

## **Appropriation Account 2021**

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### **Vote 44**

### **Data Protection Commission**

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## **Introduction**

As Accounting Officer for Vote 44, I am required each year to prepare the appropriation account for the Vote, and to submit the account to the Comptroller and Auditor General for audit.

In accordance with this requirement, I have prepared the attached account of the amount expended in the year ended 31 December 2021 for the salaries and expenses of the Data Protection Commission.

The expenditure outturn is compared with the sums granted by Dáil Éireann under the Appropriation Act 2021, including the amount that could be used as appropriations-in-aid of expenditure for the year.

A surplus of €4.33 million is liable for surrender to the Exchequer.

The Statement of Accounting Policies and Principles and notes 1 to 6 form part of the account.

### ***Transfer of corporate functions***

The Data Protection Commission (DPC) continued to progress the transfer of certain corporate functions from the Department of Justice in 2021. A Ministerial Order designating the Commissioner for Data Protection as the Appropriate Authority, under Section 20(2) of the Data Protection Act 2018, was signed in November 2021. Staff previously employed by the Department of Justice are now employees of the DPC.

## **Statement of Accounting Policies and Principles**

The standard accounting policies and principles for the production of appropriation accounts, as set out by the Department of Public Expenditure and Reform in circulars 1 and 9 of 2022, have been applied in the preparation of the account.

## **Statement on Internal Financial Control**

### ***Responsibility for system of internal financial control***

As Accounting Officer, I acknowledge my responsibility for ensuring that an effective system of internal financial control is maintained and operated by the Data Protection Commission.

This responsibility is exercised in the context of the resources available to me and my other obligations as Head of Office. Also, any system of internal financial control can provide only reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely manner. Maintaining the system of internal financial controls is a continuous process and the system and its effectiveness are kept under ongoing review.

### ***Shared services***

Financial services are provided to the Data Protection Commission under a service level agreement by Financial Shared Services in the Department of Justice.

The National Shared Services Office provides human resource and payroll shared services to the Data Protection Commission. The National Shared Services Office provides an annual assurance in respect of the services provided to the Department of Justice and is audited under the ISAE 3402 certification processes in respect of that assurance.

I rely on a letter of assurance from the Accounting Officers of the National Shared Services Office and the Department of Justice in respect of the appropriate controls exercised in the provision of shared services to the Data Protection Commission.

I have fulfilled my responsibilities in relation to the requirements of these agreements.

#### ***Financial control environment***

I confirm that a control environment containing the following elements is in place.

- Financial responsibilities have been assigned at management level with corresponding accountability.
- Reporting arrangements have been established at all levels where responsibility for financial management has been assigned.
- Formal procedures have been established for reporting significant control failures and ensuring appropriate corrective action.
- There is an Audit and Risk Committee to advise me in discharging my responsibilities for the internal control system.
- Procedures for all key business processes have been documented.
- There are systems in place to safeguard the assets.
- The Commission uses the Performance Management and Development System, inter alia, for identifying staff training needs, including financial management and accounting skills. The required training is then organised or sourced as appropriate.

#### ***Administrative controls and management reporting***

In respect of the Data Protection Commission, I confirm that a control environment containing the following elements is in place.

- There is an appropriate budgeting system in place, with an annual budget which is kept under review by senior management.
- There are regular reviews by the senior management of periodic and annual financial reports which indicates financial performance against forecast
- A risk management system is in operation.
- There are systems aimed at ensuring the security of the information and communication technology. During 2021, the ICT division of the Department of Justice provided the Data Protection Commission with certain ICT services. The Department of Justice's ICT division under a service level agreement provided an assurance statement outlining the control processes in place in 2021.

***Internal audit and Audit and Risk Committee***

I confirm that the Data Protection Commission has an internal audit function, which is outsourced, with appropriately trained personnel, which operates in accordance with a written charter which I have approved. Its work is informed by analysis of the financial risks to which the Data Protection Commission is exposed and its annual internal audit plans, approved by me, are based on this analysis. These plans aim to cover the key controls on a rolling basis over a reasonable period. The internal audit function is reviewed periodically by me and by the Audit Committee. I have put procedures in place to ensure that the reports of the internal audit function are followed up.

