

From: [REDACTED]
To: [REDACTED]
Subject: nRoP Task Force: drafting suggestions - DL Friday 22 eob (work continues)
Date: 22 February 2019 17:42:14
Attachments: [Last 22 FEB TABLE from Old RoP to nRoP.docx](#)

Dear colleagues,

So here we are at the **cut-off date!** ...

don't worry, the good news is that the nRoP **are taking shape**: many 'surrounding issues' (the 'periphery of nRoP' *at the beginning*, that is preamble, definitions, governance, Secretariat; *and at the end*, transitional measures, staff matters, supporting services, security, DPO) have their (provisionally) 'new clothes'.

Next week (25 Feb 1 March) I think we'll have the new version of the articles on core businesses (supervision; policy; ITP, i know [REDACTED] working a lot on this, and [REDACTED] on document management, busy because of EPSO until now). **It's the crucial week!**

The target is discussion at second level (Heads) asap on a 90per cent completed text and however to have a '*vision d'ensemble*' at the second meeting of the TF on **12 March** (I know [REDACTED] and [REDACTED] have problems with this date, I can try to fix this again)

What else?

*Supervision, you'll find my suggestion for the Article on **finances**, based on [REDACTED] work, at page 17 of the Table.

I have done some (very tiny) ***editorial suggestions** (we always use 'Article'; acronyms explained at the moment of first use, same style and use of paragraphs, etc.).

From now on, please work on/introduce your suggestion **in the Table** in the **EDPB-EDPS shared drive** (Folder 'nRoP Project', go to the version with the most recent date). I am sending you the latest version attached to this email.

I remain at your disposal.

But for the moment, this is just the time to say: have a nice week end!

Yours,

[REDACTED]

On 18 Feb 2019, at 10:32, [REDACTED] wrote:

Dear colleagues,
Permit me to remind you that, as agreed with Leo at last meeting of the nRoP Task Force, Friday end of business (unless we agree on an extension, however at last [REDACTED] GB expressed his wish to have some content before end of the month, if I am not wrong) is also the deadline for inserting your drafting suggestion in the Table (below and attached as CMS link) on the issue(s) you volunteered for:

<https://saas.fabasoft.com/edps/mx/COO.6515.100.3.358391>

I am also sending you a word doc with links to **examples of RoP from other EU bodies**:

<https://saas.fabasoft.com/edps/mx/COO.6515.100.4.358389>

Let me finally flag the **(interconnected) issues** of definition of:

- the typology of **acts** adopted by EU bodies, in this case the EDPS (which include decisions on core business; acts with external relevance and legally binding (decisions); with internal relevance and legally binding; not legally binding acts);
- of the mandatory content for the type of act (as example, see recital 73 of regulation 1725/2018);
- who is responsible for and who signs the act (this is possibly linked to delegation issue too, and to authentication);
- the publication regime for the type of act.

These issues have made the object, among others, of the reNEUAL project for EU administrative law:

<http://renewal.eu/index.php/projects-and-publications/renewal-1-0>

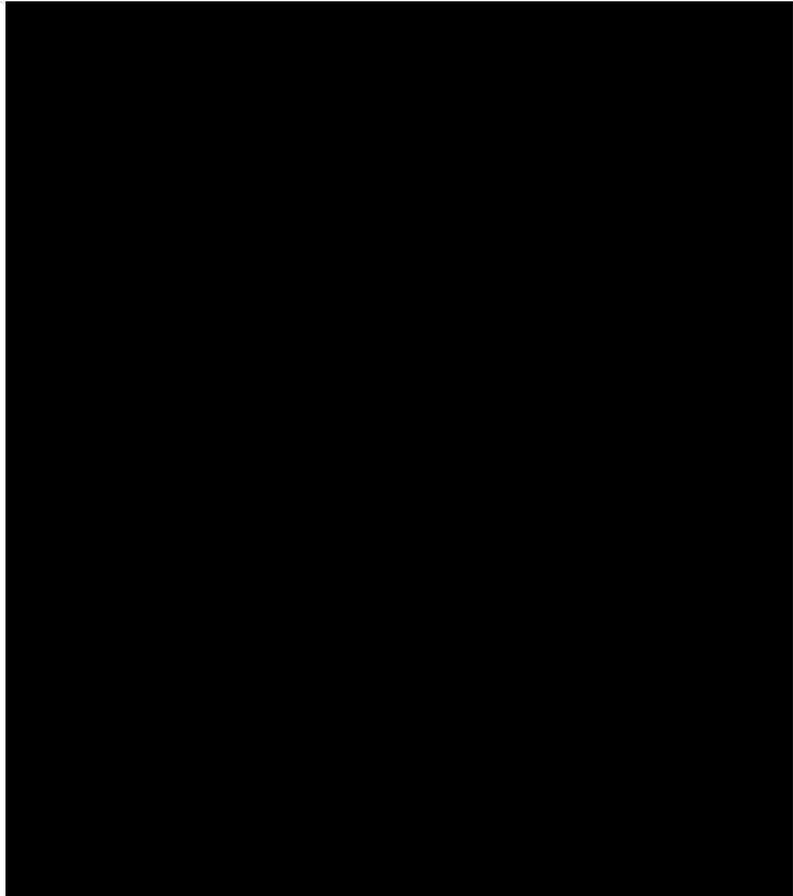
Maybe it's worth addressing this (so called issue of taxonomy of EDPS acts), if you agree, consider it appropriate to further consolidate this aspect. I have put forward some lines under the **definitions** in the nRoP.

I hope this is useful. I thank you again for your help on this interesting project!

I remain at your disposal and look forward to receive your suggestions fitting together in a nice symphony to be attended at next Task Force Meeting mid-March.

Kind regards,





Subject: inventory of policies, procedures and decision

Dear members of the task force on new RoP,
As the part of the inventory above mentioned and as announced in the brainstorming meeting of yesterday, please find attached the inventory that was already requested by the internal auditors.

It dates from 2017 (and not from 2018).

For the first meeting of the TF (5/2), organised by [REDACTED] I ask you to check within your respective unit if this chart is still ok and more important to update it.

Thanks for your collaboration.

Kind regards

[REDACTED]

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

Issue (Person in charge)	Provisions	New Provision	Policy doc
<p>Preamble (policy + legal issue)</p> <p>1.1 ■ (done)</p>	<p>THE EUROPEAN DATA PROTECTION SUPERVISOR, Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data (1), and in particular Article 46(k) thereof,</p> <p>Whereas:</p> <p>(1) Article 8 of the Charter of Fundamental Rights and Article 16 of the Treaty on the Functioning of the European Union provide that compliance with the rules relating to the protection of individuals with regard to the processing of personal data concerning them by Union institutions, bodies, offices and agencies shall be subject to control by an independent authority.</p> <p>(2) Regulation (EC) No 45/2001 provides for the establishment of an independent authority, referred to as the European Data Protection Supervisor, responsible for ensuring that the fundamental rights and freedoms of natural persons, and in particular their right to privacy, with respect to the processing of personal data, are respected by the Union institutions and bodies.</p> <p>(3) Regulation (EC) No 45/2001 also provides for the duties and powers of the European Data Protection Supervisor, as well as for the appointment of the European Data Protection Supervisor and an Assistant Supervisor.</p> <p>(4) Regulation (EC) No 45/2001 further provides that the European Data Protection Supervisor shall be assisted by a Secretariat and lays down a number of provisions concerning staff and budgetary matters.</p>	<p>THE EUROPEAN DATA PROTECTION SUPERVISOR, Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, and in particular Article 57(1)(q) thereof,</p> <p>Whereas:</p> <p>(1) Article 8 of the Charter of Fundamental Rights and Article 16 of the Treaty on the Functioning of the European Union provide that compliance with the rules relating to the protection of individuals with regard to the processing of personal data concerning them by Union institutions, bodies, offices and agencies shall be subject to control by an independent authority.</p> <p>(2) Regulation (EU) 2018/1725 provides for the establishment of an independent authority, referred to as the European Data Protection Supervisor, responsible for ensuring that the fundamental rights and freedoms of natural persons, and in particular their right to privacy, with respect to the processing of personal data, are respected by the Union institutions and bodies.</p> <p>(3) Regulation (EU) 2018/1725 also provides for the duties and powers of the European Data Protection Supervisor, as well as for the appointment of the European Data Protection Supervisor.</p> <p>(4) Regulation (EU) 2018/1725 further provides that the European Data Protection Supervisor shall be assisted by a Secretariat and lays down a number of provisions concerning staff and budgetary matters.</p>	<p><i>please add ref to any relevant policy doc or other relevant doc concerning the issue</i></p>

