

2017 Discharge

Questionnaire to the European Data Protection Supervisor

Hearing: 27 November 2018

General Questions

1. What was done to improve the communication in relation with Union citizens?

The EDPS has intensified efforts to communicate outside the EU bubble since 2015, by developing new communication tools:

- Social media: Twitter, LinkedIn, YouTube
- New EDPS website and monthly Newsletter (more customer friendly and mobile oriented)
- Regular blog posts by the Supervisor and Assistant Supervisor, published on the EDPS website
- An EDPS app on EU data protection reform

These new tools complement our more traditional communication tools such as: publications, study visits, information requests from public and press, videos, events, etc.

2. How do you reach out for specific target groups via social media channels? Based on available insights and/or social media analytics can you tell whether this target group has been reached? What difference do you observe in this regard among the different social media channels?

We use a variety of different social media channels to reach different target groups. Each social media channel requires a different style of communication. Moreover, through using hashtags, tagging, retweeting and likes, we are able to target a range of different target groups more effectively.

Our followers on all platforms continue to increase, with almost 13,000 followers on Twitter, almost 8,000 on LinkedIn and almost 1000 on YouTube. While our influence on Twitter continues to grow steadily, our influence on LinkedIn is growing even faster.

In 2018, we will open social media accounts dedicated to the International Conference of Data Protection and Privacy Commissioners, ICDPPC. The selected platforms are Twitter and Instagram, to support communication from the ICDPPC website and app.

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

The Ombudsman did not address any recommendations to the EDPS in 2017. Only the Ombudsman's consultation dealing with revolving doors is ongoing and the only action

relevant for us (publication referred in Article 16.4 of Staff Regulations concerning the activities declared by the former Director now retired) will be done before the end of 2018.

4. The 2016 Discharge report requested to optimise the discharge procedure by speeding up the deadlines for the submission of Annual Activity Reports and Accounts by 31 March of the year following the accounting year in question. Has the EDPS made an effort to streamline its procedures and was it able to publish the Report and Account by the deadline?

The Annual Activity Report (AAR) of 2018 will be issued in March 2019. The drafting will start in December 2018, as soon as the risk management for 2019 will be concluded.

5. In the 2016 discharge the EP requested that the EDPS perform an impact assessment of the financial, human and possible other consequences to its structure, budget and human resources by the decision of the UK to leave the EU. Could you please elaborate on the findings?

The decision of the UK to leave the EU does not have any direct impact on the financial, human or structural organisation of the EDPS. In line with the policy of the bigger EU institutions, the few British officials employed by the EDPS (see answer to question 14 below) will continue working for our small institution.

6. The European Court of Auditors confirmed in their 2017 audit that entitlement-based expenditure was free from material error, while reimbursement-based expenditure continued to be affected by material error. What proportion of expenses of the EDPS is currently reimbursement-based and are efforts being made to reduce them?

Out of the total payments appropriations of 2017 budget, 3.21% were reimbursement-based. At the EDPS, the vast majority of this kind of expenses (2.98%) relate to missions, candidates and external experts. Those reimbursement are made either automatically by the corresponding IT tools (MIPS for missions, AGM for experts), or manually but the competent services at PMO.

In all cases, these reimbursements go through ex-ante financial verification, where any error detected is corrected prior to the validation of the Authorising Officer.

Although no error has been detected up to now by the Court of Auditors as far as reimbursement-based expenditure is concerned, each reimbursement transactions goes through two ex-ante verifications (operational and financial), as well as a third and final one by the Authorising Officer.

7. In September 2015, the Commission introduced a paradigm shift towards performance-based budgeting in the Commission's budget planning procedure. Has the EDPS introduced the method to its own budget-planning procedure and if so, could you please elaborate on the procedure?

