

2018 Discharge

Questionnaire to the European Data Protection Supervisor

Hearing: 12 November 2019

General questions:

1. How does the Supervisor continue its cooperation with national data protection authorities in the Member States to ensure effective coordinated supervision and to cooperate in the preparation for the new legal framework? What are the particular improvements of this cooperation? What are the results of promoting a consistent approach to data protection throughout Europe?

The European data protection Supervisor is one of the member of the European Data Protection Board and therefore participates, with the other national data protection authorities, to its mission to ensure consistency of application of the General data protection regulation (GDPR) and the police directive. The Supervisor also continues its action of coordinated supervision relating to the EU agencies and large scale IT Systems (such as for VIS, CIS systems, Europol, Eurojust, etc.).

With the creation of the EDPB, the cooperation between the national data protection authorities has been truly intensified, in comparison with the cooperation within the Art. 29 working party under the previous legal framework. As a result, a lot of guidance to ensure a uniform interpretation of the GDPR has been issued. Furthermore, the EDPB has made use of its new role of consistency body for the actions made by the national regulators. A good example relates to the duty of national regulators in the EU, EFTA, EEA countries and for the EDPS to each create a list of the risky processing operations that should mandatory be subject to a data protection impact assessment.

On these regards, the EDPB adopted 32 opinions addressed to each of the regulators in order to ensure a sufficient level of consistency between those lists. The promotion of consistent application also aims to ensure free flow of personal data in the EU. In addition, the members of the Board have agreed on the future areas of work. This is presented in a [2-year programme published on the EDPB website](#).

2. What concrete steps has been made in educating national data protection authorities in the Member States about the new GDPR directive?

In line with the Art. 57.2 of the GDPR, the national data protection authorities are responsible for promoting public awareness in relation to data protection and the new regulation at national level. Data protection authorities have provided information to the stakeholders and to the public, some have created new tools, such as help lines and toolkits to help companies in their compliance efforts.

In addition, the national data protection authorities, together with the Supervisor, are the members of the EDPB and jointly work on the mission of the EDPB to ensure a consistent application and interpretation of the new regulation in the EU.

In this framework, the data protection authorities have intensified their work in the European Data Protection Board. The way data protection authorities work together is more structured than before the GDPR. This intense work of all the members has allowed the Board to adopt around 24 guidelines on key aspects of the GDPR. The aim of the guidelines is to reach a common understanding among the national supervisory authorities on certain provisions of the GDPR. In addition to those guidelines, the Board has adopted several information notes, statements and letters on a wide range of topics related to the processing of personal data under the GDPR. The new regulation also creates intensive cooperation duties between national authorities when they are investigating and enforcing the regulation in the framework of cross-border cases.

This means that in cross-border cases, each data protection authority is no longer simply a national authority but it is part of a truly EU-wide process across all stages: from the investigation to the decision. In order to facilitate this process, an IT system has been deployed, with the help of the European Commission, to ensure a confidential and standardised format of exchanges. Such close cooperation has become daily practice for all the members of the EDPB (665 cross border cases have been created in the system, 1928 procedures of mutual assistance, 390 One-stop-shop procedures from which 53 are final¹). Moreover, the Secretariat of the EDPB developed a user manual and an IT helpdesk to help the staff of the national authorities using the system. A governance system has been set up within the EDPB to ensure the continuous development of the tool.

Finally, the EDPB Secretariat has developed a cooperative and wiki platform, to enable the continuous availability of EDPB documents to the national authorities, including the documents relating to the EDPB activities. It furthermore enables the sharing of legal resources relating to data protection at EU (ie. ECJ and ECHR case law) or national level.

3. Can we already say a year and half from introducing the General Data Protection Regulation (GDPR) if it has indeed dampened investment in start-ups on the EU tech scene, as media report suggested?

As a first element, it is of the utmost importance for the Board to allow all relevant stakeholders, including start-ups or SMEs, to better contribute to its work.

The Board organises systematically public consultations on its guidelines. This practice, together with the organisation of stakeholder workshops on targeted topics at an early stage of the reflection, ensures an enhanced transparency, inclusiveness and relevance of the work of the Board.

¹ Figures of 1st October 2019

One of the core principle of the GDPR is the risk-based approach. This approach exempts the compliance to certain GDPR obligations in situations where no risk or low risk is presented by the processing of personal data. This means that a company - including start-ups or SMEs - will be exempted from certain obligations if the processing they do with personal data presents a low risk (or no risk) for the citizens' rights.

Some data protection authorities (members of the Board) have already developed some guidelines that are tailored to micro and small size enterprises at national level. In addition, the European Commission provides grants to data protection authorities for them to reach out to stakeholders, in particular individuals and small and medium size enterprises². This work has been shared at Board level and any data protection authority can, at national level, make use of the work already done by the others.

The European Commission is in charge of evaluating the economic impact of the GDPR. In its last communication of 24 July 2019, the European Commission provided information on the impact of the GDPR on innovation: *"The Regulation not only allows but encourages the development of new technologies while respecting the fundamental right to protection of personal data. This is the case in areas such as artificial intelligence. Businesses have started developing their offer of new, more privacy-friendly services. For instance, search engines that do not track users or use behavioural advertising are progressively gaining market shares in some Member States. Other companies are developing services that build on new rights granted to individuals, such as the portability of their personal data. An increasing number of businesses have promoted respect for personal data as a competitive differentiator and a selling point. These developments are not confined to the EU but also concern very innovative foreign economies³".*

4. What has the Supervisor done to step up its effort to define prudently the budget estimates?

The EDPS always takes a prudent approach when drafting its draft budgets. The budget proposals submitted each year to the Budget Authority are based on a strict assessment of the needs in view to fulfil the EDPS mission according to the tasks entrusted to us by the legislator. They moreover follow as much as possible the guidelines received by both the European Commission and the Budget Authority.

An intensive and continuous budget monitoring has consolidated a positive evolution of the budget implementation rate over the years.