The Audit and Risk Committee for the Data Protection Commission held eight meetings for the period 1 January to 31 December 2021.

***Procurement compliance***

The Commission ensures that there is an appropriate focus on good practice in purchasing and that procedures are in place to ensure compliance with all relevant guidelines. There were no non-competitive and non-compliant contracts in excess of €25,000 ex VAT in 2021.

***Risk and control framework***

The Data Protection Commission implemented a risk management system which identifies and reports key risks and the management actions taken to address and, to the extent possible, to mitigate those risks.

A risk register is in place which identifies the key risks facing the Data Protection Commission and these are identified, evaluated, and graded according to their significance. The register is reviewed and updated by the Senior Management Committee on a quarterly basis. The outcome of these assessments is used to plan and allocate resources to ensure risks are managed to an acceptable level.

The risk register details the controls and actions needed to mitigate risks and responsibility for operation of controls assigned to specific staff.

***Ongoing monitoring and review***

During the period covered by account, formal procedures were implemented for monitoring control processes. Control deficiencies were communicated to those responsible for taking corrective action and to management and the Senior Management Committee, where relevant, in a timely way.

I confirm that key risks and related controls have been identified and processes have been put in place to monitor the operation of those key controls and report any identified deficiencies.

***Review of effectiveness***

I confirm that the Data Protection Commission has procedures to monitor the effectiveness of its risk management and control procedures. The Data Protection Commission's monitoring and review of the effectiveness of the system of internal financial control is informed by the work of the internal and external auditors and the senior management team within the Data Protection Commission responsible for the development and maintenance of the internal control framework.

***Internal financial control issues***

No weaknesses in internal financial control were identified in relation to 2021 that that require disclosure in the appropriation account.

***Covid-19 control issues***

Assessments of the impact of Covid-19 were carried out taking into consideration the Office of the Comptroller and Auditor General Audit Insights document. The impact of Covid-19 on the control environment was assessed and the results are that the internal controls were not negatively impacted as a result of the pandemic. I confirm that on-going monitoring of internal controls was maintained in 2020 and 2021 by myself and the senior management team.

**Helen Dixon**  
Accounting Officer  
Data Protection Commission

31 March 2022

## **Comptroller and Auditor General**

### **Report for presentation to the Houses of the Oireachtas**

#### **Vote 44 Data Protection Commission**

##### **Opinion on the appropriation account**

I have audited the appropriation account for Vote 44 Data Protection Commission for the year ended 31 December 2021 under section 3 of the Comptroller and Auditor General (Amendment) Act 1993.

In my opinion, the appropriation account

- properly presents the receipts and expenditure of Vote 44 Data Protection Commission for the year ended 31 December 2021, and
- has been prepared in the form prescribed by the Minister for Public Expenditure and Reform.

##### ***Basis of opinion***

I conducted my audit of the appropriation account in accordance with the International Standards on Auditing (ISAs) as promulgated by the International Organisation of Supreme Audit Institutions. My responsibilities under those standards are described in the appendix to this report. I am independent of the Data Protection Commission and have fulfilled my other ethical responsibilities in accordance with the standards.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

##### **Report on the statement on internal financial control, and on other matters**

The Accounting Officer has presented a statement on internal financial control together with the appropriation account. My responsibilities to report in relation to the information in the statement, and on certain other matters upon which I report by exception, are described in the appendix to this report.

I have nothing to report in that regard.

**Seamus McCarthy**

Comptroller and Auditor General

22 June 2022

## Appendix to the report

### Responsibilities of the Accounting Officer

The Accounting Officer is responsible for

- the preparation of the appropriation account in accordance with Section 22 of the Exchequer and Audit Departments Act 1866
- ensuring the appropriation account complies with the requirements of the Department of Public Expenditure and Reform's *Public Financial Procedures*, and with other directions of the Minister for Public Expenditure and Reform
- ensuring the regularity of transactions, and
- implementing such internal control as the Accounting Officer determines is necessary to enable the preparation of the appropriation account free from material misstatement, whether due to fraud or error.

### Responsibilities of the Comptroller and Auditor General

I am required under section 3 of the Comptroller and Auditor General (Amendment) Act 1993 to audit the appropriation account and to report thereon to the Houses of the Oireachtas stating whether, in my opinion, the account properly presents the receipts and expenditure related to the vote.