At the EDPS, two members of the staff working in the HR, Budget and Administration unit, including the current Head of Unit, followed a training on “Intelligent Use of Key Performance Indicators and Performance-Based Budgeting in the Public Sector” provided by the European Academy for Taxes, Economics & Law. The current HoU also attended the policy roundtable at the European Parliament last 5 June 2018 on this issue.

A pilot project on cost-accounting, which is necessary in order to apply the PBB, was launched by the EDPS Head of Finance in 2017 but after some initial work which showed the need to improve the methodology, it had to be put on hold due to other priorities and reorganisation needs (the Head of Finance became acting Head of Unit).

The project may be re-launched in 2019 if the right conditions are in place in terms of resources available and other competing needs.

8. How did the setting up of the European Data Protection Board affect the organisation and resources of the EDPS in 2017?

In terms of appropriations, EUR 1 422 875 were granted in 2017 for Title 3 (EDPB), which meant an increase of 88.92% for that same title compared to 2016.

In terms of human resources, the internal EDPB Task Force created back in 2015, was reinforced by 3 AD + 2 CA/SNE in 2017.

As regards the organisation, a new sector called “EDPB Secretariat” was created in November 2017. All the FTEs directly allocated to the Task Force, except the ones assigned to horizontal and shared services such as HR, finance or information & communication, were officially transferred to this new sector.

9. What will be the final impact of the implementation of the General Data Protection Regulation (GDPR) on the budget and on the organisation of the EDPS? Can final estimations be made at this stage?

It is likely that the new GDPR for EU institution will result in some organisational changes but as the new Regulation has not entered into force yet, the details are still unknown.

In terms of human resources, 5 FTEs (5 AD) were granted for 2018, 4 FTEs have been requested for 2019 (1 AST, 3 CA/SNE) and 6 FTEs will be requested for 2020 (already announced in the estimates for 2019).

In terms of appropriations, EUR 5 516 433 have been requested for Title 3 in our draft budget proposal for 2019.

At this stage, being the EDPB operational only since end of May 2018, it is too early to advance any further estimations on resources.

10. How many OLAF investigations were carried out in 2017 with regards to the EDPS? How many of them led to a sentence?

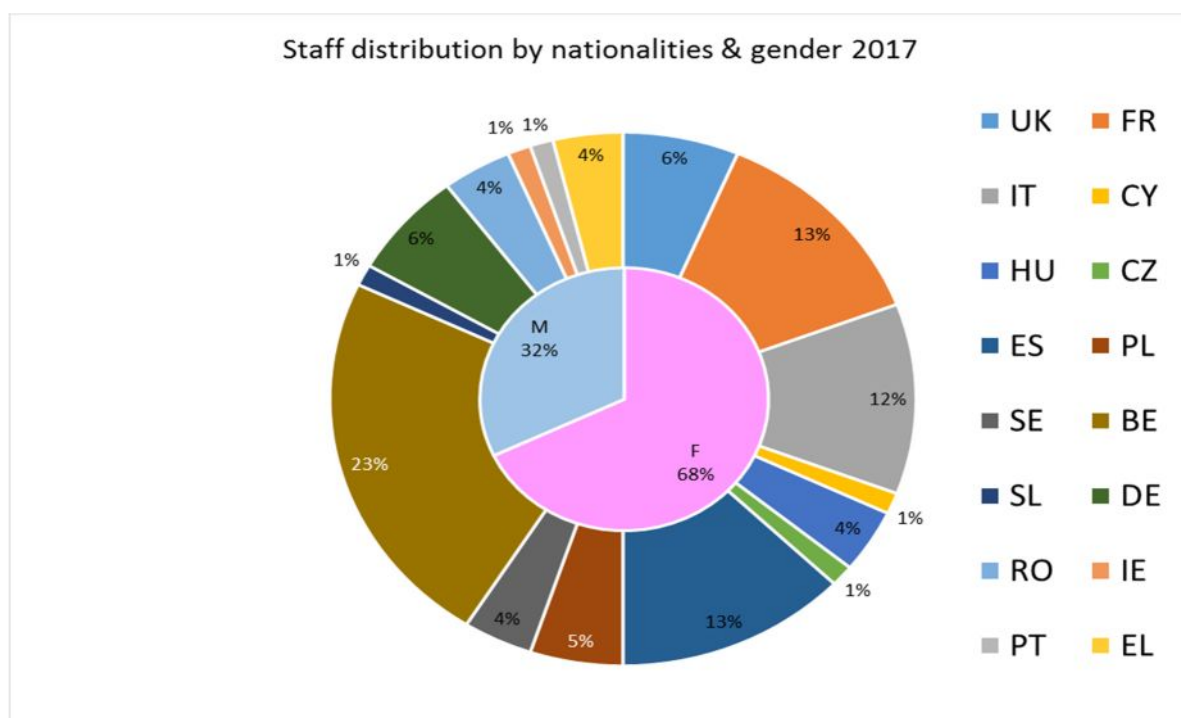
No investigation was carried out by OLAF in 2017 with regards to the EDPS.

