Measuring compliance with Regulation (EC) 45/2001 in EU institutions and bodies ("Survey 2011")

General Report

Brussels, 23 January 2012

Contents

Executive Summary

As public administrations, EU institutions and bodies process personal data both in their day to day work and in their core business activities. In either case they must comply with principles and obligations set out in the relevant data protection Regulation[1]. The European Data Protection Supervisor (EDPS) monitors and ensures compliance with the Regulation[2].

In this framework, the EDPS has performed a **general stock-taking exercise**, focussing on aspects that give a good indication of the progress made in the implementation of the Regulation in all **58 institutions and bodies**. A general report has been drafted based on the responses received from the institutions and bodies to EDPS letters by 30 September 2011.

The responses have been displayed in comparative tables, by Group[3] of institutions and bodies. **Benchmarks** have been established on the basis of the results achieved in each Group. These benchmarks have therefore not been set up *in abstracto* by the EDPS, but result from performance levels achieved by institutions and agencies. They allow for a **comparison between peers** and give an indication of the threshold which an institution or body of the relevant Group should be reasonably expected to meet.

As a part of EDPS enforcement policy[4], this general report will be made public. It emphasises the progress made by institutions and bodies, but also underlines shortcomings and is intended to encourage greater accountability for compliance with data protection by institutions and bodies.

The results of this survey will be taken into account by the EDPS in planning further supervision and enforcement activities. This programme will combine **guidance** to institutions and bodies, **enforcement actions** and other measures to promote **accountability**. In particular, compliance visits triggered by a manifest lack of commitment by an institution or body have been planned on the basis of the results of the 2011 survey.

The responses received and previous compliance visits performed by the EDPS have revealed that the implementation of the Regulation is not only a matter of time and resources, but also of **organisational will**. The report is not meant to evaluate the performance of the Data Protection Officer, but to assess the performance of institutions and bodies responsible for protecting the right of individuals to privacy with respect to the processing of personal data. Ensuring compliance is indeed a process that requires the **commitment** and **support** of the hierarchy in all institutions and bodies.

[1] Regulation (EC) 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

[2] In accordance with Article 41 (2) of the Regulation.

[3] See annex 1 of the report.

[4] See the EDPS Policy Paper of 13 December 2010 on "Monitoring and Ensuring Compliance with Regulation (EC) 45/2001", p.8

1. Introduction

As public administrations, EU institutions and bodies process personal data, both in their day to day work and in their core business activities.

It is the responsibility of the institutions and bodies to protect fundamental rights and freedoms of natural persons with respect to the processing of personal data and put in place appropriate and effective measures to ensure that the principles and obligations set out in Regulation (EC) 45/2001 ("the Regulation") are complied with and to demonstrate this.

It is the duty and task of the European Data Protection Supervisor (EDPS) to monitor and ensure that individuals' rights are respected in accordance with the Regulation [5].

In his Policy Paper adopted in December 2010[6] the EDPS announced that "*he will continue to conduct periodic "surveys" in order to ensure that he has a representative view of data protection compliance within EU institutions/bodies, and to enable him to set appropriate internal objectives to address his findings*".

In April 2011 the EDPS embarked on his third stock-taking exercise. This exercise is the continuation of the 2007 and 2009 exercises.

The exercise had a wide scope, involving all relevant institutions and bodies, and focussed on aspects that give a good indication of the progress made in the implementation of the Regulation by institutions and bodies.

The results of this exercise – including benchmarks for different categories of institutions and bodies – will be taken into account by the EDPS in planning supervision and enforcement activities. As said in the Policy Paper, following some years of monitoring activities, it is time to signal a change of approach[7].

This general report is based on the responses received in June and September 2011 from six EU institutions and 52 EU bodies (including former second and third pillar bodies) to EDPS letters raising specific questions. The content of the EDPS letters varied slightly following the status – recent or less recent, with or without Data Protection Officer (DPO) appointed – of the institutions and bodies. The EDPS received replies from all institutions and bodies concerned save ECDC and EUISS[8]. The EDPS will address this issue specifically.

