
Operational Training Needs Analysis

Fundamental Rights and Data Protection

EDUCATE, INNOVATE, MOTIVATE

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2022

Contents

Contents.....	3
List of abbreviations.....	4
Executive Summary.....	5
Background	12
Analysis	13
Consolidation of data and responses.....	13
Relevance of topics	14
Training dimensions	14
National or international training	18
Training dimensions for main topics.....	20
Data protection	20
Impact of digitalisation and use of new technologies	21
General introduction to human rights	21
Management training	22
Conclusions	24
Annex 1. EU-STNA Chapter on Fundamental rights and data protection.....	26
Fundamental rights and data protection.....	26
Annex 2. Proficiency levels	28
Annex 3. Urgency levels	29

List of abbreviations

CKC - CEPOL Knowledge Centre

CNU – CEPOL National Unit

CSDP – Common Security and Defence Policy

EMPACT – European Multidisciplinary Platform Against Criminal Threats

EQF – European Qualifications Framework

ERA – Academy of European Law

EU – European Union

EU-STNA – European Union Strategic Training Needs Assessment

FRA – European Union Agency for Fundamental Rights

INTERPOL – The International Criminal Police Organisation

JHA – Justice and Home Affairs

LE – Law enforcement

LED – Law Enforcement Directive

MB – Management Board

MS – Member State/s

OTNA – Operational Training Need Analysis

SIS – Schengen Information System

SPD – Single Programming Document

Executive Summary

As defined by Article 3 of Regulation 2015/2219¹, the European Union Agency for Law Enforcement Training (CEPOL) shall support, develop, implement and coordinate training for law enforcement (LE) officials. The **Operational Training Needs Analysis (OTNA) methodology** (as adopted by the Management Board (MB) decision 32/2017/MB (15/11/2017) and 09/2020/MB (29/05/2020)) establishes a structured training needs analysis procedure taking into account deliverables of the EU Strategic Training Needs Assessment (EU-STNA) process². Since piloting the methodology in 2018 by analysing training needs on the topics of Common Security and Defence Policy (CSDP) missions and Counterterrorism, CEPOL has produced a number of OTNAs on thematic security priority areas.

Fundamental rights and data protection were identified as a top core capability gap for law enforcement in the EU-STNA 2022-2025 report³, covering the European Multidisciplinary Platform Against Criminal Threats 2022-2025. With the aim to use the outcomes of the research for defining its training portfolio addressing these topics, in 2021 CEPOL launched the OTNA on fundamental rights and data protection. A short-term expert was contracted from the list of individual external experts to assist CEPOL in the OTNA process, in particular steps 3-6 (questionnaire, interviews and analysis of responses, overall analysis and drafting of the OTNA report).

In order to collect relevant data, CEPOL designed an online survey that builds around the strategic training priorities defined in the EU-STNA. In December 2021, the survey was addressed to direct contact points of 26 Member States⁴ (MS) and EU structures (hereinafter institutions) dealing with the subject of the OTNA. Data was collected between 17 December 2021 and 4 February 2022, resulting in **36 individual answers** from different law enforcement (LE) agencies of **24 different MS**⁵, reportedly representing over 200 000 LE officials. Considering the representativeness of the sample in terms of MS, a **92 % response rate** can be considered as a good level of responsiveness for a survey research, in this case, intended to represent the European LE community.

Based on the analysis of the collected data, this report describes training priorities in the area of Fundamental rights and data protection for 2023-2025. **The most relevant main topics** (out of the nine individual topics) for LE officials in this area were related to:

- **Data protection** (83 % of respondents found it relevant);
- **Impact of digitalisation and use of new technologies on fundamental rights** (67 % of respondents found it relevant);
- **General introduction to fundamental rights** (50 % of respondents found it relevant)

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R2219&from=EN>

² European Union Strategic Training Needs Assessment aims at identifying those EU level training priorities in the area of internal security and its external aspects to help build the capacity of law enforcement officials, while seeking to avoid duplication of efforts and achieve better coordination