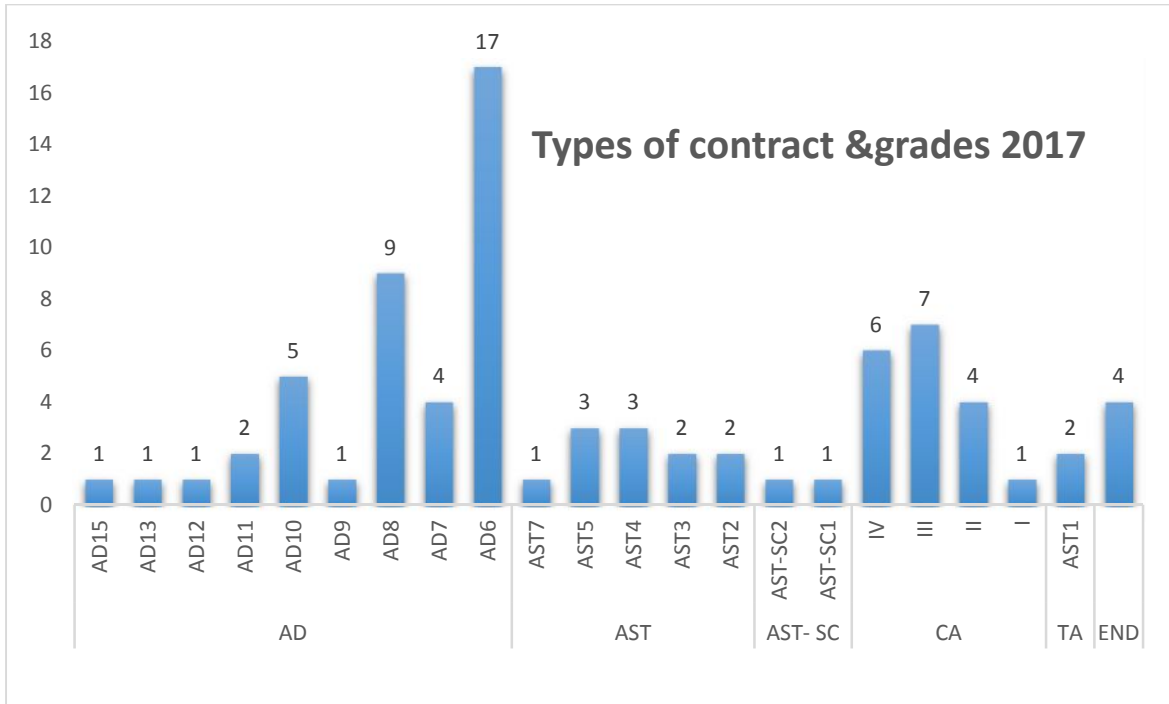
11. What were the costs of the institution for interpretation, translation and languages classes in 2017?

