions.

In 2016, the Commission proposed a Directive on ECRIS aimed at improving this system, on which the EDPS issued an Opinion. They wanted to make it easier for Member States to exchange information on non-EU citizens, referred to as third-country nationals (TCN). In 2017, the Commission proposed a Regulation on ECRIS-TCN, designed to complement the Directive and address some of the technical problems encountered in its application. Most notably, they proposed changing the system used to identify which Member States hold information on criminal convictions relating to non-EU citizens from a decentralised system to a centralised system.

In our Opinion of 12 December 2017, we acknowledged the need to develop a more efficient system for exchanging information on the criminal records of non-EU citizens. At the same time, we stressed that any proposal to update the current system must ensure consistency with the EU Charter of Fundamental Rights and the Lisbon Treaty, and fully respect data protection principles.

As the original ECRIS legislation was developed before the Charter and the Treaty came into force, any plans to amend it must bring ECRIS and ECRIS-TCN up to the standards set in these documents. This means clearly defining for what purposes the data stored in these databases will be used and establishing that these purposes are both necessary and proportionate. Any difference in the treatment of the personal data of non-EU citizens and EU nationals must also be demonstrably justifiable.

The proposal involves the establishment of a central database containing fingerprints and facial images, which would be hosted by eu-LISA alongside the majority of the EU's other large-scale databases. The Commission must therefore also conduct a thorough impact assessment to determine whether this represents the least intrusive way of identifying which Member States hold information on the criminal convictions of non-EU citizens. Moreover, as the data concerned is of a particularly sensitive nature, it must only be processed if it is strictly necessary to do so.

2.1.5. Facilitating the assessment of necessity

Almost all EU policy proposals now involve some form of personal data processing. Policymakers are also increasingly required to respond quickly to acute public security challenges and to keep up with developments related to the digital economy and international trade. The need for help to ensure that each new proposal respects fundamental rights is therefore greater than ever.

Using an evidence-based approach, policymakers must be able to demonstrate that any planned limitation of the fundamental right to data protection and the right to private life is strictly necessary in order to achieve an objective of general interest or to protect the rights and freedoms of others. This also applies to the limitation of any other rights that might be affected by the processing of personal data. To assist policymakers in doing this, and as part of our commitment to facilitating responsible and informed policymaking, we published a Necessity Toolkit on 11 April 2017. It provides policymakers with a practical, step-by-step checklist, setting out the aspects to be considered when assessing the necessity of new legislation, and providing examples to illustrate each step. This is complemented by a legal analysis of the main concepts involved, such as the limitation of the right to the protection of personal data, the objective of general interest and the necessity and proportionality of an envisaged legislative measure.

2.2. Implementation of the Ethics Framework of the EDPS

Questions of ethics and morality are relevant at all levels of society. Ethical behaviour is equally important in the workplace as it is in our personal lives. Everywhere business or policies are conducted, ethics matters. The same applies to public administration, whether at national or European level.

Since the early beginning of our institution, we have given the utmost importance to ethical behaviours and standards which were already enshrined in several administrative decisions. A code of conduct for the staff members was adopted in early 2005 and later reviewed and modernised in 2014. A series of decisions following Staff regulations obligations relevant from the Ethics perspective followed such as on anti-harassment, disciplinary proceedings and administrative investigations, or whistleblowing.

A specific code addressed to the Supervisors was adopted at the end of 2015 to underline the accountability of the Supervisors to integrate ethical insights into their daily work as independent regulators and policy advisors in the field of data protection, following the new EU institutional framework and the Lisbon treaty.

The Ethics framework of the EDPS was adopted on 17 October 2016. It is regarded as an important contribution to our strategy of leading by example as the guarantee of Ethics reinforces the principles of transparency, professionalism and accountability of our institution and our staff.

The formal establishment of the position of the Ethics Officer of the EDPS with a clear mandate, independence and tasks, including reporting to the Management

Board at least once per year on the implementation of the Ethics Framework, shows the commitment of our institution to achieving high levels of Ethical standards.

The Ethics Framework of the EDPS governs the conduct of the Supervisors and all the members of the Secretariat, including detached national experts, trainees and all other external staff, in their relations with other EU Institutions, with other stakeholders, and with the general public at large.

Members of staff shall comply with the provisions of the EDPS ethics framework. The conduct of staff shall neither undermine their professional integrity and impartiality nor harm the reputation of the institution.

Save as otherwise provided by the Memorandum of Understanding between the EDPS and the EDPB⁶, the conduct of members of the Secretariat providing assistance to the Secretariat of the EDPB shall also be governed by this Ethics Framework.

The report provided by the Ethics Officer goes beyond reporting activities of 2017 as it encompasses some inter-institutional perspectives for 2018.

- ✚ A reflection whether or not is necessary to change the code of conduct of the Supervisors to align it with the new one adopted by the Commission for its members, for example:
 - Reflect on the amount of 10.000 € (value of investments to be declared)
 - Period of 10 years instead of 5 years for listing activities and financial interests
- ✚ The setting up of the EDPB also triggers the following reflections:
 - Would it be necessary or advisable to have a Code of conduct for the EDPB chair?
 - Is there any obstacle for the Ethics officer of the EDPS to serve also the EDPB?
- ✚ Transparency and Lobbying:
 - Should the EDPS join the new interinstitutional agreement?
- ✚ Revolving doors policy:
 - The CPQS recommendations will be closely followed and the EDPS will align its position with the best practices in other EU institutions
- ✚ To assess the need of reviewing the code of conduct for staff to align it with new Commission practices regarding the external activities of staff
- ✚ The Ethics officer will be paying specific attention to the organisation of the international conference of Data Protection and Privacy Commissioners (October 2018) and will liaise with the Task Force to check observance of high ethical standards.

⁶ Art. 75.4 of the General Data Protection Regulation

3. Resource management

3.1. Human resources

The EDPS has adopted, or implemented for the first time, major decisions and policies during 2017, notably:

- HR Forward planning (1st exercise)
- Career guidance policy (1st exercise)
- Staff retention strategy (implementation)
- Equal opportunity strategy (implementation)
- Revised telework decision
- New IT-tool for L&D (EU-learn)
- Fit@work programme

Annex 2 provides the chart relating to Human resources requested by the discharge 2013. It deals with:

- Staff distribution by nationalities and gender
- Grades for officials
- Contract agents function group

3.2. Budget

The budget adopted by the budgetary authority for 2017 amounted to EUR 11 324 735,00 which represented a 21.93% increase compared to the 2016 budget (see Annex 3).

On 25 May 2018 the new General Data Protection Regulation (GDPR) is applicable and the family of EU institutions and bodies has a new member: the European Data Protection Board (EDPB). The legislator has entrusted the European Data Protection Supervisor (EDPS) with the challenging task of providing the Secretariat to the EDPB.

The Europol Regulation entrusts as well the EDPS with the new responsibility of monitoring and ensuring the right to the protection of personal data with regard to the processing of personal data by the most important European Law Enforcement Agency as well as the duty to advise Europol and the individuals concerned on all matters relating the processing of personal data. It also entrusts the EDPS with the task of providing the Secretariat of the Cooperation Board set up by the Regulation.

As a result, the EDPS' budget was heavily influenced by these two major legislative changes.

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, in the framework of the preparatory works to set up the future EDPB, the EDPS requested a moderate increase of 2.5 FTEs, which is considerably lower than the ceiling foreseen in the MFF for that year (13 FTEs).

In addition, it was assessed that 6 FTEs were necessary to develop the tasks foreseen under the new Europol Regulation. This assessment was consistent with previous estimations and in accordance with the evolution of the legislative file as shown in the following paragraphs. These FTEs replaced the effort provided by 3 FTEs in the Secretariat of the JSB, attached to the Council, and staff of the 28 national authorities carrying out the tasks of the JSB.

3.3. Procurement

The EDPS relies heavily on inter-institutional cooperation as it 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.

Public procurement procedures implemented during 2017:

- a. High value contracts (Above 135 000 EUR)
Several major contracts were concluded through Inter-Institutional Framework Contracts (IIFC) in which EDPS is stakeholder, among others:
 - ⇒ **DI/07360 (SIDE) - IIFC/DIGIT (Leading institution = European Commission)**
 - 1. Renewal of our Case Management System (CMS) VDE/SAAS and Consultancy Services
 - 2. Online media monitoring and international media database
 - ⇒ **ITS14 (Lot 2 and 3) - IIFC (Leading institution = European Parliament)**
 - 1. Web Developers and Drupal Developers for the new EDPS website
 - 2. IT Analyst and Development Specialist for analysis and development of IT Tools
 - ⇒ **DI/07560 : IIFC/DIGIT (Leading institution = European Commission)**
 - 1. Renewal of the copy machines (Contractor = CANON (BE))

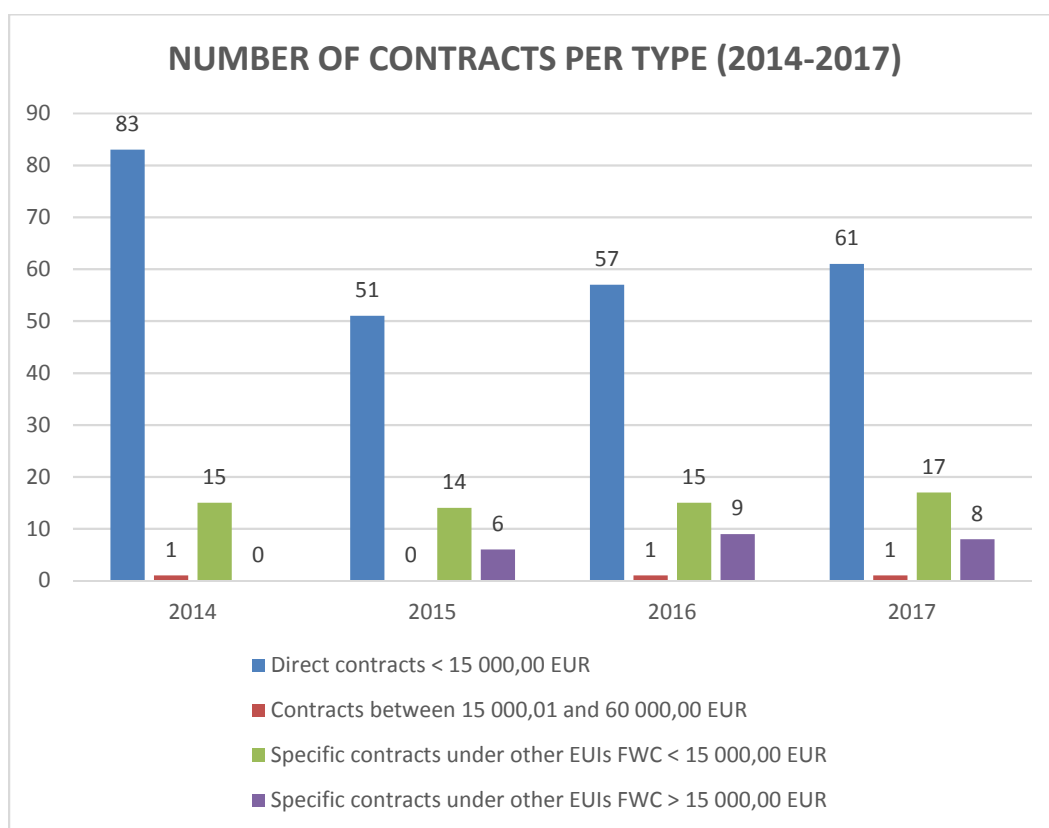
- b. Middle value contracts (Between 15 000 and 135 000 EUR)
- A new contract about Promotional Items was launched and awarded in 2017 for a value of 60.000 EUR (Contractor = Rivanco (BE)).
 - A new contract concerning the practical aspects of the organisation of the International Conference 2018 has been launched in 2017 and awarded in the beginning of 2018 for a value of 134 900,00 EUR (Contractor = Forum Europe (UK)).
- c. Low value contracts (Below 15 000 EUR)
- Next to the contracts listed above, many direct contracts have been signed that concluded with Purchase Orders (Politico newspaper, Escape Prod, EIPA training, Press Club, etc.)

New project on procurement professionalisation:

A new project called 'Procurement Professionalisation' has been prepared in 2017 and should be implemented during 2018. The project is composed of two main objectives:

- Appointment of a single Operational Initiating Agent in each operational unit/sector that will receive a proper training on negotiated procedures for low/middle value contracts;
- An electronic workflow (paper less).

In order to comply with the recommendation of the discharge 2016 report which calls for an overview in the Supervisor's annual activity report of the sections on procurement and missions' management, to include a comparative table of the last four years, the chart below provides the statistics for procurements.



3.4. Missions management

Missions' management at the EDPS is conducted in accordance with the applicable rules and its own mission guide (which is based on the Commission's guide).

The EDPS has adopted a speaking engagement policy⁷ which clarifies the rules in those cases where the mission expenses should be paid by the organiser and is selective as regards attendance to external events.