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	<p>(5) Decision No 1247/2002/EC of the European Parliament, of the Council and of the Commission of 1 July 2002 on the regulations and general conditions governing the performance of the European Data Protection Supervisor's duties (2), lays down a number of additional provisions on this subject.</p> <p>(6) Other provisions of Union law provide for additional duties and powers for the European Data Protection Supervisor,</p>	<p>deleted</p> <p>(5) Other provisions of Union law provide for additional duties and powers for the European Data Protection Supervisor,</p> <p>(6) These Rules of Procedure provide the rules implementing and integrating the provisions of the Regulation (UE) 2018/1725 in accordance with the latter. At the same time, these Rules of Procedure are implemented and integrated by the EDPS acts listed under Annex I to these Rules of Procedure, including policy papers, case manuals, guidelines, internal codes. This Annex shall be reviewed by the European Data Protection Supervisor on a regular basis. Any deletion, modification or addition to this Annex will not in itself require an amendment to these Rules of Procedure.</p> <p><i>*to be checked: technical-legal issue of publication of the list under Annex I in the OJ: issue of changing the list without amending the decision; access to docs listed therein.</i></p>	
<p>1.1 legal ■ (done)</p>	<p><i>Article 1</i> Execution of duties and powers The European Data Protection Supervisor shall execute the duties and powers imposed by Regulation (EC) No 45/2001 and other provisions of Union law.</p>	<p>Tasks and powers of the European Data Protection Supervisor 1. The European Data Protection Supervisor shall perform the tasks set out and exercise the powers granted in the Regulation (EU) 2018/1725 and other provisions of Union law. 2. These Rules of Procedure provide for the necessary and relevant specifications on the performance of these tasks and the exercise of these powers in accordance with the applicable provisions of Union law.</p>	

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

<p>1.1 legal</p> <p>■ (done)</p>	<p><i>Article 2</i> Definitions In these Rules: (a) ‘the Regulation’ means Regulation (EC) No 45/2001;</p> <p>(b) ‘the institution’ means a Union institution, body, office or agency subject to Regulation (EC) No 45/2001;</p> <p>(c) ‘the EDPS’ means the European Data Protection Supervisor as an institution;</p> <p>(d) ‘the Supervisor’ means, unless otherwise specified, the persons holding the office of European Data Protection Supervisor and Assistant Supervisor;</p> <p>(e) ‘administrative measure’ means a decision or any other act of the Union administration of general application relating to the processing of personal data carried out by the institution.</p>	<p><i>Article 2</i> Definitions In these Rules: (a) ‘the Regulation’ means Regulation (EU) 2018/1725; (b) ‘the GDPR’ means Regulation (EU) 2016/679;</p> <p>(c) ‘the institution’ means a Union institution, body, office or agency subject to Regulation (EU) 2018/1725, as well as Europol and the European Public Prosecutor’s Office, until Regulation (EU) 2016/794 and Council Regulation (EU) 2017/1939 are adapted in accordance with Article 98 of Regulation (EU) 2018/1725;</p> <p>(d) ‘the EDPS’ means the European Data Protection Supervisor as an institution;</p> <p>(e) ‘the Supervisor’ means, unless otherwise specified, the person holding the office of European Data Protection Supervisor;</p> <p>(f) ‘administrative measure’ means an act of the institution relating to the processing of personal data carried out by the institution.</p> <p>(g) an ‘act of the EDPS’ means: (i) a legally binding measure of the EDPS in the context of monitoring and enforcement of data protection rules as specified under recital 73 of the Regulation (EU) 2018/1725; (ii) any other act of the EDPS for the performance of its tasks.</p> <p>(h) a ‘legislative opinion of the EDPS’ means the advice provided by the EDPS pursuant to Article 42, as specified under recital 60, of the Regulation (EU) 2018/1725.</p> <p>(* taxonomy to be reflected under Section 3.2 ‘The legal regime of procedures at EDPS’ of nRoP.</p>	
<p>1.1 Principles</p>	<p><i>Article 3</i> Independence, good governance and good administrative behaviour 1. In accordance with Article 44 of the Regulation, the Supervisor shall act in</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

<p>* linked to 1.1 at page 7</p> <p>■</p>	<p>complete independence in the performance of his or her duties.</p> <p>2. The Supervisor shall ensure the proper functioning of the services available for the performance of the tasks referred to in Article 1, taking into account the principles of good governance, good administrative behaviour and good management.</p>		
<p>1.2 Organization</p> <p>■ (done)</p>	<p><i>Article 4</i> Roles of the Supervisor and Assistant Supervisor 1. The Supervisor and the Assistant Supervisor shall be, as members of the institution, responsible for the adoption of strategies, policies and decisions, and shall work together in the performance of the tasks referred to in Article 1. The Assistant Supervisor shall carry out those tasks, in case of the absence or inability to act of the Supervisor and vice versa. 2. The Supervisor and the Assistant Supervisor shall aim to reach a consensus on general strategies and policies and other important matters, including those related to the Secretariat. The Supervisor shall decide where a consensus cannot be reached and the matter is urgent. 3. The Supervisor, acting in close cooperation with the Assistant Supervisor, shall determine a division of work between them, including which of them is to have prime responsibility for the preparation, adoption and follow up of decisions and the delegation of tasks to the Assistant Supervisor, where appropriate.</p>	<p><i>Article 4</i> Role of Supervisor The Supervisor shall be responsible for the adoption of strategies, policies and decisions in the performance of the tasks referred to in Article 1.</p>	
<p>1.2 Organization</p> <p>■ (done)</p>	<p><i>Article 5</i> Secretariat 1. In accordance with Article 4354(4) of the Regulation, the Supervisor shall be assisted by a Secretariat, the tasks and working methods of which shall be defined by the Supervisor. 2. The Supervisor may delegate certain tasks to individual members of staff, with the possibility of replacement by other staff members. 3. The Supervisor shall establish a number of Units and Sectors forming the Secretariat to assist in the preparation and performance of the tasks referred to in Article 1. Each Unit or Sector shall be headed by a Head of Unit or Sector.</p>	<p><i>Article 5</i> Secretariat 1. In accordance with Article 54(4) of the Regulation, the Supervisor shall be assisted by a Secretariat, the tasks and working methods of which shall be defined by the Supervisor. 2. The Supervisor may delegate certain tasks to individual members of staff, with the possibility of replacement by other staff members. 3. The Supervisor shall establish a number of Units and Sectors forming the Secretariat to assist in the preparation and performance of the tasks referred to in Article 1. Each</p>	