2017	Translations	Interpretation	Language courses
EDPS	334 134.45	00.00	8 820.00
EDPB	00.00	00.00	2 960.00

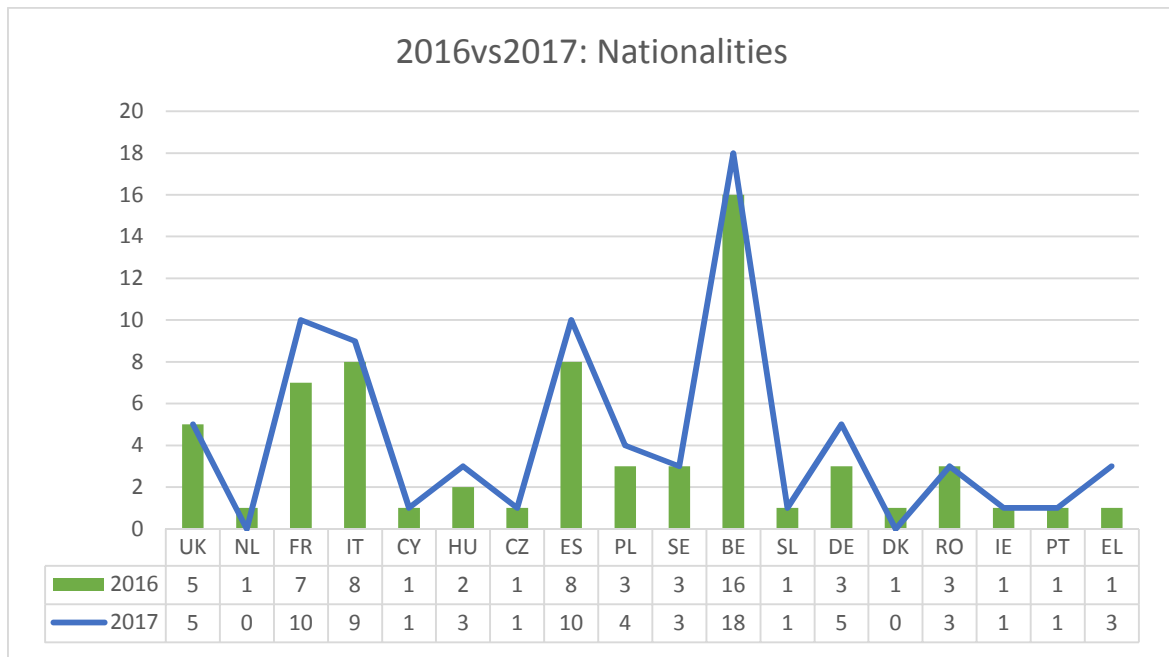
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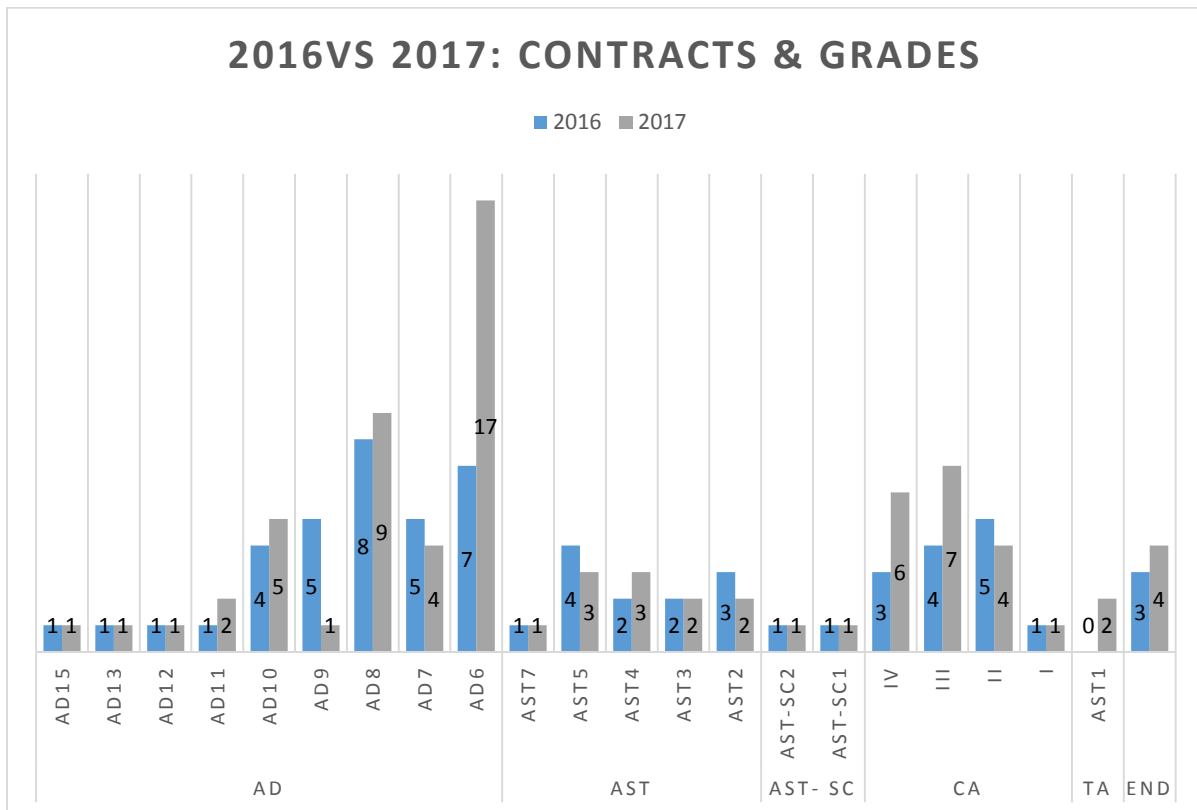
