

**To: the eu-LISA Management Board**

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**Subject: DPO Annual Work Report - 2022**

# DPO ANNUAL WORK REPORT 2022

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## Introduction

Article 2 of eu-LISA Regulation<sup>1</sup> states the objectives of the Agency. Explicitly, the Agency shall ensure a high level of data protection, in accordance with Union data protection law, including specific provisions for each EU Large-Scale IT System.

eu-LISA Data Protection Officer (DPO) is required to advise controllers and processors on fulfilling their obligations. Application of the provisions of Regulation (EU) 2018/1725<sup>2</sup> (Regulation) is firstly ensured by the DPO of eu-LISA and, ultimately, by the supervisory role of the European Data Protection Supervisor (EDPS).

During 2022, eu-LISA DPO has dedicated efforts, on one hand, to ensure the smooth coordination of the EPDS inspection carried out in October on Eurodac<sup>3</sup>, Visa Information System<sup>4</sup> (VIS) and Schengen Information System<sup>5</sup> (SIS II) and, on the other hand, to monitor the outstanding recommendations of previous EDPS audits and support with their implementation. Additionally, the DPO of eu-LISA provided continuous support to ensure that the Agency closes the gap between the previous Regulation (EU) No 45/2001<sup>6</sup> and current Regulation, in particular, maintaining a record of all categories of processing activities carried out on behalf of controllers. Moreover, the DPO of eu-LISA started to undertake a revision of the methodology for carrying out data protection impact assessment (DPIAs) with the view to facilitate and support eu-LISA responsible personnel.

Furthermore, the DPO also supported the Agency in its biggest data protection challenges, in particular, those deriving from the use of biometric matching technologies and measures to mitigate identified risks.

The DPO of eu-LISA worked closely with the data controllers, data processors and EDPS to find effective and compliant solutions that ensure the respect for privacy and personal data.



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<sup>1</sup> **Regulation (EU) 2018/1726** of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA).

<sup>2</sup> **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 the 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.

<sup>3</sup> **Regulation (EU) No 603/2013** of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

<sup>4</sup> **Regulation (EC) No 767/2008** of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation).

<sup>5</sup> **Regulation (EC) No 1987/2006** of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II).

<sup>6</sup> **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 the Community institutions and bodies and on the free movement of such data.

# 1. Scope

Under Article 7(4) of the eu-LISA DPO Implementing Rules<sup>7</sup>, the DPO shall submit to the Agency's Management Board an annual report on her activities and on the state of play as regards the data protection activities and compliance of the Agency.

This report presents the status of the data protection activities within the Agency and compiles the work performed by the DPO during the year 2022.

## 2. DPO Activities and Actions

The following sections detail by topic the state of play as regards the data protection activities and compliance of the Agency with the Regulation.

### 2.1. Awareness

In order to raise awareness on data protection, the DPO of eu-LISA makes use of different tools including general awareness sessions, one-on-one coaching sessions, weekly newsletters and the dedicated Data Protection Officer intranet.

On 28 January 2022, a Board Game training session was organized in order to celebrate the European Data Protection Day. Around 100 participants - organised in 8 teams - competed for a prize while learning more about privacy notices, data protection impact assessments, and data breaches in an interactive and innovative way. The format was found very enjoyable and participants welcomed a sort of social activity focused on data protection during teleworking regime.

Another Data Protection Awareness session was held on 6 April 2022, with the aim of introducing the Regulation, helping them understand how it may affect some of their daily activities and offering an overall outlook on the basic concepts and principles of data protection. The event was open to all eu-LISA newcomers and up to 25 participants attended the session. The results showed that the majority of the attendees that provided feedback were satisfied with the presentation and all the suggestions to improve the format of upcoming sessions were fully taken into account by the DPO team.

On 7 October 2022, within the context of the EDPS personalised training sessions delivered to EUIs, a dedicated webinar on "Data Protection in procurement and contract management" was arranged by DPO of eu-LISA and delivered by EDPS to eu-LISA personnel. Online attendance reached 75 participants. The webinar had a positive outcome and provided an insightful opportunity to exchange experiences on data protection issues related to contracts with external service providers involving processing of personal data (e.g., cloud solutions, events, missions).

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<sup>7</sup> eu-LISA Management Board Decision No 2019-185 REV 1 on implementing rules concerning the Data Protection Officer pursuant to Article 45(3) of Regulation (EU) No 2018/1725 on the protection of natural persons with regard to the processing of personal data by the 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.