² EUR 2 million allocated to nine data protection authorities in 2018 for activities in 2018-2019: Belgium, Bulgaria, Denmark, Hungary, Lithuania, Latvia, the Netherlands, Slovenia and Iceland: <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/topic-details/rec-rdat-traig-2017>. See EC Communication "Data protection rules as a trust-enabler in the EU and beyond – taking stock", COM(2019)374 of 24 July 2019.

³ For instance, according to a report published by Israel's cybersecurity industry association, in 2018 the 'Data Protection and Privacy' subsector of Cybersecurity was the fastest growing subsector as a result in part of the entry into application of the GDPR.

Nevertheless, there are two major factors that have a crucial impact on the overall budget implementation rate and that may undermine our best efforts to optimise the budget execution:

- The fact that more than 50% of the EDPS budget corresponds to salaries, makes it very difficult to get closer to a 100% implementation rate. A moderate turnover of staff, the gap between a person leaving and the replacement, or even a few colleagues taking personal or parental leave, will already have a relevant negative effect on the overall implementation rate.
- Title 3 of the EDPS budget was created in 2014 in view to cover the budgetary needs of the European Data Protection Board (EDPB). Resources have been progressively allocated to this Title since 2015 to prepare the setting up of the Board based on estimations resulting from the tasks foreseen in the GDPR. Therefore, only when the EDPB has been functioning for a few years, the budget estimations will become accurate. Past experience provides the best information to draw up an appropriate draft budget request and obtain an optimised implementation rate. For this reason, we had to enhance the efforts on the use of resources since 2015 within Titles 1 and 2 in order to compensate the low execution of Title 3. This effort will continue to be necessary for a few years until the EDPB is consolidated.

The table below shows how the evolution on the execution rate per Title and per year, as well as their impact on the evolution of the overall execution rate.

Budget execution (per title per year)	2015	2016	2017	2018
Title 1	97,46%	94,67%	88,16%	95,34%
Title 2	90,76%	95,08%	93,99%	95,26%
Title 3 (EDPB)	79,79%	72,16%	72,18%	79,96%
TOTAL	94,66%	92,95%	87,58%	91,49%

5. Can you give some concrete examples of how the Ethics framework of the Supervisor and the formal establishment of the position of the Ethics Officer of the Supervisor helped improve functioning of this institution?

The Ethics Framework has formally established an Ethics Officer who is entrusted with the responsibility of reporting to the Management Board on any serious ethics issues at stake and in any case at least once per year. The Ethics Officer, who acts with full independence and is administratively attached to the Director, personally checks any publication or outside activities requests making it possible to ensure a high level of compliance with the requirements of the code of conduct for staff and the rules of the Staff Regulation. Another example of the practical impact of this function is that the Ethics Officer also checks the Supervisor’s agenda for the sake of transparency. The more the EDPS is transparent, the more the EPDS is accountable to all stakeholders.

6. Has the Supervisor already aligned the Code of Conduct to new trends and best practices?

The code of conduct for staff was already updated once in 2014. Nevertheless, a revised version will be adopted before the end of 2019 in order to:

-) update all legal references (due to new Regulation 2018/1725 where necessary)
-) include the reference to the EDPB secretariat
-) aligning the code with the requirements of the revised outside activities decision adopted recently (within the same lines as the European Commission's one)
-) insert more substantive references and inputs regarding whistleblowing issues

7. What will be the final impact of the implementation of the General Data Protection Regulation (GDPR) on the budget and organisational changes of the Supervisor?

The changes for the budget and the internal organisation of the EDPS are coming both from the GDPR but also from the EDPR (Regulation 2018/1725) which applies directly to the EDPS. One obvious impact of the GDPR is the creation of the EDPB Secretariat and Title III of the EDPS Budget and another obvious impact of the EDPR is the suppression of the post of the Assistant Data Protection Supervisor. It may be necessary to consider the creation of a senior management position to reinforce and closely assist the Supervisor from the EDPS Secretariat. From a budgetary viewpoint, the budgetary proposals for 2019 and 2020 had the objective of reinforcing the human resources in the same average percentage than national data protection authorities had been reinforced (25%). To what extent it will be necessary to further reinforce the EDPS and/or the EDPB Secretariat will very much depend on the evolution of the implementation of the GDPR/EDPR in the coming months. There are some reasons to believe that it will be necessary to reinforce the EDPB Secretariat in the short term as this new EU body will be gradually assuming more weight and the workload is very likely to increase. The upcoming review of the GDPR by the European Commission in mid-2020 will probably offer some orientations to this regard.

8. What was the cost of outsourcing of translation in 2018? What would have been the cost if the translations had been carried out by in-house services?

The amount spent on translations sums up to 337.057,35 EUR for the EDPS and 516.461.90 EUR for EDPB activities.

The EDPB benefits from a quota of free translations performed by DG Translation of the European Commission. Above this quota, translations are done by the CDT.

The need of frequent translations in all official languages of the EU in addition to the very small size of the Institution makes the internalisation of translation impossible from a cost-benefit perspective.

9. How many complaints did the Supervisor investigate in 2018?

62 complaint cases and 236 complaints (prima facie non-admissible) were opened with a case notification date in 2018. In total 298 were received.

To be noted:

-) S&E had a look at all of them.
-) For the 62 complaint cases, sometimes investigating them takes time (e.g. to obtain controller's reply), so there were cases which did not lead to a final decision in 2018, but were still pending at the end of the year.
-) Similarly, there were cases submitted earlier, for which the investigation continued or finished during the year.
-) Regarding the prima-facie inadmissible complaints, we aim for a turn-around time of two weeks maximum (as we cannot do much more than refer them to the competent DPA).

10. Please name three of the Supervisor's main achievements and successes in 2018. How do they affect in the institution's challenges for the future?

One of the 2018 challenges was to make sure the EDPB Secretariat is fully staffed and prepared for launch of EDPB on 25 May 2018. The challenge was and still is to ensure that the EDPB is effective, putting the GDPR into action.

Hosting of the 2018 International Privacy Commissioners Conference in the European Parliament (with the highest ever attendance for such an event) was the biggest challenges the EDPS faced. It established EDPS and the EU as thought leader on question of digital ethics. The challenge is to further maintain momentum and to support EU objectives on e.g. AI regulation.

