

## **Appropriation Account 2022**

---

### **Vote 44**

### **Data Protection Commission**

---

## 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 2022 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 2022, including the amount that could be used as appropriations-in-aid of expenditure for the year.

A surplus of €6.306 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.

## 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, National Development Plan Delivery and Reform in circular 22 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 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 letters of assurance from the Accounting Officers for the National Shared Services Office and for 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 2022, 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 2022.

#### ***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 and Risk 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 six meetings for the period 1 January to 31 December 2022.

### ***Procurement***

I confirm that 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.

The Commission has provided details of one non-competitive contract in the annual return in respect of circular 40/2002 to the Comptroller and Auditor General and the Department of Public Expenditure, National Development Plan Delivery and Reform. There were no non-compliant contracts in excess of €25,000 ex VAT in 2022.

### ***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 the 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 2022 that require disclosure in the appropriation account.

***Covid-19 control issues***

Assessments of the impact of Covid-19 were carried out and the results are as follows:

Internal controls were not negatively impacted as a result of the pandemic. I confirm that on-going monitoring of internal controls was maintained in 2022 and 2021 by myself and the senior management team.

**Helen Dixon**

Accounting Officer

Data Protection Commission

28 March 2023

## **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 2022 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 2022, and
- has been prepared in the form prescribed by the Minister for Public Expenditure, National Development Plan Delivery 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

30 June 2023

## 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, National Development Plan Delivery and Reform's *Public Financial Procedures*, and with other directions of the Minister for Public Expenditure, National Development Plan Delivery 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 appropriation account is 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 appropriation account 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, National Development Plan Delivery 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 audit reports 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 2022

		2022	2021
	Estimate provision	Outturn	Outturn
	€000	€000	€000
<b>Programme expenditure</b>			
A Provision of Data Protection Regulation	23,234	16,876	14,757
<b>Gross expenditure</b>	<b>23,234</b>	<b>16,876</b>	<b>14,757</b>
<i>Deduct</i>			
B Appropriations-in-aid	285	233	189
<b>Net expenditure</b>	<b>22,949</b>	<b>16,643</b>	<b>14,568</b>

#### Surplus

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

	2022	2021
	€	€
<b>Surplus to be surrendered</b>	<b>6,306,004</b>	<b>4,329,514</b>

**Helen Dixon**  
Accounting Officer  
Data Protection Commission

28 March 2023



## Notes to the Appropriation Account

### Note 1 Operating Cost Statement 2022

	2022	2021
	€000	€000
Pay	10,906	9,326
Non pay	5,970	5,431
<b>Gross expenditure</b>	<b>16,876</b>	<b>14,757</b>
<i>Deduct</i>		
<b>Appropriations-in-aid</b>	<b>(233)</b>	<b>(189)</b>
<b>Net expenditure</b>	<b>16,643</b>	<b>14,568</b>
<b>Changes in capital assets</b>		
Purchases cash	(226)	
Depreciation	52	
	(174)	(116)
<b>Changes in net current assets</b>		
Increase in closing accruals	282	
Increase in closing prepayments	(13)	
Decrease in closing inventories	9	
	278	106
<b>Direct expenditure</b>	<b>16,747</b>	<b>14,558</b>
<b>Expenditure borne elsewhere</b>		
Net allied services expenditure (note 1.1)	161	151
<b>Net programme cost</b>	<b>16,908</b>	<b>14,709</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.

	2022	2021
	€000	€000
Vote 13 Office of Public Works	83	78
Vote 18 National Shared Services Office	20	17
Vote 24 Justice	58	56
	<b>161</b>	<b>151</b>

## Note 2 Statement of Financial Position as at 31 December 2022

	Note	2022 €000	2021 €000
<b>Capital assets</b>	2.1	1,063	889
<b>Current assets</b>			
Bank and cash	2.2	587	173
Inventories <sup>a</sup>		—	9
Prepayments	2.3	203	190
Net Exchequer funding	2.6	—	162
Other debit balances		4	142
<b>Total current assets</b>		<b>794</b>	<b>676</b>
<b>Less current liabilities</b>			
Accrued expenses	2.4	466	184
Other credit balances	2.5	591	477
<b>Total current liabilities</b>		<b>1,057</b>	<b>661</b>
<b>Net current assets/(liabilities)</b>		<b>(263)</b>	<b>15</b>
<b>Net assets</b>		<b>800</b>	<b>904</b>
<b>Represented by:</b>			
<b>State funding account</b>	2.7	<b>800</b>	<b>904</b>

Note <sup>a</sup> Commencing in 2022, high-volume, low-value items are fully expensed in the year, and are no longer classified as stock items.