My objective in carrying out the audit is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement due to fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the appropriation account.

As part of an audit in accordance with the ISAs, I exercise professional judgment and maintain professional scepticism throughout the audit. In doing so,

- I identify and assess the risks of material misstatement of the financial statements whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- I obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal controls.
- I assess whether the accounting provisions of the Department of Public Expenditure and Reform's *Public Financial Procedures* have been complied with.

I communicate with the Accounting Officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

I report by exception if, in my opinion,

- I have not received all the information and explanations I required for my audit, or
- the accounting records were not sufficient to permit the appropriation account to be readily and properly audited, or
- the appropriation account is not in agreement with the accounting records.

### Reporting on the statement on internal financial control

My opinion on the appropriation account does not cover the Accounting Officer's statement on internal financial control, and I do not express any form of assurance conclusion thereon.

In connection with my audit of the appropriation account, I am required under the ISAs to read the statement on internal financial control and, in doing so, consider whether the information contained therein is materially inconsistent with the appropriation account or with knowledge obtained during the audit, or if it otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement, I am required to report that fact.

### Reporting on other matters

I seek to obtain evidence about the regularity of financial transactions in the course of audit. I am required to report under section 3 of the Comptroller and Auditor General (Amendment) Act 1993 if I identify any material instance where public money has not been applied for the purposes intended or where transactions did not conform to the authorities governing them.

I am also required under the 1993 Act to prepare, in each year, a report on such matters arising from my audits of the appropriation accounts as I consider appropriate. In such cases, the certificates of opinion on the relevant appropriation accounts refer to the relevant chapter(s) in my annual *Report on the Accounts of the Public Services*.

## Vote 44 Data Protection Commission

### Appropriation Account 2021

		2021	2020
	Estimate provision €000	Outturn €000	Outturn €000
<b>Programme expenditure</b>			
A Provision of Data Protection Regulation	19,128	14,757	12,218
<b>Gross expenditure</b>	<b>19,128</b>	<b>14,757</b>	<b>12,218</b>
<i>Deduct</i>			
B Appropriations-in-aid	230	189	155
	<b>18,898</b>	<b>14,568</b>	<b>12,063</b>

### Surplus

The surplus of the amount provided over the net amount applied is liable for surrender to the Exchequer.

	2021 €	2020 €
<b>Surplus to be surrendered</b>	<b>4,329,514</b>	<b>4,622,680</b>

**Helen Dixon**  
Accounting Officer  
Data Protection Commission

31 March 2021



## Notes to the Appropriation Account

### Note 1 Operating Cost Statement 2021

		2021	2020
	€000	€000	€000
Pay		9,326	7,844
Non pay		5,431	4,374
<b>Gross expenditure</b>		<b>14,757</b>	<b>12,218</b>
<i>Deduct</i>			
<b>Appropriations-in-aid</b>		<b>(189)</b>	<b>(155)</b>
<b>Net expenditure</b>		<b>14,568</b>	<b>12,063</b>
<b>Changes in capital assets</b>			
Purchases cash	(151)		
Depreciation	35	(116)	(115)
<b>Changes in net current assets</b>			
Increase in closing accruals	111		
Increase in closing prepayments	(3)		
Increase in closing stocks	(2)	106	(121)
<b>Direct expenditure</b>		<b>14,558</b>	<b>11,827</b>
<b>Expenditure borne elsewhere</b>			
Net allied services expenditure (note 1.1)		151	125
<b>Net programme cost</b>		<b>14,709</b>	<b>11,952</b>

#### 1.1 Net allied services expenditure

The net allied services expenditure amount is made up of the following amounts in relation to Vote 44 borne elsewhere.