[5] In accordance with Article 41 (2) of the Regulation

[6] See the EDPS Policy Paper of 13 December 2010 on "Monitoring and Ensuring Compliance with Regulation (EC) 45/2001", p.8.

[3] Ibid, par. 3.1.

[8] See list of institutional acronyms in annex 3.

2. Methodology

The questions raised in the letters sent to institutions and bodies focussed on the following aspects of the implementation of the Regulation:

- the existence of an inventory of processing operations and the notification of these operations to the DPO according to Article 25;
- the notification of processing operations subject to prior checking according to Article 27;
- the follow up given to EDPS opinions in such cases of prior checking;
- the adoption of implementing rules according to Article 24.8;
- the appointment and role of the DPO.

The responses have been assessed and are displayed in a comparative table (see annex 4). Institutions and bodies have been divided into four groups according to the year of establishment of the body to allow for meaningful comparison. The year the EDPS was set up - 2004 - constitutes a first criterion to establish the division. The period of appointment of a DPO has been taken into account as a second criterion (see annex 1). The EDPS has put a figure on certain data to refine his assessment of the comparative results and establish benchmarks. Nevertheless, as the report will show, certain parameters cannot be easily translated into figures and therefore the exercise cannot be one hundred percent mathematical (see some limitations of the methodology in annex 2). In any case, factors are never considered in isolation, they form part of a global picture which will be carefully evaluated before leading to possible further action.

As a part of EDPS enforcement policy, this general report will be made public. It emphasises the progress made by institutions and bodies, but also underlines when there are shortcomings in terms of compliance. These signals will enable both the EDPS and the European institutions and bodies themselves to focus their actions so as to raise their level of compliance with data protection obligations.

The benchmarks mentioned in this report will be particularly helpful in steering further progress in ensuring compliance with the Regulation where necessary. This is a process that will require sufficient permanent attention.

The second part of the report focuses on the bodies that have been subject to an EDPS visit in 2010 or the first half of 2011. The results achieved in terms of compliance before and after the visits have been compared to analyse their impact.

The conclusions of this report will be taken into account by the EDPS when planning his 2012 supervision and enforcement programme. This programme will combine guidance to institutions and bodies, enforcement actions and other measures to promote accountability.

3. Comparative results of the survey

a) Inventory and notifications to the DPO

The EDPS has requested an update of the inventory of all identified processing operations involving personal data, including the number of these processing operations already notified to the DPO in accordance with Article 25 and entered in the register (Article 25 notifications).

This third stock-taking exercise along with the previous exercises shows that an **inventory of processing operations** is a crucial element in reaching compliance with the Regulation. It is a useful tool for the DPOs and their hierarchy to have a holistic view of the organisation's processing operations and facilitates the identification of risks. To function effectively as a measuring tool the inventory must include at least the following fields: name of the processing operation, brief description of such processing if the name is not self-explanatory, status of the relevant Article 25 and 27 notifications and a contact person who is responsible for internally managing the processing operation. The EDPS has found that a well drawn up inventory is usually coupled with a good level of compliance. The EDPS will soon put together in a template inventory the processing operations common to EU bodies to facilitate the setting up of this tool for new bodies[9].

Institutions and bodies of **Group A** have all reached a high rate of Article 25 notifications. The Committee of the Regions in particular has made an impressive step towards compliance; almost 100 % of the processing operations have been notified to the DPO. The challenge for bodies with a high rate of compliance (around 95 % of their inventory) has now shifted from having the processing operations notified to keeping their inventory up to date. The European Commission and the European Parliament have alluded to this new challenge. Other institutions or bodies such as the Council, the EIB, the Ombudsman, the CDT, as well as bodies of Group B such as the OHIM, could face a similar challenge in the coming months. Indeed, keeping the inventory up to date is necessary to maintain and increase the level of compliance.

