



# **EUROPEAN DATA PROTECTION SUPERVISOR (EDPS)**

## **Report on budgetary and financial management for the financial year 2017**

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## 1. MISSION

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The European Data Protection Supervisor (EDPS) is the European Union's independent data protection authority established under Regulation (EC) No. 45/2001, devoted to protecting personal information and privacy and promoting good practice in the EU institutions and bodies.

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

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

## 2. BUDGET

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

On 25 May 2018 the new General Data Protection Regulation (GDPR) will be applicable and the family of EU institutions and bodies will have a new member: the European Data Protection Board (EDPB). 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 to 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 is requested, which is considerably lower than the ceiling foreseen in the MFF for this 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 is consistent with previous estimations and in accordance with the evolution of the legislative file as shown in the following paragraphs. These FTEs will replace the effort presently 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. REVENUE**

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The revenue budget for the 2017 financial year amounted to EUR 1 317 000. This sum is derived from Chapter 40 – Deductions from remuneration (Article 400 'Tax on salaries' - EUR 659 000 and Article 404 'Special levy - EUR 112 000) and Chapter 41 – Contribution to the pension scheme (EUR 546 000).

## **4. EXPENDITURE**

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The budgetary appropriations for the European Data Protection Supervisor for the 2017 financial year amounted to EUR 11 324 735.

The budget implementation in terms of commitment appropriations for 2017 amounted to EUR 10 075 534, corresponding to 89% of the available appropriations.

The budget implementation in terms of payment appropriations (C1 and C8) amounted to EUR 9 368 686.15 which is 77% of the available appropriations.

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

INSTITUTION	SERVICE	FEES	Remarks
COMMISSION - DGEAC	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	SYSLOG training	-	Depending on consumption
COMMISSION - DG DIGIT	SYSLOG training - IT products and services	6.162,00	Fix amount
COMMISSION - DG DIGIT	SYSPER2 implementation	20.000,00	Fix amount
COMMISSION - EUSA	Training and development	-	Depending on consumption
COMMISSION - DG BUDG	Use of ABAC	30.000,00	Fix amount
COMMISSION - OIB	Catering services	-	Depending on consumption
ENISA	Security audit for Eurodac database	-	
CDT	Translation services	-	Depending on consumption
OPOCE	Publications and communication	-	Depending on consumption
SLA OIB	Service Cars for the members of the Management Board	-	Depending on consumption
SLA IDOC	Managing administrative inquiries and disciplinary procedures	-	Depending on consumption
SLA DGT	Interpretation	-	Depending on consumption
EP - DG INLO	Administrative agreement for building and logistics	-	Depending on consumption
EP - DG ITEC	Administrative agreement for IT services	1.000,00	Forfait per user
EP - DG PRES	Administrative agreement for security, accreditation and mail	-	Depending on consumption

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

The list below includes the inter-institutional framework contracts (FWCs) that the EDPS currently uses to conclude purchase orders and/or specific contracts to cover needs particularly in the area of Information Technology and Administration:

	Name of Framework Contract	Area of use	EDPS Purchase
European Commission	DIGIT/R2/PO/2013/023 SIDE	Acquisition of user right licences of computer software products and licences	Case Management System (Fabasoft VDE + SAAS), Consultancy and license PhpStorm PHP IDE
	ADMIN/D1/PR/2009/036	Accident insurance for non-statutory staff	Accident insurance for non-statutory staff
	ADMIN/D1/PR/2009/013	Travel agency services for organising work-related travel	Travel agency services for organising work-related travel
	PMO8/PR/2011/053	Missions insurance "Assurance Responsabilité Civile"	Missions insurance "Assurance Responsabilité Civile"
	PMO2/PR/2013/001	Civil Liability Insurance	Civil Liability Insurance
	HR/R3/PR/2015/003 General Training - Lot 2	Policy Making	Impact of the EDPS' opinions on the GDPR and on the Directive Justice & Police
	HR/R3/PR/2015/005 OD	Organisational Development	Organisational development consultancy on EDPS internal reorganisation and new ways of working.
	HR/R3/PR/2014/078 intérimaires	Interim Staff	Interim Staff
European Parliament	INLO.AO-2012-028-LUX-UAGBI-0	Purchase Printers A paper	Purchase Printers A paper
	PE/ITEC-ITS14 Lot 2	External Service Provision for IT Services	Webdeveloper Consultancy + Drupal Migration
	PE/ITEC-ITS14 Lot 3	External Service Provision for IT Services	Analysis & Developments on Information Systems
	PE/2008/26/UPGF/9	Office Supplies	Office Supplies
	PE/2010/UAGBI/1	Office Chairs	Office Chairs

## 6. USE OF APPROPRIATIONS BY ARTICLE

### TITLE I

#### **EXPENDITURE RELATING TO PERSONS WORKING WITH THE INSTITUTION**

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

The amounts entered in Title I of the European Data Protection Supervisor's budget came to a total of EUR 7 121 860. The utilisation rate for the appropriations entered in Title I was 88.24%, the committed amount totalling EUR 6 284 034.

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

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

The appropriations amounted to EUR 838 421. A total of EUR 780 904 was committed, making the utilisation rate 93.14%.

### **2. Article 101 Other expenditure in connection with members**

This article is intended to cover other expenditure connected with the Supervisor and the Assistant Supervisor, particularly mission expenses and expenditure on further training. The appropriations amounted to EUR 84 394. A total of EUR 59 394 was committed, making the utilisation rate 70.38%.

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

The appropriations amounted to EUR 5 035 664. A total of EUR 4 395 880 was committed, making the utilisation rate 87.29%.

### **4. Article 111 Other staff**

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

The appropriations amounted to EUR 838 748. A total of EUR 746 732 was committed, making, and the utilisation rate was 89.03%.

### **5. Article 112 Other expenditure in connection with staff**

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

The appropriations amounted to EUR 324 633. A total of EUR 301 124 was committed, making the utilisation rate 92.76%.

## **TITLE II**

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

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

The amounts entered in Title II of the European Data Protection Supervisor's budget came to a total of EUR 2 780 000. The utilisation rate for the appropriations entered in Title II was 98.97%.

The breakdown of the appropriations after transfers was as follows:

**1. Article 200 Rents, charges and other buildings expenditure**

The appropriations amounted to EUR 1 126 000. The utilisation rate was 100%.

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

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

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

The appropriations in Article 201 amounted to EUR 1 654 000, and the utilisation rate was 98.27%. After redeployments, the breakdown of these appropriations was as follows:

### **TITLE III**

#### **EUROPEAN DATA PROTECTION BOARD (EDPB)**

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

The amounts entered in Title III of the European Data Protection Supervisor's budget came to a total of EUR 1 422 875. The utilisation rate for the appropriations entered in Title III was 73.10%, the committed amount totalling EUR 1 040 056.

The breakdown of the appropriations was as follows:

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

The appropriations amounted to EUR 0.

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

The appropriations amounted to EUR 587 375. A total of EUR 348 673 was committed, making the utilisation rate 59.36%.



### **3. Article 302 Other staff**

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

The appropriations amounted to EUR 329 119. A total of EUR 263 833 was committed, making the utilisation rate 80.16%.

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

The appropriations amounted to EUR 53 381. A total of EUR 21 881 was committed, making the utilisation rate 40.99%.

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

The appropriations amounted to EUR 453 000. A total of EUR 405 668 was committed, making, and the utilisation rate was 89.55%.