		2021	2020
		€000	€000
Vote 13	Office of Public Works	78	76
Vote 18	National Shared Services Office	17	—
Vote 24	Justice	56	49
		<b>151</b>	<b>125</b>

## Note 2 Statement of Financial Position as at 31 December 2021

	Note	2021 €000	2020 €000
<b>Capital assets</b>	2.1	889	773
<b>Current assets</b>			
Bank and cash	2.2	173	222
Stocks		9	7
Prepayments	2.3	190	187
Other debit balances		142	—
Net Exchequer funding	2.5	162	33
<b>Total current assets</b>		<b>676</b>	<b>449</b>
<b>Less current liabilities</b>			
Accrued expenses		184	73
Other credit balances	2.4	477	255
<b>Total current liabilities</b>		<b>661</b>	<b>328</b>
<b>Net current assets</b>		<b>15</b>	<b>121</b>
<b>Net assets</b>		<b>904</b>	<b>894</b>
<b>Represented by:</b>			
<b>State funding account</b>	2.6	<b>904</b>	<b>894</b>

**2.1 Capital assets**

	<b>Furniture and fittings €000</b>	<b>IT and office equipment €000</b>	<b>Capital assets under development €000</b>	<b>Total €000</b>
<b>Gross assets</b>				
Cost or valuation at 1 January 2021	2	187	668	857
Additions	—	—	151	151
Disposals	—	(2)	—	(2)
Cost or valuation at 31 December 2021	2	185	819	1,006
<b>Accumulated depreciation</b>				
Opening balance at 1 January 2021	2	82	—	84
Depreciation for the year	—	35	—	35
Depreciation on disposals	—	(2)	—	(2)
Cumulative depreciation at 31 December 2021	2	115	—	117
<b>Net assets at 31 December 2021</b>	<b>—</b>	<b>70</b>	<b>819</b>	<b>889</b>
Net assets at 31 December 2020	—	105	668	773

**2.2 Bank and cash**

at 31 December	<b>2021 €000</b>	<b>2020 €000</b>
PMG balances and cash	173	222
Commercial bank account balance	—	—
	<b>173</b>	<b>222</b>

In addition to the PMG account, the Commission holds five other commercial bank accounts, all of which had a nil balance at 31 December 2021.

**2.3 Prepayments**

at 31 December	<b>2021 €000</b>	<b>2020 €000</b>
Office premises expenses	178	176
Communications	8	4
Other	4	7
	<b>190</b>	<b>187</b>

**2.4 Other credit balances**

at 31 December	<b>2021</b>	<b>2020</b>
	<b>€000</b>	<b>€000</b>
<b>Amounts due to the State</b>		
Income tax	250	—
Value added tax on foreign invoices	6	2
Professional services withholding tax	114	162
	<u>370</u>	<u>164</u>
Other credit suspense items	107	91
	<u><b>477</b></u>	<u><b>255</b></u>

**2.5 Net Exchequer funding**

at 31 December	<b>2021</b>	<b>2020</b>
	<b>€000</b>	<b>€000</b>
Surplus to be surrendered	4,330	4,623
Exchequer grant undrawn	<u>(4,492)</u>	<u>(4,656)</u>
<b>Net Exchequer funding</b>	<u><b>(162)</b></u>	<u><b>(33)</b></u>
<b>Represented by:</b>		
Bank and cash	173	222
Debit balances: suspense	<u>142</u>	<u>—</u>
	315	222
<b>Creditors</b>		
Due to the State	(120)	(164)
Credit balances: suspense	<u>(357)</u>	<u>(91)</u>
	(477)	(255)
	<u><b>(162)</b></u>	<u><b>(33)</b></u>

**2.6 State funding account**

	<b>Note</b>	<b>2021</b>	<b>2020</b>
		<b>€000</b>	<b>€000</b>
Balance at 1 January		894	—
Disbursements from the Vote			
Estimate provision		18,898	
Surplus to be surrendered		(4,330)	
Net vote		14,568	12,063
Expenditure (cash) borne elsewhere	1.1	151	125
Transfer in of assets		—	658
Net programme cost	1	(14,709)	(11,952)
		<b>904</b>	<b>894</b>

**2.7 Commitments**

<b>Global commitments</b>	<b>2021</b>	<b>2020</b>
at 31 December	<b>€000</b>	<b>€000</b>
Procurement of goods and services	514	593
Capital project	216	199
<b>Total of legally enforceable commitments</b>	<b>730</b>	<b>792</b>

**2.8 Contingent liabilities**

The Data Protection Commission is involved in a number of pending legal proceedings which may generate liabilities, depending on the outcome of the litigation. The actual amount or timing of potential liabilities is uncertain.

### Note 3 Vote Expenditure

#### Analysis of administration expenditure

All of the allocation for Vote 44 Data Protection Commission is classified as administrative expenditure applied towards a single programme: provision of data protection regulation.