The majority of the institutions and bodies of Group A have achieved a score of around 95 % of Article 25 notifications. The benchmark set by this Group is around this level. Below 85 %, institutions and bodies are under performing in comparison with their peers.

In **Group B** certain bodies also now have an excellent rate of Article 25 notifications: OHIM, OSHA, EMA, EMSA, EEA and EUROFOUND. However, even compared to EMCDDA (71%), EACI (73%) or CPVO (70%), some well established bodies such as ETF (33%) and EASA (22%) still have a low level

[9] This will also help the bodies that have a (low) level of identified procedures involving processing of personal data, that does not correspond to the reality of their activity (REA, EACI). Others bodies may use it to identify Article 27 notifications (ARTEMIS JU).

of notifications. The CEDEFOP now has reached a rate of 62% of Article 25 notifications.

It is also noted that certain bodies are still focusing exclusively on Article 27 notifications. For example, the ETF which has a good level of Article 27 notifications (75%) has a low level of Article 25 notifications. Its progress between the 2009 survey and the present survey is only 3 %. The EASA has also a very low level of Article 25 notifications, but is well advanced as concerns Article 27 operations notified as a consequence of EDPS Guidelines.

EACI has a lower level of identified procedures involving processing of personal data than comparable bodies (19 against 30-39).

Half of Group B has now reached 70 % and above of notifications required pursuant to Article 25. A quarter is situated between 55 and 70 %. A level under 55 % therefore is a sign of low compliance.

Four bodies of **Group C** have sent a copy of their *Register* instead of their *inventory* (ARTEMIS JU, CLEANSKY JU, FCH JU, IMI JU). The level of Article 25 notifications is therefore difficult to measure. Having said this, numerous procedures appear to have been identified and notified under Article 25 which is a good start and must be further encouraged.

In this Group, ECHA reached almost 60 % of Article 25 notifications whereas REA, SESAR, FFE, GSA, ERA and ERCEA have still a very low level of notifications: between 0 and 20 %[10]. REA identified only 7 procedures involving processing of personal data yet (7 against 30 in comparable bodies). TEN-TEA, CFCA, EAHC and EACEA are at around 45 % of notifications.

The ECHA's inventory is organised by units. Moreover, the inventory contains, in percentages and by unit, the level of Article 25 and 27 notifications. Therefore each head of unit who is internally responsible for managing the processing operations is also made aware of his or her responsibility in terms of data protection. The EDPS welcomes this approach allowing comparison and thus enhancing accountability.

Some inventories of Group C bodies are misleading and could be improved: FRONTEX has probably mixed up the register and the inventory of processing operations. Such an approach does not allow a clear vision of the level of notifications under Article 25 and 27. However FRONTEX does appear to have a good level of these notifications.

In Group C, the benchmark is more difficult to identify because 4 or 5 out of 17 bodies sent their register instead of their inventory. The most advanced

[10] Low level of Article 25 notifications can also be explained by the fact that not all procedures have been adopted by the bodies and therefore, even if the processing operations are identified they do not yet take place and notification of the procedure to the DPO is therefore not yet possible.

group including those who have sent their register is between 40 and 60 % of the Article 25 notifications.

In **Group D**, three bodies have already submitted an inventory. Three other bodies have committed themselves to provide an inventory by the end of September 2011, but at the set date no inventory had been received by the EDPS.

Among the former second and third pillar bodies, CEPOL has submitted an inventory for consultation. EDA and EUSC have mentioned that the elaboration of their inventory was in process.

b) Notifications of processing operations subject to prior checking

The EDPS has requested information on the status of processing operations subject to his prior checking (Article 27). To facilitate the notification of these procedures involving risky processing operations by EU bodies, the EDPS has issued Guidelines about specific administrative procedures common to all EU institutions and bodies (recruitment, health data, etc.).