2017	Members	Staff
Number of missions	52	253
Average duration	4,1 days	2,1 days
Average cost	860 euros	638 euros

The chart above provides information about the number of missions, the average duration and the average cost. All missions of the Supervisors are conducted with full transparency as provided in their Code of conduct. Missions by staff are encoded in MIPs and a mission report is uploaded as a supporting document in the statement of expenses.

As requested by the European Parliament in the previous discharge report, the two following tables give more detailed information in terms of transparency.

N° DAYS + COSTS PER TEAM 2017				
UNIT/SECTOR	nbre missions	TOTAL COST	N° DAYS	AT CHARGE OF ORGANISERS
DIRECTOR's TEAM	30	21551,98	43	0
IT POLICY	24	14558,5	34	4
COMMUNICATION	5	7371,64	11	-
POLICY & CONSULTATION	63	44566,39	201,5	5
HRBA	29	22252,86	53	1
SUPERVISION & ENFORCEMENT	80	48299,24	132	3
EDPS.SCEPD.DPO	9	4983,83	13	1
RMS	1	226,62	0,39	-
EDPB	5	746,7	6,5	-
TOTAL	246	164.557,76	494,39	14

⁷ https://secure.edps.europa.eu/EDPSWEB/edps/cache/offonce/EDPS/Events/Speaking_eng_policy

SUPERVISORS 2017			
NAME	Number of missions	N° DAYS	TOTAL COST
BUTTARELLI Giovanni	36	104.5	34.074,63
WIEWIOROWSKI Wojciech Rafal	21	41	10.805,42
total	57	145,5	44.880,05

In order to comply with the recommendation of the discharge 2016 report which calls for an overview in the Supervisor's annual activity report of the sections on procurement and missions' management, to include a comparative table of the last four years, the chart below and its related graphics provide the statistics for missions.

	2014		2015		2016		2017	
	Members	Staff	Members	Staff	Members	Staff	Members	Staff
Number of missions	48	70	49	206	57	237	52	253
Average duration	1,7	3,5	1,8	1,6	1,8	1,8	4,1	2,1
Average cost in €	€804	€515	€1.038	€546	€1.028	€536	€860	€638
Total cost in €	€38.572	€106.002	€50.471	€113.131	€58.404	€130.607	€44.719	€161.486



In order to comply with the recommendation of the discharge 2016 report which calls on the Supervisor to provide a detailed list of missions undertaken by its members in 2016 and 2017 in the annual activity report, indicating the price, the place and the cost of each mission; this information is provided in Annex 4 of this AAR.

3.5. Service Level agreements

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.

The following table summarizes the Service-Level Agreements between the EDPS and other EU Institutions. The most recent update concerns the new SLA with the DG HR with the inclusion of some extra services.

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	Training and development	-	Depending on consumption
COMMISSION - DG DIGIT	EU learn	704,00	Fix amount
COMMISSION - DG DIGIT	SYSPER2 implementation	27.000,00	Fix amount
COMMISSION - DG DIGIT	Hosting of Web pages	35.000,00	Fix amount per webpage
COMMISSION - EUSA	Training and development	-	Depending on consumption
COMMISSION - DG BUDG	Use of ABAC	40.000,00	Fix amount
COMMISSION - OIB	Catering services	-	Depending on consumption
ENISA	Security audit for Eurodac database	-	
CDT	Translation services	-	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
OPOCE	Administrative agreement for publications and communication	-	Depending on consumption

3.6. Contribution of the EDPS task force on setting up the EDPB

As a new body of the European Union (EU), the European Data Protection Board (EDPB or the Board) is supported by an independent Secretariat provided by the EDPS. In order to ensure that the Board is fully operational as of 25 May 2018, the budgetary authority has allocated additional human resources to the EDPS to assist in setting up a new EU body. The EDPB took over the responsibilities of the WP29, as well as performing other tasks aimed at ensuring the consistent application of the GDPR across the EU. We made significant progress in our preparations for this new responsibility in 2017, selecting a logo, designing a website and establishing a dedicated EDPB sector within the EDPS framework. Building on the collection and analysis of needs of the EDPB secretariat and the national DPAs for the new cooperation and consistency procedures, and on the analysis of technological options, in 2017 decisions on the technical platform were taken and the project for the implementation of this platform started. Preparations will continue throughout the first half of the next year, to ensure that the Board is operational by May 2018.

We also put data protection into practice, through the implementation of the EDPS data protection accountability tool, making sure that we, too, are prepared for the new Regulation and are able to set an example for others to follow.

During 2017, the EDPS has performed the following tasks in order to set up the Secretariat of the EDPB:

On the Policy side:

- Participation in the Article 29 Working Party (WP29) work on testing of the cooperation and consistency mechanism, with the running of case studies and building on previous cooperation models
- Preparation of the draft Rules of Procedure for the EDPB
- Preparation of a Memorandum of Understanding that was signed on 25 May 2018 between the EDPS and the EDPB
- Organisation of meetings with the Chair and Vice-Chairs of the Article 29 Working Party to involve them on important administrative decisions for the future of the EDPB (WP29 EDPB task force)
- Preparation of the EDPB visual identity and logo
- Development of the EDPB website and preparation of its content in cooperation with WP29 members
- Starting of the technical implementation of the EDPB IT system for the Supervisory Authority cooperation and the EDPB consistency mechanisms in consultation of the WP29 members via a dedicated IMI future users group
- Working on guidelines and similar documents on the basis of WP29 action plans, and based on tasks listed in the Regulation, either as rapporteur or contributor, *i.e.*:
 - **Finalised GDPR Guidelines at the end of 2017**
 - Guidelines on Data Protection Officers (DPO)
 - Guidelines on the right to data portability
 - Guidelines for identifying a controller or processor's Lead Supervisory Authority
 - Guidelines on Data Protection Impact Assessment (DPIA) and determining whether processing is "likely to result in a high risk"
 - Guidelines on Administrative fines
 - **GDPR Guidelines opened for public consultation and still to be finally adopted by the WP29 at the end of 2017:**
 - Guidelines on Automated individual decision-making and Profiling
 - Guidelines on Data Breach Notifications
 - Guidelines on Consent
 - Guidelines on Transparency

- BCR referential for data controllers
- BCR referential for data processors
- Adequacy referential
- **GDPR Guidelines under drafting:**
 - Guidelines on Accreditation of certification bodies
 - Guidelines on Certification
 - Guidelines on BCR GDPR procedures
- Participation in workshops, conferences, and awareness events on the issues mentioned above.

On the HR and Finance side:

- Assessment of the budgetary needs to prepare the draft budget attributed to the EDPB (title III in the EDPB budget), to provide the necessary human and financial resources for the setting up of the EDPB.
- The preparation of all technical aspects (building, floors and offices, IT equipment's) to welcome the EDPB by negotiating these matters with the European Parliament. This includes negotiating with EP the extension of EDPS premises in order to have a dedicated floor for EDPS staff working for EDPB secretariat.
- The preparation for the IT infrastructure needs of the EDPB secretariat also requires considerable investment by the EDPS IT specialists who cooperate with experts from national authorities on the matter
- The recruitment of new EU officials with particular expertise on data protection matters at EU level to cover the future needs of the EDPS and the needs of the new EDPB.

4. Management and internal control systems

For the sake of complete transparency, points 4.1 dealing with the characteristics and the nature of activities and 4.2 dealing with the current EDPS Strategy are extracts from the EPDS Annual Report 2017.

4.1. Characteristics and nature of activities

4.1.1. The mission of the EDPS

The European Data Protection Supervisor 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. The EDPS:

- **monitors** and **ensures** the protection of personal data and privacy when EU institutions and bodies process the personal information of individuals.
- **advises** 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.
- **monitors** new technology that may affect the protection of personal information.
- **intervenes** before the EU Court of Justice to provide expert advice on interpreting data protection law.
- **cooperates** with national supervisory authorities and other supervisory bodies to improve consistency in protecting personal information.

4.1.2. Core values and guiding principles

4.1.2.1. The core values

The EDPS is guided by the following core values in how we approach our tasks and how we work with our stakeholders:

- **Impartiality** – working within the legislative and policy framework given to it, being independent and objective, finding the right balance between the interests at stake.
- **Integrity** – upholding the highest standards of behaviour and doing what is right even if it is unpopular.
- **Transparency** – explaining what it is doing and why, in clear language that is accessible to all.

- **Pragmatism** – understanding its stakeholders’ needs and seeking solutions that work in practice.

4.1.2.2. General principles

1. The EDPS serves the public interest to ensure that EU institutions comply with data protection policy and practice. He contributes to wider policy as far as it affects European data protection.
2. Using his expertise, authority and formal powers to build awareness of data protection as a fundamental right and as a vital part of good public policy and administration for EU institutions.
3. He focuses his attention and efforts on areas of policy or administration that present the highest risk of non-compliance or impact on privacy. He acts selectively and proportionately.

4.1.3. Data Protection and the EDPS in 2017

The EDPS Strategy 2015-2019 outlines its vision of an EU that leads by example in the global dialogue on data protection and privacy in the digital age. It sets out a challenging and ambitious agenda for the current mandate, aimed at establishing an international approach to data protection, designed for the digital era.

In 2017, the EDPS reached the mid-point of the current mandate. Though its mid-term review of the EDPS Strategy demonstrates the significant progress it has made towards achieving its goals, much work still remains if the EDPS is to ensure that its vision becomes a reality.

4.1.3.1. Data protection goes digital

Technology is developing at a rapid pace, changing the way we live our lives in ways we could never have predicted. Though the benefits of technological innovation are evident, it is vitally important that we also consider, and address, the impact of the technological revolution on the rights to privacy and data protection. Data protection must go digital.

The digital environment is determining the way in which we live our lives; not only how we communicate, but also the ways in which businesses operate and in which governments interpret their duty to pursue public interests and protect individuals. However, many new technologies rely on the widespread collection and use of huge amounts of personal data, and while technological innovation has raced ahead, institutional reaction has been slow.

The task the EDPS faces, as a data protection authority, is to develop creative ideas and innovative solutions that allow society to benefit from new technologies while preserving their rights as individuals. This means making existing principles more effective in practice and integrating them with new principles, specifically designed for the digital age and the data-driven economy.

With the increased focus of the GDPR on technical measures and solutions, such as data protection by design and by default, and the forthcoming application of similar principles to the EU institutions and bodies, the need for data protection authorities (DPAs), including the EDPS, to develop their knowledge and expertise on technology is more important than ever before. Not only the DPAs need to have the relevant expertise, but anyone required to take decisions on the processing of personal data must have a better understanding of the possibilities and risks related to technological development.

The EDPS work with the Internet Privacy Engineering Network (IPEN), set up by the EDPS in 2014, is a good example of this. With the principles of data protection by design and by default set to become a legal obligation under the new General Data Protection Regulation (GDPR), IPEN endeavours to bridge the gap between the legal and IT engineering approaches to data protection and to support the development of the privacy engineering profession.

In 2017, the network organised a workshop in Vienna, aimed at highlighting principles that could be used to ensure an increased level of protection for personal data in the development of new technologies. In addition, with interest in privacy engineering now gaining ground outside Europe, IPEN also collaborated with the Future of Privacy Forum (FPF), the Catholic University in Leuven and Carnegie-Mellon University to organise a Trans-Atlantic workshop. The workshop focused on research and development needs in privacy engineering, particularly in relation to data protection by design and by default.

In addition to the work with IPEN, the EDPS has also been working hard to develop its knowledge and expertise on new technologies. This knowledge is vital to ensuring that the data protection community is able to respond adequately to new technological challenges and developments and their implications for data protection and privacy.

As well as continuing to monitor developments in Artificial Intelligence (AI) and robotics, the EDPS also examined the privacy implications of connected glasses, Cooperative Intelligent Transport Systems (C-ITS) and the potentially disruptive application of AI and distributed ledger technologies, such as blockchain, to developments in the Financial Technology (FinTech) industry. The EDPS hopes to present the results of its investigations during the course of 2018.

Data protection does not exist in isolation. It is therefore important that the EDPS seeks solutions to the challenges of the digital era in collaboration with others. IPEN is a good example of this, as is the Digital Clearinghouse, an EDPS initiative launched in 2016 to facilitate cooperation in the areas of consumer and data protection. The aim is to work with regulatory bodies to address questions relating to the concentration of market and informational power. The Digital Clearinghouse, which held its first two meetings in 2017, provides a space for dialogue on how to respond to the digital challenge in a way that ensures that individuals maintain control over their personal information.

In a novel procedural development, in 2017 the EDPS received the first formal request for an Opinion from the Council. The request concerned a Commission proposal to extend consumer protection to digital content supplied to consumers, focusing on the misguided notion of providing content in exchange for personal data. The EDPS Opinion warned against any new provision introducing the idea that people can pay with their data in the same way as they do with money.

Fundamental rights such as the right to the protection of personal data cannot be reduced to simple consumer interests, and personal data cannot be considered as a mere commodity.