Furthermore, the DPO has provided one-on-one coaching sessions to specific staff members seeking for advice and guidance to comply with their obligations as data controllers and/or processors under the Regulation.

Likewise, in order to ease and optimize support for the data controllers and processors, the DPO Intranet was updated on a regular basis including news items – up to seven articles in 2022 -, templates, and step-by-step instructions. In particular, two new sections were created in the DPO intranet; the first one on “International transfers” - which explains in detail steps and actions to follow in case of transfer of personal data to countries outside the EU/EEA under Chapter V of the Regulation -, and the second one, on “Data Protection Clauses Controller-Processor” focused on the Controller-Processor relationship and complemented by the European Commission FAQs on the standard contractual clauses (“SCCs”) between controllers and processors.

In addition, other efforts to raise awareness across the Agency went to the internal weekly eu-LISA Newsletter, which is sent over to all eu-LISA staff members. This weekly newsletter includes a dedicated section on data protection that the DPO prepares. The purpose of this section is to update staff on the latest guidelines, available trainings, and recent developments in the field. During 2022, twenty articles on data protection were published in fifteen of the weekly eu-LISA Newsletters, including a dedicated “flashback newsletter” in December.

## **2.2. Records of Processing Activities as Controller**

In compliance with Article 31(1) of the Regulation, eu-LISA shall maintain records of processing activities under its responsibility. According to Article 4(3) of the eu-LISA DPO Implementing Rules, the DPO shall keep a central register of records of their processing activities as a controller.

Therefore, when delegated data controllers in eu-LISA want to start a new processing activity in eu-LISA, they document this processing activity as a new record and notify this new record to the DPO so the central register can be updated accordingly. In addition, when an existing processing activity changes in some way, the data controller needs to update the documentation associated to that record and notify the change to the DPO.

Step-by-step instructions and templates on how to document records of processing activities have been prepared by the DPO to facilitate the tasks and obligations of the data controller.

By the end of December 2022, the eu-LISA register of data processing activities included 121 records of on-going data processing activities. Seven of them were registered during 2022. This register is public, constantly updated and available from the eu-LISA website.

## **2.3. Records of Processing Activities as Processor**

Under Article 31(2) of the Regulation, eu-LISA is required to maintain a record of all categories of processing activities carried out on behalf of one or more controllers.

In order to support the Agency to comply with its obligations as processor, the DPO of eu-LISA launched a project on the second half of 2021. Coaching sessions and workshops were part of the project activities as well as drafting of records and building the register.

As an outcome, a register of data processing activities carried out on behalf of a controller was created. This register is centrally managed by the DPO and is available from the eu-LISA website since last quarter of 2022.

## 2.4. Data Subject Requests

The distribution of requests from individuals to exercise their data protection rights received by the eu-LISA in 2022 is displayed in the following table.

**Table 1 — 2022 - Distribution of data subject requests**

Type of request	Total	Context of data processing activities
Access	<= 5	Human resources

## 2.5. Personal Data Breach Register

Following obligations stemming from article 34(6) of the Regulation (EU) 2018/1725, “*data controller shall document any personal data breaches*”. According to Article 4(3) of the eu-LISA DPO Implementing Rules, the DPO will keep a central register of records of data breaches.

During the reference period for this report, four data breaches were reported and documented by the data controller. The central register of data breaches is updated accordingly by DPO. The DPO also supported data controllers with the assessment in accordance with the EDPS guidelines on data breaches. Regard was also given to conditions set out in articles 34 and 35 of the Regulation on notification to EDPS and communication to affected data subjects.

Reports of the data breaches were submitted to Executive Director and to EDPS when applicable.

## 2.6. Data Protection Impact Assessments (DPIAs)

Following its establishing regulation, eu-LISA is mandated to ensure a high level of data protection. Moreover, eu-LISA shall follow the principles of privacy by design and by default during the entire lifecycle of the development of the new large-scale IT systems.

DPIAs should not only be seen as an obligation for data controllers where a type of processing is likely to result in a high risk to the rights and freedoms of natural persons, but also a decision made by eu-LISA to achieve the above-mentioned objectives. The Agency may well decide to carry out DPIAs as a tool to generate knowledge and data protection culture, analyse or audit data processing activities, improve the global process management or control the level of risk accepted in each data processing activity in a systematic, methodical and documented way.