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

		<p>Unit or Sector shall be headed by a Head of Unit or Sector.</p> <p>4. In accordance with Article 75(1) of the GDPR, and under the terms of the Memorandum of Understanding of 25 May 2018 signed between the EDPS and the European Data Protection Board (EDPB) established and published pursuant to as per Article 75(-4) of the GDPR, the EDPS is providing the Secretariat of the EDPB.</p> <p>5. The Secretariat is established as a separate Unit or a Sector within the EDPS organigram.</p> <p>6. The EDPB Secretariat of the EDPB provides analytical, administrative and logistical support to the EDPB under the exclusive instructions of the Chair of the EDPB and is not subject to the paragraphs 1-3 of this Article of the Rules of Procedure.</p>	
<p>1.2 Organization</p> <p>█ (done by █ on behalf of)</p>	<p><i>Article 6</i> Director Secretary General</p> <p>1. The Secretariat shall be headed by a Director, who shall take all measures necessary to ensure the proper functioning of the Secretariat and the efficient use of resources, including replacement of the Directorhis/her in case of absence or inability to act.</p> <p>2. The DirectorSecretary General shall be responsible for:</p> <p>(a) the preparation and implementation of strategies and policies;</p> <p>(b) contributing to their evaluation and development;</p> <p>(c) the coordination and planning of activities, the measurement of performance and the representation of the institution in relations with other institutions and bodies, where appropriate.</p>	<p><i>Article 6</i> Secretary General</p> <p>1. The Secretariat shall be headed by a Secretary General, who shall take all measures necessary to ensure the proper functioning of the Secretariat and the efficient use of resources, including his/her replacement in case of absence or inability to act.</p> <p>2. The Secretary General shall be responsible for:</p> <p>(a) the preparation and implementation of strategies and policies;</p> <p>(b) contributing to their evaluation and development;</p> <p>(c) developing cooperation with the National Supervisory Authorities in the EDPBEuropean Data Protection Board, coordinated supervision bodies and in other networks and international fora and networks;</p> <p>(d) the coordination and planning of activities, the measurement of performance and the representation of the institution in relations with other institutions and bodies, where appropriate.</p> <p>3. The Secretary General may carry out the tasks referred in Article 4-1, in case of the absence or inability to act of the Supervisor.</p> <p>4. The Secretary General shall delegate his/her tasks to the Director in case of absence or inability to act.</p>	

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

		<p>New Article [..]</p> <p>Director</p> <p>1. Upon sub-delegation by the Secretary General, the Director will represent the institution as Head of Administration in inter-institutional meetings, he/she will be responsible for the tasks referred to in Articles 9 and 10, and for budget, HR and administration matters in general and will carry out other tasks and responsibilities delegated to him by the Secretary General, such as the coordination of the management team or decision-making or representation of the institution in its supervisory or policy capacity.</p> <p>2. The Secretary General, acting in close cooperation with the Director, shall determine the delegation of powers and tasks to the Director in a document that will be published on the Intranet and will be updated regularly.</p>	
<p>1.2 Organization</p> <p>■ (done)</p>	<p>Article 7</p> <p>Management Board</p> <p>1. The Management Board shall comprise the Supervisor, the Assistant Supervisor the Secretary General and the Director. The Board shall meet at regular intervals, normally once a week, to discuss general strategies and policies and other important matters and contribute to a good coordination of relevant activities.</p> <p>2. The Extended Management Board, comprised of the Supervisor, the Secretary General, the Director and the middle managers (Heads of Units/Sectors) shall meet upon request of the Management Board to discuss specific strategies and policies or any other matters of specific importance for the EDPS.</p> <p>23. The Director shall ensure the proper functioning of the secretariat of the Management Board and of the Extended Management Board.</p>	<p>Article 7</p> <p>Management Board</p> <p>1. The Management Board shall comprise the Supervisor, the Secretary General and the Director. The Board shall meet at regular intervals, normally once a week, to discuss general strategies and policies and other important matters and contribute to a good coordination of relevant activities.</p> <p>2. The Extended Management Board, comprised of the Supervisor, the Secretary General, the Director and the middle managers (Heads of Units/Sectors) shall meet upon request of the Management Board to discuss specific strategies and policies or any other matters of specific importance for the EDPS.</p> <p>3. The Director shall ensure the proper functioning of the secretariat of the Management Board and of the Extended Management Board.</p>	
<p>1.2 Organization</p> <p>■</p>	<p>Article 49</p> <p>IT Steering Committee</p> <p>A Steering Committee on Information Technologies shall be established to advise the Management Board on the implications of information technology</p>	<p>Link to Article 38, Monitoring Technology, under 2.2.5</p>	