4.1.3.2. Forging global partnerships

Technological development has revolutionised the way in which people share data. Yet while huge amounts of data travel across international borders every day, the laws applying to the protection of personal data are determined at regional or national levels. Evidence of programmes based on the mass surveillance of personal data, which came to light in 2013, provided an excellent illustration of the problem, but the international dimension of data protection has actually been a focus of discussions in the data protection community for years.

The EDPS Strategy highlights the importance of turning discussions into action. It needs to develop a global, digital standard for privacy and data protection, centred on individuals, their rights and freedoms and their personal identity and security. Moreover, Europe should be at the forefront of this effort, leading by example as a beacon of respect for fundamental rights.

The EDPS made significant progress in this area in 2017. Of particular note is its work on developing an ethical dimension to data protection. Throughout 2017, the work of the Ethics Advisory Group (EAG), launched at the beginning of 2016, has continued to gather pace, contributing to the broader, international debate that the EDPS has been working to promote on the digital environment and its ethical implications. The EDPS efforts will culminate in the 2018 International Conference of Data Protection and Privacy Commissioners (ICDPPC), which will take place in Brussels in October 2018. As co-hosts of the conference, the EDPS has chosen the topic of digital ethics as the focus of the public session and hope to facilitate an open dialogue on this topic between individuals and experts from a range of disciplines.

The EDPS efforts to develop global standards for data protection do not stop at ethics, however. It believes that the EU, when negotiating international agreements, must use these agreements to reinforce the rights of EU citizens, by ensuring that they do not compromise the levels of data protection provided for under EU law. This is particularly important in the case of trade agreements. Traditionally, data flows have not been considered a trade issue. However, recent calls to include legislation relating to data flows in trade agreements prompted EDPS Giovanni Buttarelli to publish a blogpost on the subject in December 2017. He repeated the long-standing EDPS position that data protection is not a barrier to international cooperation and that data flows should be kept fully and explicitly out of the scope of the EU's trade agreements.

The EDPS also participated in the first EU-US Privacy Shield joint review, which took place in September 2017. The review aimed to assess the implementation of the Privacy Shield, the framework that facilitates the transfer of data from the EU to the US, to ensure that it does not harm the fundamental rights of individuals. The result was less than satisfactory and, alongside the EDPS colleagues in the Article 29 Working Party (WP29), the institution has committed to following up in 2018, using the appropriate measures, if no action is taken to address its concerns.

Speaking with a single EU voice in the international arena will increase the influence and credibility of the European approach to data protection. For this reason, it is important to continue to work in close cooperation with the colleagues in the national DPAs throughout the EU, whether this be in response to key challenges to data protection, as part of the EDPS efforts to ensure effective coordinated supervision, or in its joint preparation for the new legal framework.

4.1.3.3. Opening a new chapter for data protection

EU data protection rules have long been considered a point of reference for many countries around the world. Maintaining this privileged position, however, requires reforming these rules to ensure that they provide adequate protection for the digital age. While reform should not slow down innovation, it should ensure that the fundamental rights of EU citizens are appropriately safeguarded and rebuild trust in the digital society, which has been eroded by revelations of covert and disproportionate surveillance.

On 4 May 2016, the GDPR was published in the Official Journal of the European Union. This marked a big step towards achieving these goals, but much work still remains before the EU's new data protection framework is complete.

In the EDPS Strategy, the institution commits to acting as a proactive partner in discussions between the European Commission, Parliament and Council on the data protection reform package. The EDPS assumed this role throughout discussions on the GDPR, and has adopted a similar approach to ongoing negotiations on the review of Regulation 45/2001, which sets out the rules for data protection in the EU institutions and bodies, and on the reform of the Regulation on ePrivacy.

In 2017, the EDPS published Opinions on proposals for both Regulations, emphasising the need to ensure consistency with the GDPR. Discussions on the review of Regulation 45/2001 moved to the trilogue stage in November 2017, and the EDPS continues to push for an agreement as soon as possible, in line with the legislators' commitment to ensure that these rules are applicable on the same day as the GDPR. This is important in order to ensure that the EU institutions are able to lead by example in the application of the new data protection rules.

The institution has been working hard to prepare the EU institutions for the new rules. In particular, the EDPS has focused on introducing them to the principle of accountability, which will require them to not only comply with the new rules, but also to demonstrate this compliance. The EDPS has been working closely with the Data Protection Officers (DPOs) in the EU institutions to help them prepare, but have also reached out to management and to other EU staff members affected by the new legislation.

In its Opinion on ePrivacy, the EDPS called for smarter, clearer and stronger rules, while outlining our key concerns. Progress on this legislation has been slower, but the EDPS was pleased to note that the European Parliament's report on ePrivacy, which will be used in trilogue negotiations with the Commission and the Council, built on its recommendations. The EDPS will continue to follow developments on the ePrivacy Regulation into 2018 and hopes to see an agreement as soon as possible.

The institution also invested a lot of energy in preparations for the GDPR in 2017. This has involved working closely with our WP29 colleagues both on producing guidance relating to key provisions of the GDPR and in setting up the European Data Protection Board (EDPB), for which the EDPS will provide the Secretariat. The EDPB will take over the responsibilities of the WP29, as well as performing other tasks aimed at ensuring the consistent application of the GDPR across the EU. The EDPS made significant progress in its preparations for this new responsibility in 2017, selecting a logo, designing a website and establishing a dedicated EDPB sector within the EDPS framework. Building on the collection and analysis of needs of the EDPB secretariat and the national DPAs for the new cooperation and consistency procedures and on the analysis of technological options, in 2017 decisions on the technical platform were taken and the project for the implementation started. Preparations will continue throughout the first half of the next year, to ensure that the Board is operational by May 2018.

In addition to preparing for the new legislation, the EDPS Strategy sets us the task of facilitating responsible and informed policymaking. In 2017, its efforts surpassed those of the previous years under the current mandate. Not only did the number of Opinions the institution issued on EU proposals with data protection and privacy implications increase, the EDPS also provided practical guidance for policymakers, through the publication of a Necessity Toolkit. Moreover, two of the Opinions issued were directly requested by the Council, something that has not happened before. Both observations serve to demonstrate the quality and value of the advice the EDPS issues to the EU institutions, and its improving cooperation with the Council in particular.

Meanwhile, in its supervisory role, the EDPS took on a new responsibility in 2017: the supervision of Europol. One of the EDPS key challenges in this new role is to ensure that Europol is able to strike the right balance between security and privacy when dealing with data processing for the purpose of law enforcement. The EDPS has endeavoured to establish effective working relationships with its colleagues at Europol, ending 2017 with a productive inspection of their data processing activities. The EDPS looks forward to building on these foundations in 2018, and hopes that Europol can set an example for others by promoting a mature approach to security and privacy.

4.1.3.4. Internal administration

Ensuring that the EDPS internal administration and data protection policies are adequate and effective plays an essential role in enabling the institution to reach its goals. This is even more important considering the administrative support it provides for the EDPB.

In 2017, the EDPS continued its work to ensure that the EDPB receives the human and financial resources necessary to carry out its tasks. This included setting up the EDPB sector and an ambitious recruitment plan in the first half of 2018. The institution also put data protection into practice, through the implementation of the EDPS data protection accountability tool, making sure that the EDPS, too, is prepared for the new Regulation and is able to set an example for others to follow.

In addition, we have introduced new tools and policies, such as the HR Forward Planning tool and policies on equal opportunities and diversity, all designed to ensure that the EDPS remains an efficient and pleasant work environment.

4.1.3.5. Communicating our message

Similarly, as the EDPS role and responsibilities continue to grow, it is more important than ever that it is able to communicate about its work as effectively and transparently as possible.

The EDPS launched a new website in March 2017, designed to do exactly this. A new-look Newsletter followed soon after, marking the end of our efforts to rebrand and update the image of the EDPS for a new era. Work on creating new websites for the EDPB and the 2018 International Conference is now well underway, with both projects due for completion in 2018.

In addition to this, the institution has continued to expand its reach, not only through the use of social media and press activities, but also study visits and events.

With deadlines for the EDPB and the 2018 International Conference approaching, and the role and global presence of the EDPS only continuing to increase, it anticipates another busy year in 2018.

4.2. Strategy 2015-2019

4.2.1. EDPS strategic objectives

The EDPS' vision is to help the EU lead by example in the global dialogue on data protection and privacy in the digital age. Its three strategic objectives and 10 actions are detailed in Annex 5.

4.2.2. Action plan

The related action plan is detailed in Annex 6.

4.2.3. Measuring performance

Following the adoption of the EDPS Strategy 2015-2019 in March 2015, the EDPS re-evaluated its key performance indicators (KPIs) to take into account its new objectives and priorities. The new set of KPIs will help the institution to monitor and adjust, if needed, the impact of its work and its use of resources.

The table below shows its performance in 2017, in accordance with the strategic objectives and action plan defined in the EDPS Strategy.

The KPI scoreboard contains a brief description of each KPI, the results on 31 December 2017 and the set target. The indicators are measured against initial targets in most cases.

The following information clarifies the monitoring results of three KPIs:

- KPI 4 analyses the impact of selected EDPS opinions. This KPI could not be assessed as planned due to delays in the legislative process, which made it impossible to carry out the exercise as planned in relation to the two selected opinions for 2017 (Directive on digital content and revision of Regulation 45/2001). This KPI is being reconsidered in light of its strong dependency on factors outside EDPS control, such as developments and delays in the legislative process. Moreover, former KPI 3 (Number of initiatives taken regarding international agreements) has been merged with former KPI 4 (Number of cases dealt with at international level (WP29, CoE, OECD, GPEN, International Conferences) for which EDPS has provided a substantial written contribution) as they are similar and include all international contributions.
- KPI 7 is the composite indicator on visits to the website and Twitter followers. This KPI produced mixed results: while the number of Twitter followers well exceeded the target, the number of visits to the EDPS website was lower than the set target. This is primarily because the figures for 2017 visits to the website only take into account the number of visitors since the launch of the new EDPS website in March 2017. The very positive feedback the EDPS received on the new website and the sufficiently high number of visitors allow the institution to conclude that it remains a valuable online resource for those interested in the EDPS work and in data protection in general.
- KPI 8, on staff satisfaction, was not assessed in 2017 as it is linked to the HR survey, a biennial exercise to be carried out again in 2018.

The results show that the implementation of the Strategy is on track, with the majority of KPIs meeting or exceeding their respective targets. No corrective measures are needed at this stage.

Key Performance Indicators 2015-2019

KEY PERFORMANCE INDICATORS		RESULTS AT 31.12.2017	TARGET 2017
Objective 1 - Data protection goes digital			
KPI 1 Internal Indicator	Number of initiatives promoting technologies to enhance privacy and data protection organised or co-organised by EDPS	9	9
KPI 2 Internal & External Indicator	Number of activities focused on cross-disciplinary policy solutions (internal & external)	8	8
Objective 2 - Forging global partnerships			
KPI 3 Internal Indicator	Number of cases dealt with at international level (WP29, CoE, OECD, GPEN, International Conferences) for which EDPS has provided a substantial written contribution	31	10
Objective 3 - Opening a new chapter for EU data protection			
KPI 4 Internal Indicator	Analysis of impact of the input of EDPS opinion	<i>NA for 2017</i>	
KPI 5 External Indicator	Level of satisfaction of DPOs/DPCs/controllers on cooperation with EDPS and guidance, including satisfaction of data subjects as to training	92.3%	60%
KPI 6 Internal Indicator	Rate of implementation of cases in the EDPS priority list (as regularly updated) in form of informal comments and formal opinions	100%	90%
Enablers - Communication and management of resources			
KPI 7 External Indicator (composite indicator)	Number of visits to the EDPS website Number of followers on the EDPS Twitter account	181805 9407	2015 as benchmark 195715 visits to website + 10% 3631 followers on twitter + 10%
KPI 8 Internal Indicator	Level of staff satisfaction	<i>NA for 2017</i>	Biennial survey

4.3. Inter-institutional cooperation

In 2017, 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 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

4.4. Events during the year that affected reputation

There were no events during 2017 that might have had a negative impact on the institution's reputation.

4.5. Internal control management system

Internal control covers the totality of the policies and procedures put in place by the institution to ensure the economic, efficient and effective achievement of its objectives. In order to assess and improve the effectiveness of the internal control system, in 2013 the EDPS adopted 15 out of the 16 Internal Control Standards (ICS), laid down in the European Commission decision of 2007^{8 9}.

Since then an increasing number of implementing measures were adopted to provide effective internal control of the processes in place. By way of example, measures taken to implement the internal controls standards (ICS) include: adoption of a new ICS decision on 6/7/2015 removing one of the 15 ICS which was inappropriate for the EDPS; monitoring of the EDPS Ethics framework, adoption of a revised telework decision, of a fit@work programme, full implementation of the EDPS HR Forward planning, the staff retention strategy, the career guidance policy, and the Equal opportunity strategy.

The four-level system of activity planning (strategic, annual, monthly and weekly) forms the basis on which the EDPS manages his workload. The monthly and weekly tables have been merged into a new planning tool managed by the Assistant to the Director. This allows to have a clearer overview of the state of play for all teams and for the Supervisors.