**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 2022 <sup>a</sup>	2	185	819	1,006
Additions	—	—	226	226
Brought into use	—	1,045	(1,045)	—
Cost or valuation at 31 December 2022	2	1,230	—	1,232
<b>Accumulated depreciation</b>				
Opening balance at 1 January 2022	2	115	—	117
Depreciation for the year	—	52	—	52
Cumulative depreciation at 31 December 2022	2	167	—	169
<b>Net assets at 31 December 2022</b>	<b>—</b>	<b>1,063</b>	<b>—</b>	<b>1,063</b>
Net assets at 31 December 2021	—	70	819	889

Note <sup>a</sup> Included in the opening balance are a number of assets which had a cost of under €10,000.

**2.2 Bank and cash**

at 31 December	<b>2022 €000</b>	<b>2021 €000</b>
PMG balances and cash	466	173
Commercial bank accounts	121	—
	<b>587</b>	<b>173</b>

Note In addition to the Danske Bank PMG account, the Commission holds four other commercial bank accounts, two of which had a nil balance at 31 December 2022.

### 2.3 Prepayments

at 31 December	<b>2022</b>	<b>2021</b>
	<b>€000</b>	<b>€000</b>
Office premises expenses	174	178
Communications	14	8
Other	15	4
	<b>203</b>	<b>190</b>

### 2.4 Accrued expenses

at 31 December	<b>2022</b>	<b>2021</b>
	<b>€000</b>	<b>€000</b>
IT services and support	348	88
Administration expenses	18	58
Legal costs	100	38
	<b>466</b>	<b>184</b>

### 2.5 Other credit balances

at 31 December	<b>2022</b>	<b>2021</b>
	<b>€000</b>	<b>€000</b>
<b>Amounts due to the State</b>		
Income tax	278	250
Value added tax on foreign invoices	14	6
Professional services withholding tax	100	114
	<b>392</b>	<b>370</b>
Other credit suspense items	199	107
	<b>591</b>	<b>477</b>

## 2.6 Net Exchequer funding

at 31 December	2022 €000	2021 €000
Surplus to be surrendered	6,306	4,330
Exchequer grant undrawn	(6,306)	(4,492)
<b>Net Exchequer funding</b>	<b>—</b>	<b>(162)</b>
<b>Represented by:</b>		
Bank and cash	587	173
Debit balances: suspense	4	142
	591	315
<b>Creditors</b>		
Due to the State	(392)	(120)
Credit balances: suspense	(199)	(357)
	(591)	(477)
	<b>—</b>	<b>(162)</b>

## 2.7 State funding account

	Note	2022 €000	2021 €000
Balance at 1 January		904	894
Disbursements from the Vote			
Estimate provision		22,949	
Surplus to be surrendered		(6,306)	
Net vote		16,643	14,568
Expenditure (cash) borne elsewhere	1.1	161	151
Net programme cost	1	(16,908)	(14,709)
		<b>800</b>	<b>904</b>

## 2.8 Commitments

<b>Global commitments</b>	<b>2022</b>	<b>2021</b>
at 31 December	<b>€000</b>	<b>€000</b>
Procurement of goods and services	563	514
Capital project	—	216
<b>Total of legally enforceable commitments</b>	<b>563</b>	<b>730</b>

## 2.9 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.

		2022		2021
		Estimate provision	Outturn	Outturn
		€000	€000	€000
i	Salaries, wages and allowances	15,970	10,906	9,326
ii	Travel and subsistence	110	34	2
iii	Training and development and incidental expenses and legal expenses	2,947	3,873	3,399
iv	Postal and telecommunications services	45	48	35
v	Office equipment and external IT services	1,762	823	830
vi	Office premises expenses	1,850	984	826
vii	Consultancy services and value for money and policy reviews	540	208	339
viii	Research	10	—	—
		<b>23,234</b>	<b>16,876</b>	<b>14,757</b>

#### Significant variations

The following outlines the reasons for significant variations (+/- 25% and €100,000).