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TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	for the security and internal development of the EDPS.		
1.2 Organizational informing (done)	<p><i>Article 8</i> Director's Meeting The Director shall meet at regular intervals, normally once a week, with all the Heads of Unit and Sector to ensure coordination and planning of activities and the preparation and implementation of strategies and policies. The Director shall ensure the proper functioning of the secretariat of the Director's Meeting.</p>	<p><i>Article 8</i> Director's Meeting The Director shall meet at regular intervals with all the Heads of Unit and Sector to ensure coordination and planning of activities and the preparation and implementation of strategies and policies. The Director shall ensure the proper functioning of the secretariat of the Director's Meeting.</p>	
1.2 Organizational (done)	<p><i>Article 9</i> Appointing authority 1. Upon delegation by the Secretary General, the Director shall exercise the powers vested in the appointing authority within the meaning of Article 2 of the Staff Regulations of officials of the European Union and the powers vested in the authority authorised to conclude contracts of employment within the meaning of Article 6 of the Conditions of Employment of other servants of the European Union and any other related powers resulting from other administrative decisions both internal to the EDPS or of an inter-institutional nature, insofar as the decision of the Supervisor on the exercise of the powers vested in the appointing authority and in the authority authorised to conclude contracts of employment does not provide otherwise.</p> <p>2. The Director may delegate the exercise of the powers referred to in paragraph 1 to the official responsible for the management of human resources.</p>	<p><i>Article 9</i> Appointing authority 1. Upon delegation by the Secretary General, the Director shall exercise the powers vested in the appointing authority within the meaning of Article 2 of the Staff Regulations of officials of the European Union and the powers vested in the authority authorised to conclude contracts of employment within the meaning of Article 6 of the Conditions of Employment of other servants of the European Union and any other related powers resulting from other administrative decisions both internal to the EDPS or of an inter-institutional nature, insofar as the decision of the Supervisor on the exercise of the powers vested in the appointing authority and in the authority authorised to conclude contracts of employment does not provide otherwise.</p> <p>2. The Director may delegate the exercise of the powers referred to in paragraph 1 to the official responsible for the management of human resources</p>	
1.2 Organizational (done)	<p><i>Article 10</i> Authorising officer and accounting officer 1. The powers of authorising officer shall be exercised by the Supervisor. The powers of authorising officer by delegation and authorising officer by sub-delegation shall be exercised by those appointed in the charter of tasks and responsibilities of authorising officers by delegation and the charter of tasks and responsibilities of authorising officers by sub-delegation.</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	2. The accounting officer of the European Commission shall be the accounting officer of the EDPS.		
1.3 Delegation of powers ■	<p><i>Article 11</i> Delegations</p> <p>1. The Supervisor may <i>delegate</i> to the Director the power to adopt and sign the definitive text of any decision or opinion, the substance of which has already been determined.</p> <p>2. Where powers have been delegated to the Director pursuant to paragraph 1, the Director may <i>sub-delegate</i> power to exercise those powers in his or her absence to the Head of Unit or Sector concerned.</p> <p>3. Paragraphs 1 and 2 shall be without prejudice to the rules concerning delegation in respect of the powers conferred on the appointing authority or of those concerning financial matters as provided for in Articles 9 and 10.</p>	Reference to a 'Delegation Charter'?	
1.3 Delegation of powers ■	<p><i>Article 12</i> Deputising</p> <p>1. In the absence of the Supervisor and the Assistant Supervisor or where they are prevented from exercising their functions, the Director shall where appropriate act as a replacement for matters requiring urgent attention during such absence or inability to act.</p> <p>2. Where the Director is prevented from exercising his or her functions or the post is vacant and no official has been designated by the Supervisor, the Director's functions shall be exercised by the Head of Unit or Sector present with the highest grade or, in the event of equal grade, by the Head of Unit or Sector with the greatest seniority within the grade or, in the event of equal seniority, by the eldest.</p> <p>3. If there is no Head of Unit or Sector present and no official has been designated, the official present within that Unit or Sector with the highest grade or, in the event of equal grade, the official with the greatest seniority in the grade or, in the event of equal seniority, the one who is eldest, shall deputise.</p> <p>4. Where any other hierarchical superior is prevented from exercising his or her duties, or where the post is vacant, the Director shall designate an official in agreement with the Supervisor. If no replacement has been designated, the official present in the Unit or Sector concerned with the highest grade, or in</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	<p>the event of equal grade, the subordinate official with the greatest seniority in the grade or, in the event of equal seniority, the one who is eldest, shall deputise.</p> <p>5. Paragraphs 1 to 4 shall be without prejudice to the rules concerning delegation in respect of the powers conferred on the appointing authority or of those concerning financial matters as provided for in Articles 9 and 10.</p>		
<p>1.4.1 Planning and Accountability</p> <p>█ (and █</p>	<p>Annual Management Plan</p> <p>1. In accordance with the principles of good administration and good financial management, the EDPS shall establish each year an Annual Management Plan. That plan shall translate the long term strategy of the EDPS into general and specific objectives. Performance indicators and targets shall be defined and measured twice a year to monitor and track achievements.</p> <p>2. A risk analysis of EDPS planned activities shall be incorporated in the Annual Management Plan, which shall include identified risks and risk mitigation planning.</p>		
<p>1.4.1 Planning and Accountability</p> <p>█</p>	<p><i>Article 14</i> Annual Report</p> <p>1. In accordance with Article 48 of the Regulation, the EDPS shall submit an annual activities report ('Annual Report') to the European Parliament, the Council and the Commission and forward it to the other institutions.</p> <p>2. The Annual Report shall be submitted and published on the EDPS website no later than 1 July of the following year.</p> <p>3. The EDPS shall consider the comments which are submitted by the other institutions referred to in paragraph 1 under Article 48(2) of the Regulation with a view to subsequent possible examination of the report in the European Parliament.</p>		
<p>1.1 Principles* linked to 1.1 at page 2</p> <p>█</p>	<p><i>Article 15</i> Guiding principles and core values</p> <p>1. The EDPS shall act in the public interest as an expert, independent, reliable and authoritative body in the field of data protection, at the level of the Union. The interventions of the EDPS shall be based on impartiality, integrity, transparency and pragmatism.</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	<p>2. The EDPS shall engage constructively with stakeholders in order to ensure a fair balance between data protection and privacy and other interests and policies.</p> <p>3. Supervision of the institutions shall be based on the principle that accountability for compliance lies primarily with the controllers themselves.</p>		
<p>2.1 Principle of 'policy-based action' *linked to 1.1 Principles</p>	<p><i>Article 16</i> Policy on activities The EDPS shall adopt policy papers in order to set out the main elements of EDPS policy concerning specific activities, where this is relevant for giving guidance on the positioning of the EDPS in relation to a specific activity. Policy papers shall be regularly updated.</p>		
<p>2.2.1 Legislative and Policy Consultation</p>	<p><i>Legislative and policy consultation</i> <i>Article 26</i> Scope of consultation 1. In accordance with Article 41 and 28(2) of the Regulation, the EDPS shall advise on legislative proposals based on the Treaties and on other acts and documents, such as: (a) decisions under the common foreign and security policy; (b) implementing and delegated acts; (c) documents relating to agreements with third countries and international organisations; (d) legislative initiatives of the Member States under the Treaties; (e) initiatives for enhanced cooperation; (f) non-binding acts such as recommendations and communications relating to the protection of individuals' rights and freedoms with regard to the processing of personal data. The EDPS shall provide such advice following a consultation of the Commission under Article 28(2) of the Regulation, following any other request of an institution, or on own initiative. 2. The EDPS shall be available for consultation by the institutions involved during all stages of the legislative process.</p>		
<p>2.2.1 Legislative and Policy Consultation</p>	<p><i>Article 27</i> Informal consultation 1. As agreed with the Commission, the EDPS should be consulted before the College of Commissioners takes a final decision to adopt a measure or a legislative proposal or policy document. In response to such consultation, the</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	<p>EDPS shall provide the responsible service of the Commission with informal comments on the draft of a proposal or related document.</p> <p>2. The informal comments provided pursuant to paragraph 1 shall respect the confidentiality of the internal decision-making process of the Commission, subject to applicable rules under the Treaties and secondary legislation. The EDPS shall endeavour to respect the deadlines proposed by the Commission services, so far as is reasonable and practicable.</p>		
<p>2.2.1 Legislative and Policy Consultation ██████</p>	<p><i>Article 28</i> Legislative opinions and formal comments</p> <p>1. The advice of the EDPS on a legislative proposal or related document may take the form of an opinion, formal comments or any other instrument deemed appropriate.</p> <p>2. An opinion of the EDPS shall analyse the data protection aspects of a proposal or related document. In principle, it shall be issued within three months of the adoption of the proposal or related document.</p> <p>3. A summary of the opinion shall be published in the <i>Official Journal of the European Union</i> (C Series), while the full version shall be published on the EDPS website.</p> <p>4. Formal comments of the EDPS shall focus on specific aspects of a proposal or related document. In principle, they shall be issued within two months after the adoption of the document. They shall be published on the EDPS website.</p>		
<p>2.2.1 Legislative and Policy Consultation *link to AMP? ██████</p>	<p><i>Article 29</i> Annual priorities and inventory</p> <p>1. The EDPS shall publish annual priorities on the EDPS website.</p> <p>2. The EDPS shall publish on the website three times a year an inventory with proposals for legislation and related documents in respect of which it intends to provide advice. The inventory shall classify those documents according to their priority.</p> <p>3. The inventory shall be based on the Annual Work Programme of the Commission and its updated annexes, and any other pertinent information available.</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

<p>2.2.1 Legislative and Policy Consultation ■</p>	<p><i>Article 30</i> Follow up of legislative opinions and formal comments 1. The EDPS shall actively follow the developments in the European Parliament, the Council and the Commission after providing advice. 2. The Supervisor shall be available to orally present and discuss the EDPS' advice in a meeting with the legislator or to provide any other requested contribution. 3. Where substantial changes are made to a legislative measure under discussion, the EDPS may consider submitting a further opinion, further comments or any other instrument deemed appropriate.</p>	<p>To be kept to accommodate suggestion by Audit</p>	
<p>2.2.2 Supervision ■</p>	<p><i>Article 17</i> Monitoring compliance with the Regulation The EDPS shall carry out regular monitoring exercises in order to ensure an adequate overview of data protection compliance within institutions. Those exercises may be general or more targeted, based on the knowledge and evidence gathered in the performance of supervisory activities.</p>		
<p>2.2.2 Supervision ■</p>	<p><i>Article 18</i> Enforcement The EDPS shall <i>enforce</i> data protection obligations using the powers granted in Article 47 of the Regulation. Those powers shall be used to their fullest extent in cases of serious, deliberate or repeated instances of non-compliance.</p>		
<p>2.2.2 Supervision ■</p>	<p><i>Article 19</i> Request for a prior check 1. In accordance with Article 27 of the Regulation, processing operations likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes shall be subject to prior checking by the CAMEDPS upon notification from the Data Protection Officer of an institution. 2. In case of doubt as to the need for prior checking, the EDPS shall determine upon the request of the Data Protection Officer whether or not the processing operation presents specific risks and, if so, invite the Data Protection Officer to notify the case accordingly.</p>	<p>To be deleted</p>	