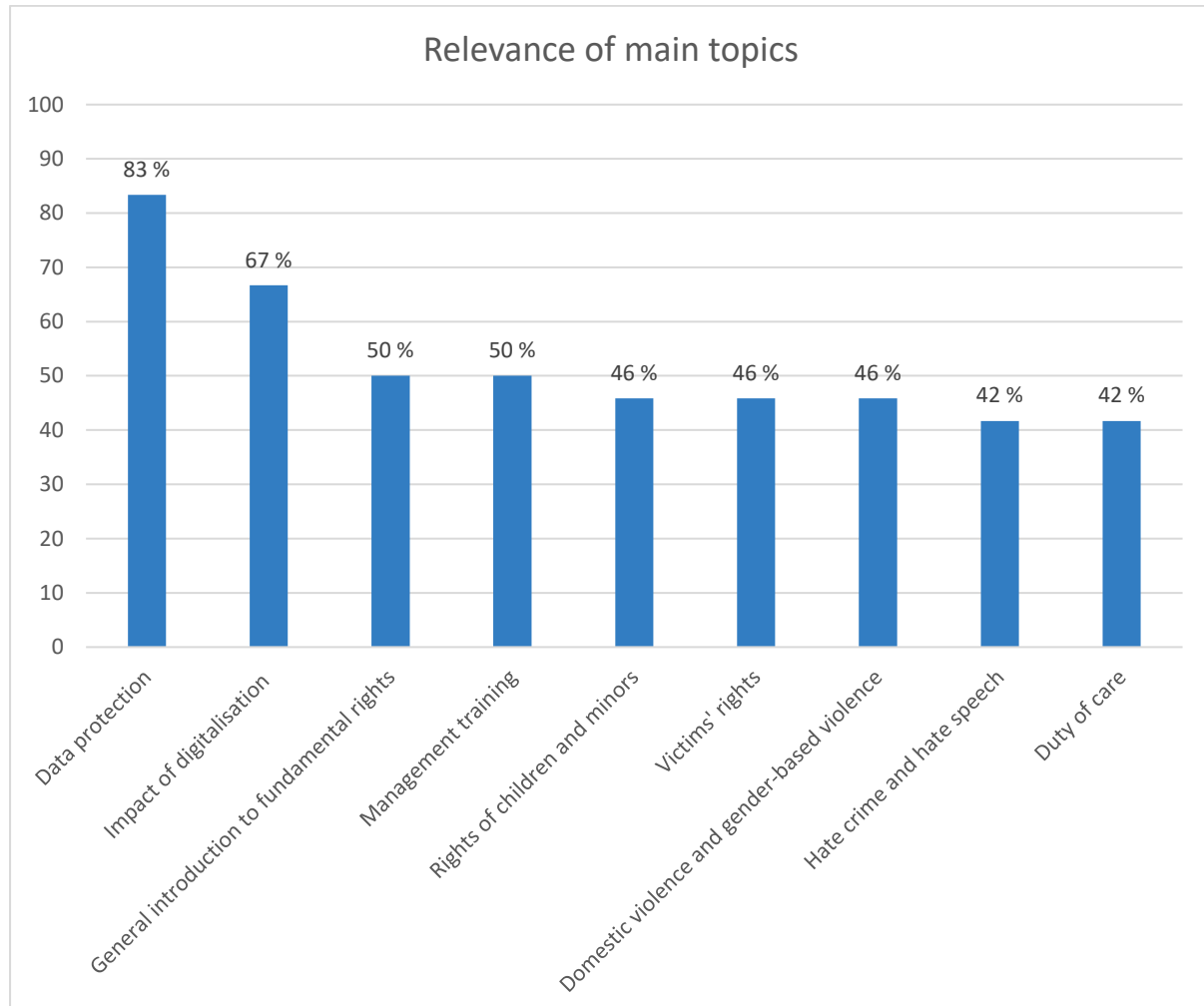
³ <https://www.cepola.europa.eu/sites/default/files/EU-STNA-2022-CEPOL.pdf>

⁴ The terminology 'Member States' (MS) hereinafter refers to 26 Member States of the European Union participating in the CEPOL regulation, i.e. all Member States excluding Denmark

⁵ Responding countries: Austria, Belgium, Bulgaria, Croatia, Czechia, Cyprus, Estonia, Greece, Finland, France, Germany, Hungary, Italy, Ireland, Latvia, Luxembourg, Malta, Poland, Portugal, Romania, Slovenia, Slovakia, Spain and Sweden

- **Management training** (50 % of respondents found it relevant).