DPIAs shall be considered a ‘live’ document subject to regular review or re-assessment should the nature, scope, context or purpose of the processing change for any reason. Therefore, DPIAs will become a continuous practice in the activities of eu-LISA and therefore, it shall be adequately embedded in its processes.



In line with the EDPS guidance<sup>8</sup> and WP29/EDPB guidelines on DPIAs<sup>9</sup>, the DPO has been supporting eu-LISA staff in Operation Department and its contractors with carrying out DPIAs, providing relevant advice and guidance.

At the end of July 2021, eu-LISA launched a Prior Consultation with EDPS concerning the high risks stemming from the use of biometric matching technologies in the Entry/Exit System (EES)<sup>10</sup>, i.e., the shared Biometric Matching System (sBMS)<sup>11</sup>, and the related mitigation measures. The package included DPIAs carried out by eu-LISA on EES, sBMS and the Accuracy Measures procedure. The EDPS Opinion - including his recommendations - was received on 4 November 2021. Since then, eu-LISA started the implementation of the EDPS recommendations.

Within the three months foreseen in the EDPS Opinion, eu-LISA provided the package with evidences of the implementation of the EDPS recommendations. eu-LISA DPO facilitated a staff-level meeting between eu-LISA and EDPS, and support the exchange of further views and clarifications between both organisations during June 2022.

On 4 August 2022, the EDPS issued a second Opinion deeming the majority of his recommendations as implemented, and providing further comments. The DPO has been regularly supporting EES and sBMS teams with their tasks throughout the different stages of the process and continue following up on the progress of this case.

Furthermore, the DPO team has been regularly contributing with relevant comments to the ECRIS-TCN<sup>12</sup> DPIA, ETIAS<sup>13</sup> DPIA, and to other DPIAs concerning interoperability components.

In addition, the DPIA of the Visa Information System<sup>14</sup> (VIS), and the DPIA of the Recast of the Schengen Information System<sup>15</sup> (SIS Recast) kicked off in 2022. They both included additional data protection impact assessments on specific one-time data processing activities such as migration process. Throughout the progress of these DPIAs, support provided by DPO team included, but was not limited to, methodology, templates, relevant comments and guidance.

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<sup>8</sup> EDPS, **Accountability on the ground: Guidance on documenting processing operations for EU institutions, bodies and agencies**

<sup>9</sup> Working Party Art. 29, **Guidelines on Data Protection Impact Assessment (DPIA) and determining whether processing is "likely to result in a high risk" for the purposes of Regulation 2016/679, wp248rev.01**

<sup>10</sup> **Regulation (EU) 2017/2226** of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011.

<sup>11</sup> **Regulation (EU) 2019/817** of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA and **Regulation (EU) 2019/818** of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816.

<sup>12</sup> **Regulation (EU) 2019/816** of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726.

<sup>13</sup> **Regulation (EU) 2018/1240** of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226.

<sup>14</sup> **Regulation (EC) No 767/2008** of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation).

<sup>15</sup> **Regulation (EU) 2018/1860** on the use of the Schengen Information System for the return of illegally staying third-country nationals, **Regulation (EU) 2018/1861** on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks and **Regulation (EU) 2018/1862** of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU.

DPO has been also consulted by product owners with their requests for external support to carry out data protection related tasks. The feedback of DPO emphasised lessons learnt from previous experiences showing the high importance of counting with specialised support. In this respect, external contracted organisations shall offer and demonstrate sufficient guarantees to carry out DPIAs, for instance, by means of certified data protection professionals with appropriate knowledge and extensive expertise in this area.

### 2.6.1. Continuous improvement

DPIAs play a key role for eu-LISA to carry out their tasks and objectives in relation to the operational management and development of EU Large-Scale IT Systems. Therefore, analysis of experiences in this area and further development of the existing practices will have a real value and impact in the Agency.

With the mindset of continuous improvement, in 2022, the DPO started undertaking a revision of the methodology in place for carrying out DPIAs. The goal was aiming to facilitate the responsible staff this task as much as possible. The project started in September 2022 and is intended to be completed by the end of March 2023.

A revised methodology and improved supporting templates are part of the expected outcomes. The final part of the project includes the delivery of training sessions about the concepts, requirements and revised methodology. This training will be complemented with additional workshops on how to conduct DPIAs of a practical case.

## 2.7. International Transfers

International transfers of personal data to countries outside the EU/EEA present some challenges from the data protection perspective.