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	<p>3. If the processing operation does not present specific risks, the EDPS may nevertheless address certain recommendations to the institution.</p> <p>4. Notifications for prior checking shall be sent to the EDPS secretariat by email using the standard EDPS form.</p> <p>5. Any relevant additional information relating to the notified processing operation may be annexed to the notification form.</p>		
<p>2.2.2 Supervision ■</p>	<p><i>Article 20</i> Prior check opinions 1. The EDPS shall adopt an opinion in which the relevant grounds and conclusions of the prior check are presented. 2. If the notified processing involves a possible breach of a provision of the Regulation, the EDPS shall where appropriate make proposals to avoid such breach.</p>	<i>To be deleted</i>	
<p>2.2.2 Supervision ■</p>	<p><i>Article 21</i> Deadlines and suspensions for adopting the prior check opinion 1. In accordance with Article 27(4) of the Regulation, the EDPS shall deliver the prior check opinion within two months following receipt of the notification. The EDPS may request any further information considered necessary. The period of two months may be suspended until the EDPS has obtained the information that has been requested. When the complexity of the matter so requires, the two months period may be extended once for a further two months. 2. If the opinion has not been delivered by the end of the period of two months, or any extension thereof, it shall be deemed to be favourable. 3. The starting date for calculating the deadline shall be the day following the date on which the notification form was received. 4. If the final date is a public holiday or another day on which the EDPS' services are closed, the next working day shall be considered as the final date for delivering the opinion.</p>	<i>To be deleted</i>	
<p>2.2.2 Supervision ■</p>	<p><i>Article 22</i> Deadlines and suspensions 1. Prior to the adoption of an opinion, the EDPS shall send a draft of the opinion to the institution for feedback on practical aspects and factual inaccuracies. The</p>	<i>To be deleted</i>	

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	<p>institution shall submit its feedback within 10 days of receipt of the draft. This period may be extended upon reasoned request from the controller. The request for feedback shall suspend the period referred to in Article 21(1). If no feedback is received by the deadline, the EDPS shall proceed with the adoption of the opinion.</p> <p>2. The EDPS shall give the institution three months from the date of adoption of the opinion to provide information on implementation of the recommendations made in the opinion. The information shall be subject to follow-up by the EDPS.</p>		
<p>2.2.2 Supervision ■</p>	<p><i>Article 23</i> Prior check register</p> <p>1. In accordance with Article 27(5) of the Regulation, the EDPS shall keep a register of all processing operations that have been notified pursuant to Article 27 of the Regulation.</p> <p>2. The register shall exclude any reference to security measures. It shall contain a link to the EDPS opinion and information on the deadline for the provision of information by the institution pursuant to Article 22(2). The register shall be available on the EDPS website.</p>	<i>To be deleted</i>	
<p>2.2.2 Supervision ■</p>	<p><i>Article 24</i> Administrative consultation</p> <p>1. In accordance with Article 28(1) of the Regulation, the EDPS shall be informed by the institutions when they draw up administrative measures which relate to the processing of personal data.</p> <p>2. In accordance with Article 46(d) of the Regulation, the EDPS shall advise institutions, in response to a consultation, on all matters concerning the processing of personal data, in particular before they draw up internal rules relating to the protection of fundamental rights and freedoms with regard to the processing of personal data.</p> <p>3. In principle, the EDPS shall only take into consideration consultations which have been submitted for consultation to the Data Protection Officer of the institution concerned first.</p>		
<p>2.2.2 Supervision</p>	<p><i>Article 25</i> Opinions</p> <p>1. The EDPS shall in principle deliver an opinion within two months following</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

<p>■</p>	<p>receipt of the consultation. The EDPS may request any further information considered necessary. The period of two months may be suspended until the EDPS has obtained the information that has been requested.</p> <p>2. The EDPS shall give the institution three months from the date of adoption of the opinion to provide information on implementation of the recommendations made in the opinion. The information shall be subject to follow-up by the EDPS.</p>		
<p>2.2.2 Supervision</p> <p>■</p>	<p><i>Article 37</i></p> <p>Visits</p> <p>1. Visits shall be carried out by the EDPS with the purpose of engaging commitment from senior management of an institution to fostering compliance with the Regulation.</p> <p>2. The launch of a visit shall in principle be based on a lack of commitment to comply with the Regulation, a lack of communication or to raise awareness.</p> <p>3. Where appropriate, a visit shall be concluded with an agreement on a schedule ('roadmap') committing the management of the institution to respect specific obligations under the Regulation within a set deadline. The agreed schedule shall be subject to follow-up by the EDPS.</p>		
<p>2.2.2 Supervision</p> <p>■</p>	<p><i>Article 36</i></p> <p>Inspections</p> <p>1. The EDPS shall decide to carry out an inspection, whenever on the spot verification is considered necessary for the performance of supervisory tasks or for compliance with a legal obligation.</p> <p>2. The performance of an inspection shall be announced in writing to the institution concerned four weeks prior to the planned inspection date. The communication shall describe the purpose and scope of the inspection, establish the date of the inspection and set a deadline for the institution to request a revision of the date and to provide the EDPS with any requested information.</p> <p>3. The EDPS shall then issue a decision on an inspection, establishing the purpose, scope, date(s) and time and place(s) of the inspection and setting forth the legal basis for the inspection activities. The decision shall be accompanied by the mandates for any</p>	<p>Add reference to the Annual Inspection Plan?</p>	

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	<p>members of staff participating in the inspection.</p> <p>4. The members of staff performing an inspection shall collect any documentary evidence in a selective and proportionate manner. All documentary evidence shall be appropriately secured.</p> <p>5. Interviews and information obtained during an inspection and the procedure followed shall be recorded in minutes sent to the institution for comments. Should comments not be received within a set period, the minutes shall be deemed to have been approved. A list of evidence collected during the inspection shall be annexed to the minutes.</p> <p>6. The EDPS shall set forth in an inspection report the findings made during an inspection. The report shall include any actions to be undertaken by the institution inspected and shall be subject to follow-up by the EDPS.</p>		
<p>2.2.2 Supervision</p> <p>■</p>	<p><i>Article 42</i></p> <p>Cooperation with Data Protection Officers</p> <p>1. The EDPS shall cooperate with Data Protection Officers, both on a bilateral basis and by participating in the meetings organised by the network of Data Protection Officers.</p> <p>2. The EDPS shall provide support and guidance to Data Protection Officers, where necessary for the performance of their duties.</p>	<p>Add reference to EDPS DPO meetings</p>	
<p>2.2.2 Supervision</p> <p>■</p>	<p><i>Article 43</i></p> <p>Register of appointed Data Protection Officers</p> <p>In accordance with Article 24(5) of the Regulation, the EDPS shall keep a register of the appointments of Data Protection Officers notified to the EDPS. The register shall include, in particular, information on the duration of the mandate of each Data Protection Officer.</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