##### i Salaries, wages and allowances

*Estimate provision €15.97 million; outturn €10.906 million*

The shortfall in expenditure of €5.064 million relative to the estimate provision is largely explained by ongoing challenges in relation to low candidate yield from the specialist competitions run in 2022 and a slow rate of assignment from generalist Public Appointment Service (PAS) panels and timeframes in which competitions are being advertised. Engagement with PAS reveals similar challenges in relation to candidate numbers for large volume competitions, and continued high demand from client organisations with several recruitment campaigns pushed into 2023. In addition the requirement to profile staff salaries on an annualised and mid-point of the scale basis contributes to the shortfall.

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

*Estimate provision €2.947 million; outturn €3.873 million*

The excess in expenditure of €926,000 relative to the estimate provision was driven primarily by higher than anticipated legal costs. Overall, the DPC's legal costs of approximately €3.5 million exceeded the allocated budget for legal costs by just over €900,000. Other significant factors which contributed to this overspend included 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, and the increasing number of applications and appeals that are being brought for the first time pursuant to the 2018 Act.

**v Office equipment and external IT services**

*Estimate provision €1.762 million; outturn €823,000*

The shortfall in expenditure of €939,000 relative to the estimate provision was primarily driven by the following factors: a planned data governance project and the DPC office move not taking place in 2022; the postponement of an increase in routine charges from the Department of Justice until January 2023; and slower than expected progress on the strategic ICT platform, which has resulted in many of the initiatives being rescheduled to 2023.

**vi Office premises expenses**

*Estimate provision €1.85 million; outturn €984,000*

The shortfall in expenditure of €866,000 relative to the estimate provision was primarily driven by lower than anticipated operational costs due to remote working and a 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 €540,000; outturn €208,000*

The shortfall in expenditure of €332,000 relative to the estimate provision was primarily driven by less than anticipated requirement for consultancy services.



## Note 4 Receipts

### 4.1 Appropriations-in-aid

		2022		2021
		Estimated	Realised	Realised
		€000	€000	€000
1	Miscellaneous	10	—	—
2	Receipts from additional superannuation contributions on public service remuneration	275	233	189
<b>Total</b>		<b>285</b>	<b>233</b>	<b>189</b>

### 4.2 Extra receipts payable to the Exchequer

	2022	2021
	€000	€000
Balance at 1 January	—	—
Administrative fines receipts	17,640	800
Transferred to the Exchequer	(17,530)	(800)
<b>Balance at 31 December</b>	<b>110</b>	<b>—</b>

Note €17,530,000 was transferred to the Exchequer in 2022. The balance of €110,000 relates to a fine which was collected in December 2022 and transferred to the Exchequer in February 2023.

### 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).

	<b>2022</b>	<b>2021</b>
	<b>€000</b>	<b>€000</b>
Opening balance	225,171	710
Fines imposed in the year	1,077,583	225,261
Fines collected (see note 4.2)	(17,640)	(800)
Fines adjusted/written off	—	—
Closing balance	<b>1,285,114</b>	<b>225,171</b>

There were nine fines imposed by the DPC in 2022 with a total value of €1,077,583,000. Four of these fines, with a value of €1,060,000,000 are currently subject to appeal and confirmation by the Court.

Six fines were collected in 2022 with a value of €17,640,000 (three of these fines were as a result of fines imposed in 2022, three were as a result of fines imposed in 2021).

## Note 5 Staffing and Remuneration

### 5.1 Employee numbers

Full time equivalents	2022	2021
Number of staff at year end	<u>196</u>	<u>190</u>

### 5.2 Pay

	2022	2021
	€000	€000
Pay	9,849	8,459
Higher, special or additional duties allowances	50	16
Other allowances	—	—
Overtime	—	—
Employer's PRSI	1,007	851
<b>Total pay</b>	<b><u>10,906</u></b>	<b><u>9,326</u></b>

### 5.3 Allowances and overtime payments

	Number of recipients	Recipients of €10,000 or more	Highest individual payment	
			2022	2021
			€	€
Higher, special or additional duties allowances	4	2	13,539	7,564
Overtime	—	—	—	217
Other allowances	—	—	—	—
Extra remuneration in more than one category	—	—	—	—

### 5.4 Payroll overpayments

at 31 December	Number of recipients	2022	2021
		€	€
Overpayments with recovery plans in place	7	21,271	24,959
Overpayments with no recovery plans in place	—	—	15,090
	<b><u>7</u></b>	<b><u>21,271</u></b>	<b><u>40,049</u></b>

### 5.5 Commission staffing by pay band

The number of Commission employees whose total employee benefits (including basic pay, allowances, overtime; excluding employer PRSI, employer pension costs) for the financial year fell between €20,000 and €59,999 and within each band of €10,000 from €60,000 upwards are as follows.