Last but not least, the Opinion on Online Manipulation 2018 changed terms of the debate on 'fake news' raising awareness that democracy depended on effective data protection rules.

Staff

11. Has the Supervisor established an automatic system to extract Human Resource-related information?

The EDPS has the possibility to extract HR-related information and statistics through the HR reports integrated in Sysper, the HR tool used by the institution, as well as the Qlikview platform. Quarterly meetings with the Commission's HR reporting unit are held in order to stay updated on IT developments and new reports available.

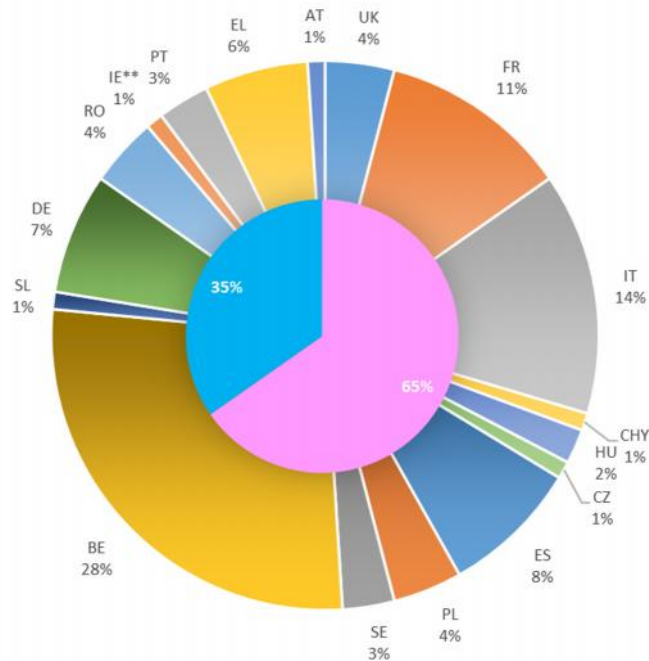
12. What has the Supervisor done to ensure a proportionate representation of all Member States among the population of the staff?

The EDPS applied its Equal opportunity strategy, which includes also nationality, and which embraces diversity and promotes equal opportunities. The EDPS accepts applications to vacancies without discrimination on grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of national minority, property, disability, age or sexual orientation.

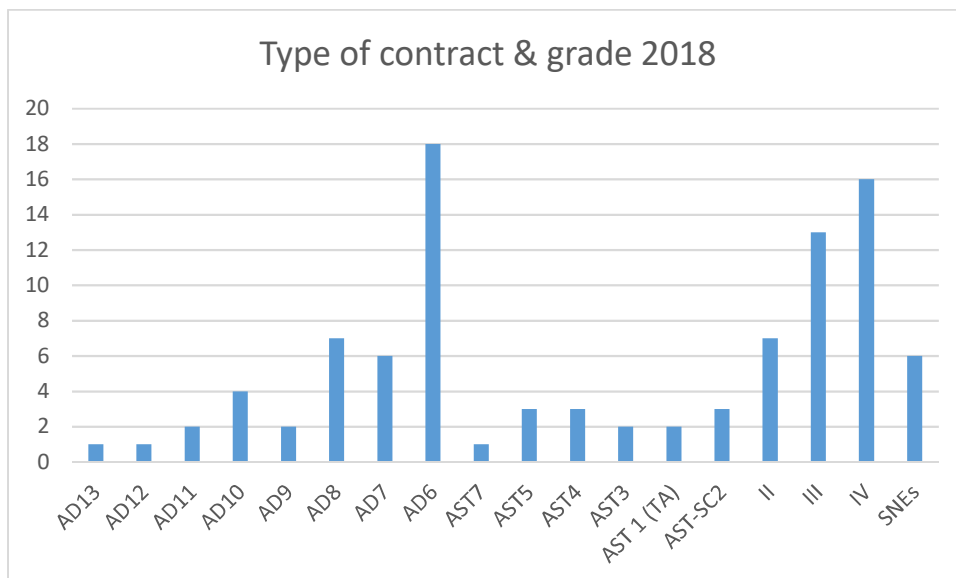
Apart from this, the EDPS did not take any other particular action, as there is a relatively good geographical balance (17 different nationalities are represented).