<p>2.2.2 Supervision</p> <p>Fines</p> <p>█████ proposal to █████ (done)</p>		<p><i>Article [..]</i></p> <p>Administrative fines</p> <p>1. In accordance with Article 66, as specified by recital 81, of the Regulation, the EDPS may by decision of the Supervisor impose administrative fines on Union institutions and bodies, depending on the circumstances of each individual case and as sanction of last resort, where any such institution and body fails to comply with an order by the EDPS pursuant to points (d) to (h) and (j) of Article 58(2) of the Regulation.</p> <p>2. The EDPS further details its policy on administrative fines under the EDPS Guidelines on administrative fines, ensuring in particular that the rights of defence of the parties concerned, including the right to access to the EDPS' file as set out under Article 66(6) of the Regulation, are fully respected in the proceedings.</p> <p>3. The powers conferred to the EDPS by Article 58(1)(j) and Article 66 shall be subject to the limitation period of five years. Time shall begin to run on the day on which the infringement is committed. However, in the cases of continued or repeated infringements, time shall begin to run on the day on which the infringement ceases.</p> <p>4. The EDPS will enter into the necessary agreement with the European Commission to ensure that funds collected by imposition of the administrative fines are the income of the general budget of the Union pursuant to Article 66(7) of the Regulation.</p> <p>*NB. The 'EDPS orientation paper on administrative fines pursuant to Regulation (EU) 2018/1725' was sent to the DPOs for information on 12.12.2018, but it has not been formally adopted yet. My suggestion is to rename it (as Guidelines) and formally adopt it at the latest before end of June together with nRoP.</p>	
<p>2.2.2 Supervision</p> <p>█████</p>	<p><u><i>Complaints</i></u> <i>Article 31</i></p> <p>Complaints</p> <p>1. In accordance with Article 46(a) of the Regulation, the EDPS shall hear complaints and investigate them to the extent appropriate, and shall inform the</p>	<p>On complaints (but also on consultations..), check compatibility with provisions Europol, Eurojust, EPPA Regulation..</p>	

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	<p>data subject of the outcome within a reasonable period.</p> <p>2. Complaints submitted to the EDPS shall not affect time-limits for appeals in parallel administrative or judicial proceedings.</p>		
<p>2.2.2 Supervision</p> <p>■</p>	<p><i>Article 32</i></p> <p>Lodging a complaint</p> <p>1. A complaint shall identify the person making the complaint.</p> <p>2. A complaint shall be submitted in writing in any official language of the Union and provide all information necessary to understand its subject matter.</p> <p>3. A complaint shall in principle be lodged within two years of the date on which the complainant had knowledge of the facts on which it is based.</p> <p>4. If a complaint relating to the same facts has been lodged with the European Ombudsman, the EDPS shall examine its admissibility in the light of the provisions of the Memorandum of Understanding concluded between the EDPS and the European Ombudsman.</p>		
<p>2.2.2 Supervision</p> <p>■</p>	<p><i>Article 33</i></p> <p>Handling of complaints</p> <p>1. The EDPS shall decide on the most appropriate form and means to handle a complaint taking into account:</p> <p>(a) the nature and gravity of the alleged breach of data protection rules;</p> <p>(b) the importance of the prejudice that one or more data subjects have or may have suffered as result of the breach;</p> <p>(c) the potential overall importance of the case, also in relation to the other public and/or private interests involved;</p> <p>(d) the likelihood of establishing that the breach has occurred;</p> <p>(e) the exact date when events happened, any conduct which is no longer yielding effects, the removal of those effects or an appropriate guarantee of such a removal.</p> <p>2. EDPS actions may consist, in particular of written requests to provide information, interviews with relevant persons, on the spot inspections or forensic examination of the relevant devices.</p> <p>3. The EDPS shall disclose the content of a complaint and the identity of the complainant only to the extent necessary for the proper conduct of the inquiry. During and after the inquiry, no</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	<p>documents related to the complaint, including the final decision, shall be disclosed by the EDPS to third parties, unless the persons concerned consent to such disclosure or if the EDPS is under a legal obligation to do so.</p> <p>4. Information about the complaint shall be published by the EDPS only in a form which does not allow the complainant or other data subjects involved to be identified.</p>		
<p>2.2.2 Supervision ■</p>	<p><i>Article 34</i> Outcome of complaints</p> <p>1. The EDPS shall inform the complainant as soon as possible of the outcome of a complaint and the action taken.</p> <p>2. Where a complaint is found to be inadmissible or its consideration is terminated, the EDPS shall, where appropriate, advise the complainant to refer to another authority.</p> <p>3. In accordance with Article 32(2) of the Regulation, in the absence of a response by the EDPS within six months, the complaint shall be deemed to have been rejected.</p>		
<p>2.2.2 Supervision *link to Article 40, under 2.2.3 ■</p>	<p><i>Article 35</i> Review and judicial remedies</p> <p>1. The complainant and the institution concerned may request the EDPS in writing to review the decision on a complaint.</p> <p>2. A request for review shall be lodged within one month of the date of receipt of the decision and shall be limited to new elements or legal arguments which have not been taken into account by the EDPS.</p> <p>3. Independently of the possibility to request the EDPS to review the decision on a complaint, the decision may be challenged before the Court of Justice of the European Union in accordance with the conditions laid down in Article 263 of the Treaty on the Functioning of the European Union.</p>		
<p>2.2.3 ■ (consulting ■</p>	<p>COOPERATION WITH DATA PROTECTION AUTHORITIES <i>Article 44</i> Cooperation with Data Protection Authorities</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	<p>1. In accordance with Article 46(f)(i) of the Regulation, the EDPS shall cooperate with national data protection authorities and other supervisory bodies to the extent necessary for the performance of their respective duties.</p> <p>2. Cooperation shall include:</p> <p>(a) the exchange of all relevant information, such as information relating to best practices, as well as requests to the relevant authority to exercise its powers and responses to a request by such authority;</p> <p>(b) developing and maintaining contacts with relevant members and staff of the authorities;</p> <p>(c) cooperation with Joint Supervisory Authorities and Bodies set up under Union law, including where relevant participation in the meetings of such authorities and bodies, with the aim of ensuring a consistent practice.</p>		
<p>2.2.3</p> <p>█</p>	<p><i>Article 45</i></p> <p>Article 29 Working Party</p> <p>1. In accordance with Article 46(g) of the Regulation, the EDPS shall participate in the activities of the Working Party set up by Article 29 of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. (1)</p> <p>2. The EDPS shall contribute actively to the discussions and drafting of documents published by the Working Party which aim at providing a common interpretation of data protection legislation and giving expert advice to the European Commission. In such cases, the EDPS shall put forward the Union perspective, where appropriate.</p> <p>3. The EDPS shall participate on a regular basis in the plenary and subgroup meetings of the Working Party.</p> <p>4. The EDPS shall promote regular discussions, if possible at least once a year, with the Chairman of the Working Party on their respective priorities, with a view to good cooperation in practice.</p>		
<p>2.2.3</p> <p>█ and █</p>	<p><i>Article 46</i></p> <p>Coordinated supervision of large scale IT systems</p> <p>1. The EDPS shall take part with national supervisory authorities in the</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	<p>coordinated supervision of large scale IT systems, as provided under Union law.</p> <p>2. The EDPS shall organise coordination meetings and provide the secretariat of the coordination groups.</p> <p>3. The EDPS shall cooperate with individual national supervisory authorities to the extent necessary and according to their priorities, with a view to ensuring coordinated supervision of the national and central parts of large scale IT systems.</p>		
■	<p><i>Article 47</i></p> <p>International cooperation</p> <p>1. The EDPS shall take part in the annual Spring Conference of European Data Protection Commissioners, the annual International Conference of Data Protection and Privacy Commissioners, and the International Working Group on Data Protection and Telecommunications.</p> <p>2. The EDPS shall participate in relevant international privacy enforcement networks.</p> <p>3. The EDPS shall organise regular workshops with representatives of international organisations with a view to sharing best practices and developing a data protection culture in those organisations.</p> <p>4. The EDPS shall promote cooperation and dialogue at international level with other stakeholders from third countries.</p>		
2.2.4 Court proceedings ■	<p>Court proceedings</p> <p><i>Article 39</i></p> <p>Actions against institutions</p> <p>In accordance with Article 47(1)(h) of the Regulation, the EDPS may refer a matter to the Court of Justice of the European Union, under the conditions provided for in the Treaty. The EDPS shall make use of that power, where necessary, in case of non-compliance by an institution with the Regulation, and in case of failure to effectively respond to subsequent enforcement action taken by the EDPS under Article 47 of the Regulation.</p>		
*linked to Article 35, under 2.2.2 ■	<p><i>Article 40</i></p> <p>Actions against EDPS decisions</p> <p>In accordance with Article 32(3) of the Regulation, actions against decisions of the EDPS shall be brought before the Court of Justice of the European Union.</p>	Option: deletion	