Chart 1. The distribution of training needs depending on the indicated relevance rate



As per the OTNA methodology, training topics that more than 50 % of MS indicate as relevant training needs are to be considered for further analysis in terms of their content, urgency, proficiency level and number of participants. Based on this criterion, the topics of **data protection** and **impact of digitalisation and use of new technologies on fundamental rights** were selected for closer review. Although not exceeding the 50% relevance threshold, the topics of **general introduction to fundamental rights** and **management training** both reached precisely a 50 % relevance rate and therefore it was decided to include them in the analysis. In terms of urgency, the five most relevant main topics are ranging from 52 % to 45 %, meaning that all of them are **moderately urgent**⁶ and in order to improve the performance, it would be advantageous for the target audience to receive training within a period of one year.

⁶ See explanation of urgency levels in Annex 3.

While the results of this research provide guidance on the training priorities based on the views of the survey respondents, it must be noted that fundamental rights is an area where prioritising one aspect over another is not necessarily a straightforward choice. The ranking of training priorities, established in line with the OTNA methodology and presented in this report, provides an overview of the common training needs, as communicated by the 24 responding MS. However, it still leaves out many important topics (such as the rights of children and victims of crime, as well as hate crime) that are not only central political priorities and goals, but also core aims and values of the EU. Furthermore, it is noteworthy to mention that the survey was conducted before Russia's invasion of Ukraine, hence, the ongoing war in Ukraine and its implications for the EU are not reflected in the data collection and analysis.

However, the OTNA Expert Group⁷ agreed that since the distance from the 50 % relevance threshold to lower scoring main topics and/or differences between the deprioritised topics is moderate (42 % - 46 %), the training portfolio design should be flexible and consider other emerging factors, such as the current political situation resulting in concerns about a deteriorated fundamental rights situation in the EU. Hence, it would be relevant and necessary to keep e.g. gender-based violence, domestic violence, hate crime and hate speech, as well as victims' rights on the training agenda, regardless of their initial OTNA ranking. This argument is supported by findings of surveys addressing different target groups of LE. As a suggestion of the Expert Group, and specifically from the European Union Agency for Fundamental Rights, should resources be available, CEPOL could consider extending the survey to include civil society organisations so as to channel in the perspective of victims into the training needs of LE and obtain a more comprehensive picture of training needs in the thematic areas scoring below 50%. On a separate note, the Experts emphasised that the topic of victims' rights should be addressed in a holistic way, considering the victims' perspective as well.

The distribution of training needs on all analysed main topics, based on relevance, urgency and the indicated number of trainees⁸ is illustrated in Table 1..

Table 1. Relevance and urgency rate of main topics

Main Topic	Relevance rate	Urgency rate	Trainees (median)	Trainees (actual) ⁹
Data protection	83 %	51 %	1 014	34 357
Impact of digitalisation and use of new technologies	67 %	45 %	741	31 844
General introduction to fundamental rights	50 %	52 %	3 081	111 671
Management training	50 %	47 %	455	222
Rights of children and minors	46 %	36 %	1 300	18 860
Victims' rights	46 %	48 %	910	19 430
Domestic violence and gender-based violence	46 %	50 %	1 950	34 365
Hate crime and hate speech	42 %	59 %	1 430	92 823
Duty of care	42 %	43 %	559	304

