

# WHY QUALITY IS FUNDAMENTAL FOR YOUR RIGHTS

As one organisation works to protect your fundamental rights, a quality team strives to continuously improve its work processes. **Alicia Dimas** talks to the European Union Agency for Fundamental Rights' quality team about how quality is helping the organisation achieve its goals and their involvement in the agency's data protection



## What are your fundamental rights and how would your life be without them?

According to the European Union (EU), fundamental rights are a set of minimum standards to ensure that a person is treated with dignity. Whether this is the right to be free from discrimination on the basis of your age, disability or ethnic background, the right to the protection of your personal data, or the right to get access to justice, these rights should all be respected, promoted and protected.

If nobody thought about such rights and how to protect them, how different would our lives be? Unfortunately, some people do know the answer to this question. Many European citizens have experienced what it is like to be discriminated in the workplace, for example. The European Network Against Racism (ENAR) says that ethnic minorities face significant discrimination in the workplace

across Europe, with access to jobs being identified as one of the steepest hurdles, and job insecurity and wage disparities a constant across the continent. These conclusions are based on data gathered in Europe from 2013 to 2017, published in a report released last year.

With a view to guaranteeing that citizens of the EU have their fundamental rights safeguarded and respected, the EU Member States drew together a Charter of Fundamental Rights of the European Union and established the European Union Agency for Fundamental Rights in 2007.

### The European Union Agency for Fundamental Rights

Luca Burrello and Cristian Popescu form the quality team at the European Union Agency for Fundamental Rights. They tell *Quality World* that quality is an essential feature of the Agency for Fundamental Rights, from developing research reports, to the establishment of contacts with ►





the agency's stakeholders. The strategic objectives defined within the multiannual programme are cascaded in operational objectives, which are followed when defining the internal projects. Through the internal quality management system, the necessary workflows and controls are established for ensuring the achievement of these objectives.

Burello explains the importance of implementing a quality culture in the agency: "The implementation of a quality management system came as a way to reinforce the internal control system, and to provide the necessary elements for building a culture of quality. The focus of the quality team has been on the development and optimisation of the internal workflows, which have to comply with the European Commission regulatory framework and the requirements of ISO 9001."

However, building a quality culture in an organisation such as the European Union Agency for Fundamental Rights doesn't come without its challenges. Burello says the agency's quality team had to raise awareness of the importance of standardisation and compliance with the regulatory framework for the organisation. "In a research context this may be perceived as a rigid structure. This is mitigated with appropriate communication and continuous exchanges between the quality team and the process owners.

"Therefore, by offering the possibility to express openly the staff's concerns in relation to the implementation of the activities, the quality team has managed to instate a common understanding on the need to improve the internal processes," Burello says.

Quality is an essential feature of the Agency for Fundamental Rights, from developing research reports, to the establishment of contacts with the agency's stakeholders

Cristian Popescu (left) and Luca Burello (right) form the Quality Team at the European Union Agency for Fundamental Rights

#### PDCA is fundamental

Through the existence of a quality management system that follows the plan, do, check, act (PDCA) method, the quality team ensures that evaluation and improvement are embedded in the agency's workstyle. Compliance checks are a key element for reinforcing an internal culture of improvement in the organisation.

"The attitude that characterises the organisation is to deliver excellent results, which can be used in shaping a culture of fundamental rights," says Popescu. To achieve

this, he says, internal processes have been designed in a way to ensure the embedment of controls necessary for delivering complete, accurate and comprehensive information that can be used further when defining policies or developing internal projects.

He adds: "Furthermore, the quality culture finds its best expression in the process of building the partnerships with its stakeholders. The development of various networks, like the Fundamental Rights Platform, a place dedicated to the agency's cooperation with the civil society, and the involvement in various groups of discussion, promotes the need to listen to the outside world and to transfer these inputs into the development of agency's activities. The value of continuous improvement is constantly pursued in all the dimensions of the agency's work."