According to Art. 13 of the EDPS Rules of Procedure, the EDPS shall establish each year an Annual Management Plan. That plan shall translate the long term strategy of the EDPS into general and specific objectives. The plan sets out the activities to be undertaken by specific objectives. In line with Art. 13 the Annual Management Plan also includes the key performance indicators, defined in the Strategy 2015-2019, which were regularly measured to monitor progress achieved during the implementation phase.

Since the adoption of the decision on risk management in July 2012 –modern tools that help to identify the risks and possible plans of action- the EDPS has included risk management as an essential element of its global strategy. Risk management goes beyond assessing the risks; it also involves putting controls and measures in place that then need to be monitored (see Annex 7).

These controls put in place by the EDPS, along with the procedural channels, are intended to correct any financial or procedural error that might arise. They are an

⁸ Communication SEC(2007)1341.

⁹ Only ICS number 16 related to Internal Audit Capability is not applicable to the EDPS.

integral part of the management of the EDPS, as are any corrections to which they give rise. The AOD is thus aware of any corrections. Neither the nature nor the frequency of the identified risks has been significantly relevant.

4.6. Internal evaluation of the internal control system and indicators underpinning the statement of assurance

The monitoring of the implementation of the ICS is the responsibility of the Internal Control Coordinator (ICC), who reports directly to the Director. Regular controls are carried out on the basis of a control matrix, which includes all the recommendations and actions to be undertaken in order to comply with the adopted ICS. The matrix is the object of regular reviews and updates. The ICC also meets the EDPS units/sectors to ensure effective implementation.

Since July 2014 a report on the implementation of the ICS is established twice a year to assess their effectiveness. The report is submitted to the Management Board for adoption.

Furthermore, the ex-post facto verification and the accounting correspondent functions monitor, on a sample basis, the legality and regularity of the financial transactions as well as the quality of accountancy once a year. Unfortunately, due to departures and long sick leaves of the staff having been appointed, these tasks could not be accomplished in 2017. Two new staff members will be appointed (ex-post facto verifier and accounting correspondent) in 2018 and will, further to the appropriate training, perform the corresponding functions.

This enables the institution to demonstrate that the overall internal control system is effective, not only that sufficient controls are in place but also that these controls take account of the risks involved and are effective.

At this stage, the AOD estimates that the level of management and control put in place is appropriate and improving. Such improvements are not likely to have a 'material' impact within the meaning of paragraph 5.1. No reservations are necessary with regard to the improvements underway.

At the time of writing this annual activity report, no significant errors have occurred, and no reservations are necessary as regards preventive controls.

No recommendations that are currently being implemented are therefore likely to have a material impact¹⁰.

¹⁰ The materiality criteria used for this judgment are given in Chapter 5.1 of this report.

4.7. Cost effectiveness and efficiency of Internal Control

As the EDPS undertook to the Court of Auditors last year, the purpose of this new paragraph is to report on the results of the cost-benefit analysis carried out on the Internal Control, as provided for in Article 66.9 of the Financial Regulation.

Being a very small Institution, the EDPS has neither the means nor the resources to carry out a classic cost-benefit analysis. Therefore, we have taken as a base the model applied by EPSO, since this office, as the EDPS, only manages administrative appropriations under Heading V of the EU budget. This model consists of a single global indicator which is calculated by dividing the approximate total cost of control by all expenditure made during the year (budget implementation in terms of payments).

The total number of FTE's involved in the three main control activities (internal control, procurement, finance and ex-post control) is estimated at around 3 FTE's.

The estimated average cost (all categories of cost included) of the control activities for 2017 would be around 350.000 Euros.

The total budget implementation in terms of payments for 2017 is expected to be of 9.044.054Euros.

It means that the cost of the internal control activities represents only 3.87% of the EDPS expenditure.

4.8. Results of independent audit during the year

There are two independent audits applicable to the EDPS: the European Court of Auditors and the institution's Internal Auditor.

4.8.1. Court of Auditors

4.8.1.1. Statement of Assurance 2017

Preliminary findings of the Court of Auditors for 2017 have already been received but the final report will only be made public at a later stage. The EDPS was informed that there will be no remarks but these are only the preliminary findings and it is necessary to wait for the official confirmation.

As regard the legality and regularity of underlying transactions, one EDPS payment was selected as part of the global sample for audit 2017. It formed part of a random sample from administrative expenditure as a whole, covering all Institutions and Bodies.

The second part of the SoA 2017 started in May 2018 and is dedicated to the audit of the AAR itself. The findings even preliminary are not yet communicated at this stage.

4.8.1.2. 5% Staff Cut Survey

The Court reviewed how the European Union institutions, bodies and agencies implemented the commitment made in the Interinstitutional Agreement of 2 December 2013 to cut 5 % of the staff in their establishment plans during the period 2013-2017.

The Court's review consolidated the work that it has already done for the EU institutions and bodies, and extended it to the agencies and the two bodies (the European Ombudsman and the European Data Protection Supervisor) that were not included in the relevant section of Chapter 10 of the Court's Annual Report 2016.

The EDPS provided the Court of Auditors' review of the implementation the 5% staff reduction with a lot of useful data and assistance where needed. It did not trigger any specific remarks as the EDPS implemented this cut of 5% in its establishment plan.

4.8.1.3. Statement of Assurance 2016 conclusions

For the sixth consecutive year, the Statement of Assurance of the European Court of Auditors concerning the financial year 2016 (SoA 2016) did not contain any observation on the reliability or the 2016 provisional accounts.

The audit examined the supervisory and controls systems, in particular the implementation of key controls defined in the Financial Regulation and of the Internal Control Standards. This examination did not give rise to any observation, nor the examination of the 2016 annual activity report of the EDPS.

The absence of the ex-post controls in 2016 was underlined and the EDPS ensured that it would be performed in 2017 but sickness of the staff involved made this impossible.

4.8.2. Internal Audit Service (IAS)

The Commission's Internal Auditor is the internal auditor of the EDPS. To make sure that EDPS resources are effectively managed, the internal auditor conducts regular checks on EDPS internal control systems and on its financial transactions.

During the first half of 2017, and in line with the IAS 2014-2016 Strategic Internal Audit Plan (SIAP) for EDPS, the IAS finalised the audit on the establishment and issuance of legislative opinions and formal comments under Article 28(2), and carried out a follow-up audit of outstanding recommendations from the past IAS audit on the limited review of Internal Control Standards in the EDPS.

In line with the IAS Annual Audit Plan 2017, the IAS performed a full risk assessment of EDPS processes during the second half of 2017. This assessment served as a basis for the establishment of the SIAP for EDPS covering the period 2018-2020.

Last but not least, the IAS issued on 28 March 2018 its Annual Internal Audit Report (ARIA) for 2017 under Article 99(3) of the 2015 Financial Regulation.

4.8.2.1. Full Risk assessment exercise and SIAP 2018-2020

The IAS carried out a full risk assessment exercise in September 2017 covering major processes, both operational - according to its mission - and administrative - to support the operational tasks which leads to a strategic internal audit plan (SIAP).

The exercise consisted of the following main steps:

- a desk review of the principal documents concerning EDPS;
- interviewing on-site key EDPS staff in order to obtain an overview of the processes and the related key controls;
- assessing the most important risks related to these processes; and
- drafting a strategic audit plan with a short list of future audit topics.
- The assessment of the administrative processes, including the IT processes, of the Authority, was based on a standardised structured risk assessment questionnaire. For the assessment of the operational processes, questions specifically adapted to the operational processes of EDPS were used.

Prospective topics 2018 - 2020

The list of potential topics has been established taking into account prior IAS engagements, the follow-up of open issues (with possible interim follow-up engagements), risk assessments carried out by the auditee's management, work completed or planned by the European Court of Auditors (ECA), information provided by and discussion with the management and Board of the EDPS and management requests of the EDPS regarding specific issues.

- **Consultancy**
 - EDPB Secretariat readiness assessment
- **Audit**
 - Supervision of Europol (including IT security arrangements)
- **Follow-up**
 - Continuous desk review of the recommendations reported as implemented
 - Annual desk review of the implementation of the action plan for high risk areas identified in the risk assessment
 - On-the-spot follow up as required
- **Risk Assessment**
 - Annual light update of the Strategic Audit Plan

A – EDPB Secretariat (Readiness assessment)

The IAS considered that the engagement would be more appropriately conducted as an advisory engagement, assisting the EDPS in preparing the transition and start-up phase of the EDPB.

The objective of the engagement will be to provide the Supervisor and the Director with recommendations and suggestions concerning the readiness of the EDPS to fulfil the activities (logistical aspects, human resources assigned, IT support, and communication activities) related to the secretariat of the EDPB.

The final scope of the engagement was agreed with the Supervisor and Director, and included:

- Governance arrangements and decision-making (including cooperation with the EDPS)
- Efficiency of shared resources between the EDPS and the EDPB for matters such as clerical, audit, logistics, budget and human resources services
- SLAs in place with the European Commission and the European Parliament
- IT arrangements in place for properly executing the Secretariat tasks, and ensure adequate access management, and platform implemented for exchanging information with NDPAs.
- Communication arrangements.

The final definition of the scope was also dependent on the outcome of the preliminary examination and degree of progress the EDPS would have achieved at the time of the start of this engagement.

B – Supervision of Europol

The objective of the audit will be to assess the adequacy and effectiveness of the internal control system for the supervisory activities related to Europol, activities related to the Secretariat of the Europol Cooperation Board, and the IT security controls specifically related to the above-mentioned activities.

The scope of the audit will include:

- The main operational processes performed under the supervision activity for Europol, namely consultations (administrative and prior consultations), complaints and inspections, with particular focus on:
 - The appropriateness and effectiveness of controls on planning, implementation, and monitoring of the processes;
 - The adequacy and clarity of the allocation of relevant roles and responsibilities;
 - The compliance of the corresponding procedures with the legal framework establishing the EDPS' role, duties and rights, and with the Europol Regulation.
- IT security governance and logical security controls, including:
 - Roles and responsibilities as well as policies, standards, procedures and controls of the information security process;
 - The adequacy of the internal controls put in place to administer the access rights for normal and privileged/ administrative accounts in the CMS and other Europol-related IT systems (hardware and software).

The audit could take place as from 2019 in order to ensure that a sufficient number of Europol cases have been processed by the EDPS. The audit may include interviews with the Europol DPO. The final definition of the scope is subject to the outcome of the preliminary survey.

4.8.2.2. Finalisation of the Audit on establishment and issuance of opinions and formal comments in the EDPS

The overall objective of the audit was to assess the effectiveness and efficiency of the management and control systems set up by the EDPS in order to support the consultation process under Article 28(2) of Regulation (EC) No 45/2001.

This objective was translated in the following main audit question: are the management and control systems set up by the EDPS effectively, efficiently and in a timely manner, supporting the consultation process under Article 28(2) of Regulation 45/2001?

In particular, the audit addressed the following specific questions:

- The establishment of the EDPS Priorities list: Has the EDPS implemented an effective and efficient process for setting and acting upon the priorities for which it intends to provide advice under Article 28(2) of Regulation 45/2001?

- The consultation process: Are the tasks needed for consultation requests from EU Institutions and bodies as stated in Article 28(2) performed effectively, efficiently and on time?

The scope of the engagement covered the following elements:

- The planning process leading to the list of subjects of particular interest, including the consultations with services of the Commission and the internal distribution of activities and resources.
- Pertinent operational processes and procedures leading to the issuance of EDPS formal opinions on EU legislative proposals and of comments on soft law instruments, including management supervision (at the level of the priorities list and at the level of each case), publication, and follow-up on legislative opinions and comments issued, including evaluation.

The substance and quality of the opinions issued and comments made were not assessed.

The IAS acknowledged the following developments and on-going efforts since the acceptance of the action plan:

- a revision of the "Policy & Consultation" (P&C) case manual in September 2017;
- a refinement of the definition and computation method of KPI 6 'Rate of Implementation of cases in the EDPS Priority List' in the context of the review of the 2017 Annual Management Plan in December 2017;
- Ongoing discussions to modify the annual KPI measuring the impact of the input of the EDPS to make it more relevant to the work of the P&C Unit's work.

The EDPS accepted all the recommendations made in the context of this engagement and on 15 September 2017, the EDPS provided the IAS with an action plan in response to the recommendations arising from the audit. The IAS assessed the action plan as satisfactory on 25 September 2017.

4.8.2.3. ICS monitoring situation

The EDPS follows 14 of the 16 ICS established by the European Commission (see EDPS decisions 2012 and 2015). The ICS are regularly monitored and reports (twice a year) are established since 2014 to keep management up to date with their implementation.

The follow-up audit did not result in a re-assessment of the adequacy of controls as a whole but did focus on the specific recommendations in the original audits. It was carried out in accordance with the IAS methodological guidelines. The assessment of the state of implementation was based on the status of implementation as reported by the EDPS through TEAM CENTRAL, new module of the IAS follow-up tool, on-the-spot review of files and documents by the audit team, documents and tools as provided during the fieldwork and the preparation phase, and on-the-spot interviews with staff responsible for implementing the corresponding action plans.