To measure the level of compliance of **Article 27 notifications**, the EDPS has compared the notifications in areas where he has issued Guidelines. There is a differentiation to be made between the different procedures subject to EDPS Guidelines: indeed while certain processing operations are in place since the beginning of the existence of a body (recruitment of staff) others might not yet be established (e.g. administrative inquiries). In our assessment of compliance with Article 27, we take this situation into account, as well as the number of years of existence of a body. It should be noted that compliance with the video surveillance Guidelines will be analysed in a separate report on a specific monitoring exercise currently under way.

Percentages of identified Article 27 notifications (subject or not to EDPS Guidelines) that have been notified to the EDPS have also been considered as an indicator of the level of compliance.

In their inventory, some bodies have not correctly identified the procedures involving processing operations that fall under Article 27. ARTEMIS JU has several procedures that should be identified as prior checkable (promotions, procurement, selection of experts, etc.) and which have not been identified as such.

Group A has achieved a good level of compliance with Article 27: the majority of institutions and bodies have notified their procedures covered by EDPS Guidelines. The CDT still have some procedures to be notified (disciplinary procedures) and the Court of Auditors still has to notify processing operations relating to health data.

In Group B, OHIM has not yet notified "basic" processing operations such as recruitment, processing of health data and disciplinary procedures. In this

Group, the majority of the procedures in place covered by EDPS Guidelines have been notified to the EDPS.

In Group C, the majority of the bodies have notified processing operations relating to health data and recruitment procedures. The indicator of low compliance in this Group is therefore the failure to notify these two procedures to the EDPS.

c) Follow up to EDPS opinions

The EDPS has requested a copy of any follow up procedure in use to ensure the implementation of recommendations made by the EDPS following a prior check Opinion.

The response to the question relating to possible procedures in use to ensure **follow up of EDPS recommendations** is in general limited to information about the reminders sent by the DPO to the person responsible for managing the processing operation. Some institutions or bodies have adopted automated reminders or keep track of the responses with the help of specific tables. Certain agencies (EFSA, ERA, FRA) are drafting such a reminder procedure. FRA suggested including a relevant article in its implementing rules (IR) to "formalise" the follow up procedure. Other bodies already have a specific article in their IR to address the issue of follow up. Other bodies also have suggested adding a column in their inventory.

In all cases, institutions and bodies have stated that it is the DPO's task to remind the controller or the person responsible to manage the processing operation of this obligation. The DPO is now considered as the privileged interlocutor when dealing with the implementation of EDPS recommendations. It also appears that no institution or body has considered it necessary to introduce specific measures to require a "reluctant" person in charge to take appropriate measures to implement EDPS recommendations. Moreover, there is no official reporting to senior management in case of failure to reply to the EDPS.

The EDPS takes the view that mechanisms improving accountability of the body should be developed; in particular concerning the implementation of EDPS' recommendations. The DPO should not be considered as the person in charge of the implementation of the recommendations. To this end, the EDPS plans to develop his practice towards direct communication with the person responsible for the processing operation[11]. In the near future, the EDPS will address directly to the hierarchy - if necessary at the highest level - questions concerning follow up that have been pending for a long time. This change in communication should further develop the data protection culture within institutions and bodies.

[11] To ensure business continuity and consistency, the DPO will always be put in copy.

In the absence of significant differences between institutions and bodies, the follow up procedure has not been taken into account in the comparative analysis. Nevertheless, this question has proved to be useful to improve EDPS communication when dealing with the follow up of the prior checking Opinions.

d) Adoption of implementing rules ("IR")

The EDPS has requested from institutions and bodies a copy of their implementing rules (IR) on the tasks, duties and powers of the DPO pursuant to Article 24.8 of the Regulation.