At a project level, the evaluation focuses on measurement at the level of short-term impact, long-term impact and aspirational impact of that project in the organisation. A project can be evaluated ex-ante, interim or ex-post by the planning team. The ex-ante evaluation is a forward-looking assessment of a project's objectives, activities and allocation of resources, happening before the project starts. The

interim evaluations are conducted while a project is ongoing and aimed at improving the relevance of the intervention. After the project's closure, an ex-post evaluation is conducted, assessing the extent to which the impacts of a project have been achieved as intended.

The organisation also recognises the value of a qualified and quality aware workforce, investing in its training and skills' improvement. Popescu says: "The agency's qualified staff is one of the pillars on which the agency has managed to build up its quality management system." Additionally, the agency undergoes an external evaluation every five years. This evaluation takes into account the agency's tasks, working practices and its impact on the protection and promotion of fundamental rights. It also assesses the possible need to modify the agency's tasks, scope, areas of activity or structure, and includes an ►





analysis of the synergy effects, taking into account the views of the stakeholders.

**Good governance**

The European Union Agency for Fundamental Rights is governed by a management board, which is responsible for defining the agency's priorities, the establishment of a budget and for monitoring the agency's operation.

The internal control structure is based on an assurance model clustered in three lines of defence. The first line of defence for providing assurance is defined by the quality management controls, processes and procedures and by implementing the necessary tools for ensuring the operational management. The second one is represented by the existence of the internal control framework (eg, ex-post controls), the compliance exercise conducted by the quality team, and the development of a risk management process. The Internal Audit Service of the European Commission completes the assurance model with its independent role.

Burello explains that: "Through the implementation of a stakeholder's needs assessment process, the agency manages to collect the stakeholders' expectations and views well in advance. These needs are further translated into the operation's policies, processes and plans. The *Single Programming Document* is the document that reflects how the agency will implement its activities, taking into account the stakeholders' needs and expectations. The agency's accountability finds its expression in the issuance of an *Annual Activity Report* to its Management Board, and to the Budgetary Authority of the European Parliament." He highlights that the quality team plays an important role by providing its expertise in developing an annual risk assessment exercise across the agency for the early prevention of potential risks, which may affect the organisation's objectives achievement.

**Controlling the supply chain**

The agency's supply chain is also subject to rigorous quality control. Within the procurement process, the quality team plays an important role in defining the requirements for assuring the quality of the organisation's suppliers. This has resulted in a standardised measure, requiring the potential contractors to provide assurance on their capability to employ the necessary tools and methods, such as a quality assurance plan, for delivering services or products compliant with the agency's requirements. "The 'four eyes principle' is the

**The value of continuous improvement is constantly pursued in all the dimensions of the agency's work**



minimum control implemented within the financial circuits. Other processes require different interventions. The results of the fieldwork within the research projects, which we call generically 'background research material', undergoes an evaluation process run by the internal staff members. Nevertheless, the verification of the data inputted in the reports is made using a sample, and as a matter of transparency, the background

research material is published in the public domain as well," Burello says.

He adds that to avoid an adverse culture towards audits inside the organisation, the quality team has developed a compliance exercise, focusing on analysing the effectiveness and efficiency of the internal processes, that takes place twice a year and focuses on different processes each time.

**Risk management**

Another area where quality plays a crucial role is risk mitigation. Since 2011, the agency management has implemented an annual risk assessment exercise, which assures awareness and appropriate mitigation of potential risks that may jeopardise the achievement of organisational objectives and have a financial or reputational impact.

"An important part when reporting on risks is to make the distinction between internal and external risks. This is done in order to ensure a good understanding of both the internal and external contexts of the organisation."

Burello says the quality team has a leading role in the preparation of the risk register, including assessment of risks, identification of the preventive actions and regular follow-up on their implementation. The identification of risks is done after conducting a dialogue with the heads of each unit. The director and the heads of unit are involved in the follow-up of the mitigation actions on a quarterly basis. The quality team also prepares a biannual report on the status of corrective and preventive actions. This risk-based approach has been followed when defining the

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internal processes and also during the ex-ante evaluation of research projects (done before the project starts). The identification and assessment of project risks is a part of the project pre-evaluation report.