		2021		2020
		Estimate provision	Outturn	Outturn
		€000	€000	€000
i	Salaries, wages and allowances	12,764	9,326	7,844
ii	Travel and subsistence	110	2	19
iii	Training and development and incidental expenses and legal expenses	2,447	3,399	2,582
iv	Postal and telecommunications services	45	35	29
v	Office equipment and external IT services	1,612	830	858
vi	Office premises expenses	1,700	826	844
vii	Consultancy services and value for money and policy reviews	440	339	42
viii	Research	10	—	—
		<b>19,128</b>	<b>14,757</b>	<b>12,218</b>

#### Significant variations

The following outlines an analysis of the administration expenditure of the Vote and outlines the reasons for significant variations (+/- 25% and €100,000).

##### i Salaries, wages and allowances

*Estimate provision €12.764 million; outturn €9.326 million*

The shortfall in expenditure of €3.438 million relative to the estimate provision was driven by slower than anticipated recruitment with several recruitment campaigns pushed into 2022. It is also due to the requirement for estimates purposes to profile staff salaries on an annualised and mid-point of the scale basis, and staff attrition.

##### ii Travel and subsistence

*Estimate provision €110,000; outturn €2,000*

The shortfall in expenditure of €108,000 is driven by lower than anticipated staff travel in 2021 as a result of the Covid-19 pandemic.

**iii Training and development and incidental expenses and legal expenses**

*Estimate provision €2.447 million; outturn €3.399 million*

The excess in expenditure of €952,000 was driven primarily by higher than anticipated legal costs offset by a lower expenditure on staff training and development and other incidental expenses.

Overall the DPC's legal costs of approximately €3.2 million exceeded the allocated budget for legal costs by €1.2 million. Significant factors which contributed to this overspend involved an increase in litigation from the previous year, significant costs incurred in several complex and critical sets of legal proceedings and an increased requirement for external legal services particularly in relation to contentious issues arising in cross-border inquiries.

**v Office equipment and external IT services**

*Estimate provision €1.612 million; outturn €830,000*

The shortfall in expenditure of €782,000 relative to the estimate provision was primarily driven by a decision not to proceed with a large data migration project. The shortfall in expenditure is also driven by less than anticipated ICT charges due to lower than forecast staff headcount and a number of business applications due to be implemented in 2021 carrying over to 2022.

**vi Office premises expenses**

*Estimate provision €1.7 million; outturn €826,000*

The shortfall in expenditure of €874,000 relative to the estimate provision was primarily driven by lower than anticipated operational costs due to remote working and delay in procuring new additional office space and commencement of its fit-out works once procured.

**vii Consultancy services and value for money and policy reviews**

*Estimate provision €440,000; outturn €339,000*

The shortfall in expenditure of €101,000 relative to the estimate provision was primarily driven by less than anticipated requirement for consultancy services.

## Note 4 Receipts

### 4.1 Appropriations-in-aid

		2021		2020
		Estimated	Realised	Realised
		€000	€000	€000
1	Miscellaneous	10	—	—
2	Receipts from additional superannuation contributions on public service remuneration	220	189	155
<b>Total</b>		<b>230</b>	<b>189</b>	<b>155</b>

### 4.2 Extra receipts payable to the Exchequer

	2021	2020
	€000	€000
Balance at 1 January	—	—
Administrative fines receipts	800	75
Transferred to the Exchequer	(800)	(75)
<b>Balance at 31 December</b>	<b>—</b>	<b>—</b>

### 4.3 Fines

The DPC's statutory remit allows for the imposition of administrative fines. No fine imposed by the DPC is collectible until confirmed by Court order (whether on appeal or by confirmation application).

	2021	2020
	€000	€000
Opening balance	710	—
Fines imposed in the year	225,261	785
Fines collected (see note 4.2)	(800)	(75)
Fines adjusted/written off	—	—
<b>Closing balance</b>	<b>225,171</b>	<b>710</b>

There were five fines imposed by the DPC in 2021 with a total value of €225,261,500. One of these fines, with a value of €225,000,000, is currently subject to appeal and confirmation by the Court. Of the above five fines, one was collected in full in 2021 with a value of €90,000. In addition to this fine, six other fines were collected in 2021 with a total value of €710,000, as a result of fines imposed by the DPC in 2020.