On 4 June 2021, the European Commission adopted new standard contractual clauses (SCCs) for transfers to non-EU/EEA countries under the Regulation (EU) 2016/679<sup>16</sup> (General data protection regulation, GDPR), implementing the Decision (EU) 2021/914<sup>17</sup>. These SCCs may be used by eu-LISA as ad-hoc contractual clauses (subject to EDPS' authorization) in certain cases.

The DPO launched, in the second half of September 2022, a new project to support and coach all those data controllers impacted by international transfers in eu-LISA, in particular, with the goal to review contracts in place, carry out transfers impact assessments (TIAs), and conclude new contractual clauses to ensure appropriate safeguards, as needed. For this project data controllers counted with the help of specialised external support.

## 2.8. Change Management Process

The DPO of eu-LISA is involved in the approval process of the Change Management procedure since the Management Board requested. Although this measure is very positive, the unbearable number of changes results in a disproportionate effort and makes this measure ineffective.

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<sup>16</sup> <https://eur-lex.europa.eu/legal-content/ET/TXT/?uri=celex%3A32016R0679>

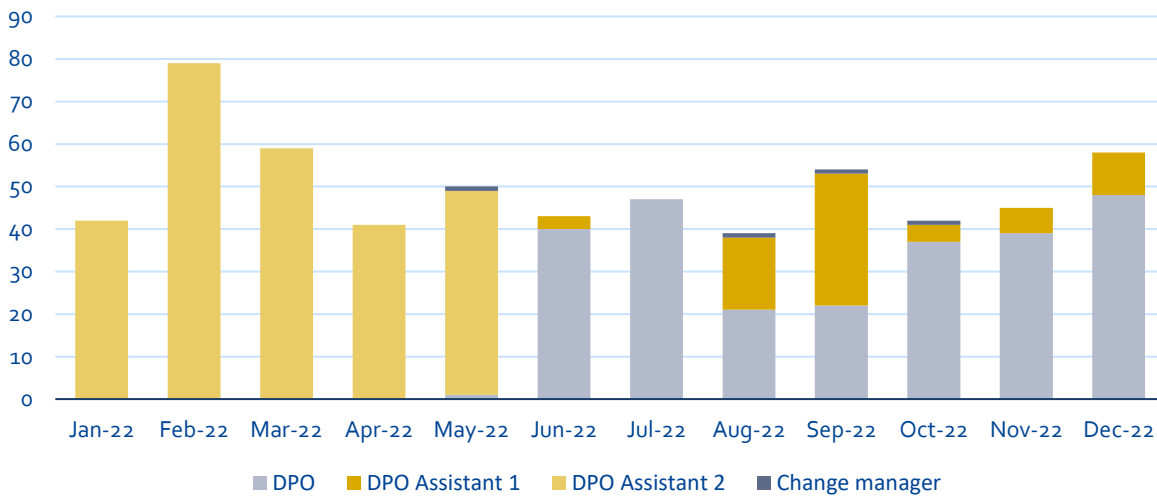
<sup>17</sup> [https://eur-lex.europa.eu/eli/dec\\_impl/2021/914/oj?uri=CELEX:32021D0914&locale=en](https://eur-lex.europa.eu/eli/dec_impl/2021/914/oj?uri=CELEX:32021D0914&locale=en)

Change Management procedure shall ensure that the data protection risks associated to any proposed changes are detected at an early stage. Therefore, the DPO strongly recommended that the Change Management procedure is revised with the view to introduce a new efficient and effective approach. This new approach should integrate checks and tool to detect, for instance, if the change is substantial enough to trigger the need to carry out or to revisit an existing DPIA.

The owner of the Change Management procedure sought the advice of the DPO to address this task, and both are collaborating at this point. During 2022, a change threshold assessment has been designed and proposed by the DPO of eu-LISA to the owner of the Change Management procedure for his consideration.

Along 2022, the number of changes assigned to DPO role reached 634, including changes not only for the development and operational management of the EU Large-Scale IT Systems (Figure 1) but also those changes related to the regular functioning and administration of eu-LISA. The Data Protection Assistant, who left the Agency in at the end of May, took care of these changes on the first half of the year and, then, this task was mainly taken over by the DPO of eu-LISA.

**Figure 1 — 2022 - Number of changes assigned to DPO**



## 2.9. EDPS Supervision and Collaboration

### 2.9.1. Follow-up on the EDPS inspections and recommendations

Ensuring a high level of data protection is one of the main objectives of the Agency. External audits on data protection compliance contribute to facilitate this goal and add value to the Agency’s activities. Including audit recommendations as part of the eu-LISA continuous improvement plan for the operational management of the EU Large-Scale IT Systems makes this process much more effective.