**Data protection**

In the fight against fundamental rights' violations, the EU has taken important steps to safeguard its citizens' right to control their data. One of the most recent examples is the General Data Protection Regulation (GDPR), that came into effect in May 2018 and is considered the most important

change in data privacy regulation in 20 years. This EU law aims primarily to give control to individuals over their personal data, safeguarding their fundamental right to protect information about themselves.

With the entry into force of the Treaty of Lisbon in December 2009, the Charter of Fundamental Rights of the EU became legally binding, and with it the right to the protection of personal data was elevated to the status of a separate fundamental right. The GDPR is a revised version of the Data Protection Directive issued in 1995. The shift from directive to regulation has given member states of the EU the possibility to apply its provisions more rigidly.

Popescu talks about the importance of GDPR and its limits in assuring European citizens' fundamental rights. It has to be understood that the right to data protection is not an absolute right and must be considered in relation to its function in society, he says. "What does it mean in practice? For example, the protection of personal data and freedom of expression should always be reconciled. There are numerous case laws where actually the balance between the two rights had to be found. [For those interested in exploring more about the regulation's details, he points to the agency's handbook on European data protection law, which is available here: [bit.ly/2ITH8Sw](http://bit.ly/2ITH8Sw).]

"The GDPR places the European citizen into a safer place, where the right holder feels comfortable that its personal data are treated with respect to the rule of law, opening an umbrella against various threats and misuse. With the introduction of the GDPR, the member states can ensure a strict control over how personal data are controlled and stored."

To ensure the agency is GDPR-compliant, it appointed a data protection officer (DPO) and adopted the related implementing rules. The DPO developed a number of templates related to the inventory of processing operations, either linked to the horizontal activities of the agency (human resources, communication, finance, etc.) or project-based related processing operations (data collection through interviews or online surveys, etc.), as well as templates for the privacy notice and consent form to ensure proper identification and documentation of the processing operation. A number of



information sessions are taking place to ensure that all staff, as well as newcomers, are informed about the processing of personal data.

To ensure a smooth transition to the new data protection regulation applicable for European Union Institutions, which is aligned with the ePrivacy directive and GDPR provisions, the agency (through its DPO function) prepared an action plan that was presented and approved by its management. The action plan includes

activities related to raising awareness of new provisions, such as accountability of the controller and organised information sessions, as well as updating internal practices. For example, based on the new provisions, the templates for the processing of operations' records, privacy notices and consent forms were updated. Using these templates, the agency created the corresponding records and privacy notices. Furthermore, a data breach policy was drafted, Popescu explains.

The quality team role in the agency's data management is focused to the processes in which the team plays a leading role, he says. For example the management of exceptions (instances under exceptional circumstances of overriding of controls under or deviations from established processes and procedures that are documented in exception reports, justified, duly approved before action is taken and logged centrally), and also to the development and maintenance of the internal policies.

The agency manages multiple sets of data, its research projects being focused on the data collected on the field. The surveys run by the agency are conducted

mainly by contractors that are selected after a strict procurement process. The collected data is verified by following rigorous quality assurance requirements embedded within the terms of reference and an internal protocol for primary data collection.

From data collection to risk mitigation, quality plays a crucial role in the European Union Agency for Fundamental Rights, showing that quality is not only important for businesses, but vital to all organisations in many different sectors of life. In fact, quality and citizens' rights are seen to go hand in hand in the EU. ■

**Areas in which the European Union Agency for Fundamental Rights act:**

- ★ Access to justice
- ★ Asylum, migration and borders
- ★ Information society, privacy and data protection
- ★ Gender
- ★ Hate crime
- ★ LGBTI
- ★ People with disabilities
- ★ Racism and related intolerances
- ★ Rights of the child
- ★ Rights of Roma people