Most of the institutions and bodies have **adopted IR** or have consulted the EDPS on their draft decision. This is an area in which most significant progress has been made. It is now a regular practice for newly created European bodies (EEAS, ESMA) to start the implementation of Regulation 45/2001 with the consultation of the EDPS on the basis of Article 28.1 about the adoption of IR. This adoption is in certain bodies, a prerequisite to the appointment of the DPO (EEAS).

A small number of bodies failed to consult the EDPS (Artemis JU, Cleansky JU, IMI) before adopting their IR.

All the institutions and bodies of Groups A and B have now adopted their IR. Among Group C, F4E and REA must still consult the EDPS before adopting their decision in accordance with Article 24.8.

In Group D the results are encouraging: 7 bodies out of 12 have adopted (or submitted for consultation) their decision on IR.

The IR pursuant to Article 24.8 of the Regulation are, in general, adopted or submitted for consultation to the EDPS in the year of establishment of a new EU body and at the latest, the year after. If the IR are not adopted in the year after the establishment of the body, this may therefore be a cause of concern for the EDPS.

e) Appointment and role of the DPO

The EDPS has requested that he should be informed about the appointment of a DPO in new bodies (Group D) and has reminded all institutions and bodies of the existence of the paper on Professional standards for DPOs (Group A, B, C).

New bodies have been requested to **appoint a DPO** in accordance with Article 24.1 of the Regulation. In Group D, among the new bodies (eight) and the former second and third pillar bodies (four), eight have appointed a DPO, three are in the process of appointing a DPO and one body has not replied yet to the EDPS letter (EUISS).

The DPO has a crucial role in ensuring compliance with the Regulation. This is clearly demonstrated by the ECDC, which has failed to replace its DPO since March 2011: the compliance mechanism has been blocked since and no response to the survey has been received so far by the EDPS. This will therefore call for further enforcement in the very near future.

The DPO Network's paper on Professional Standards for DPOs[12] has been brought to the attention of the heads of institutions and bodies for a second time. It is an excellent reference document to help them in defining the standards necessary to ensure their DPOs' independence and to define best practices in relation to DPO duties.

The Council has mentioned that the paper was duly taken into account in the selection procedure leading to the appointment of their new DPO. The CDT has also mentioned that the document was helpful in selecting the DPO. The EDPS welcomes the fact that institutions and bodies make good use of the DPO Network's paper.

The EDPS would underline the notable advance in terms of compliance of the EU institutions and bodies of Group A, which had already appointed a DPO before the establishment of the EDPS. The importance of the role of the DPO is hereby clearly demonstrated.

[12] As well as the EDPS' position paper: *Role of the Data Protection Paper (DPO) in ensuring effective compliance with Regulation (EC) 45 /2001*, 28 November 2005

4. Follow up of the previous survey: compliance visits

As a consequence of the previous survey - apart from general follow up and some specific cases - the EDPS has visited 6 bodies that were flagged during the 2009 exercise. These visits were triggered by a manifest lack of commitment by the body as well as by other evidence gained during the previous exercise.

At the time, an inspection as such was not envisaged for these bodies because the level of compliance with Regulation (EC) 45/2001 was extremely low. It was impossible to "check the reality" of processing operations not yet notified or of non-existent compliance tools (inventory, register).

To boost compliance, the EDPS used the visits to set up precise roadmaps, in agreement with the hierarchy of the body concerned. The roadmaps included specific objectives and deadlines: establishment of an inventory, progress in the level of Articles 25 and 27 notifications, notification of targeted procedures for which the EDPS has issued Guidelines, and other matters specific to the body visited (ensuring a long term DPO function, providing training to staff on data protection, etc.).

Two visits took place in 2010 and 4 in 2011[13]. A comparison of the level of compliance between the 2009 survey and the present results has been conducted to underline the effects of such visits.

In general, a good effort has been made in all cases. Bodies that had a rate of Article 25 notification close to 0 now reach a level of 60, 70, 80 and in one case 100 %. Each body now has a good and intelligible inventory.