On 30 January 2018, the ICS monitoring situation at the EDPS was the following:

“The EDPS report on the implementation of the ICS shows that the level of internal control is overall satisfactory and effective.

All teams have gradually implemented the standards as recommended by the IAS in all blocks. The result is that few gaps are still remaining in one sector, block 4 (operation and control activity) which requires further action”.

The following bullet points show the complete state of play:

- ✓ The Recommendation 13 (policy on sensitive functions) is planned for adoption before March 2018
- ✓ The 3 recommendations (19, 20 & 21 - the three related to BCP) are ongoing and planned for adoption at the end of 2018.

Since this ICS monitoring report, the policy on sensitive functions has been implemented.

4.8.3. Follow-up to the European Parliament’s discharge resolution of 2016

The European Parliament granted the EDPS discharge in respect of the implementation of its budget for the financial year 2016.

The discharge decision is accompanied by a resolution where the EP sets out its observations, among which the following are addressed in the context of this AAR.

- Calls on the Supervisor to provide a detailed list of missions undertaken by its members in 2016, indicating the price, the place and the cost of each mission; calls for the missions undertaken in 2017 to be included in its next annual activity report;

This is covered in Annex 4 of this report.

- The Parliament is aware of the adoption of implementing measures to ensure effective internal control of the processes in order to guarantee an economic, efficient and effective achievement of the Supervisor’s objectives; calls on the Supervisor to include information on the measures in its annual activity report;

The implementation of a performance based budgeting at the EDPS would require the setting up of an appropriate cost accounting method. The conclusion of the pilot project launched in 2017 was postponed to 2019 in order to incorporate in the analysis the EDPB Secretariat.

- Calls on the Supervisor to inform Parliament's Committee on Budgetary Control of the amounts paid in 2016 under Service Level Agreements in which fees depend on consumption;

This information is provided in the chart at point 3.5

- Calls for an overview in the Supervisor's annual activity report of the sections on procurement and missions' management, to include a comparative table of the last four years;

This information is provided in points 3.3 & 3.4

- Notes the adoption in 2016 of an Ethics Framework that governs the conduct of members and all staff of the Supervisor in their internal and external relations; notes also that this framework encompasses the already existing codes of conduct, whistleblowing and anti-harassment decisions, disciplinary procedures and administrative investigations; asks for the information on the different topics of the framework to continue to be presented separately in the annual activity report;

Relevant information is provided in point 2.2

- Notes that the Supervisor has published in its annual activity report a chapter about inter-institutional cooperation with other institutions as was requested in the 2015 discharge report; notes that in 2016 the Supervisor signed two new Single Cooperation Agreements; calls on the Supervisor to continue strengthening inter-institutional cooperation and to provide an update on its achievements in its next annual activity report;

This information is provided in points 3.5 & 4.3

4.9. Conclusions on the effectiveness of internal control

In light of the information above, the authorising officer by delegation considers that the internal control system is operating appropriately; bearing in mind the level of expenditure and budget handled by the institution, and thus gives the necessary assurance to his annual statement.

5. Reservations and impact on the statement

5.1. Materiality criteria

In order to establish the Statement of Assurance the AOD applies the materiality criteria adopted by the Court of Auditors.

5.1.1. Objectives of materiality criteria

The materiality threshold gives the AOD a basis on which to establish the significant weaknesses that require a formal ¹¹ reservation to his statement. The assessment of a weakness falls to the qualitative and quantitative judgment of the authorising officer by delegation, who remains responsible for the statement of assurance, including the reservations made.

The purpose of this chapter is to define the qualitative and quantitative criteria for determining the level of materiality.

5.1.2. Qualitative criteria

The following parameters were used to establish significant weaknesses:

- significant/repeated errors without mitigation
- weakness in the internal control system
- insufficient supporting documents
- material problems identified by the Court of Auditors or the Internal Audit Service
- problems of reputation.

5.1.3. Quantitative criteria

Once a significant weakness has been identified, quantitative criteria must be applied to determine the level of materiality. This level will be used to determine whether the weakness 'merits' being reported.

- margin of error
- maximum amount of risk.

The Court of Auditors uses a 2% materiality threshold. Should the residual risk of an error be higher, the institution must explain the reasons for this.

¹¹ The Commission (COM(2003)28 of 21 January 2003) considers that only 'material' reservations can be used to qualify the annual statement.

The EDPS has decided on 2% of annual appropriations as the materiality threshold in this regard, namely: EUR 226 494.47

5.1.4. Criteria of the Internal Audit Service

A 'table of significance' is added to the internal auditors' report.

In this table, a distinction is made between recommendations and observations on the one hand, and levels of importance on the other: critical, very important, important and desirable.

According to the internal auditors, only 'critical' level observations *may* result in a reservation in the statement given in the annual activity report. For the EDPS, there are no observations at this level.

5.2. Reservations

No reservation.

5.3. Conclusion

Based on the above, the Director of the EDPS Secretariat has issued the annual statement with no reservation.

6. Statement of assurance from the authorising officer by delegation

I, the undersigned, Leonardo CERVERA NAVAS,

Director of the EDPS Secretariat,

as Authorising Officer by Delegation

hereby declare that the information contained in this report is true and faithful.

I state that I have had reasonable assurance that the resources allocated to the activities described in this report have been used for the purposes anticipated and in accordance with the principle of sound financial management, and that the control procedures established provide the necessary guarantees as to the legality and regularity of the underlying operations.

This reasonable assurance is based on my own judgment and on the information available to me, such as the results of the self-evaluation and the report of the Internal Audit Service.

I confirm that I am not aware of any matter not reported that might be harmful to the institution's interests.

Signed at Brussels on 5 June 2018.


Leonardo CERVERA NAVAS

7. Annexes

Annex 1: Summary of annual activity report

The Financial Regulation (Article 66(9))¹² provides that the *institution* shall submit to the budgetary authority (European Parliament and Council), no later than 15 June each year, a summary of the annual activity report for the previous year.

Alongside this, Article 48 of Regulation (EC) No 45/2001 provides that the EDPS shall submit an annual activity report to the European Parliament, the Council and the Commission.

The proposal is thus to summarise the authorising officer by delegation's annual activity report and include this summary in the activity report that is provided for in Article 48 of Regulation (EC) No 45/2001:

Overall, the European Data Protection Supervisor considers that the internal control systems in place provide reasonable assurance as to the legality and regularity of the operations for which the institution is responsible.

The European Data Protection Supervisor will ensure that his authorising officer by delegation continues his efforts to guarantee that the reasonable assurance given in the statement attached to his activities report is effectively backed up by appropriate internal control systems.

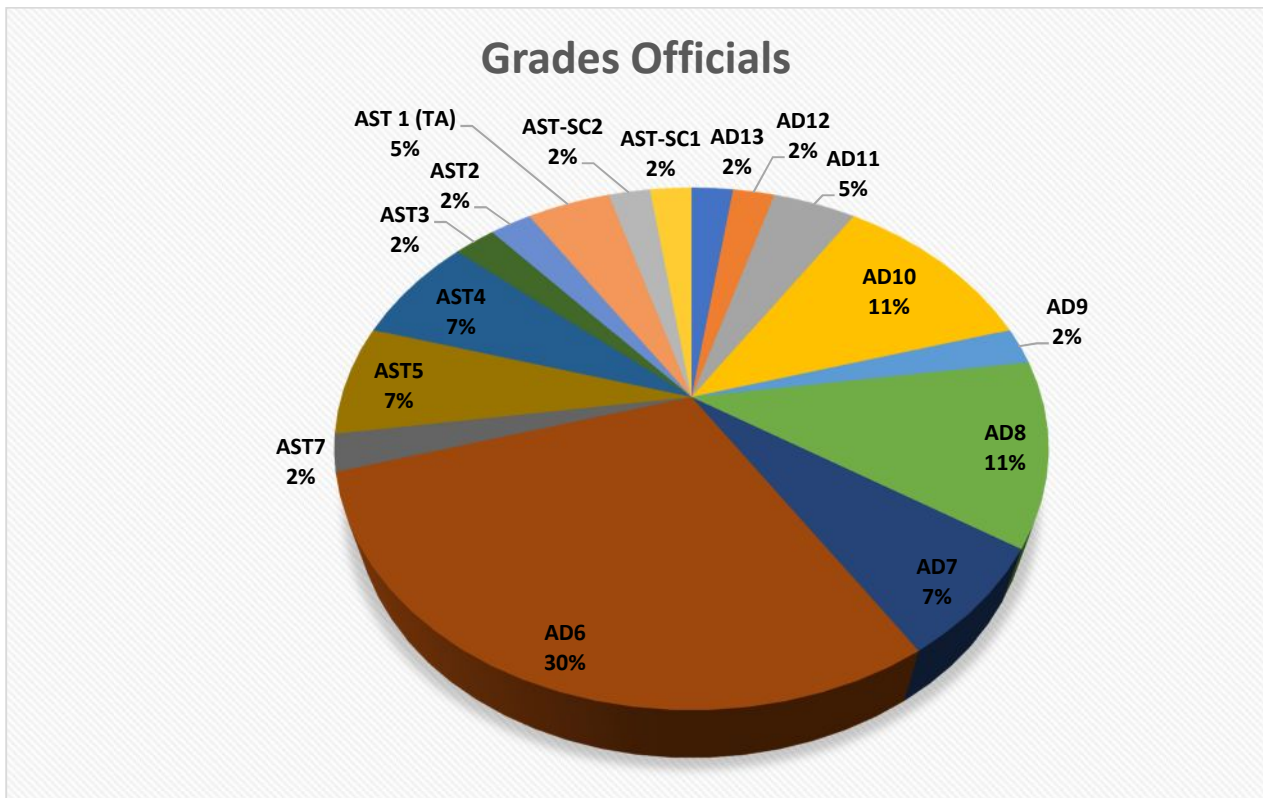
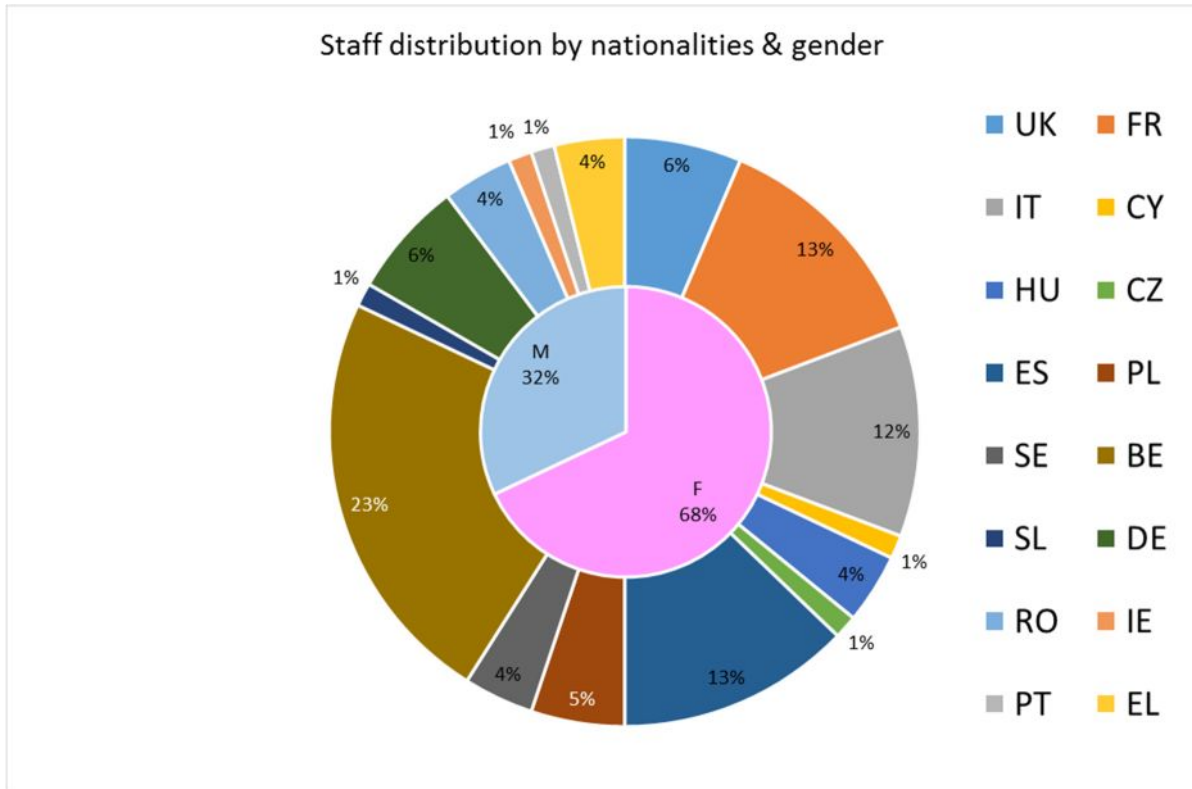
¹² Financial Regulation, Article 66(9): “*The authorising officer by delegation shall report to his or her institution on the performance of his or her duties in the form of an annual activity report containing financial and management information, including the results of controls, declaring that, except as otherwise specified in any reservations related to defined areas of revenue and expenditure, he or she has reasonable assurance that:*

- (a) the information contained in the report presents a true and fair view;*
- (b) the resources assigned to the activities described in the report have been used for their intended purpose and in accordance with the principle of sound financial management;*
- (c) the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.*

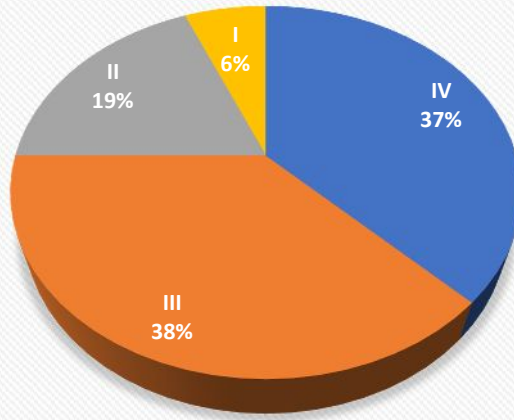
The activity report shall indicate the results of the operations by reference to the objectives set, the risks associated with those operations, the use made of the resources provided and the efficiency and effectiveness of internal control systems, including an overall assessment of the costs and benefits of controls.