⁷ An online meeting took place on Tuesday 5 April 2022

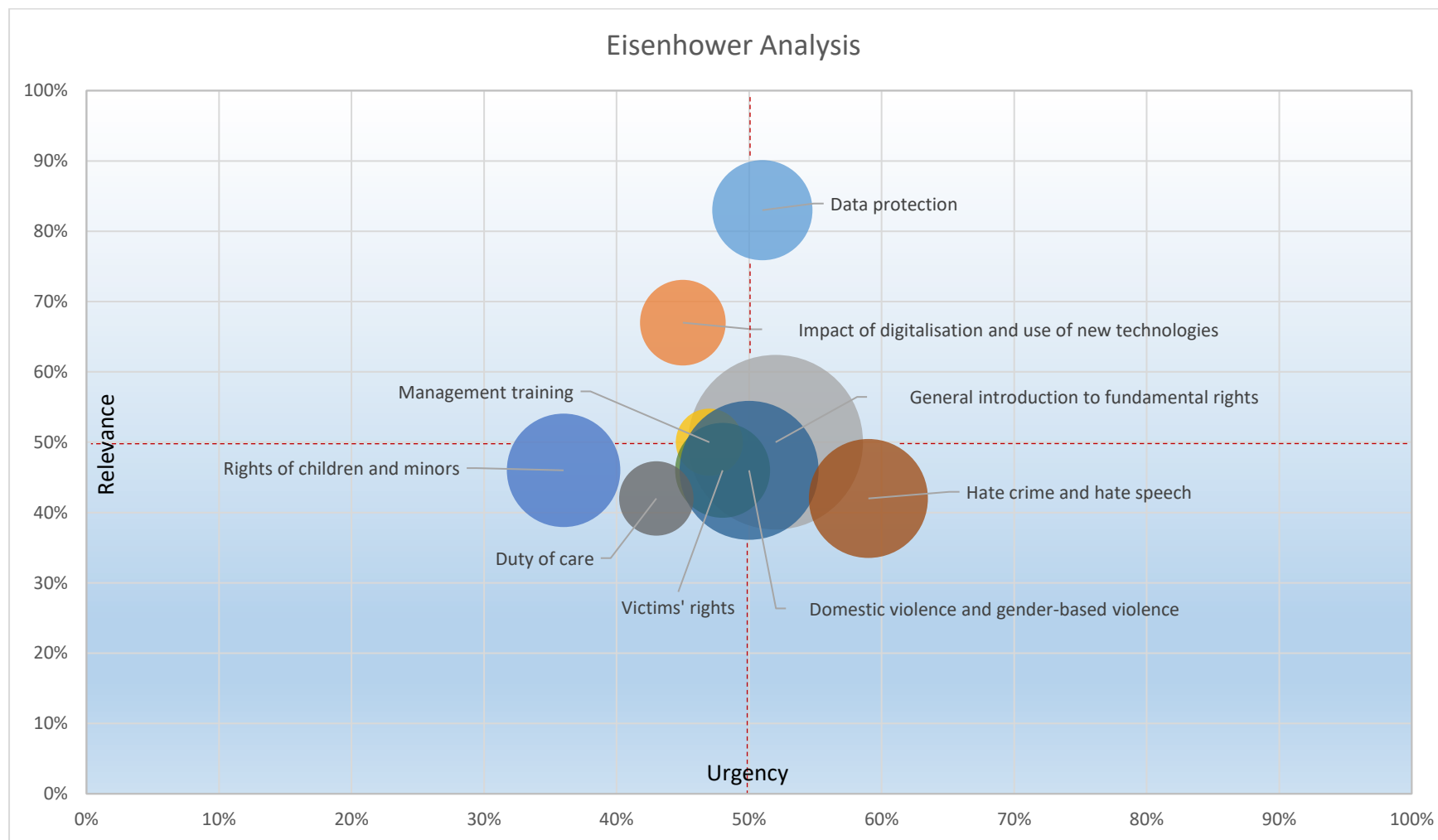
⁸ Based on median values; see further information on the methodology in the 'Analysis' section of the report

⁹ While the OTNA methodology relies on calculated statistical medians when estimating the potential number of trainees, actual values, as communicated by the survey respondents, are added for comparison purposes

Average/total	52 %	48 %	11 440	343 876
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Designed for prioritising tasks by first categorising items according to their urgency and importance, the Eisenhower Method was used to visualise the data in the form of a matrix for further demonstrating the distribution of main topics by their urgency and relevance rate.,. The Eisenhower Matrix, also known as urgent-important matrix, displays below (Chart 2.)the relationships between three numeric variables, namely relevance, urgency and the number of trainees on each main topic. Each dot in a bubble chart corresponds with a single data point (main topic urgency and relevance rate). The size of the bubbles corresponds to the median number of trainees. The vertical axis represents the relevance, and the horizontal axis the urgency rate. The order of implementation of tasks should be 1. Important/Urgent, 2. Important/Not Urgent, 3. Unimportant/Urgent, 4. Unimportant/Not Urgent.

Chart 2. Urgent-important matrix



In reference to the findings, it can be concluded that while only a few main topics reached the relevance threshold, the training need on most **subtopics** presented under each prioritised main topic is considerably high. Generally, all subtopics reached the 50 % threshold with very little differences between the highest and lowest scores. Hence, the summary below presents up to five highest scoring subtopics of each prioritised main topic. Complete details of relevance rate of subtopics under prioritised main topics are presented in Table 4. on page 15.