## Note 5 Staffing and Remuneration

### 5.1 Employee numbers

Full time equivalents	2021	2020
Number of staff at year end	<u>190</u>	<u>145</u>

### 5.2 Pay

	2021 €000	2020 €000
Pay	8,459	7,120
Higher, special or additional duties allowances	16	15
Other allowances	—	—
Overtime	—	—
Employer's PRSI	851	709
<b>Total pay</b>	<u><b>9,326</b></u>	<u><b>7,844</b></u>

### 5.3 Allowances and overtime payments

	Number of recipients	Recipients of €10,000 or more	Highest individual payment	
			2021 €	2020 €
Higher, special or additional duties allowances	2	—	7,564	6,186
Overtime	1	—	217	217
Other allowances	—	—	—	—
Extra remuneration in more than one category	—	—	—	—

### 5.4 Payroll overpayments

at 31 December	Number of recipients	2021 €	2020 €
Overpayments with recovery plans in place	4	24,959	32,733
Overpayments with no recovery plans in place	6	15,090	3,738
	<u><b>10</b></u>	<u><b>40,049</b></u>	<u><b>36,471</b></u>

### **5.5 Salary of Accounting Officer**

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As at 31 December 2021, the Accounting Officer's salary is at the grade of Assistant Secretary, with an annual gross salary of €164,549 (as at 31 December 2020, €162,920).

## Note 6 Miscellaneous

### 6.1 Compensation and legal costs

#### Payments/costs paid by the Office in the year

	Claims by members of the public	Total 2021	Total 2020
Number of cases	44	44	34
	€000	€000	€000
Office's own legal costs	1,218	1,218	626
Payments by/on behalf of the Office			
Compensation	—	—	—
Legal costs	—	—	85
Other costs	—	—	—
<b>2021 Total</b>	<b>1,218</b>	<b>1,218</b>	<b>711</b>
2020 Total	711	711	

Notes <sup>a</sup> As at 31 December 2021, there were no claims outstanding.

<sup>b</sup> As at 31 December 2021, there are no amounts due to the State Claims Agency.

## 6.2 Legal fees

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Total legal costs of €1.218 million includes costs of €1.139 million which were incurred in respect of 44 sets of proceedings against the DPC (to include judicial reviews, plenary proceedings and statutory appeals which were taken against the DPC).

In addition, the total figure of €1.218 million also includes the DPC's legal costs in respect of a further 14 sets of proceedings which were commenced by the DPC itself. These consisted of seven marketing prosecutions taken by the DPC before the District Court under SI 336/2011\* and seven confirmation applications made by the DPC before the Circuit Court under Section 143 of the Data Protection Act 2018 to confirm administrative fines which were imposed on organisations by the DPC during 2020 and 2021. The legal costs in respect of all 14 sets of proceedings totalled €81,902. However, three of these marketing prosecutions resulted in the prosecution costs being awarded to the DPC, which totalled €3,095. This reduced the overall legal costs associated with the proceedings taken by the DPC in 2021 to €78,807.

In the case of DPC v. Facebook Ireland and Maximillian Schrems, the DPC was directed by the High Court to pay Mr Schrems' costs, with those costs to be adjudicated (by the Office of the Legal Costs Adjudicators of the High Court) in default of agreement. Proceedings to determine the amount of the costs payable by the DPC remain pending before the Office of the Legal Costs Adjudicators. In parallel, negotiations remain ongoing between the parties' respective legal costs accountants. Those negotiations are being conducted on a 'without prejudice' basis. The DPC made an interim payment of €450,000 to Mr Schrems' legal representative in 2020, with the remainder of the costs payable by the DPC expected to be paid in 2022.

*\*SI 336/2011 — European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 [known as the E-Privacy Regulations]*

## 6.3 EU funding

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The Data Protection Commission partnered with the Croatian Data Protection Authority and Vrije University (Brussels) on a project co-funded by the European Union under the Rights, Equality and Citizenship Programme. EU funding of €91,000 was received in 2020 in relation to this project. The DPC continued to contribute to the deliverables set out by the EU as part of its role within the ARC Awareness Raising Campaign aimed at SMEs.