No later than 15 June each year, the Commission shall send to the European Parliament and the Council a summary of the annual activity reports for the preceding year. The annual activity report of each authorising officer by delegation shall also be made available to the European Parliament and the Council.”

Annex 2: Human resources at the EDPS



CA Funtion Groups



Annex 3: Budget 2017

TITLE 1 - EXPENDITURE RELATING TO PERSONS WORKING WITH THE INSTITUTION		2016	Execution 2016	2017	2017 vs 2016	2017 vs 2016 (%)
Chapter 10	Members of the institution					
Article 100	Remuneration, allowances and other entitlements of Members					
	Item 1000 Remuneration and allowances	640.940,00	100,00%	667.290,00	26.350,00	4,11%
	Item 1001 Entitlements on entering and leaving the service	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 1002 Temporary allowances	163.732,00	77,51%	171.131,00	7.399,00	4,52%
	Item 1003 Pensions	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 1004 Provisional appropriation	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	TOTAL Article 100	804.672,00	95,68%	838.421,00	33.749,00	4,19%
Article 101	Other expenditure in connection with Members					
	Item 1010 Further training	25.000,00	40,00%	25.000,00	0,00	0,00%
	Item 1011 Mission expenses, travel expenses and other ancillary expenditure	59.394,00	85,22%	59.394,00	0,00	0,00%
	TOTAL Article 101	84.394,00	79,86%	84.394,00	0,00	0,00%
	TOTAL Chapter 10	889.066,00	94,17%	922.815,00	33.749,00	3,80%
Chapter 11	Staff of the institution					
Article 110	Remuneration, allowances and other entitlements of officials and temporary staff					
	Item 1100 Remuneration and allowances	4.328.815,00	96,92%	5.185.664,00	856.849,00	19,79%
	Item 1101 Entitlements on entering, leaving the service and on transfer	50.000,00	0,00%	50.000,00	0,00	0,00%
	Item 1102 Overtime			0,00	0,00	#DIV/0!
	Item 1103 Special assistance grants	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 1104 Allowances and miscellaneous contributions in connection with early termination of service			0,00	0,00	#DIV/0!
	Item 1105 Provisional appropriation	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	TOTAL Article 110	4.378.815,00	95,75%	5.235.664,00	856.849,00	19,57%
Article 111	Other staff					
	Item 1110 Contract staff	272.070,00	94,52%	349.000,00	76.930,00	28,28%
	Item 1111 Cost of traineeships and staff exchanges	179.428,00	99,39%	237.000,00	57.572,00	32,09%
	Item 1112 Services and work to be contracted out	51.202,00	86,13%	52.748,00	1.546,00	3,02%
	TOTAL Article 111	502.700,00	95,02%	638.748,00	136.048,00	27,06%
Article 112	Other expenditure in connection with staff					
	Item 1120 Mission expenses, travel expenses and other ancillary expenditure	132.398,00	95,08%	135.000,00	2.602,00	1,97%
	Item 1121 Recruitment costs	6.789,00	55,54%	6.789,00	0,00	0,00%
	Item 1122 Further training	78.500,00	84,92%	80.000,00	1.500,00	1,91%
	Item 1123 Social service	0,00		0,00	0,00	#DIV/0!
	Item 1124 Medical service	14.844,00	35,66%	14.844,00	0,00	0,00%
	Item 1125 Union nursery centre and other day nurseries and after-school centres	80.000,00	54,47%	80.000,00	0,00	0,00%
	Item 1126 Relations between staff and other welfare expenditure	6.000,00	89,51%	8.000,00	2.000,00	33,33%
	TOTAL Article 112	318.531,00	79,21%	324.633,00	6.102,00	1,92%
	TOTAL Chapter 11	5.200.046,00	94,63%	6.199.045,00	998.999,00	19,21%
	TOTAL TITLE 1	6.089.112,00	94,56%	7.121.860,00	1.032.748,00	16,96%

TITLE 2 - BUILDINGS, EQUIPMENT AND EXPENDITURE IN CONNECTION WITH THE OPERATION OF THE INSTITUTION		2016	Execution 2016	2017	2017 vs 2016	2017 vs 2016 (%)
Chapter 20	Buildings, equipment and expenditure in connection with the operation of the institution					
Article 200	Rents, charges and buildings expenditure	922.000,00	87,43%	926.000,00	4.000,00	0,43%
	TOTAL Article 200	922.000,00	87,43%	926.000,00	4.000,00	0,43%
Article 201	Expenditure in connection with the operation and activities of the institution					
	Item 2010 Equipment	367.500,00	180,09%	420.000,00	52.500,00	14,29%
	Item 2011 Supplies	15.000,00	51,56%	15.000,00	0,00	0,00%
	Item 2012 Other operating expenditure	110.250,00	141,10%	130.000,00	19.750,00	17,91%
	Item 2013 Translation and interpretation costs	775.000,00	45,02%	825.000,00	50.000,00	6,45%
	Item 2014 Expenditure on publishing and information	112.000,00	93,31%	127.000,00	15.000,00	13,39%
	Item 2015 Expenditure in connection with the activities of the institution	144.000,00	105,34%	144.000,00	0,00	0,00%
	Item 2016 Other activities related to external stakeholders	0,00	0,00%	193.000,00	193.000,00	#DIV/0!
	TOTAL Article 201	1.523.750,00	93,86%	1.854.000,00	330.250,00	21,67%
	TOTAL CHAPTER 20	2.445.750,00	91,44%	2.780.000,00	334.250,00	13,67%
	TOTAL TITLE 2	2.445.750,00	91,44%	2.780.000,00	334.250,00	13,67%

TITLE 3 - EUROPEAN DATA PROTECTION BOARD (EDPB)		2016	Execution 2016	2017	2017 vs 2016	2017 vs 2016 (%)
Article 301	Remuneration, allowances and other entitlements of officials and temporary staff					
	Item 3010 Remuneration and allowances	358.000,00	84,73%	562.375,00	204.375,00	57,09%
	Item 3011 Entitlements on entering, leaving the service and on transfer	25.000,00	0,00%	25.000,00	0,00	0,00%
	Item 3012 Allowances and miscellaneous contributions in connection with early termination of service	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	TOTAL Article 301	383.000,00	79,20%	587.375,00	204.375,00	53,36%
Article 302	Other staff					
	Item 3020 Contract staff	76.800,00	93,29%	79.119,00	2.319,00	3,02%
	Item 3021 Cost of traineeships and staff exchanges	140.000,00	44,00%	250.000,00	110.000,00	78,57%
	Item 3022 Services and work to be contracted out	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	TOTAL Article 302	216.800,00	61,46%	329.119,00	112.319,00	51,81%
Article 303	Other expenditure in connection with staff of the Board					
	Item 3030 Mission expenses, travel expenses and other ancillary expenditure	15.000,00	27,94%	15.000,00	0,00	0,00%
	Item 3031 Recruitment costs	10.500,00	0,00%	10.500,00	0,00	0,00%
	Item 3032 Further training	10.990,00	25,85%	10.990,00	0,00	0,00%
	Item 3033 Medical service	891,00	47,64%	891,00	0,00	0,00%
	Item 3034 Union nursery centre and other day nurseries and after-school centres	16.000,00	0,00%	16.000,00	0,00	0,00%
	TOTAL Article 303	53.381,00	13,97%	53.381,00	0,00	0,00%
Article 304	Expenditure in connection with the operation and activities of the Board					
	Item 3040 Meetings of the Board	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 3041 Translation and interpretation costs	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 3042 Expenditure on publishing and information	0,00	#DIV/0!	45.000,00	45.000,00	#DIV/0!
	Item 3043 Information technology equipment and services	100.000,00	100,00%	385.000,00	285.000,00	285,00%
	Item 3044 Travel expenses of external experts	0,00	#DIV/0!	20.000,00	20.000,00	#DIV/0!
	Item 3045 External consultancy and studies	0,00	#DIV/0!	0,00	0,00	#DIV/0!
	Item 3046 Other expenditure in connection with the activities of the EDPB	0,00	#DIV/0!	3.000,00	3.000,00	#DIV/0!
	TOTAL Article 304	100.000,00	100,00%	453.000,00	353.000,00	353,00%
	TOTAL CHAPTER 30	753.181,00	72,23%	1.422.875,00	669.694,00	88,92%
	TOTAL TITLE 3	753.181,00	72,23%	1.422.875,00	669.694,00	88,92%
	TOTAL BUDGET	9.288.043,00	91,93%	11.324.735,00	2.036.692,00	21,93%

Annex 4: Detailed list of missions undertaken by the Supervisors (2016 & 2017)

BUTTARELLI Giovanni				
Location	Mission Purpose	Date from	Date to	TOTAL
GENEVA	Data Protection within International Organisations workshop 2016	04/02/2016	05/02/2016	659,52
DELPHI	Delphi Economic Forum	26/02/2016	27/02/2016	595,23
LONDON	Systematic Government Access to Private-Sector Data Final Workshop, London, March 1-2, 2016	01/03/2016	02/03/2016	143,88
PARIS	"Les données et la concurrence dans l'economie numérique"	08/03/2016	08/03/2016	104,98
WASHINGTON, PARIS	IAPP Conference and other meetings	02/04/2016	08/04/2016	5.117,89
LECH	Commissioner Oettinger Invitation to the Europa Forum Lech 2016 (14-15/4/2016)	13/04/2016	14/04/2016	847,63
BOSTON, WASHINGTON, NEW YORK	Visit MIT and Harvard - Visit to New York	18/04/2016	23/04/2016	6.929,43
BERLIN	To participate to the 6th European Data Protection Days 2016 Berlin	24/04/2016	25/04/2016	538,44
ROME	Lecture at the LUISS University in Rome Rapporteur at the Seminar organized by the Istituto Superiore di Studi Sanitari Invitation as chairman of the Italian committee on marketing and advertising of the International Chamber of Commerce (ICC)	29/04/2016	09/05/2016	0,00

ROME, COPENHAGEN	Lecture at the LUISS University in Rome Rapporteur at the Seminar organized by the Istituto Superiore di Studi Sanitari invito al Seminario del 5/5 in ricordo di Borrus- Invitation as chairman of the Italian committee on marketing and advertising of the International Chamber of Commerce (ICC) - The new EU Data Protection Regulation " Creating Opportunities out of the rules" Copenhagen	29/04/2016	10/05/2016	1.458,57
ROME	Speaker: Privacy 2016 - Corso ITA Regolamento Europeo Privacy	16/05/2016	16/05/2016	214,75
THE HAGUE	Conference Privacy in the Digital Age of Encryption and Anonymity online	18/05/2016	19/05/2016	391,53
ROME	2016 ACC Europe Annual Conference	22/05/2016	23/05/2016	731,30
BUDAPEST	Invitation to the Budapest Spring Conference	25/05/2016	26/05/2016	713,38
LUXEMBOURG	Conduire Mr Buttarelli G. à Luxembourg et retour. DUCCI Alain	01/06/2016	01/06/2016	46,00
LUXEMBOURG, ROME	Meeting with Mr Vitor Caldeira - Invitation to the Republic celebration day in Rome from the President of the Italian Republic	01/06/2016	02/06/2016	548,71
LUXEMBOURG	Transport of Mr BUTTARELLI (EDPS) to Luxembourg WALLENTIN Gerhard	01/06/2016	01/06/2016	0,00
PARME, LUCCA, ROME	Convegno SIDI Parma 13 Forum Europeo Digitale Lucca	09/06/2016	14/06/2016	407,50
FRANKFURT	Bilateral meeting with Mr Mario Draghi President of the ECB	15/06/2016	15/06/2016	416,59
STRASBOURG, PARIS	International Conference in Strasbourg European Digital Day - CNAM in Paris	16/06/2016	17/06/2016	1.053,60
AMSTERDAM	Connected citizens Summit POLITICO	20/06/2016	21/06/2016	294,82
ROME	E.commerce - Roma 23 Giugno 2016	23/06/2016	23/06/2016	194,20
ROME	Assemblea Generale CRTV Rome	06/07/2016	07/07/2016	648,60
SINGAPORE	PDP Seminar & 45th APPA Forum 2016	19/07/2016	23/07/2016	3.125,16
BOLOGNA	Privacy e protezione dei dati personali: il regolamento UE 2016/679. Bologna University - Italy	26/09/2016	26/09/2016	606,24
LUXEMBOURG	Data Protection in Financial Technology, Insurance and Medical Services: A new regulation. Visit to the Court of Justice	29/09/2016	30/09/2016	511,41