A closing report is sent to the body at the expiration of the agreed deadlines. If the objectives are not met, however, and in the absence of meaningful progress, the EDPS will consider further steps to ensure compliance with Regulation 45/2001[14].

[13] The fourth one took place in September 2011 and has not been taken into account in this report

[14] See Part 3 of the EDPS policy paper on "Monitoring and Ensuring Compliance with Regulation (EC) 45/2001", supra.

5. Setting benchmarks

This third case by case analysis in the 2011 exercise has enabled the EDPS to develop benchmarks in terms of compliance with the Regulation. Benchmarks are established by Group of comparable institutions and bodies and indicate the threshold which an institution or body of the relevant group should in any case be reasonably expected to meet. These benchmarks have not been set by the EDPS *in abstracto*, they are deduced from the results achieved in each Group.

Benchmarks concerning the procedures presenting specific risks in the sense of Article 27 are established without prejudice to the fact that core business processing operations must always be notified prior to their launching.

Group A:
- an intelligible inventory and a rate of at least 85 % of Article 25 processing operations notified;
- procedures presenting specific risks in the sense of Article 27 must all have been notified to the EDPS;
- a DPO is in office;
- implementing rules have been adopted.

Group B:
- an intelligible inventory and a rate of at least 55 % of Article 25 processing operations notified;
- procedures presenting specific risks in the sense of Article 27 and for which the EDPS has issued Guidelines must all have been notified to the EDPS, save if the procedure has not yet been adopted internally;
- a DPO is in office;
- implementing rules have been adopted.

Group C:
- an intelligible inventory and a rate of at least 40 % of Article 25 processing operations notified;
- procedures presenting specific risks in the sense of Article 27 and for which the EDPS have issued Guidelines must all have been notified to the EDPS, save if the procedure has not yet been adopted internally;
- a DPO is in office;
- implementing rules submitted to the EDPS for consultation or adopted.

Group D:
- a DPO is in office;
- implementing rules have been submitted to the EDPS for consultation or adopted.

6. Conclusions

In general, the EDPS is satisfied by the results achieved by many institutions and bodies to implement the Regulation. The level of compliance by most institutions and bodies has increased since 2009, but in some cases further efforts are needed. Bodies in Group D, for which it was the first general stock-taking exercise, have made a promising start.

The presence of a DPO and his/her resolute action is a key factor for implementing the Regulation. At the same time and without prejudice to the DPO's responsibility, the accountability of the institution or body for adequate compliance with data protection should be reinforced. The EDPS has a role to play in emphasising and if necessary enforcing this accountability.

The value of this comparative exercise is shown by the resulting analysis and benchmarking. The analysis has taken into account the fact that the elements compared are not purely mathematical and that differences exist within the comparable Groups of institutions/bodies (date of establishment, resources of the DPO, size of the body). Moreover, the analysis and the visits performed by the EDPS have revealed that the implementation of the Regulation is not only a matter of time and resources, but also of organisational will. Ensuring compliance is a process that requires sufficient attention of all involved and the commitment and support of the hierarchy in all institutions and bodies.

Like previous exercises, the 2011 survey is a further step in the EDPS' ongoing work to monitor and ensure the application of the Regulation. By identifying shortcomings and showing benchmarks, this report is also intended to encourage greater accountability for compliance with data protection by the European institutions and bodies.

Annex (1) Groups of institutions and bodies

Group A (12): Institutions and bodies that were founded before 2004 and had appointed a DPO before the establishment of the EDPS:

Commission, Committee of the Regions, Council, Court of Auditors, European Central Bank, European Court of Justice, European Economic and Social Committee, European Investment bank, European Parliament, OLAF, European Ombudsman, Centre of translations.