Under the topic of **data protection**, the following thematic areas should be emphasised:

- General data protection principles
- Data security
- Quality of data
- Links to national legislation
- Online aspects
- Access rights of citizens to police data

Under the topic **impact of digitalisation and use of new technologies**, all three subtopics reached a relatively high relevance rate in the following order:

- Use of new technological tools (body-worn cameras, use of lethal weapons, use of drones, facial recognition technology)
- Digital investigative tools (use of artificial intelligence, big data analysis, surveillance, mass surveillance) Digital rights

The top five subtopics under the topic **general introduction to fundamental rights** were:

- Operational context (use of force)
- Basic standards (obligation to protect, respect)
- Data protection, data security, link to national legislation
- Checklists for breaching fundamental rights, national legislation
- Rights of privacy

On **management training**, all subtopics scored relatively high and should be emphasised in training in the descending order as follows:

- Protection of fundamental rights in extraordinary situations (international framework, obligations of law enforcement, standards of protection of vulnerable groups)
- Police ethics, integrity and leadership
- Diversity management
- Strategy for implementation of fundamental rights
- Communication and practical application of algorithms and internal processes used by the organisation

Respondents indicated that **5 291 participants**¹⁰ would need training on the prioritised main topics in 2023. Notably the highest need indicated by respondents is to provide training at **awareness** level, followed by **practitioner**. Volumes of potential trainees at other proficiency levels are considerably lower in terms of number of trainees (Table 2.). For complete details of training dimensions, please consult the ‘Analysis’ section of this report.

Table 2. Proficiency level and number of potential participants

Proficiency level	Number of participants (median)	Number of participants (actual)
Awareness	2 249	87 258
Practitioner	1 508	87 030
Advanced practitioner	715	2 700
Expert	429	657
Train-the-trainer	390	449
Total	5 291	178 094

The OTNA questionnaire gave an opportunity to specify the profiles and indicate the number of LE officials who would need training in different topics. Over 90 % of all training needs concerned **investigators**, strongly indicating that this group of professionals should be considered as a high priority training audience and be provided with the opportunity to be trained first. While management training itself as a main topic reached the relevance rate of 50 %, indicating the need of training management level professionals, out of all training needs per professional profile, as communicated by the responding MS, **managers** represent approximately a 5 % share.

Data on previous training attended at national or international level was provided by 18 different MS (75 %), indicating that most of the recent training taken was thematically related to **data protection**. Also, **fundamental rights** in general was brought up in many occasions, while more specific topics such as **hate crime** and **hate speech** were mentioned regularly. In most occasions, previous training was attended by **practitioner** level officials, followed by **experts** and **advanced practitioners**. Notably less were awareness and train-the-trainer training activities indicated. In terms of training delivery format, the division between online and onsite training was almost equal, indicating that half (50 %) of training attended has been implemented online (online module/course, webinar or other virtual implementation), 44 % onsite and the rest in an undefined mode.

In line with the data, indicating relatively few previous training activities at **train-the-trainer** level, the need of designing training for this particular segment became evident across all prioritised main topics. Another specific professional group that the responding MS frequently indicated as a central audience for training on the topics related to fundamental rights and data protection was **police officers for data protection**.

¹⁰ Presented numbers are based on calculated median values (reported total actual number of participants: 178 094). For further details on the calculation methodology, please see ‘Analysis’ section of this report.

Background

As defined by Article 3 of Regulation 2015/2219, CEPOL shall support, develop, implement and coordinate training for law enforcement officials, while putting particular emphasis on the protection of human rights and fundamental freedoms in the context of law enforcement, in particular in the areas of prevention of and fight against serious crime affecting two or more Member States and terrorism, maintenance of public order, in particular international policing of major events, and planning and command of Union missions, which may also include training on law enforcement leadership and language skills.

The Single Programming Document (SDP) for years 2022-2024¹¹ describes OTNA as a process to help towards the realisation of strategic goals through the implementation of operational training activities. The OTNA methodology, as adopted by the CEPOL Management Board (MB) decision 32/2017/MB (15/11/2017) was piloted in 2018 with a limited number of thematic priorities for CEPOL training portfolio planning 2019, namely CSDP missions and Counterterrorism. The OTNA methodology was updated in 2020 (9/2020/MB) based on CEPOL's experience and feedback from the MS.

The methodology consists of a series of seven steps encompassing close and dynamic cooperation with the MS, in particular CEPOL National Units and LE agencies, and involving CEPOL Knowledge Centres (CKC) in the training portfolio design. The overall OTNA process entails data collection and analysis, conducted via and corroborated by introductory surveys, detailed questionnaires and expert interviews. The target group referred to in this methodology is law enforcement officials, as defined in Article 2 of Regulation 2015/2219¹².