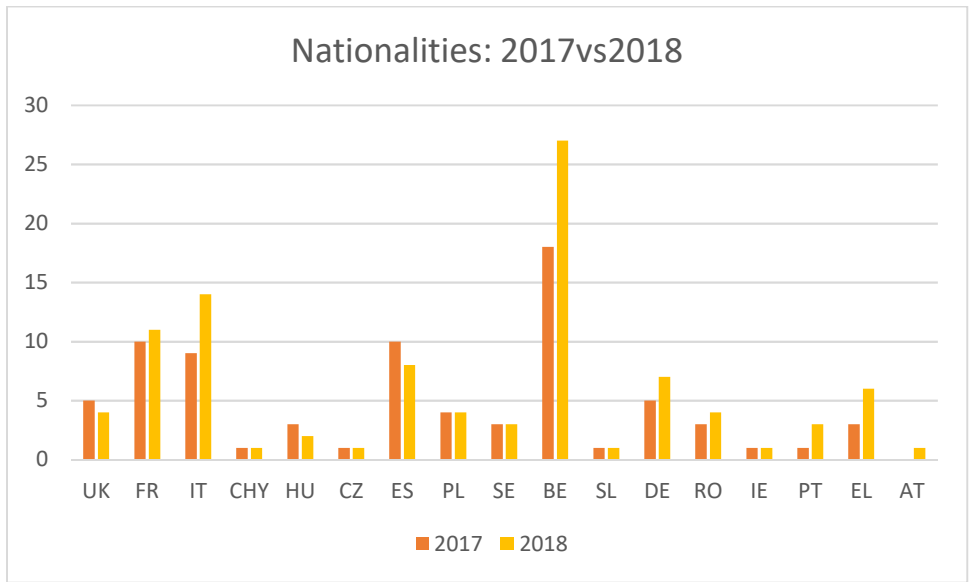
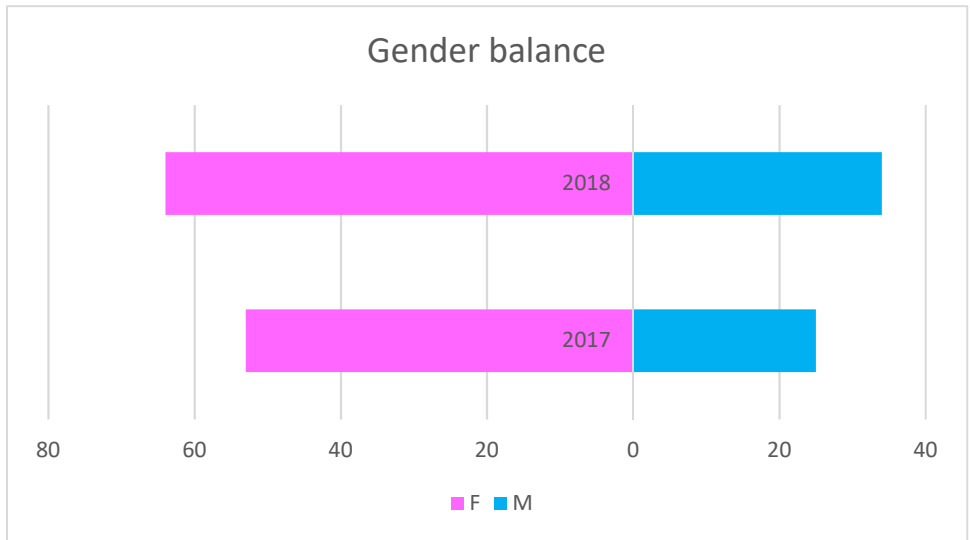
13. Could you please provide a table of all human resources broken down by nationality, type of contract, gender and grade for the year 2018, and an overview of how these figures compare with the year 2017?

Staff distribution by gender & nationality 2018

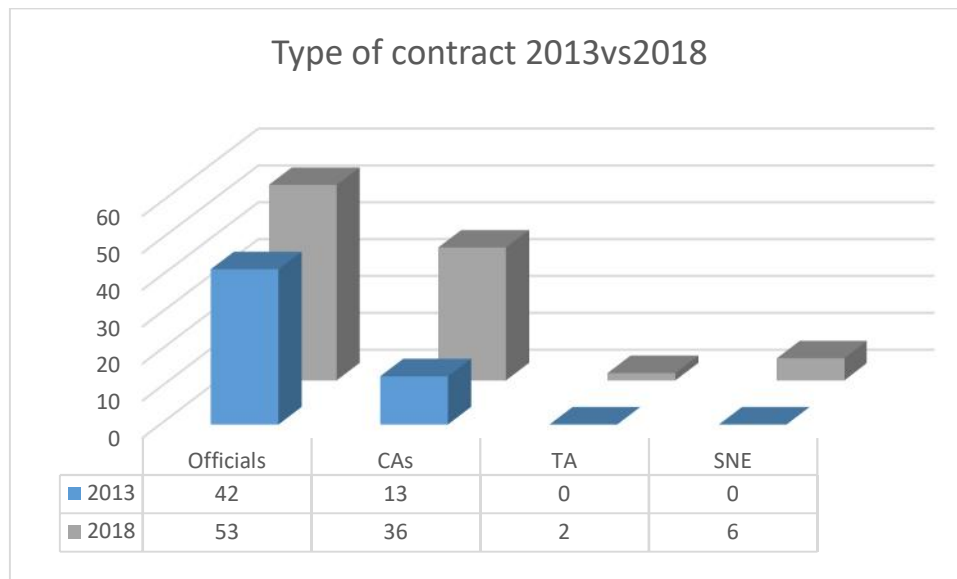


Type of contract & grade 2018





14. Could you please provide us a table of staff broken down by type of contract for 2013 and 2018? What was the average duration of contractual employments (including renewal of contracts) in 2013 and in 2018?



The average duration of contracts in 2013 and 2018 is 3 years (in 2013 it was 2.95 years and in 2018 was 3.20 years).

15. Please present a gender and nationality breakdown of your middle and senior management positions.

In 2018, the EDPS had seven middle management (3 Heads of Unit, 3 Heads of Sector⁴ and 1 Head of the EDPB Secretariat (equivalent to a Head of Sector) and one senior manager who is the head of the EDPS Secretariat. All three Heads of unit (ad interim at that time and appointed now) are women with Polish, Belgian and Spanish citizenships. The male Director is Spanish. The Heads of Sectors are two men and one woman, respectively of German, Belgian and Italian nationality. The Head of the EDPB Secretariat is a Belgian woman.

16. We would appreciate a comprehensive overview of staff on sick leave in 2018, 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 2018? What was the evolution since 2013?

a. Number of staff on sick leave

⁴ The Heads of Sector's responsibilities at the EDPS are equivalent to the responsibilities of Heads of Unit but the size of the team is smaller.

Number of Staff and Working Days of Absence by Type of Absence

Absence type	2017			2018			2019		
	Staff	Absence (days)	Average by person	Staff	Absence (days)	Average by person	Staff	Absence (days)	Average by person
Absence with medical certificate				50	1182	23.6			
Absence without medical certificate				59	161	2.7			
Part time for medical reasons				4	62	15.4			
Total				73	1404	19.2			