### **2.9.1.1. 2018 audit on SISII<sup>18</sup> and VIS**

In November 2018, the EDPS conducted an audit for the SIS II and for the VIS in accordance with relevant international auditing standards. The purpose of the EDPS inspection was to check that the personal data processing activities of eu-LISA, as the Management Authority for both systems, are in accordance with the applicable data protection regulation.

The final EDPS report was received in April 2020 and contained 43 recommendations. eu-LISA has transposed all of EDPS recommendations into an action plan. The DPO monitors the progress of its implementation and, to this extent, organises quarterly follow-ups with responsible staff. In 2022, internal follow-up meetings took place in February, April, June and September.

On behalf of eu-LISA, the DPO liaised with EDPS every quarter to proactively update on the progress and status of the recommendations. Additional feedback provided to eu-LISA by EDPS on 22 November 2021 was taken into account by the Agency in order to continue implementing EDPS recommendations.

### **2.9.1.2. 2019 audit on Eurodac**

At the beginning of December 2019, EDPS carried out an inspection on Eurodac system. The final report of the EDPS was received in March 2021 and contained 29 recommendations. eu-LISA transposed all of EDPS recommendations into an action plan. The DPO monitors the progress of its implementation and, to this extent, organises quarterly follow-ups with responsible staff. In 2022, internal follow-up meetings took place in February, April, June and September.

On behalf of eu-LISA, the DPO liaises with EDPS every quarter to proactively update on the progress and status of the recommendations. Additional feedback provided to eu-LISA by EDPS on 22 November 2021 was taken into account by the Agency in order to continue implementing EDPS recommendations.

In regards to Recommendation #27 of the final audit report on Eurodac, the DPO has been closely supporting Eurodac product owner since the beginning of the year 2022 with the design of a technical solution in line with requirements. Pros and cons of several alternatives were presented to EDPS relevant staff in a meeting held in February 2022. After further assessment, the implementation of the preferred solution was considered not feasible due to considerable high cost and lengthy implementation.

During the second quarter of 2022, the DPO further assisted the product owner with the design and assessment of a new alternative solution. This technical solution was also introduced to EDPS representatives in a bilateral meeting held in July 2022. During the third quarter of 2022, the DPO closely followed up on the test results of the proposed solution and on the comments provided by the Advisory Group (AG) of Eurodac. After consultation, the Eurodac AG expressed a positive opinion in September. Right away, the implementation of this solution followed and the recommendation was closed.

Quarterly reports are prepared on the status of the solution implementation which are presented to AG of Eurodac and the DPO of eu-LISA make them simultaneously available to EDPS.

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<sup>18</sup> **Regulation (EC) No 1987/2006** of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II).

### **2.9.2. 2022 audit on Eurodac, SIS and VIS**

Following announcement letter of 16 September 2022, new inspections were carried out by EDPS on Eurodac, SIS and VIS from 17 to 21 October 2022.

The scope of the audits included:

- Overall IT Security Governance (roles and responsibilities)
- Follow-up of the previous SIS, VIS and Eurodac EDPS inspections
- Security Incidents and data breaches
- Methodology and practices for the secure development and testing of the systems with a focus to access control management on the different environments

The DPO office led the coordination of the inspection. The ambitious scope of the audit extended the number of internal stakeholders to coordinate, and required considerable efforts to ensure its smooth preparation and conduction. The DPO acted as the liaison between EDPS and eu-LISA during second half of 2022, and will continue supporting on this task in 2023. Furthermore, the DPO conducted internal meetings to provide an update of the status of the EDPS recommendations from the previous audits to EDPS, collected all documentation requested by EDPS – prior, during and after the inspection -, and facilitated fulfilment of additional requests received once the audit was completed.

At the end of November 2022, the draft minutes of the EDPS audit were received at eu-LISA. The DPO drove an internal revision of these draft minutes. All those eu-LISA staff members who took part in the audit were involved in this review. The DPO ensured that the inputs from eu-LISA were provided to EDPS within the deadline.

