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DIRECTOR

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Note for the attention of Mr Tomáš Zdechovský
Rapporteur for the Committee on Budgetary Control in the European Parliament

Subject: Follow up to the discharge for the 2017 financial year

According to Article 319(3) of the TFEU and Article 262 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 2017 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 was granted with the access to the Sysper reporting module in June 2019. Since then we have the possibility to extract relevant HR-related information and statistics. Moreover, we participate in the quarterly meetings with the Commission's HR reporting unit in order to stay updated about new reports available and IT developments.
(Follow-up of point 14 of the resolution)
2. The EDPS received indeed four extra offices on the first floor of the MTS building that we currently share with the European Ombudsman. This extra space was necessary to host the team of the EDPB Secretariat which is in a growing mode since its creation in May 2018. The EDPS staff, including the EDPB Secretariat, is expected to further growth in 2020, therefore a bigger expansion to the whole building was requested to DG INLO already in March 2019. Unfortunately, we have not yet received an answer to our request despite having sent several reminders and we risk having to block the selection and recruitment processes until we get the necessary office space, which will have a very negative impact both on our budget execution and on our capabilities to perform the new tasks entrusted to us by the EU legislators.
(Follow-up of point 16 of the resolution)
3. As regards gender balance, at 30/09/2019, our HR statistics show that we have 40% male and 60% female population. So there is a positive trend towards a gender balance at the EDPS (from 32% in 2017 to 40% in 2019). However, it needs to be mentioned that being so small and with a so specific core-business activities, it is not always easy to promote gender balance within our selection procedures, the reality being all those past years that there were more female among the candidates applying for the vacant positions. Given the statistics, it is clear that this trend is changing though.
(Follow-up of point 17 of the resolution)
4. As far as nationalities is concerned, at 30/09/2019, our HR statistics show that we have 20 EU nationalities represented at the EDPS. As for the point 3 above, there is a positive trends towards a broader representation but yet our possibilities are not as big as for bigger EUIs, agencies or bodies.
(Follow-up of point 18 of the resolution)

5. The three pending recommendations of the Internal Audit Service resulting from the Annual Internal Audit for 2016 are closed.

(Follow-up of point 21 of the resolution)

6. Art. 21 of the EDPS internal rules as regards whistleblowing states that within two years of its adoption the decision shall be reviewed in order to decide whether it needs to be supplemented or revised.

A new decision will update the legal context by introducing references to the new Regulation 2018/1725, strengthen the protection of whistleblowers and alleged wrongdoers and introduce an annex of a risk assessment concerning this procedure as well as resulting mitigating measures. This annex will be revised every year and as necessary by the relevant units, without having to revise the whole decision. The current risk assessment method in force in the EDPS will be used.

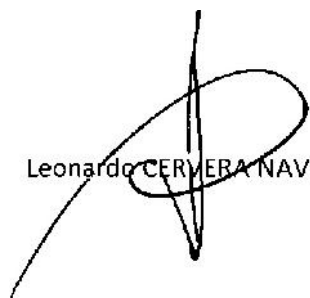
Some protection has also been added by confining the information and circulation of the file on a strict need to know basis, limiting its access only to the Director's office, the Ethics Officer, authorised member of the HRBA team and the Supervisor as requested.

The revised decision has also introduced the possible application of restrictions to the Data subject rights pursuant art. 2.1 b) of the Decision on Internal rules concerning restrictions of certain rights of data subject of 2 April 2019. The restriction will be based on art. 25.1.h) of Regulation 1725/2018 and is aimed at protecting the data subject or the right and freedom of the others.

The revised decision should be adopted in the course of November 2019.

(Follow-up of point 23 of the resolution)

As to the Statement of Assurance concerning the financial year 2017 (DAS 2017), 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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