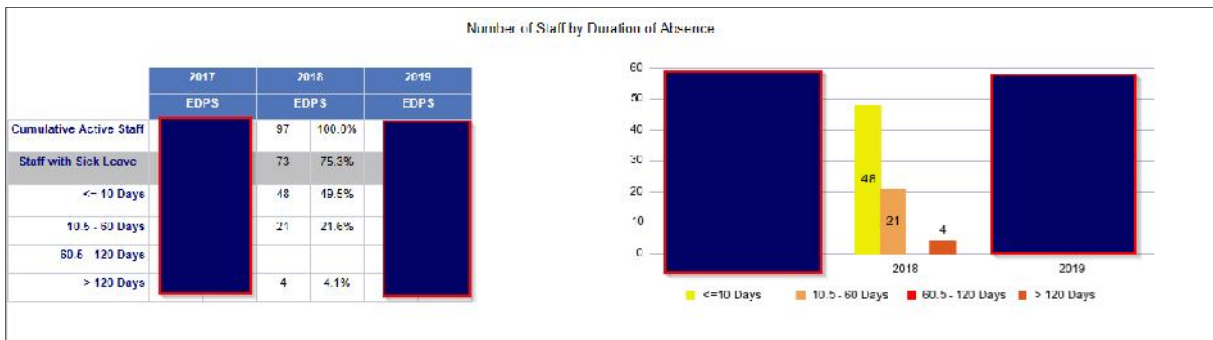
b. Longest absences

People with more than 240 working days of sick leave

PHN-ID	Name	Status	ORG	Period	Last Work pattern	Sick Leave 3 YTD*	Sick Leave 2016	Sick Leave 2017	Sick Leave 2018	Sick Leave 2019	Total Sick Leave
More than 240 days of absence in the last 5 years to date (3YTD)											5 Persons
		Active	EDPS.SECR	2017 01 - 2019 10	Medical part time	461		41	212	178	461
		Active	EDPS.SECR	2017 01 - 2019 10	Full time	361		219	18	126	361
		Active	EDPS.SECR	2017 09 - 2019 04	Medical part time	346		64	242	40	346
		No longer in entity	FJHS.SFCR	2017 08 - 2018 12	Medical part time	317		106.5	210.5		317
		Active	EDPS.SECR	2017 01 - 2019 10	Full time	294		69.5	31.5	193	294

TCCTAL 3YTD* = Total number of sick leave days for the last 3 rolling years i.e. total number of sick leave days taken between 16/06/2014 and 15/06/2017 if today is the 16th of June 2017
TCCTAL = Total number of sick leave days taken during the last years i.e. from 01/01/2014 and 15/06/2017 if today is the 16th of June 2017

c. Number of days of sick leave:



d. Specific days (Mondays and Fridays):

Our HR reporting tool does not allow us to distinguish absences based on specific days. We apologise for not being able to provide the Parliament with this information.

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

As staff member of a relatively small institution, all EDPS Staff has to carry out a great variety of tasks, which sometimes include tasks of a higher function group or grade, especially for the AST-SC staff. This is nevertheless largely regarded as an incentive for most of our staff as they appreciate to be given the opportunity to carry out some tasks of slightly higher responsibility. At the same time it increases engagement and helps their motivation.

18. What were the three most important actions taken by the Supervisor in favour of equality?

The EDPS embraces equality, diversity and gender balance. It is committed to promoting a flexible, fair and respectful workplace. Similarly, the institution respects individual differences and staff are well aware of the institutions policy on sexual and psychological harassment especially after the heated "#Metoo" discussions with the internal "hot on heels" group. This internal group meets with staff up to 3 times a year to help maintaining the equality and gender balance debate vivid at EDPS/EDPB.

Equally in 2018, 3 female colleagues were appointed to Heads of unit (ad interim). The same three female colleagues have been finally appointed Heads of unit in early 2019.

Furthermore, several actions have been implemented with the scope of increasing the flexibility in our ways of working as well as opening our small organisation to a more diverse workforce. The use of flexible working was enhanced by the re-negotiated telework decision (negotiated in 2018 and finally signed early 2019). Moreover, in-house trainings were organised (e.g. "Unconscious bias", "Balance your three lives" and "Stress and burnout") with the aim of making colleagues aware of the biases they have and enhance a culture of respect towards the persons we work with.

Last but not least, HRBA has started working towards an anonymised selection procedure that aims at weakening biases during selections and choosing the right person for the job no matter e.g. the age and gender.

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

Our building already has been adapted to the needs of disabled people: toilets, lifts and security doors were installed to facilitate the 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.

Furthermore, the EDPS is regularly participating in the Intercopec group following this topic as well as best practices from other institutions.

20. Were there any improvements done to the organisation of workspaces? What chances have there been in 2018?

The EDPS is hosted in one building that is rented by the EP and is shared with the Ombudsman.

Our common practices aim to provide a safe and comfortable environment for our colleagues. Due to a growing number of staff, this has become more and more a challenge. For this reason a further extension has been requested to the EP in 2018. In view of the staff increase that took place in 2019 and will likely continue in 2020, we would like to offer the minimum comfort and above all safety standards to our

new colleagues. This extension was expected to be obtained by the 3rd quarter of 2019 and is yet still in discussion.

The offices of the Supervisor and the Director were refurbished due to the natural decay and so was the waiting room for visitors. The entry to the building was also improved to accentuate the institutions EU identity at the occasion of the works carried out for security purposes.

Air conditioning issues and other technical issues linked to the fact that our building is a “smart building” have been solved during 2018. Furthermore, water fountains have been installed on each floor.

21. What flexible working arrangements does your institution offer?

The EDPS offers the following working arrangements:

-) flexitime with possible recuperation of extra hours (maximum of two days per month)
-) purchasing of time credit
-) parental leave
-) part time
-) telework (structural and occasional)

22. How often are these working arrangements used? Has there been a development in the frequency?

The flexitime regime is applied to all staff by default. One staff member of the AD category has opted out.

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

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

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

In 2018, colleagues benefited from telework as follows:

- Structural telework: 5 men and 11 women benefited in 2018
- Occasional telework: 13 men and 42 women benefited in 2018

24. To what extent does your institution encourage young parents to make use of flexible working arrangements to improve life-work balance?

The EDPS decision on working time states clearly the possibilities available to all staff members to reconcile work-life balance.

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

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

25. Can all categories of staff apply to these working arrangements?

These working arrangements are available for Officials, Contract Agents and Seconded National Experts.

26. Was any staff member placed on leave in the interest of the service according to Article 50 of the staff regulations? If yes, what were the reasons?

No, there was no such cases.