### **2.9.3. Supervision Coordination Groups for Eurodac, SISII and VIS**

Following the legal requirement of Article 5(1)(f) of the eu-LISA DPO Implementing Rules, by invitation of the Supervision Coordination Group (SCG) of Eurodac, SISII, and VIS, the DPO represented eu-LISA at these meetings. The groups, composed by representatives of the National Data Protection Authorities along with the EDPS, requested updated information regarding the three EU Large-Scale IT Systems on operational matters.

During the meetings that were held in June and November 2022, the members of the SCGs were informed about the latest developments and issues of the systems that may impact the processing of personal data. The SCG members were interested in how the systems were performing, related incidents and the quality of the data.

Colleagues from different areas of eu-LISA are key to provide the most accurate information. Therefore, the DPO would like to remark the excellent collaboration and support from all of them.

## **2.10. JHAA DPO Network Meetings**

In 2022, meetings of the network of DPOs of the Justice and Home Affairs Agencies (JHAA) were chaired by the European Union Agency for Law Enforcement Training (CEPOL). The DPO of eu-LISA attended the online meeting in April, and the Data Protection Assistant represented the DPO of eu-LISA in the meeting that was held in October. During these meetings, the state of play on the application of Regulation, international data transfers and the cooperation with EDPS were some of the topics addressed. Group discussions also centered on DPO implementing rules.

## 2.11. EDPS - EUI DPO Network Meetings

On 14 June 2022, the DPO took part in the 50th EDPS-DPO Network meeting that was held in Brussels (Belgium). Discussions and presentations included, but were not limited to, relevant case law, international transfers, EDPB updates, handling of data breach notifications, social media, Data Protection and Privacy Act (US). The following day, the DPO attended the DPO Network meeting. It covered various topics under the data protection domain including the state of play of the application of the Regulation (EU) 2018/1725, the impact of the *Schrems II* judgment, e.g., on the contracts between Cisco and the EUIs, cybersecurity or human resources transformation programme in the European Commission.

The DPO took also part in the 51st DPO Network meeting that was hosted by European Maritime Safety Agency (EMSA) in Lisbon (Portugal) on the 5 December 2022. The meeting started by introducing the recently appointed DPOs. The day continued with relevant presentations on carrying out audits by DPOs, EU-US Data Privacy Framework, EDPS guidelines on data breach notification and future of the DPOs network. The DPO also attended the EDPS-DPO Network meeting the following day. The meeting covered various topics on data protection such as relevant case law, data subjects access requests and handling of data breach notifications.

## 2.12. DPOs of Europol and eu-LISA Bilateral Meeting

In order to collaborate and facilitate the exchange of best practices and experiences on data protection, Data Protection Officers (DPOs) of the EUIs and the JHA Agencies networks meet regularly, at least twice a year. Also, ad-hoc meetings are organised among DPOs as required. In this context, the DPOs of Europol and eu-LISA organised a bilateral meeting held in Tallinn headquarter on 24 October 2022. Topics under discussion included an update on experiences regarding prior consultations to EDPS, DPIAs, and an exchange of views and experiences regarding the inspections of the EDPS. eu-LISA and Europol are the only Agencies regularly inspected by the Supervisory Authority.

This initiative contributed to strengthening the smooth and effective collaboration between the two Agencies.

## 2.13. Annual Survey

Although this activity was part of the eu-LISA Programming Document 2022, the use of available resources has been allocated to provide data protection guidance and support to the Agency in regards to its highest priorities, mainly, the new and existing EU Large-Scale IT Systems. Therefore, this activity was put on hold.

# 3. DPO Function

Article 44 of the Regulation (EU) 2018/1725 and article 6 of the eu-LISA DPO Implementing Rules address the need to provide the DPO with the necessary resources to carry out his or her tasks and duties.

In light of the above, a process to select a Data Protection Expert was opened during the second half of 2022. Additionally, the service was granted with a Junior Administrative Support that joined in September 2022, while the second Data Protection Assistant, who joined in 2021, left in May 2022.

## PUBLIC

In 2022, the DPO made use of available resources to provide data protection guidance and support to the Agency - to the further extent possible - in regards to its highest priorities, mainly, the new and existing EU Large-Scale IT Systems, monitoring of implementation of EDPS audit recommendation and coordination of new EDPS audits. However, there are important activities that require action and support from the DPO which were put on hold due to the insufficient resources.

Granting an appropriate size of the DPO function directly and substantially benefits the Agency to achieve its objective of ensuring a high level of data protection. Subsequently, the function is expected to grow accordingly, and in line with the Agency's important current and envisaged tasks and responsibilities.