Pay bands (€)		Number of employees	
From	To	2022	2021
20,000	59,999	148	147
60,000	69,999	5	9
70,000	79,999	20	25
80,000	89,999	12	6
90,000	99,999	5	3
100,000	109,999	4	3
110,000	119,999	1	1
120,000	129,999	—	—
130,000	139,999	—	—
140,000	149,999	—	—
150,000	159,999	—	—
160,000	169,999	—	1
170,000	179,999	1	—

### 5.6 Remuneration and benefits of Accounting Officer

The Accounting Officer's remuneration and taxable benefits for the financial year was as follows:

	2022	2021
	€000	€000
Basic pay	<u>170</u>	<u>165</u>

The value of retirement benefits earned in the period is not included above. The Accounting Officer is a member of the post 1995 superannuation scheme for established civil servants and her pension entitlements do not extend beyond the terms of that scheme.

## Note 6 Miscellaneous

### 6.1 Compensation and legal costs

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

	Total 2022 <sup>a</sup>	Total 2021 <sup>a</sup>
Number of cases	44	44
	€000	€000
Commission's own legal costs	967	1,218
Payments by/on behalf of the Office		
Compensation	—	—
Legal costs	—	—
Other costs	—	—
<b>Total</b>	<b>967</b>	<b>1,218</b>

Note <sup>a</sup> Claims by members of the public.

#### Cumulative costs of cases completed in 2022

	Total 2022 <sup>a</sup>
Number of cases	16
Commission's own legal costs	1,307
Payments by/on behalf of the Office	
Compensation	—
Legal costs	—
Other costs	—
<b>Total</b>	<b>1,307</b>

Note <sup>a</sup> Claims by members of the public.

## 6.2 Legal fees

---

Total legal costs of €2.064 million are included in subhead A.2 (iii) which includes costs of €966,828 incurred in respect of 44 sets of proceedings against the DPC as set out in note 6.1 above (to include judicial reviews, plenary proceedings and statutory appeals which were taken against the DPC).

In addition, the €2.064 million includes €1.098 million of the DPC's legal costs in respect of a further nine sets of proceedings which were commenced by the DPC itself. These consisted of two marketing prosecutions taken by the DPC before the District Court under SI 336/2011\* and six 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. However, one of these marketing prosecutions resulted in the prosecution costs being awarded to the DPC, which totalled €1,031. This reduced the overall legal costs associated with the proceedings taken by the DPC in 2022 to €1.097 million.

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. In 2020, the DPC made an interim payment of €450,000 to Mr Schrems' legal representative with the remainder of these costs due to be paid in 2022. In July 2022, €914,721 was paid to Mr Schrems' legal representative. These costs are included in the €1.098 million above. This payment represented the balance of the costs order, further to an agreement negotiated between the parties' respective legal costs accountants. The amount of the total payment reflected a very significant reduction of the amounts originally sought on behalf of Mr. Schrems and was recommended to the DPC by its external legal advisors.

*\*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

---

The Data Protection Commission partnered with the Croatian Data Protection Authority (AZOP) 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. There was no further EU funding received in 2021 or 2022. Project expenditure of €27,445 was incurred in 2022.

In 2022, the DPC successfully completed the deliverables set out by the EU as part of its role within the ARC Awareness Raising Campaign (aimed at SMEs, in conjunction with AZOP, and Vrije University). The ARC Project has now been evaluated by the European Commission and the findings state that the project was “assessed as very good and no shortcomings were identified. The content of the deliverables is satisfactory and of high quality, despite the circumstances caused by the pandemic. The project can have long-term impact on the project groups and society, as well as on EU Legislation and/or policies and can serve as a pool of knowledge for other Data Protection Authorities as well.”

The DPC delivered its project outputs under budget, and has been in contact with the EU Commission to request instructions for returning the balance of unused money to the central grant allocation.