27. The average cost per mission in 2018 was close to equivalent between Members and Staff, although in 2015 the average cost for Members was close to the double than for staff. How do you explain this evolution, did the Supervisor change the rules of missions for Members?

The evolution can be explained by different factors:

-) We have made efforts to reduce the cost for the Members.
-) The increased visibility of the EDPS outside the EU has also resulted in more requests to participate in international data protection fora. Some of these missions have been performed by staff.
-) The impact of some new tasks, such as the supervision of Europol that entails recurrent visits and a yearly inspection (at Europol premises) conducted by a team of a few EDPS staff members that go for one week to The Hague.

28. Please present a gender and nationality breakdown of your middle and senior management positions.

Please see above, answer to question 15.

29. Would you say that the Supervisor had a fair recruitment practice policy in 2018? Were there any complaints, lawsuits or otherwise reported cases of non-transparent hiring or firing of staff?

The EDPS had a fair recruitment policy in 2018. We accepted applications without discrimination on grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of national minority, property, disability, age or sexual orientation.

There has been one access request from one unsuccessful candidate to her personal data under Article 13 of Regulation (EC) No 45/2001. The access was given and there was no further complaint from this candidate.

30. What were the costs in 2018 respectively for away days, trainings, closed conferences or similar events for staff? How many staff members participated in the respective events? Where did these events take place?

Although this kind of activity is in general encouraged in view to enhance the social interactions within the teams, it needs to be mentioned that 2018 was a particular year. For the first time, almost all the teams decided to organise a team away day in view to:

- a) integrate the newcomers
- b) compensate for the excessive workload that resulted from the organisation of the International Conference on Data Protection

Point b) above, was also behind the decision by our Supervisors to organise a “thank you party” (footnote 2 in the table below) to the staff that invested unprecedented efforts into the smooth and successful running of the international conference. Given the size of the event and the huge exposure of our small institution, the event was devoted to give recognition to the staff as well as go through the lessons learnt, the outcomes and the best moments of the event.

Finally, as regards the EDPB away day (footnote 1 in the table below), the Chair of the EDPB being the Chair of the Austrian national data protection authority, expressed the wish to organise a meeting with all the EDPB Secretariat in Vienna.

List of away-days, staff events and trainings in 2018					
Type of event	Year	Description	City	Cost	Staff n°
away-day	2018	P&C away day	Brussels	2.465,00	14
away-day	2018	HRBA away day	Brussels	664,80	11
away-day	2018	I&C away day	Brussels	587,70	12
away-day	2018	Private Office away day	Brussels	265,25	8
away-day	2018	EDPB away day (1)	Vienna	9.120,00	22
away-day	2018	S&E away day	Brussels	257,08	14
staff event	2018	Thank you party (2)	Brussels	5.529,00	80
staff event	2018	EDPS & EDPB Christmas dinner	Brussels	10.541,00	80
staff event	2018	EDPS & EDPB Social activity (promoted by the Staff Committee)	Brussels	2.373,25	62
Subtotal staff events				31.803,08	
training	2018	EDPS		80.483,27	76
training	2018	EDPB		23.276,46	22
Subtotal staff training				103.759,73	
TOTAL expenditure				135.562,81	

Harassment

31. Has there been any monitoring of the efficiency of the fighting harassment policy and if so, what is the conclusion?

In 2018, no cases of harassment were brought to the attention of the HRBA unit nor of the EDPS. As to the question itself, no monitoring was done that year within the institution. The decision on anti-harassment will be reviewed by the end of 2019. An addition to it will be the monitoring of the policy and its impact as well as awareness raising to staff members.

32. What were the expenditures in 2018 for the management of court cases and Court sentences? What was the specific amount for harassment cases?

In 2018, there was no expenditure on such cases and there were no harassment cases.

33. Where there any cases related to harassment reported, investigated and/or concluded in 2018?

There have never been any cases of harassment report or investigated in our small institution. Respect is one of the core values of our organisation.

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

In 2018, as in previous years since the adoption of the decision, the HRBA unit made the decision on anti-harassment available to its entire staff via the EDPS intranet. 69% of colleagues acknowledged in the 2018 staff survey that they are aware of the existing policy on psychological and sexual harassment. Now in 2019, the HRBA unit is currently working on a revised anti-harassment decision as well as on a decision/mandate to appoint confidential counsellors. Once approved by the AIPN, the information will be shared on the EDPS intranet and presented during an all-staff meeting.

35. Has there been any recent modifications to your anti-harassment rules, and could you specify to what extent?

No modifications were made in 2018 (see also reply to question 34 above).

36. Do you have a functioning team of the confidential-staff-councillors? Did they and the staff as a whole, receive any special training / seminars on the prevention of harassment?

In 2018, a team of 2 confidential counsellors was set up. One of the two colleagues followed the confidential counsellor training offered by the European Commission. Due to a long-term sickness, the second colleague was not able to follow the training.

Transparency

37. Has the legality and regularity of Supervisor transactions been properly examined by the Court to ensure better transparency?

The legality and regularity of Supervisor transactions are examined on two occasions: the Statement of assurance (SoA) (the one of 2018 being in process) and the Annual Activity Report (the one of 2018 has been issued on 18 March 2019). For 2018, none of the two exercises has triggered conclusions or observations from the Court of Auditors.

38. What has the Supervisor done to ensure that CVs and declarations of interests of the members of the Supervisor, that are available on the institution's website, are transparent with regard to activities of Supervisor and to exchange best practices with other EU institutions?

CVs and declarations of interests are reviewed regularly and at least once per year. They are available on the EDPS website for the sake of transparency. They are systematically requested by the HRBA unit each beginning of each year, with the check of the Ethics officer.

39. How many call for tenders did your institution organise in 2018? Please indicate the value and the number of applicants for each tender.

The majority of the EDPS contract award procedures are very low value (< 15.000 EUR) and do not require the organisation of a competitive process.

During 2018, only three low and middle value negotiated procurements were launched (between 15.000 and the directive threshold). The EDPS did not launch any open or restricted procedure.

