



**LEONARDO CERVERA NAVAS**  
DIRECTOR

Brussels, 14 November 2018  
EDPS/LCN/msl/D(2018)2556

**Note for the attention of Mr Arndt Kohn**  
**Rapporteur for the Committee on Budgetary Control in the European Parliament**

**Subject: Follow up to the discharge for the 2016 financial year**

According to Article 319(3) of the TFEU and Article 166 of the Financial Regulation, the European Data Protection Supervisor (hereafter EDPS) has taken all appropriate steps to act on the observations accompanying the European Parliament's discharge decision for the 2016 financial year.

This follow up report summarises the actions taken by the EDPS in response to the most pertinent paragraphs from the EP discharge resolution.

1. The EDPS has already arranged the internal planning so that the annual activity reports are ready for submission on the 31 March of the year following the accounting year.  
*(Follow-up of point 3 of the resolution)*
2. The EDPS included in its AAR 2016 detailed information on missions undertaken by its members and staff and will do so in its AAR 2017.  
*(Follow-up of point 9 of the resolution)*
3. As regards the follow-up given to the IAS on the five recommendations resulting from Annual Internal Audit for 2016, two out of the five have been already closed by the IAS:
  - The policy on sensitive functions was sent to the IAS after its adoption on 20/02/2018. This recommendation was closed by the IAS.
  - A process handbook containing an inventory of all key processes and procedures was sent to the IAS on March 2017. This recommendation was closed by the IAS.

There are three pending recommendations that are still marked as pending in the IAS database: business impact analysis, disaster recovery plan and strategy for business continuity plan (BCP) testing. The three have already been dealt with by our Local Security Officer. There is an evacuation exercise that has been performed on 14 November that will be the last step to undertake. After that, and before the deadline of end of the year given by the IAS, all the necessary documents and reports will be sent so that the recommendations become closed.

With those three last recommendations, there will be nothing else pending with the IAS.  
*(Follow-up of point 12 of the resolution & point 2 of the LIBE opinion)*

4. The EDPS will include in its AAR for 2017 a complete table with the amounts paid in 2016 and 2017 under Service Level Agreements in which fees depend on consumption.  
*(Follow-up of point 13 of the resolution)*
5. The EDPS included in its AAR for 2016 an overview of procurement for the last three years and of the missions' management for 2016 and will do so again in its AAR for 2017.  
*(Follow-up of point 16 of the resolution)*

6. The EDPS will include in its AAR for 2017 a separate assessment on the topics relating the Ethics Framework, whistleblowing, anti-harassment, disciplinary procedures and administrative investigations.  
*(Follow-up of point 17 of the resolution)*
7. The EDPS introduces in its AAR since 2015, exhaustive information on all the human resources at the Supervisor's disposal, broken down according to grade, sex and nationality.  
*(Follow-up of point 19 of the resolution)*
8. The EDPS, as requested by the Budgetary Authority, has applied the 5% reduction to its staff, which according to our size equals to two posts. One AST post was abolished in 2015 and a second AST post in 2016.  
*(Follow-up of point 20 of the resolution)*
9. The EDPS included in its AAR for 2016 an overview of procurement for the last three years and missions' management for 2016.  
*(Follow-up of point 22 of the resolution)*
10. The EDPS published the Court's report together with its annual activity report, for the sake of transparency and public confidence.  
*(Follow-up of point 23 of the resolution)*
11. The issue of revolving doors have been dealt with in the code of conduct for the supervisors in its point 9. The EDPS participated to the first meeting of a CPQS subgroup dedicated to revolving doors that took place on 7 March 2016. Since then, this issue has not been included anymore in the CPSQ agenda. The EDPS will follow any further inter-institutional developments.  
Up to now, EDPS had no cases to declare. The EDPS is a very small institution and the only 'senior official' is the Director of the EDPS and all his activities are declared and will be published on the EDPS website in compliance with Article 16.4 of Staff Regulation. The EDPS does not have a decision that deals with revolving door cases but the EDPS has reflected on the topic, studying the reports made by other Institutions to set up its own decision in order to align our position with the common practises of the EU institutions. All measures in place through the code of conduct for Supervisors and its implementation plead in favour of a total transparency with regard to the activities of the Supervisors.  
*(Follow-up of point 24 of the resolution)*
12. Since 2015, the EDPS has developed and increased communication tools:
  - Social media: Twitter, LinkedIn, YouTube
  - New EDPS website (more customer friendly and mobile oriented)
  - EDPS app on EU data protection reform
  - There are other tools that already exists from (publications, study visits, information request from public and press, videos, events).*(Follow-up of point 26 of the resolution)*

As to the Statement of Assurance concerning the financial year 2016 (DAS 2016), no observations resulted from the audit work carried out by the Court of Auditors with respect to the reliability of the annual accounts and the annual activity report of the EDPS.



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