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

<p>■</p>	<p><i>Article 41</i> Interventions 1. In accordance with Article 47(1)(i) of the Regulation, the EDPS may intervene in actions brought before the Court of Justice of the European Union. 2. The EDPS shall apply for leave to intervene in proceedings if the case is of general data protection importance or if the EDPS has been directly involved in the facts of the case in the performance of supervisory tasks. 3. Other elements which may influence the decision to request leave to intervene are whether the data protection issue constitutes a substantial part of the case and whether an intervention by the EDPS is likely to add value to the proceedings. 4. Unless there are strong reasons not to intervene, the EDPS shall apply for leave to intervene if formally invited to do so by the Court.</p>		
<p>2.2.5 Monitoring Technology ■</p>	<p><i>Monitoring Technology</i> <i>Article 38</i> Technology and research 1. In accordance with Article 46(e) of the Regulation, the EDPS shall monitor the development of information and communication technologies. In carrying out that task, the EDPS shall aim at identifying emerging trends with a potential impact on data protection, establishing contacts with stakeholders, raising awareness of possible data protection aspects and providing advice on how to include data protection concerns in relevant projects, promoting the principles of privacy by design and privacy by default, and where necessary adapting supervision methodologies to technological evolution. 2. The EDPS shall contribute to the Union's Framework Programmes, by participating in advisory committees in research, assisting the Commission in the evaluation process of proposals or any other means, where appropriate. 3. The EDPS may decide to contribute to individual EU funded research, technological development and demonstration activities by adopting an opinion on the activity, upon request or on own initiative.</p>	<p>*linked to Article 49 ,under 1.2, Organization</p>	
<p>2.2.6</p>	<p><i>Article 52</i> Information (Communication) to the public</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

<p>As EDPS 'Outreach' (IC)</p> <p>■</p>	<p>1. The EDPS shall raise awareness of data protection and inform individuals on the existence and content of their rights. To this end, the EDPS shall use a number of communication tools (e.g. website, newsletter, social media and awareness-raising events), liaise with interested parties (e.g. study visits to the EDPS office, replies to information requests) and participate in public events, meetings and conferences.</p> <p>2. The EDPS shall inform the media about major events related to data protection and important opinions or publications, through press releases, interviews and press conferences.</p>	<p><i>Note:</i> ■ to propose also a dedicated section on Internal EDPS Communication</p>	
<p>3.1</p>	<p>ADMINISTRATION * Horizontal supporting services and horizontally applicable law (to all activities)</p>		
<p>3.1.1 *linked to 1.4.1 Planning and Accountability</p> <p>■ (done)</p>	<p><i>Article 50</i> Quality management The EDPS shall put in place appropriate mechanisms to ensure adequate quality management, such as Internal Control Standards, <u>risk management</u> and an annual Activity Report, and risk management.</p> <p><u>The Internal Control Coordinator reports to the Management Board on any audit issues or quality management</u></p>	<p><i>Article 50</i> Quality management 1. The EDPS shall put in place appropriate mechanisms to ensure adequate quality management, such as Internal Control Standards, risk management and an annual Activity Report.</p> <p>2. The Internal Control Coordinator reports to the Management Board on any audit issues or quality management.</p>	
<p>3.1.2</p> <p>■</p> <p>Consult/together with ■ (consulted) (done)</p>	<p><i>Article 48</i> Security 1. In accordance with Article 45 of the Regulation, the Supervisor and members of staff shall, both during and after their term of office, be subject to a duty of professional secrecy with regard to any confidential information which has come to their knowledge in the course of the performance of their official duties.</p> <p>2. The EDPS shall appoint one or more staff members with specific responsibility for security issues, concerning the various fields of activities. They shall be responsible in particular for staff related security issues, physical security and IT security.</p> <p>When they consider it necessary to avoid security risks for the EDPS, the staff</p>	<p><i>Article 48</i> Security 1. In accordance with Article 56 of the Regulation, the Supervisor and members of staff shall, both during and after their term of office, be subject to a duty of professional secrecy with regard to any confidential information which has come to their knowledge in the course of the performance of their official duties.</p> <p>2. The EDPS, in accordance with its Decision 429 of 18 February 2014 on the protection of EUCI, appoints one or more staff members with specific responsibility for security issues, concerning the various fields of activities: namely, the Local Security Officer (LSO), responsible in particular for staff related security issues and physical security; the Local Information Security Officer (LISO), in charge of information security.</p> <p>When they consider it necessary to avoid security risks for the EDPS, the</p>	

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	members so appointed shall report directly to the Director.	<p>staff members so appointed shall report directly to the Director.</p> <p>The Security Committee established pursuant to Section 4.2. of the Annex I to the EDPS Decision 429 of 18 February 2014 will decide on EDPS EUCI security matters and may be consulted on other security related issues.</p> <p>3. The EDPS, due to the small size of the institution, shall sign service level and cooperation agreements with major EU institutions to provide for ordinary and extraordinary security needs.</p> <p>4. The security rules of the EDPS shall be continuously adapted to reflect the evolution of security needs and shall be consistent with the standards set in the security rules of the Council of the European Union, of the European Commission and of the European Parliament.</p>	
<p>3.1.3 DPO</p> <p>█ (together with █ (done)</p>	<p><i>Article 51</i> Data Protection Officer In accordance with Article 24 of the Regulation, the EDPS shall appoint a Data Protection Officer who shall report directly to the Director.</p>	<p><i>Article 51</i> Data Protection Officer 1. In accordance with Article 43 of the Regulation, the EDPS shall appoint a Data Protection Officer (DPO) who shall report directly to the Director. 2. Pursuant to Art. 44(5) of the Regulation, referring to the DPO and his or her staff, the EDPS may establish a DPO Office composed, in addition to the DPO, by an Assistant DPO and administrative assistants where appropriate. 3. In accordance with Article 45(3) of the Regulation, the EDPS has adopted further implementing rules concerning in particular the tasks, duties and powers of the DPO.</p>	
<p>New item: Ethics Framework</p> <p>█ (done)</p>		<p><i>Article [..]</i> Ethics Framework 1. The EDPS shall put in place an Ethics Framework which ensures the proper functioning of the services of the EDPS for the performance of the tasks of the institution, taking into account the principles of good governance, good administrative behaviour and good management. 2. The Ethics Officer of the EDPS shall ensure the institution's internal</p>	