40. On 11 December 2018, the rules for data protection in the EU Institutions were brought in line with the rules set out in the GDPR. Did your institution need to proceed to any changes in the way it handles data to adapt to this new legislation? What were those changes?

The EDPS as an EU institution is subject to the same privacy and data protection rules as all the other EU institutions. As a result, we set up a project led by the DPO office to adapt to the then forthcoming Regulation 2018/1725.

As soon as we were reasonably certain of the new GDPR provisions and that the rules for EUIs would be brought in line with the GDPR, we started an internal accountability exercise, with the help of an accountability questionnaire, to start working with the mind-set of an accountable controller and to lead by example.

We drafted and implemented a plan on the concrete obligations of the new Regulation, including new records for processing operations, new data protection notices (often known as "privacy statements"), new DPO implementing rules, an EDPS decision on restrictions of certain rights of data subjects based on article 25 of the new Regulation. We also started the revision of internal procedures and decisions

in the light of the new rules. The project is still ongoing but all the major necessary steps have been accomplished. The office of the DPO of the EDPS works with full independence and reports to the Director.

41. What activities has the Supervisor started and what policies implemented in the area of transparency in 2018?

The EDPS has not undertaken any new specific action when it comes to transparency in 2018. Every week we continued to publish the updated Supervisor's [agenda](#) online. All other transparency actions are available on our website, including access to the EDPS accounts on Twitter, LinkedIn, YouTube and the EDPS RSS feed.

42. Did the Ombudsman issue any recommendations to the Supervisor in 2017 or 2018 and how did you follow-up on them?

During 2017 and 2018 we have received a couple of decisions where the EDPS was the subject of the complaint to the Ombudsman. All these decisions came to the conclusion that there was "no maladministration". In one case however, regarding the eligibility criteria of paid traineeships (EDPS case 2018-0432), the EDPS acknowledged some incoherence in the information on the eligibility criteria for EDPS traineeships provided on the website. The Ombudsman welcomed this and provided us with additional input in the spirit of good cooperation and for the purpose of providing citizens (in this case potential traineeship applicants) with information as clear as possible. They considered that the way Article 3.4 in our decision on traineeships was drafted could be misleading as regards how the EDPS takes into account previous unpaid traineeships. They also recommended to clarify the information on the EDPS website regarding the duration of previous traineeships. At the time, the EDPS updated the decision on traineeships in line with the comments received from the Ombudsman and changed the information on the website. The procedure on how to recruit trainees has however changed since then and we do no longer recruit trainees ourselves, only through the Virtual Blue Book trainee program (which is the information currently available on the website).

Whistle-blower protection

43. Has the Supervisor taken any measures to solve the lack of information on internal procedures for whistleblowing provided by the Supervisor in the context of the 2017 discharge?

The EDPS answer to the recommendation of the 2017 discharge is twofold. First, a revised whistleblowing decision is to be adopted putting emphasis on the rights of all actors and shall be communicated to all staff. Second, our code of conduct for staff is subject to a deep revision, including more substantive information on whistleblowing (point 4.4 whistleblower protection). It will be approved before the end of 2019 and will be published and presented to all staff by the Ethics officer.

44. Were there any whistleblower cases coming out of the Supervisor and in such a case how did you follow-up on them?

There has been no whistleblower case in 2018 or since the setting up of the EDPS.

Communication

45. What was done to improve the communication with Union citizens? What has Supervisor done this year to keep intensive communication to citizens and stakeholders?

As the profile of data protection continues to grow, it is also the job of the EDPS to ensure that our messages and activities reflect and support the reputation of the EDPS as a leading authority in this area. This role is set out in the EDPS Strategy 2015-2019, which commits the EDPS to making technical issues more accessible for non-experts and to communicating in a transparent manner, appropriate for the relevant audiences. 2018 was a particularly busy year. Preparations for the European Data Protection Board (EDPB) and the General Data Protection Regulation (GDPR) came to a head in May 2018, while we also launched and executed communications campaigns on the 2018 International Conference of Data Protection and Privacy Commissioners and the new data protection rules for the EU institutions and bodies (Regulation EU 2018/1725).

46. How does the Supervisor continue to strive for the best use of various communication channels to raise awareness about its work among citizens?

The EDPS continued efforts to improve its established communication channels, building on the success of rebranding efforts over the past few years to reinforce the image of the EDPS as a respected global leader in the data protection field.

Social media has become indispensable as a communications tool. With our presence on three influential social media channels now well established, we are able to use these tools to quickly and easily reach a global audience.

We also launched the EDPS blog back in 2016. Since then, the blog has gone from strength to strength. It is a platform through which the EDPS and Assistant Supervisor are able to communicate on a more personal level about their thoughts, opinions and activities, as well as the work of the institution in general. The blog is easily to be found on the homepage of the website where a short extract from the most recent blogpost is always displayed.

After the launch of our new-look version in mid-2017, the EDPS Newsletter is more popular than ever. The new format means that it is now more accessible and user-friendly on all digital platforms and by publishing more frequently we are able to ensure that our readers are kept up to date on our latest activities.

On media relations, we issued ten press releases and statements in 2018. This demonstrates the consistency of our current media relations approach, which also draws on social media and the blog to generate media coverage. All of our press releases were published on the EDPS website, distributed to our network of

journalists and other interested parties as well as published on the EU Newsroom website.

In 2018, we also hosted 12 study visits to the EDPS. As the profile of data protection has increased, so has interest in our work. Though we would like to host every group that expresses an interest in the EDPS and what we are doing, with the high workload we faced in 2018 and the limited space available to host these visits, we were unfortunately forced to be a bit more selective.

The number of public requests for information received by the EDPS has been growing year on year, and 2018 was no exception. In fact, in 2018 we witnessed an enormous increase in requests. As in past years, the majority of these requests related to matters over which the EDPS has no real direct competence.

47. What was the Supervisor's budget for communication activities in 2018?

The budget line 2014 "Publication and Information", covering the EDPS communication budget, amounts to 158.000 EUR while budget line 3042 "Expenditure on publishing and information", related to the EDPB activities, amount to 105.000 EUR (after an internal transfer of 60.000 EUR).