ROME, PARME	Workshop organised by CSEIA Parma Invitation from the British Embassy in Rome	04/10/2016	05/10/2016	722,19
PAVIA, MILAN, ROME, MARRAKECH, ROME	Conference at Almo Collegio Borromeo (PAVIA) - PRIVACY Courts facing Courts (MILAN) Meeting with President and Members of the National FEDERATION OF PRIVATE INVESTIGATORS ON CODE OF CONDUCT IN REG.679/2016 Rome 38th International Privacy Conference Marrakech	12/10/2016	23/10/2016	2.723,85
FLORENCE	NEW INSTRUMENTS TO PROMOTE THE CORRECT APPLICATION OF THE EU CHARTER OF FUNDAMENTAL RIGHTS AT THE NATIONAL LEVEL	28/10/2016	28/10/2016	542,73
RUST, VIENNA	PriSec Privacy & Security 2016	06/11/2016	07/11/2016	153,97
SAN FRANCISCO	In San Francisco for the Cyber security and law symposium In Nappa Valley to participate at the General Counsel Forum by BSA	14/11/2016	19/11/2016	6.013,61
ROME	Meeting ICT 4 Intel 2020	28/11/2016	28/11/2016	483,11
ROME	Invitation from the President of the Italian Republic in Rome	20/12/2016	21/12/2016	339,04
Total 2016 Mr BUTTARELLI: 37.277,86				

FLORENCE	The EU Charter in the everyday activity of the National Data Protection Authorities: experiences, problems, perspectives.	19/01/2017	23/01/2017	41,23
FRASCATI	Il nuovo regolamento europeo e le responsabilità dell'avvocato in materia di privacy	21/01/2017	21/01/2017	188,65
ANTWERP	Transport et retour de Mr BUTTARELLI, haut fonctionnaire présidant l'EDPS vers GRAN DUCA à ANVERS TAVRA Mirko	30/01/2017	30/01/2017	51,00
ANTWERP	Meeting with the DPA Mr Wilbert Tomesen	30/01/2017	30/01/2017	14,99
ROME	Convegno Confindustria - Regolamento privacy	02/02/2017	03/02/2017	403,70

COPENHAGEN	Privacy day at ICANN	12/03/2017	13/03/2017	1.011,26
ROME	Cerimonia celebrativa del Sessantesimo Anniversario dei Trattati di Roma Boarding passes were lost during the trips.	21/03/2017	22/03/2017	249,83
ROME	Invitation Rome 60th Anniversary	24/03/2017	25/03/2017	940,21
NEW YORK, WASHINGTON	Conference IAPP Visit to Harvard	12/04/2017	22/04/2017	8.232,49
LIMASSOL	Spring Conference of Data Protection Authorities - Cyprus	26/04/2017	28/04/2017	1.314,78
MILAN, ROME, GENEVA	ASSO DPO Milan Convegno privacy UNIMIB Milan Geneva Workshop Data Protection within International organizations INSEAD Alumni Association	08/05/2017	11/05/2017	1.747,48
BERLIN	Euroforum Berlin	14/05/2017	15/05/2017	96,38
ROME, RIVA DEL GARDA	Interview RAI In talian TV Congress: Sesto Congresso giuridico distrettuale Riva di Garda	23/05/2017	28/05/2017	717,22
LONDON	THE QUEEN'S GARDEN PARTY AT BUCKINGHAM PALACE	01/06/2017	02/06/2017	975,99
ROME, MILAN, BOLOGNA, ISCHIA	- Italian Senate - General data Protection regulation conference Milan - The Digital Revolution Biografilm festival Bologna - X Stage di Diritto dell'Unione Europa " Andrea Cafiero The hotel expenses for Mr Buttarelli are covered by the last organisers in Ischia for one night.	12/06/2017	18/06/2017	2.691,14
ROME	Conference Brexit "Ad un anno dal referendum, a che punto è la note? Official ceremony in occasion of the funeral for Mr Stefano Rodotà, Italian jurist and politician and President of the "European Group on Data Protection" (2000-2004)	23/06/2017	26/06/2017	1.282,35
CAMBRIDGE	PL&B's 30th Anniversary Conference - Cambridge	04/07/2017	05/07/2017	872,03
CAMBRIDGE	PL&B's 30th Anniversary Conference - Cambridge	04/07/2017	05/07/2017	0,00
SAINT-GENIÈS-DE- COMOLAS	MILLEFEUILLE PROVENCE S.A.R.L. Château Correnson - F-30150 Saint-Geniès-de-Comolas	07/07/2017	14/07/2017	41,58
CHARLEROI	Déplacement de Mr Buttarelli Giovanni EDPS GOWIE Jacques	05/08/2017	05/08/2017	20,40

ASPEN	To participate at the Technology Policy Institute Aspen Forum	19/08/2017	23/08/2017	3.600,51
ROME	Event: "Sicurezza e linguaggio dell'odio" on 14 September The Mentor Group" on 15 September interview journal Sole24h	13/09/2017	15/09/2017	504,04
HONG KONG	The 39th International Conference of Data Protection and Privacy Commissioners	23/09/2017	30/09/2017	4.756,41
THE HAGUE	Meeting of the Europol Management Board on 3 October 2017	02/10/2017	03/10/2017	377,05
LUXEMBOURG	Sensibilisation meeting for newly appointed DPOs inside Luxembourg's state administration	04/10/2017	05/10/2017	116,80
LUXEMBOURG	Rechercher M. Buttarelli à Luxembourg VAN ROSSUM Lucien	05/10/2017	05/10/2017	49,00
ROME	Round table Pisa, Mr Buttarelli had to do it as a registration message Meeting "Rodotà & Privacy" The expenses for Pisa, trains and hotel was cancelled	05/10/2017	07/10/2017	683,94
VENICE	Aspen Seminars for Leaders - Venezia, 13-15 ottobre 2017	13/10/2017	15/10/2017	759,66
ROME, TURIN	Invitation from the American Ambassador in Rome - Giornata europea della Giustizia Civile - Rome - Conferenza Camera dei Deputati sui primi "30 anni dell'Auditel, le nuove sfide e la società italiana che cambia – Rome - Meeting Ministry of Justice in Italy - Data protection e Reg. UE 2016/679: la privacy nell'Europa 4.0 – Turin	25/10/2017	06/11/2017	902,40
ROME, TURIN	Giornata europea della Giustizia Civile Rome Conferenza Camera dei Deputati sui primi "30 anni dell'Auditel, le nuove sfide e la società italiana che cambia Rome	25/10/2017	06/11/2017	79,29
CHARLEROI	transport de Mr Buttarelli - ALBANESE Salvatore	06/11/2017	06/11/2017	20,40
LEUVEN	Déplacement de Mr Buttarelli VAN MELKEBEKE Jean-Pierre	10/11/2017	10/11/2017	20,40
LEUVEN	PRIVACY ENGINEERING RESEARCH AND THE GDPR A TRANS-ATLANTIC INITIATIVE	10/11/2017	10/11/2017	21,42

BOLOGNA, FLORENCE	Internet governance forum + Lectio Magistralis Bologna Workshop - From Justice and Home Affairs to Security Union – Europe's Silver Jubilee? Florence	20/11/2017	27/11/2017	552,98
FLORENCE	Workshop - From Justice and Home Affairs to Security Union – Europe's Silver Jubilee?	24/11/2017	27/11/2017	0,00
ROME	Official Invitation from the President of the Italian Republic	19/12/2017	19/12/2017	737,62
Total 2017 Mr BUTTARELLI:				34.074,63

WIEWIOROWSKI Wojciech Rafal

Location	Mission Purpose	Date from	Date to	TOTAL
KRAKOW, WARSAW	- IX Forum Smart urban transformation. - FRONTEX Data Protection Days	24/01/2016	26/01/2016	966,16
AMSTERDAM	CIPL project on GDPR Implementation Workshop I - Towards a successful and Consistent Implementation of the GDPR	16/03/2016	16/03/2016	279,35
PARIS	Future of Privacy Subgroup	30/03/2016	30/03/2016	335,38
STRASBOURG	Extraordinary LIBE meeting - European Border and Coast Guard Shadow rapporteurs' meeting	11/04/2016	12/04/2016	732,49
SUNNINGDALE, LONDON	Forum on International Privacy Law	18/04/2016	20/04/2016	663,94
DUBLIN, LONDON	1) 39th Meeting of the Data Protection Officers and the European Data Protection Supervisor - EDPS, DPO's session 2) Privacy - The Competitive Advantage	27/04/2016	29/04/2016	1.079,83
WARSAW	Cybersecurity conference	19/05/2016	20/05/2016	602,63
LONDON	Chatham House Cyber conference 2016	23/05/2016	23/05/2016	74,23
BUDAPEST	- EIT Visit - Spring Conference Budapest	24/05/2016	27/05/2016	1.017,56
AMSTERDAM	27th Annual IBA Communications and Competition Law Conference	07/06/2016	07/06/2016	105,18
VIENNA	Fundamental Rights Forum	21/06/2016	23/06/2016	842,62
LUXEMBOURG	EDPS visit to EIF	28/06/2016	28/06/2016	48,30
LONDON	Reframing Data Transparency, High-level round table discussion	30/06/2016	30/06/2016	502,24
CAMBRIDGE	PL&B Annual International Conference	05/07/2016	06/07/2016	621,81
FRANKFURT, WARSAW	Annual Privacy Forum IPEN workshop	06/09/2016	09/09/2016	2.014,96
BARCELONA	2016-0145 - compliance visit F4E	02/10/2016	03/10/2016	585,07

BUCHAREST	EuroCloud Europe Forum 2016	05/10/2016	06/10/2016	663,22
WARSAW	Man in the Cyberspace" University of Cardinal Stefan Wyszyński Warsaw. "Reform of Data Protection Law in the EU"	10/10/2016	11/10/2016	706,50
VIENNA	FRA-EDPS Accountability meeting	12/10/2016	13/10/2016	790,82
MARRAKECH	38th International Privacy Conference, Marrakech 2016	16/10/2016	21/10/2016	1.152,61
ALICANTE	40th Meeting of the Data Protection Officers and the European Data Protection Supervisor	26/10/2016	28/10/2016	705,28
AMSTERDAM	ACELG's Annual Conference 2016	03/11/2016	04/11/2016	81,12
MOSCOW	VII International Conference Personal Data Protection	06/11/2016	08/11/2016	508,69
ALICANTE	EDPS Visit to EU IPO	24/11/2016	25/11/2016	457,94
MANZANILLO	46th Asia Pacific Privacy Authorities Forum (APPA)	28/11/2016	03/12/2016	5.634,43
LUXEMBOURG	Déplacement Mr Wiewiorowski TOLLEMANS Daniel	28/06/2016	28/06/2016	46,00
Total 2016 Mr WIEWIOROWSKI:				21.172,36

LONDON	ICO International Strategy Workshop	23/01/2017	24/01/2017	608,93
ANTWERP	Working lunch with Mr. Wilbert Tomesen and Aleid Wolfsen from Autoriteitspersoonegegevens (Dutch DPA)	30/01/2017	30/01/2017	14,99
WARSAW	GIODO Conference on "The protection of personal data in times of change"	30/01/2017	31/01/2017	581,42
FRANKFURT	Forum on international Privacy Law	22/03/2017	24/03/2017	554,33
HULL	ELI Conference on Digitalisation	30/03/2017	31/03/2017	218,55
GDANSK, WROCLAW	-6th Polish Maritime Law Conference "Maritime Security" -International Scientific Conference on Legal Innovation	19/04/2017	22/04/2017	585,93
LARNACA	Spring Conference of Data Protection Authorities 2017	26/04/2017	29/04/2017	1.351,18
LISBON	20th Annual Transnational Crime Conference	17/05/2017	19/05/2017	263,12
TALLINN	41th Meeting of the Data Protection Officers and the European Data Protection Supervisor	31/05/2017	02/06/2017	1.053,67
VIENNA	-Annual Privacy Forum, 7-8 June 2017 -IPEN Workshop, 9 June	06/06/2017	09/06/2017	999,54

MAASTRICHT	Training and Certification Programme for Data Protection Officers and other Data Protection Professionals: Basic and Advanced Module	21/06/2017	22/06/2017	37,86
PARIS	Data Protection Officers 2017, 3rd international roundtable	22/06/2017	23/06/2017	644,21
CAMBRIDGE	30th Annual International Conference: " Promoting Privacy with Innovation"	02/07/2017	05/07/2017	788,67
TALLINN	Estonian Presidency Digital single market conference on the free movement of data	16/07/2017	18/07/2017	937,70
HONG KONG	The 39th International Conference of Data Protection and Privacy Commissioners	23/09/2017	30/09/2017	223,65
LONDON	42nd Meeting of the Data Protection Officers and the European Data Protection Supervisor - European Medicines Agency EMA	12/10/2017	13/10/2017	252,19
LONDON, WARSAW	42nd Meeting of the Data Protection Officers and the European Data Protection Supervisor - European Medicines Agency EMA 20th Anniversary of Polish data protection act	12/10/2017	17/10/2017	793,42
FRANKFURT	-EIOPA compliance visit -ECB keynote speech	24/10/2017	25/10/2017	733,06
LEUVEN	PRIVACY ENGINEERING RESEARCH AND THE GDPR A TRANS-ATLANTIC INITIATIVE	10/11/2017	10/11/2017	54,28
GHENT	International Conference "Freedom under Pressure"	07/12/2017	07/12/2017	42,84
GHENT	International Conference "Freedom under Pressure"	08/12/2017	08/12/2017	65,88
Total 2017 Mr WIEWIOROWSKI:				10.805,42

Annex 5: EDPS strategic objectives

1. Data protection goes digital

- (1) Promoting technologies to enhance privacy and data protection;
- (2) Identifying cross-disciplinary policy solutions;
- (3) Increasing transparency, user control and accountability in big data processing.