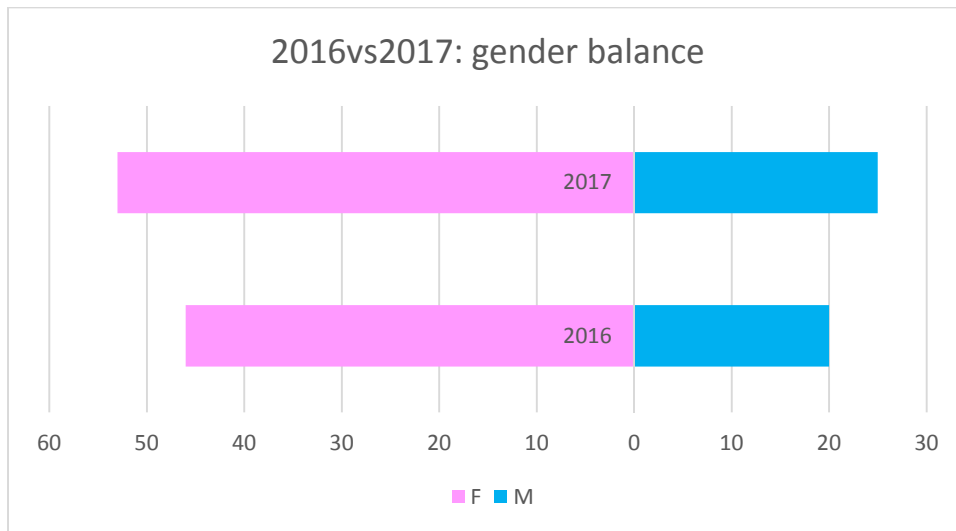
12. Could you please provide a table of all human resources broken down by nationality, type of contract, gender and grade for the year 2017, and an overview of how these figures compare with the year 2016?