48. What progress has been made in Supervisor's outreach on social media? What are the most efficient social media channels?

Social media has become indispensable as a communications tool. With our presence on three influential social media channels now well established, we are able to use these tools to quickly and easily reach a global audience.

While Twitter (@EU_EDPS) remains our most influential social media tool, our presence on LinkedIn is growing rapidly and is now also a hugely influential tool for our communications activities. In addition to this, our communication efforts during the 2018 International Conference of Data Protection and Privacy Commissioners led to a significant increase in the number of followers on the EDPS YouTube channel, which we will look to build on over the coming months.

Our continued growth on social media is testimony to our increasing global influence as an organisation, as well as our efforts to implement an effective social media strategy. This allows us to reach an increasingly diverse and global audience.

49. 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 regards among the different social media channels?

We now communicate to more than 35 000 people on all our three social media channels. The breakdown of followers is: LinkedIn: 16344, Twitter: 17311, YouTube: 1544. Now we have almost the same number of followers on LinkedIn as on Twitter. While the grow of number of followers on Twitter is slow and stable, the number of followers on LinkedIn increased dramatically. We believe this is a result not only of

an intense development of LinkedIn as a communication platform, but also of the different communication strategy we developed especially for this channel. EDPS on YouTube has also witnessed an unprecedented increase of followers in comparison with the past years. Since YouTube becomes the world second most powerful search engine, especially for younger generations, we will continue our efforts to promote our channel and adapt our messages to the audience.

Fraud & Corruption (including co-operation with OLAF)

50. How did you co-operate with OLAF and ECA in the spheres of prevention, investigation or corrective measures?

Fortunately, we have not had any cases as far as OLAF is concerned but the EDPS has adopted an EDPS revised decision on reporting improprieties (anti-fraud strategy). The purpose was to update all legal references and to trigger attention on the rights protection of the person concerned.

Regarding the Court of Auditors, the Internal Control Coordinator (ICC) cooperates closely with the Court, notably in the context of the Statement of Assurance and any audit of the Court. Currently the Court is auditing our Internal Control Standards. The ICC will ensure the full implementation of any potential recommendations from the Court.

Conflict of Interests (Rules and control mechanism)

51. What measures / rules has (or had been introduced in 2018) the Supervisor to prevent and fight conflict of interests? How did those rules change until today?

There has been no new rules or measures to prevent and fight conflict of interests. However, as usual we actively manage the Supervisor's diary and requests for meetings. We advise on meetings or activities that may raise conflicts of interests. Meetings with external individuals and organisations are disclosed on the 'agenda' on the EDPS website. Gifts are declared in line with the ethics policy.

Activities to Lower the Environmental footprint (EMAS rules, energy, water, paper consumption, CO2 offsetting)

52. Please present your activities and achieved results in this field.

During strikes as well as for the reason of lack of office space, we promote structural and occasional teleworking, in order to avoid colleague to spend hours and gas in traffic. We also try to promote car sharing between colleagues.

The EDPS furthermore reimburses 50% of the public transport tickets to staff who cease to use the parking spaces and return their parking vignette.

There are bicycles and showers available for the EDPS staff.

The discarded glasses that we acquire are now in paper instead of plastic. A further improvement is planned with the purchase of glass carafes for the meeting rooms to avoid plastic bottles. Since the water fountains were installed, the plastic bottles

orders for meetings have been discontinued. In addition, reusable sustainable bottles have been provided to staff to use with the water fountains.

EDPS has started using paperless procedures in HR as well as Finance and strives to continue this practice in 2020.

In addition, recycle bins have been placed on every floor.

Cybersecurity

53. What steps have you taken towards improving cybersecurity of your institution? Were any of these steps coordinated with any other EU institution or the Supervisor has started taking such steps on its own initiative?

The EDPS' IT administrative network and workstation infrastructure is provided by the European Parliament (EP) services. Other applications and IT services are provided by the European Commission (EC) or external contractors.

As a consequence, the EDPS closely coordinates with the EP and the EC in cybersecurity issues, in particular to ensure that the security policies and measures applied by those institutions are consistent with EDPS Information Security Policy. The EDPS liaises also with the Computer Emergency Response Team (CERT-EU) for the EU institutions and participates in the Comité Informatique Interinstitutionnel (CII), and in particular in its security working group. The EDPS also provides data protection advice, including on information security, in the Information and Communication Technologies Advisory Committee of the EU Agencies (ICTAC).

In addition, the EDPS has established a plan of activities aiming at the continuous improvement of its information security posture, based on recognised standards and widespread best practices in coordination with security policies and practices adopted by other EUIs (EC Security framework and guidelines, EP security framework and IT security practices).

These activities include:

-) Establishment of an Information Security Policy, with security roles (Local Information Security Officer, Security Committee, CISO), taking also into account the service level agreements with other EUIs;
-) Development of a complete Information Security Management System (ISMS);
-) Conduct and regular review of an Information Security Risk Assessment;
-) Establishment and maintenance of a Security Incident Management Policy, integrating also the management of personal data breaches.

54. Has the Supervisor taken up any leading role in this sphere among the other EU institutions?

Cybersecurity has a central role for the protection of personal data. All organisations processing personal data must take technical and organisational measures to ensure confidentiality, integrity and availability of the personal data and information they

process. In the case of a security incident which affects personal data, the supervisory authority and, under certain conditions, the individuals affected have to be informed.

The EDPS has issued guidance to the EU institutions on how comprehensive information security management systems serve as the basis for fulfilling both obligations and is actively promoting cybersecurity through its communications channels. The EDPS has also issued specific guidance to the institutions on how to carry out data protection notification and information obligations in relation to personal data breaches.

The EDPS furthermore provides advice on data protection and cybersecurity to the European institutions when proposing and adopting legislation. By way of example: the EU's Cybersecurity Act (Regulation (EU) 2019/881), adopted in March 2019, takes into account of some of the EDPS advice on how to protect personal data when implementing cybersecurity measures and on the essential role of the principle of data protection by design and by default.