Group B (17): Bodies that were established (or started their activities) before or in 2004, but appointed a DPO at a later stage:

CEDEFOP, CPVO, EACI, EASA, EDPS, EEA, EFSA, EIF, EMCDDA, EMA, EMSA, ENISA, ETF, EUROFOUND, FRA, OHIM, OSHA.

Group C (17): Bodies established (or have started their activities) after 2004:

CFCA, EACEA, EAHC, ECDC, ERA, FRONTEX, GSA, TEN-TEA, ARTEMIS JU, CLEANSKY JU, ECHA, ERCEA, F4E, FCH JU, IMI JU, REA, SESAR.

Group D (12): Bodies established in 2011 and former second and third pillar bodies:

ACER, EBA, EIOPA, EIGE, EIT, ESMA, ESRB, EEAS, CEPOL, EDA, EUISS, EUSC.

Annex (2) Some limitations of the methodology

(i) Inventories may contain procedures involving processing operations identified by the body but not yet adopted (typically harassment procedure). Obviously the procedure cannot be notified before its adoption. In the calculation however it will appear as a non notified processing operation and thus show a lower level of compliance.

(ii) A body which does not identify properly all the procedures involving processing operations may have a false high rate of compliance.

(iii) Only the processing operations effectively notified to the DPO or the EDPS are taken into consideration, draft versions of Article 25 or 27 notifications are not included in the percentages.

(iv) One institution may identify in its inventory a future risky processing operation, but as the procedure linked to this processing operation is not sufficiently developed, it cannot be notified under Article 27. In the calculation however it will appear as a non notified processing operation and thus show a lower level of compliance;

(v) The EDPS may suspend the analysis of a notification if EDPS Guidelines on the same procedure are under way. In the calculation however it may appear as a non notified processing operation and thus show a lower level of compliance.

Annex (3) List of institutional acronyms

ACER	Agency for the Cooperation of Energy Regulators
ARTEMIS JU	ARTEMIS Joint Undertaking
CdT	Centre de Traduction
Cedefop	European Centre for the Development of Vocational Training
CEPOL	European Police College
CFCA	Community Fisheries Control Agency
Cleansky JU	Clean Sky Joint Undertaking
CoR	Committee of the Regions
Council	Council of the European Union
CJEU	Court of Justice of the European Union
COM	European Commission
CPVO	Community Plant Variety Office
EACEA	Education, Audiovisual and Culture Executive Agency
EACI	Executive Agency for Competitiveness & Innovation
EAHC	Executive Agency for Health and Consumers
EASA	European Aviation Safety Agency
EBA	European Banking Authority
ECA	European Court of Auditors
ECB	European Central Bank
ECDC	European Centre for Disease Prevention and Control
ECHA	European Chemicals Agency
EDA	European Defence Agency
EDPS	European Data Protection Supervisor
EEA	European Environment Agency
EEAS	European External Action Service
EESC	European Economic and Social Committee
EFSA	European Food Safety Authority
EIB	European Investment Bank
EIF	European Investment Fund
EIGE	European Institute For Gender Equality
EIOPA	European Insurance and Occupational Pensions Authority
EIT	European Institute of Innovation and Technology
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
EMEA	European Medicines Agency
EMSA	European Maritime Safety Agency
ENISA	European Network and Information Security Agency
EP	European Parliament
ERA	European Railway Agency
ERCEA	European Research Council Executive Agency
ESRB	European Systemic Risk Board
ESMA	European Securities and Markets Authority
ETF	European Training Foundation
EUROFOUND	European Foundation for the Improvement of Living and Working Conditions
EUISS	European Union Institute for Security Studies
EUSC	European Union Satellite Centre
F4E	Fusion for Energy
FRA	European Union Agency for Fundamental Rights
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
FCH JU	New Energy World JU