Overview comparison between 2016 and 2017





13. Could you please provide us a table of staff broken down by type of contract for 2013 and 2017? What was the average duration of contractual employments (including renewal of contracts) in 2013 and in 2017?

Average of duration of contracts in 2013 was 3.23 years and in 2017 was 3.9 years including the renewals.



14. How many British members of staff work for your institution (cut down by category: civil servants, temporary agent and contract staff)?

Officials AST: 2

Officials AD: 1

Contract agents: 1

15. How many senior experts and senior assistants were appointed in 2017 and to which grades, and which grades did they have before the appointment? How many further promotions beyond AD 12 without managerial responsibility took place in 2017?

Senior experts: none

Senior assistants: none

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

There was not such a case at the EDPS

17. How many officials in which functions and grades were retired in 2017 according to **article 41 of the staff regulations**? What were the reasons, their last grade, and promotion, respectively?

There was not such a case at the EDPS

18. How many officials were placed on leave in the interest of the service, article 42 c) of the staff regulations? What were the reasons, their last grade, and promotion, respectively?

There was not such a case at the EDPS

19. How many officials, and in which functions and grades, were retired in 2017 in the interest of service according to article 50 of the staff regulations? What were the reasons, their last grade, and promotion, respectively?

There was not such a case at the EDPS

20. We would appreciate a comprehensive overview of staff on sick leave in 2017, broken down by the total number of staff member that were on sick leave and by how many days they were on sick leave in total. How many days lasted the three longest cases of sick leave? How many days of sick leave concerned Mondays and Fridays in 2017? How has the situation evolved since 2013?

Given the growth experienced by our institution for the last years and the fact that we do not dispose of any automatic system to extract any report HR related, some of the information requested is not available. A manual check and counting staff member by staff member would be necessary to get the statistics, what would be possible but extremely time consuming.

We are since long trying to obtain access to the reporting modules in Sysper from the Commission.

Please find below the information that could be obtained (manually):

2017:

- 60 staff members concerned
- Longest sick leaves: 1) 365 days, 2) 91 days, 3) 81 days

2013:

- 23 staff members concerned

21. How many burnout cases were there among the staff in your institution in 2017? Please specify by gender and category of staff.

There have been 4 cases of long sick leave (more than 3 months within the year) at the EDPS in 2017. Nevertheless, the EDPS has not access to the medical files from staff, therefore we do not know the reasons behind those sick leave, only that these absences have been validated by the Medical Service of the Commission, which is our service provider in this field.

The long sick leave cases concerned:

2 female ADs

1 male AD

1 male AST

22. Were there any special leaves requested by members of staff in 2017 because of overworking? If so, how many special leaves requests were there?

There was not such a case at the EDPS

23. What is the average overtime of the Institution's staff in 2017 and in 2013?

As mentioned in question 20, we do not dispose of any automatic report to extract this information. Nevertheless, overtime is in most occasions recuperated by the staff within the frame offered by the internal decision on flexible working conditions.

24. What were the costs in 2017 respectively for away days, closed conferences or similar events for staff? How many staff members participated in the respective events? Where exactly did these events take place?

title	n° of staff	paid amount	location	comment
EDPS away day	70	€ 5.704,00	Bxl	
HRBA away day	11	€ 1.131,12	Bxl + Ostende	
WHITE CINEMA (social event promoted by Staff Committee)	40	€ 1.473,47	Bxl	
GREEN COTTAGE - P&C AWAY DAY	0	€ 790,00	Brussegem	cancelled but paid (50%)
S&E Away day	17	€ 5.477,36	Bxl	
STANHOPE HOTEL - EXTENDED MB	13	€ 1.088,87	Bxl	

25. What was the amount dedicated by the Institution to travel in 2017 for Members?

EUR 44 934.15

26. What was the amount dedicated by the Institution to travel in 2017 for staff?

EUR 157 701.68

27. To what extent has staff been involved in carrying out activities that would justify a higher function group?

Given the small size of the institution, the EDPS does not have much margin of manoeuvre and/or flexibility to always assign the right task to the right function group.

