



EUROPEAN DATA PROTECTION SUPERVISOR (EDPS)

Report on budgetary and financial management for the financial year 2018

TABLE OF CONTENTS

1. MISSION

2. BUDGET

3. REVENUE

4. EXPENDITURE

5. CONSOLIDATION OF THE INTER-INSTITUTIONAL COOPERATION

6. USE OF APPROPRIATIONS BY ARTICLE

1. MISSION

The European Data Protection Supervisor is the European Union's independent data protection authority established under [Regulation \(EU\) 2018/1725](#), devoted to protecting personal information and privacy and promoting good practice in the EU institutions, offices, bodies and agencies.

- 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 data.
- 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

In 2018, the EDPS was allocated a budget of EUR 14 449 068. This represents an increase of 27.59 percent compared to the 2017 budget.

As in previous estimates, our budgetary proposal made a clear distinction between the so-called current and new activities. For the current activities, as recommended by the Commission, we persisted with our policy of austerity, with most budget lines frozen at 0% and an overall increase of 1.54%, which is lower than the cost of living of 1.80% foreseen at the time (ceiling proposed by the Commission).

As regards the “new activities”, the increase of 27.59% was mainly due to the new EDPB, not only as a result of the additional 6 FTEs requested, but also of the budget related to the operations and activities of the Board taking function as from the 25th May 2018.

The year 2018 was indeed crucial for the EDPS. The adoption of the General Data Protection Regulation (GDPR) and the Law Enforcement Directive in 2016 were giant steps in modernising data protection rules and ensuring a consistent application of these rules in all Member States of the Union. These legal instruments were already in force but would only deploy their effects in mid-2018 and one of the main outcomes was the creation of the European Data Protection Board (EDPB). This independent EU body has been established by the GDPR to ensure a consistent application of the new legal framework for data protection in the Member States.

The legislator has entrusted the European Data Protection Supervisor (EDPS) with the challenging task of providing an independent Secretariat to this new body, ensuring full administrative synergies with the EDPS. As a result, the setting up of this new EU body has heavily influenced our budgetary proposals over recent years. The EDPS has been working on the setting up of the European Data Protection Board (EDPB) since 2015.

2018 was also the year when the founding regulation of the EDPS was finally adopted. Regulation (EU) 2018/1725 foresees new tasks and responsibilities for our small institution that will need to be properly resourced in the near future. This review is more technical than political as its main purpose is to extend the rules agreed upon in the GDPR to the particular environment of the EU institutions and bodies. However, these technical changes will have a considerable impact from a resources point of view: the considerable new tasks and responsibilities imposed on data protection authorities in the GDPR will also apply to the EDPS as from mid-2018. It is important to bear in mind that these new tasks and responsibilities are in addition to the new supervisory duties over former third pillar agencies transferred from national data protection authorities to the EDPS. As has already been the case for Europol in 2017, that EDPS will also be tasked with the supervision of other agencies such as Eurojust or EPPO in the short term.

Last but not least, as the EDPS entered into the second half of its Third Mandate, the achievement of the strategic objectives for 2015-2019 became a major priority. In this context, the EDPS co-hosted, together with the Bulgarian Data Protection Authority, the 40th edition of the International Conference of Data Protection and Privacy Commissioners, the worldwide forum that connects the efforts of 115 privacy and data protection authorities from across the globe. Up to one thousand representatives from governments, regulators, industry, academia and NGOs met in Brussels during the Strasbourg week of 22-26 October 2018, in the premises of the European Parliament in Brussels. This qualified audience will debated the report on digital ethics and data protection which was drafted and will be presented by the independent Ethics Advisory Group set up by the EDPS in 2016, one of the cornerstones of the EDPS strategy for 2015-2019.

Most of the conference took place in the premises of the European Parliament and the conference costs was mostly self-financed with participant contributions (registration fees). Part of the organisation and the collection of the fees were outsourced to an external contractor with extensive experience organising data protection events in Brussels.

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 6 FTEs, in view to have everything ready for the Board to take function as from the 25th May 2018.

Pending the adoption of the final text of what would become new Regulation (EU) 2018/1725, the 2018 estimates only foresaw the hiring of an additional FTE in the form of a contract agent function IV, to be able to kick off the work in 2018. The budget estimates in coming years would further specify the amount of resources needed to cope with the new tasks and responsibilities finally attributed to the EDPS by the legislators.