GSA	European Global Navigation Satellite Systems Agency
IMI JU	Innovative Medicines Initiative Joint Undertaking
OHIM	Office of Harmonization for the Internal Market
OLAF	European Anti-fraud Office
Ombudsman	European Ombudsman
OSHA	European Agency for Safety and Health at Work
REA	Research Executive Agency
SESAR	Single European Sky ATM Research Joint Undertaking
TEN-T EA	Trans-European Transport Network Executive Agency

Annex (4) Comparative table of results received by 30 September 2011 (by Group in alphabetical order)

Institution or body	Inventory	Article 25 notification	Article 27 notification	Notified recruitment procedures	Notified health data procedures	Notified disciplinary procedures	Notified harassment procedures	IR	DPO
CDT		82 %	70 %			N			
COM		98 %	97 %						
COR		100 %	84 %						
Council		80 %	89 %						
CJEU		84 %	87 %						
ECA		89 %	72 %		NA				
ECB		96 %	73 %						
EIB		99 %	88 %						
EP		98 %	98 %	NA					
EESC		89 %	92 %						
OLAF		100 %	100 %						
OMBUDSMAN		100 %	100 %				NA		
CEDEFOP		62 %	65 %						
CPVO		70 %	80 %			N	N		
EACI		73 %	100 %			NA			
EASA		18 %	26 %						
EDPS		55 %	90 %		N	NA	NA		
EEA		80 %	60 %				N		
EFSA		57 %	75 %						
EIF		99 %	88 %						
EMA		100 %	87 %		N				
EMCDDA		71 %	81 %						
EMSA		100 %	70 %			NA	NA		
ENISA		73 %	66 %			NA	NA		
ETF		33 %	75 %			NA			
EUROFOUND		100 %	100 %						
FRA		100 %	68 %			NA			
OHIM		90 %	89 %	N	N	N			
OSHA		100 %	43 %			NA	NA		
ARTEMIS JU	R	R	R		NA	NA	NA		
Cleansky JU	R	R	R		NA	NA	NA		
CFCA		40 %	31 %			NA	NA		
EACEA		45 %	66 %		N	NA			
EAHC		50 %	50 %			NA			
ECDC									N
ECHA		57 %	42 %						
ERA		19 %	53 %			N	NA		
ERCEA		10 %	20 %			NA			
F4E		10 %	18 %		N	NA	NA	N	
FCH JU	R	R	57 %		NA	NA	NA		
FRONTEX	R	R	R						
GSA (GNSS)	N	N	N	N	N	NA	NA	N	
IMI JU	R	R	R		NA	NA	NA		
REA		20 %	28 %	N		NA		N	
SESAR JU		16 %	28 %	N	NA	NA	NA		
TEN TEA		48 %	55 %			NA			
ACER	N	N	NA	NA	NA	NA	NA		IP
CEPOL		N	NA	NA	NA	NA	NA		

EBA	**N**	**N**	**NA**	**NA**	**NA**	**NA**	**NA**		
EDA	**N**	**N**	**NA**	**NA**	**NA**	**NA**	**NA**		
EEAS	**N**	**N**	**NA**	**NA**	**NA**	**NA**	**NA**		**IP**
EIGE		**N**	**NA**	**NA**	**NA**	**NA**	**NA**	**N**	
EIOPA	**N**	**N**	**NA**	**NA**	**NA**	**NA**	**NA**		
EIT		**N**	**NA**	**NA**	**NA**	**NA**	**NA**	**N**	
ESMA	**N**	**N**	**NA**	**NA**	**NA**	**NA**	**NA**		**IP**
ESRB		**14 %**	**100 %**					**N**	
EUISS			**NA**	**NA**	**NA**	**NA**	**NA**		
EUSC	**N**	**N**	**NA**	**NA**	**NA**	**NA**	**NA**	**N**	

	Group A
	Group B
	Group C
	Group D
	no response
	Yes
N	**No**
R	**Register**
NA	**Not Applicable***
IR	**Implementing rules**
DPO	**Data Protection Officer**
IP	**In Process**

*** Procedure not yet adopted**