According to our specificities, the skills required for a successful recruitment at the EDPS are polyvalence and autonomy. It means that every staff member, at a certain point, may perform tasks corresponding to higher function groups, both for officials and contract agents. When this happens, it is highly appreciated by the colleagues as a sign of recognition of their good work and is perceived as a motivation driver. This situation is

also taken into consideration during the appraisals to assess their merits for a potential promotion.

Nevertheless, we take very good care when designing job descriptions that there is a fair attribution of tasks and responsibilities, depending on the function group but also on the competences of the person and the needs of the service.

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

The EDPS Head of Activity Development Programme has been finalised in January 2017. With several workshops, it intended to build on cooperation and communication as well as create a network and enhance visibility. Individual coaching sessions were organised as a follow-up. All our Heads of Activity attending this programme were women.

Several actions have been implemented with the scope of increasing the flexibility in our ways of working, encouraging female team leaders to build on cooperation and communication. The use of flexible working was enhanced by the new telework decision signed in July 2017. After a trial period of one year, further discussions are taking place between the Director and the Staff Committee on further improvements.

Trainings were organised (e.g. "Preserving respect and dignity at work", "Managing teleworkers and people at distance" and "Unconscious bias") with the aim of making colleagues aware of the biases they have and enhance a culture of respect towards the persons we work with.

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

Our building already has a few adaptations for disabled people, such as toilets and lifts. Adding to that, new security doors were installed to include a passage for disabled people. In our vacancy notices, it is mentioned that the candidates can indicate if they need any special arrangements to attend the interviews. There is also the possibility to order flexible office furniture.

30. Does your institution offer the use of fuel cards for staff? If the answer is positive, how many fuel cards exist and who is using them? What are the rules for private usage?

There was not such a case at the EDPS

31. Flexible working arrangements:

a. What flexible working arrangements does your institution offer?

- recuperation of extra hours (maximum of 2 days per month)
- purchasing of time credit
- parental leave

- part time
- telework (structural and occasional)

b. How often are these applied to? Has there been a development in the frequency?

The flexitime regime is applied to all staff by default. None have opted out.

As to the developments in frequencies, the HRBA has noticed more parental leave requests during the summer and outside of this trend right after maternity leaves.

The general trend regarding all flexible approaches is the same as the previous years.

c. What is the share of men and women respectively using these working arrangements?

Structural telework: 4 men and 12 women benefited in 2017

Occasional telework: 15 men and 34 women benefited in 2017

d. To what extent does your institution encourage young parents to make use of flexible working arrangements to better combine family life with their career?

The EDPS intranet provides staff members and therefore parents with the different possibilities which would allow them to better reconcile life and work balance.

The EDPS GECO informs future/new parents of their possibilities after child birth.

32. In 2017, the EDPS introduced new tools and policies for internal administration, like the HR Forward Planning tool or policies on equal opportunities and diversity. Could the EDPS name and explain the introduced tools and policies? Have they produced any result? Could the EDPS show these results?

A few HR management tools have been put in place to improve efficiency and an optimal allocation of resources.

- The HR Forward planning tool was adopted in 2017 and was first used in 2018 to prepare the draft budgets for 2019 and 2020. It was not used only to forecast growth inside the different teams, according to the new tasks allocated to the EDPS and the high speed development of the EDPB secretariat, but also to assist in the reflection of other HR needs for our staff. It is not only important to assure that there is enough people in place but also to ensure the adequate training is provided and the financial resources are duly distributed. Thanks to that, in the month of August, we were able to reinforce the teams which partially compensated maternity leaves and high picks of workload. This reinforcement was also necessary to fill the gap regarding some very specific profiles for punctual needs (e.g. organisation of the 40th International conference of Data Protection and Privacy Commissioners).
- The EDPS Equal opportunities strategy: in order to create a balanced workplace and to provide high quality results, it is important to have equal amount of diversity. We consider that high quality results can only be delivered by different perspectives and