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

		control on ethics and shall report directly to the Management Board on the implementation of the Ethics Framework.	
3.1.4 Staff in agreement with and (done)	Article 59 Staff 1. The Members of staff of the EDPS shall be recruited in accordance with and subject to the Staff Regulations and the conditions of employment of other servants of the European Union. 2. In order to increase cooperation with national authorities, in particular national data protection authorities, a programme for the secondment of staff shall be put in place at the EDPS. 3. A traineeship program shall be put in place, to enable recent university graduates to acquire practical experience on the workings of the EDPS and of the Union in general. 4. Interim staff and other external assistance may be hired to cover temporary needs.	[Deleted]	
(agreed by done)	Article 60 Staff Committee 1. A Staff Committee representing the staff of the EDPS shall be consulted in good time on draft decisions relating to the implementation of the Staff Regulations of officials of the European Union and may be consulted on any other question of general interest concerning the staff. The Staff Committee shall be informed of any question related to the execution of its tasks. It shall issue its opinions within 15 days of being consulted. 2. The Staff Committee shall contribute to the good functioning of the EDPS by making proposals on organisational matters and working conditions. 3. The Staff Committee shall be composed of three to five members and three to five deputies, and elected for a period of two years by the General Assembly.	Article 60 Staff Committee 1. A Staff Committee representing the staff of the EDPS shall be consulted in good time on draft decisions relating to the implementation of the Staff Regulations of officials of the European Union and on any other question of general interest concerning the staff. The Staff Committee shall be informed of any question related to the execution of its tasks. It shall issue its opinions within 15 days of being consulted. 2. The Staff Committee shall contribute to the good functioning of the EDPS by making proposals on organisational matters and working conditions. 3. The EDPS The Staff Committee shall be composed of three to five members and three to five deputies, and elected for a period of two years by the General Assembly. 4. At least one member and one deputy shall be working within the EDPB Secretariat. An implementing decision shall be adopted in accordance with Section I of Annex II and Article 110 of the Staff Regulation.	

Commented [A1]: Full reference needed?

Commented [A2R1]: Rather not, as you wish however. Do we need the part I highlighted in yellow?

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

<p>■ (done)</p>	<p><i>Article 61</i> (Staff and budget-related) administrative cooperation with other institutions</p> <p>1. The Director, as Head of the Secretariat, shall represent the EDPS in the various inter-institutional fora, and may delegate this representation to the officials in charge of human resources, budget and administration.</p> <p>2. Given the size of the EDPS in comparison with the other institutions, and with a view to good management and budgetary economy, the EDPS shall actively pursue cooperation agreements, memoranda of understanding and service level agreements with other institutions.</p>	<p><i>Article 61</i> (Staff and budget-related) administrative cooperation with other institutions</p> <p>1. Upon sub-delegation by the Secretary-General, the Director, as Head of the Secretariat, shall represent the EDPS in the various inter-institutional fora, and may delegate this representation to the officials in charge of human resources, budget and administration.</p> <p>2. Given the size of the EDPS in comparison with the other institutions, and with a view to good management and budgetary economy, the EDPS shall actively pursue cooperation agreements, memoranda of understanding and service level agreements as well as the participation to framework contracts with other institutions.</p>	
<p>3.2</p>	<p>The legal regime of procedures at EDPS</p>		
<p>■ (done)</p>	<p><i>Article 58</i> Languages and working languages</p> <p>1. The language of proceedings conducted by the EDPS shall be one of the languages mentioned in Article 55(1) of the Treaty on European Union. In the case of a complaint, this shall be the language in which it is written.</p> <p>2. Reports, opinions, papers and other documents, also designed for publication on the EDPS website, shall be drawn up at least in English, French and German.</p>	<p><i>Article 58</i> Languages and working languages</p> <p>1. The language of proceedings conducted by the EDPS shall be one of the languages mentioned in Article 55(1) of the Treaty on European Union.</p> <p>2. The EDPS may decide to make recourse to the use of the English language as internal working language arrangement.</p> <p>3. Any person may write to the EDPS in any Treaty language, on any matter falling within the EDPS's competence. The EDPS shall draft the response in that Treaty language.</p> <p>4. A complaint may be submitted to the EDPS in any Treaty language. The EDPS shall communicate with the complainant in that language.</p> <p>5. The legislative opinions and the most important acts of the EDPS shall be published on the EDPS website at least in English, French and German.</p>	
<p>■</p>	<p><i>Article 57</i> Authentication of decisions</p> <p>1. Decisions shall be authenticated by the apposition of the Supervisor's signature on the original language version.</p>	<p>Authentication of legally binding measure of the EDPS in the context of monitoring and enforcement of data protection rules</p>	

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

	2. Such signature may be written or in electronic form.	<p><i>See recital 73 of the Regulation (EU) 1725/2018 for all necessary elements to be contained in the measure</i></p> <p>Authentication of acts ..</p> <p>Authentication of legislative opinion of the EDPS ..</p>	
█	<p><i>Article 55</i> Publication in the Official Journal The following documents shall be published in the <i>Official Journal of the European Union</i>: (a) summaries of legislative opinions as referred to in Article 28(3); (b) decisions and opinions of the EDPS, or summaries thereof, referred to in Article 9(7), in Article 10(2)(b), 10(4), 10(5) and 10(6), in Article 12(2), in Article 19, and in Article 37(2) of the Regulation; (c) other documents considered relevant by the EDPS.</p>	Check budgetary implications with HR Finance	
█ (54.1) █ (54.2)	<p><i>Article 54</i> Active disclosure of documents 1. In principle, all key policy documents, thematic guidelines, legislative opinions, formal comments, pleading notes of Court hearings and prior check opinions shall be made public on the EDPS website. 2. Opinions following an administrative consultation shall be made public on the EDPS website if they have broader relevance, contain a new interpretation or application of the law or concern the impact of new technologies on data subjects' rights.</p>	Issue of taxonomy?	
█ and █	<p><i>Article 56</i> Public access to documents The public shall have access to documents held by the EDPS in accordance with the principles laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.</p>		
3.3 Document ation and	<p><i>Article 53</i> Documentation</p>		

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

<p>its management</p> <p>■</p>	<p>1. Accurate and authentic records shall be kept of all EDPS activities ensuring a reliable and legally verifiable source of evidence of decisions and actions.</p> <p>2. Documents related to specific activities shall be grouped together in case files. Case files shall be logically accessible according to type of activity in a filing plan established by the EDPS.</p> <p>3. Different types of case files shall be preserved for a specific period according to a retention schedule established by the EDPS. After expiration of the retention period, case files shall be assessed and archived according to the archiving policy adopted by the EDPS.</p>		
<p>4 Final provisions</p> <p>■ (done)</p>		<p><i>Article [..]</i></p> <p>Repeal of EDPS Decision of 17 December 2012 on the adoption of Rules of Procedure (2013/504/EU) and transitional measures</p> <p>1. These Rules of Procedure shall repeal the EDPS Decision of 17 December 2012 on the adoption of Rules of Procedure with effect as from the date of entry into force of these Rules of Procedure.</p> <p>2. However, these Rules of Procedure will not affect in any way the provisions on transitional measures under Article 100, further specified under recital 87, of the Regulation (EU) 2018/1725, in particular having regard to the position and tasks of the current Assistant Supervisor until the end of his term of Office.</p> <p>3. Accordingly, Articles [..] and [..] of these Rules of Procedure shall not apply and Articles [..] and [..] of the EDPS Decision of 17 December 2012 shall continue to apply until the end of the term of Office of the Assistant Supervisor.</p>	
<p>4 Final provisions</p> <p>■ (done)</p>	<p><i>Article 62</i></p> <p>Entry into force</p> <p>These Rules of Procedure shall enter into force on the day following their signature and shall be published in the <i>Official Journal of the European Union</i>.</p>	<p><i>Article 62</i></p> <p>Entry into force</p> <p>These Rules of Procedure shall enter into force on the day following their signature and shall be published in the <i>Official Journal of the European Union</i>.</p>	

To be added:

TABLE: FROM THE OLD ROP TO THE NEW ROP (V.22 FEB WITH ATTRIBUTIONS)

- Reference to the list of policies to the Preamble (████ done. ✓)
- Data breaches (████ and █████)
- Fines (████ on behalf of █████ done. ✓)
- Ethics Framework (████ done. ✓)