2. Forging global partnerships

- (4) Developing an ethical dimension to data protection;
- (5) Mainstreaming data protection into international policies;
- (6) Speaking with a single EU voice in the international arena.

3. Opening a new chapter for EU data protection

- (7) Adopting and implementing up-to-date data protection rules;
- (8) Increasing accountability of EU bodies collecting, using and storing personal information;
- (9) Facilitating responsible and informed policymaking;
- (10) Promoting a mature conversation on security and privacy.

Annex 6: EDPS strategic objectives and its Action Plan

DATA PROTECTION GOES DIGITAL

ACTION 1 - Promoting technologies to enhance privacy and data protection

- Work with communities of IT developers and designers to encourage the application of privacy by design and privacy by default through privacy engineering;
- Promote the development of building blocks and tools for privacy-friendly applications and services, such as libraries, design patterns, snippets, algorithms, methods and practices, which can be easily used in real-life cases;
- Expand the Internet Privacy Engineering Network (IPEN) to work with an even more diverse range of skill groups to integrate data protection and privacy into all phases of development of systems, services and applications;
- Provide creative guidance on applying data protection principles to technological development and product design;
- Highlight that data protection compliance is a driver for consumer trust and more efficient economic interaction, and hence can encourage business growth;
- Work with academia and researchers in the public and private sectors focusing on innovative fields of technical developments that affect the protection of personal data, in order to inform our technology monitoring activities.

ACTION 2 - Identifying cross-disciplinary policy solutions

- Initiate and support a Europe-wide dialogue amongst EU bodies and regulators, academics, industry, the IT community, consumer protection organisations and others, on big data, the internet of things and fundamental rights in the public and private sector;
- Work across disciplinary boundaries to address policy issues with a privacy and data protection dimension;
- Initiate a discussion on broad themes which integrates insights from other fields, and coordinate training efforts to familiarise staff with these related disciplines.

ACTION 3 - Increasing transparency, user control and accountability in big data processing

- Develop a model for information-handling policies, particularly for online services provided by EU bodies, which explains in simple terms how business processes could affect individuals' rights to privacy and protection of personal data, including the risks for individuals to be re-identified from anonymised, pseudonymous or aggregated data;
- Encourage the development of innovative technical solutions for providing information and control to users, reducing information asymmetry and increasing users' autonomy.

FORGING GLOBAL PARTNERSHIPS

ACTION 4 - Developing an ethical dimension to data protection

- Establish an external advisory group on the ethical dimension of data protection to explore the relationships between human rights, technology, markets and business models in the 21st century;
- Integrate ethical insights into our day-to-day work as an independent regulator and policy advisor.

ACTION 5 - Mainstreaming data protection into international agreements

- Advise EU institutions on coherently and consistently applying the EU data protection principles when negotiating trade agreements (as well as agreements in the law enforcement sector), highlighting that data protection is not a barrier but rather a facilitator of cooperation;
- Monitor the implementation of existing international agreements, including those on trade, to ensure they do not harm individuals' fundamental rights.

ACTION 6 - Speaking with a single EU voice in the international arena

- Promote a global alliance with data protection and privacy authorities to identify technical and regulatory responses to key challenges to data protection such as big data, the internet of things and mass surveillance;
- Cooperate with national authorities to ensure more effective coordinated supervision of large scale IT systems involving databases at EU and national levels, and encourage the legislator to harmonise the various existing platforms;
- Maximise our contribution to discussions on data protection and privacy at international fora including the Council of Europe and the OECD;
- Develop our in-house expertise on comparative data protection legal norms.

OPENING A NEW CHAPTER FOR EU DATA PROTECTION

ACTION 7 - Adopting and implementing up-to-date data protection rules

- Urge the European Parliament, the Council and the Commission to resolve outstanding differences as soon as possible on the data protection reform package;
- Seek workable solutions that avoid red tape, remain flexible for technological innovation and cross-border data flows and enable individuals to enforce their rights more effectively on and offline;
- Focus during the post-adoption period on encouraging correct, consistent and timely implementation, with supervisory authorities as the main drivers;
- In the event that the EDPS provides the Secretariat for the new European Data Protection Board (EDPB), allow this body to be ready on 'day one' in close cooperation with national colleagues, in particular by ensuring proper transitional arrangements are in place to enable a seamless handover from the Article 29 Working Party;
- Work in partnership with authorities through the EDPB to develop training and guidance for those individuals or organisations that collect, use, share and store personal information in order to comply with the Regulation by the beginning of 2018;
- Engage closely in the development of subsequent implementing or sector-specific legislation;
- Develop a web-based repository of information on data protection as a resource for our stakeholders.

ACTION 8 - Increasing the accountability of EU bodies processing personal information

- Work with the European Parliament, Council and Commission to ensure current rules set out in Regulation 45/2001 are brought into line with the General Data Protection Regulation and a revised framework enters into force by the beginning of 2018 at the latest;
- Continue to train and guide EU bodies on how best to respect in practice data protection rules, focusing our efforts on types of processing which present high risks to individuals;
- Continue to support EU institutions in moving beyond a purely compliance-based approach to one that is also based on accountability, in close cooperation with data protection officers;

- Improve our methodology for inspections and visits, in particular a more streamlined method for inspecting IT systems.

ACTION 9 - Facilitating responsible and informed policymaking

- Develop a comprehensive policy toolkit for EU bodies, consisting of written guidance, workshops and training events, supported by a network;
- Identify each year the EU policy issues with the most impact on privacy and data protection, and provide appropriate legal analysis and guidance, whether in the form of published opinions or informal advice;
- Increase our in-house knowledge of specific sectors so that our advice is well-informed and relevant;
- Establish efficient working methods with the Parliament, Council and Commission and actively seek feedback on the value of our advice;
- Develop our dialogue with the Court of Justice of the EU on fundamental rights and assist the Court in all relevant cases, whether as a party or an expert.

ACTION 10 - Promoting a mature conversation on security and privacy

- Promote an informed discussion on the definition and scope of terms such as national security, public security and serious crime;
- Encourage the legislators to practically collect and examine evidence from Member States (in closed sessions if required) that require the collection of large volumes of personal information, for purposes such as public security and financial transparency, which would interfere with the right to privacy, to inform our advice to the EU legislator on necessity and proportionality;
- Promote convergence between the different laws on data protection in the areas of police and judicial cooperation, as well as consistency in the supervision of large scale IT systems. This should include the swift adoption of the draft Directive on the processing of data for the purposes of prevention, investigation, detection or prosecution of criminal offences.

Annex 7: Risk Register

The EDPS has implemented a risk management exercise as usual with a risk analysis performed by all units and sectors of the Institution. Workshops took place in order to establish the possible risks and the related mitigating measures. The results of this exercise are summarised in the table below:

Risk title & description (cause and effect)	Policy area & Activity / objective affected	Gross risk score			Controls	Person responsible & supervisor	Net (residual) risk score			Risk response	Monitoring		Control effectiveness Good = 1 Ok but so/so = 2 Pretty dreadful = 3	Further action		
		Likelihood	Impact	Overall score (L x I)			Likelihood	Impact	Overall score (L x I)		Frequency	Monitor		Action	Owner	Deadline
Inadequate preparation of International Conference in terms of substance and logistic	Priority 6: Speaking with a single EU voice in the international arena	4	5	20	<p>Prioritisation among all tasks</p> <p>Mobilisation of all energies + New transversal synergies among teams</p> <p>Internal communication already part of the task force work packages (several</p>	All PM	2	5	10	Reduce				Reinforcement of the task force 1 SNE to come to work with PM	All teams	May 2018

Security Issue					sessions)												
EDPB website					Security risk assessment of “Palais d’Egmont” and of EP	MM											
HR Issues	Action points affected: Ensure good management of human resources + Ensure sound financial management + Ensure good administration				Taskforce Communication sector and EDPB Matters sector Rationalisation of long translations	OR											External input for the new communication and press EDPB officer
					Assessment of current SLAs to confirm that EDPB needs are met	MSL											
					Getting information from WP29 on requested profiles for the 5 posts in 2018												
Inadequate preparation for EDPB secretariat	<u>Priority 7:</u> Adopting and implementing up-to-date dp rules	4	5	20	Maintain high level of synergies and cooperation with all colleagues		3	4	12	Reduce				Reinforcement of the sector EDPB Matters	EDPB Matters Sector	May 2018	
					Gradual evolution of budget lines												
					Staff members duly qualified												
Ensure Europol continuity	<u>Priority 10:</u> Promoting a	3	4	12	Adopting a new generation of		2	4	8	Accept				Management support to the	MB	All year	

regarding the new tasks	mature conversation on security and privacy				supervision model Being proactive, accountable and selective Dedicated team for Europol with HoA									Europol team Raise awareness	Europol team	
Driving the implementation of the new Regulation 45/2001	<u>Priority 7:</u> Adopting and implementing up-to-date data protection rules	4	5	20	Dialogue with DPOs Dialogue with the hierarchy of all EU institutions Establish proper prioritisation due to the work programme of the Supervision team Making sure that the GDPR works in practice Adapting the EDPS to the new legal framework		2	5	10	Reduce				Management support to the Task Force & to the project Transition to New Regulation 45 Assistance to the DPO for the implementation of his work package Controls HoU/HoA Use of monitoring tool of pending cases	MB Director S&E unit S&E Unit	All year
Transition to new mandate and & staff on task		4	5	20	Ensure high levels of performance by means of good communication, trust and good HR		2	4	8	Accept				New EDPS rules of procedure Director dialogue with staff	Director	June 2018

Lack of internal coordination	Objective affected: Ensure good administration as AIPN	4	5	20	Concept paper To steer new strategies		3	3	9	Accept				New planning tool Clarification on the mandate and tasks of the Private Office Managing HoUs absences	SP Director Director	01/2018 01/2018 02/2018
Missing legal deadlines (including Europol supervision)	Supervision Action point affected: Perform supervisory activities with excellence	5	5	25	Controls HoAs/HoU Use of monitoring tool for complaints		2	5	10	Reduce				Raise awareness with case officers Report on true prior checks and consultations every two weeks Review of case manuals in the light of Europol Supervision	S&E unit	All year
Inconsistent position of the EDPS	Supervision Action point affected: Perform supervisory activities with excellence	5	4	20	HoA/HoU to ensure consistency Cross reading between colleagues Internal communication to be continued (weekly meetings) DM	All + supervision team	2	4	8	Reduce				Keeping updated the annotated version of Regulation 45/2001	S&E unit	All Year

<p>Lack of resources which impact</p> <ul style="list-style-type: none"> - Quality - Expertise <p>Not enough staff to prepare EDPB decision</p>	<p>Policy & EDPB matters sector</p> <p>All activities, especially art.28.2 and 41</p> <p>Action point 1 towards a more strategic approach</p> <p>1.c Establish EDPS as Centre of Excellence</p>	5	5	25	<p>Cross-reading and quality checks:</p> <p>HoU, back-ups</p> <p>Hand over note</p> <p>Tree of Knowledge</p> <p>Allocate responsibilities outside the EDPB Matters Sector</p>		3	4	12	Reduce				<p>New recruitment of officials or prolongation of contracts more than one year</p> <p>HRFP Budget 2019</p> <p>Improve internal cooperation among data protection teams</p>	<p>HRBA</p> <p>Director</p>	All Year
Missing a legal deadline	<p>Policy</p> <p>Court deadlines</p>	3	5	10	<p>eCuria</p> <p>Monitoring of OJ notices of cases with data protection implications</p>		2	5	10	Reduce				Tasks clearly assigned among the team	Policy unit	March 2018