different viewpoints. Therefore, we have always promoted a gender balance in our recruitment and selection procedures and any type of bias is strongly discouraged. Our management team has also supported the consideration of women to management position. In 2017, the number of female line managers outnumbered their male colleagues. Besides, at the end of 2017, our almost 80 colleagues were coming from 16 member states. At the EDPS, we are aware that much more can be done to achieve a more diverse environment and we are always trying to improve for a more inclusive work environment. As already mentioned in the answer to question 28, several trainings were organised ("Preserving respect and dignity at work", "Managing teleworkers and people at distance", "Unconscious bias") as well as prevention of burn-out, and a training on how to reach a work-life balance (balancing your three lives).

33. How did your institution assess the impact of staff cuts throughout the years 2013-2017 on the daily workload?

There was no specific assessment, other than the financial impact on the budget, carried out.

According to our size, two positions were withdrawn in 2016 and 2017, both of them in the category of AST. At the time it was decided that AD positions were more dependable given the nature of the core-business and the high workload on the data protection units.

Buildings

34. Were there any improvements done to the organisation of workspaces? What changes have there been in 2017?

The EDPS is hosted in one building that is rented by the EP and that was being shared until mid-2017 with the Ombudsman, the EP and the ECA.

In order to cope with a growing staff in general, and the creation of the EDPB in particular, an additional floor was requested and granted by the EP in 2017.

Our common practises aim to provide a safe and comfortable environment for our colleagues and this is why a further extension has recently been requested to the EP. Indeed, in view of the foreseen staff increase that would take place in 2019 and 2020, and so we can offer the minimum comfort standards to our new colleagues, this extension is expected to be obtained by the 3rd quarter of 2019.

35. With regard to the Environmental management system, which were the most important results achieved in 2017? What result was achieved in terms of reducing carbon dioxide emissions and reducing waste, especially plastic?

During strikes, we promote teleworking, in order to avoid colleague to spend hours and gas in traffic lines. We also try to promote car sharing between colleagues.

There're bicycles and showers available for the EDPS staff.

The discarded glasses that we acquire are now in paper instead of plastic.

36. With regard to the rent and lease, please provide the details (amount and with whom) of rental contracts in effect in 2017.

The EDPS is hosted in a building rented by the EP.

The total amount paid in 2017 was of EUR 994 382.43.

Harassment

37. What were the expenditures in 2017 for the management/follow-up to court sentences of harassment cases?

There was not such a case at the EDPS

38. How many a) new b) ongoing c) closed harassment cases were there at your institution in 2017?

There was not such a case at the EDPS

39. What measures is your institution taking to raise awareness about the possibility to file harassment complaints?

The EDPS decision on anti-harassment is published on the EDPS Intranet. EDPS and EDPB staff members have access to the information. In addition, the privacy notice regarding anti-harassment is available on the EDPS website which is public.

40. Which actions were taken to discourage the harassment in the working environment?

The confidential counsellor informs every newcomer about the internal decision on harassment and their possibility to contact her if necessary.

An in-house training specific on this particular matter was also imparted house for all the staff in September 2017.

41. What sanctions or follow-up measures are foreseen against staff of the EDPS against whom complaints about harassment were filed to the Committee's network of confidential counsellors? Could you please specify the composition of the entity responsible for concluding harassment cases and sanctions or follow-up measures where applicable?

Non applicable as there was not such a case at the EDPS

Transparency

42. How many call for tenders did your institution organise in 2017? Please indicate the value and the number of applicants for each tender.

In 2017, one call for tenders was launched by the EDPS:

- Object: Promotional items,
- Value: 60 000,00 EUR
- 4 candidates invited to tender
- 2 offers received

Whistle-blower protection

43. How many cases of whistleblowing were reported in 2017? What improvements have been made regarding procedures for whistleblowing? How many of these reports were notified to OLAF?

There was no whistleblowing case at the EDPS in 2017 or any other year.