3. REVENUE

The revenue budget for the 2018 financial year amounted to EUR 1 434 000. This sum is derived from Chapter 40 – Deductions from remuneration (Article 400 'Tax on salaries' - EUR 705 000 and Article 404 'Special levy - EUR 123 000) and Chapter 41 – Contribution to the pension scheme (EUR 606 000).

4. EXPENDITURE

The budgetary appropriations for the European Data Protection Supervisor for the 2018 financial year amounted to EUR 14 449 068.

The budget implementation in terms of commitment appropriations for 2018 amounted to EUR 13 539 302, corresponding to 93.70% of the available appropriations.

The budget implementation in terms of payment appropriations (C1 and C8) amounted to EUR 11 974 334.58 which is 75.20% of the available appropriations.

5. CONSOLIDATION OF THE INTER-INSTITUTIONAL COOPERATION

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 (SLAs) (for medical, translation/interpretation, catering services, training services, use of different IT Tools, etc.) and Administrative Agreements (for building, logistics, IT infrastructure and helpdesk, security services, etc.) 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 EDPS has also concluded many Memorandum of Understanding mainly on particular IT services such as ICT procurement services, Hosting of platform and IT Tools. The signature of a MoU between the EDPS and the EDPB in 2018, allows this new EU body to benefit from all the work done by the EDPS in this field over the last ten years.

The table below shows the different SLAs the EDPS has signed with other EUIs as well as the budget consumption for 2018.

INSTITUTION	SERVICE	FEES	Remarks
COMMISSION - DGEAC	Traineeships Office	112.975,68	Forfait per trainee
COMMISSION - DG HR	Medical service, IDOC, L&D, Art 90, RUE and EU CI	72.976,00	Depending on consumption
COMMISSION - PMO	Staff and administration	63.901,00	Forfait per person per service
COMMISSION - DG DIGIT	SYSPER2 implementation	115.900,00	Fix amount
COMMISSION - EUSA	Training and development	3.150,00	Depending on consumption
COMMISSION - DG BUDG	Use of ABAC	40.000,00	Fix amount
COMMISSION - OIB	Catering services	40.209,79	Depending on consumption
COMMISSION - OIB	Transportation - Service cars for the MB and STIB tickets	-	Depending on consumption
COMMISSION - OPOCE	Publications and communication	11.535,48	Depending on consumption
COMMISSION - DGT	Translation services et Interpretation	827.732,14	Depending on consumption
EP - DG INLO	Administrative agreement for building and logistics	1.133.467,94	Depending on consumption
EP - DG ITEC	Administrative agreement for IT services	80.000,00	Forfait per user
EP - DG PRES	Administrative agreement for security, accreditation and mail	274.866,53	Depending on consumption
ENISA	Security audit for Eurodac database	-	
EP - DG SAVE	Guard and security services	27.486,65	Depending on consumption
		2.804.201,21	

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

Currently there are around thirty inter-institutional framework contracts (FWCs) that the EDPS uses to conclude purchase orders and/or specific contracts to cover needs, particularly in the area of Information Technology and Administration.

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 7 223 575. The utilisation rate for the appropriations entered in Title I was 96.11%, the committed amount totalling EUR 6 942 838.

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 684 881. A total of EUR 676 575 was committed, making the utilisation rate 98.79%.

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 44 894 was committed, making the utilisation rate 53.20%.

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

The appropriations amounted to EUR 4 717 553. A total of EUR 4 524 366 was committed, making the utilisation rate 95.90%.

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 1 412 114. A total of EUR 1 377 369 was committed, making, and the utilisation rate was 97.54%.

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 319633 was committed, making the utilisation rate 98.46%.

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 3 630 747. The utilisation rate for the appropriations entered in Title II was 98.13%.

The breakdown of the appropriations after transfers was as follows:

1. Article 200 Rents, charges and other buildings expenditure

The appropriations amounted to EUR 1 718 747. The utilisation rate was 100%.

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

The appropriations in Article 201 amounted to EUR 1 912 000, and the utilisation rate was 96.45%.

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 3 594 746. The utilisation rate for the appropriations entered in Title III was 84.39%, the committed amount totalling EUR 3 033 597.

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 1 046 482. A total of EUR 612 967 was committed, making the utilisation rate 58.57%.

3. Article 302 Other staff

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

The appropriations amounted to EUR 583 953. A total of EUR 571 960 was committed, making the utilisation rate 97.95%.

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

The appropriations amounted to EUR 74 311. A total of EUR 71 311 was committed, making the utilisation rate 95.96%.

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

The appropriations amounted to EUR 1 890 000. A total of EUR 1 777 358 was committed, making the utilisation rate 94.04%.