Building on the strategic training priorities defined by the EU-STNA and the experience gained from previous OTNA studies, CEPOL launched the OTNA on **fundamental rights and data protection** in 2021. Outcomes of the research are presented in this report and will be used to define CEPOL's 2023-2025 training portfolio in this area.

¹¹ <https://www.cepola.europa.eu/sites/default/files/31-2021-MB%20Annex.pdf>, page 5

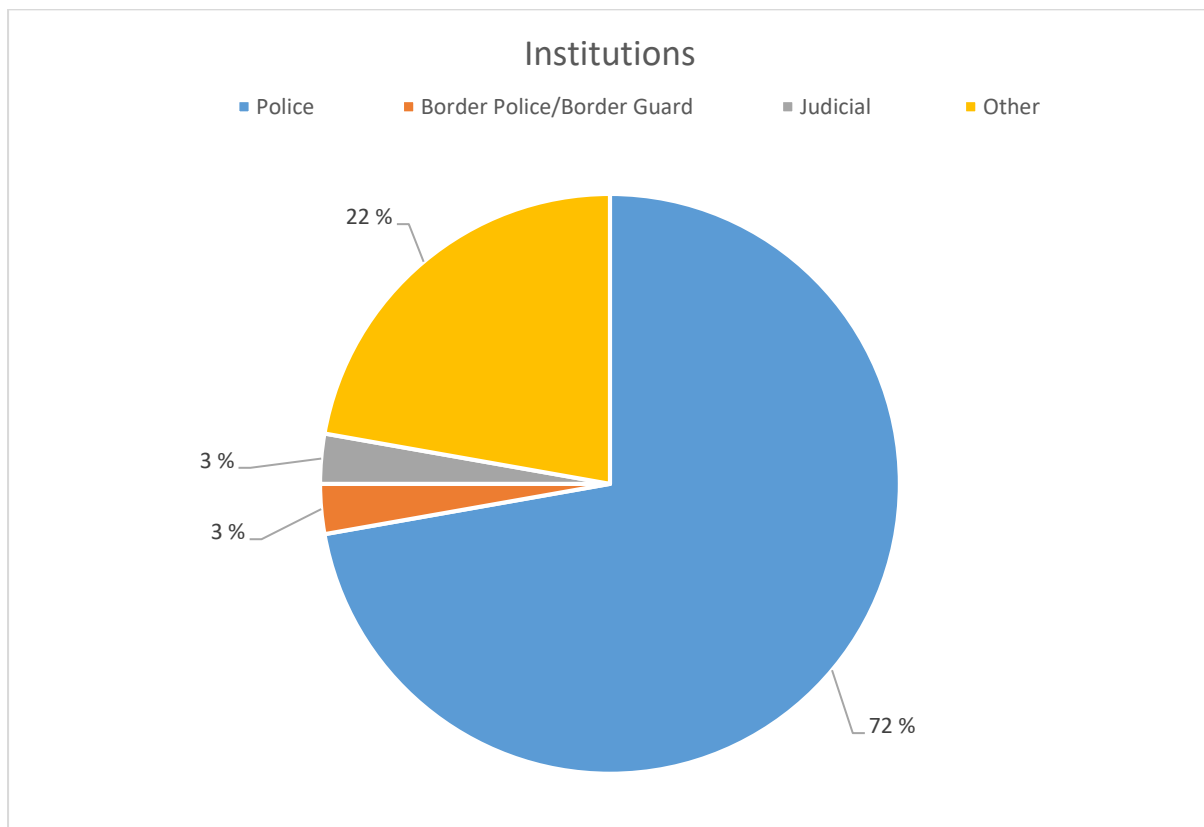
¹² <https://publications.europa.eu/en/publication-detail/-/publication/c71d1eb2-9a55-11e5-b3b7-01aa75ed71a1/language-en>

Analysis

Consolidation of data and responses

In order to conduct the research, CEPOL approached 26 MS¹³ and EU institutions to provide direct contact points dealing with the subject of the OTNA. In total, representatives of 24 different MS responded the survey, resulting in 36 individual completed answers received from different LE agencies. In terms of MS, the responses indicate a 92 % response rate, which can be considered as a good level of responsiveness. Most responses (72 %) were from **police representatives**, followed by the category of **other relevant bodies** (22 %) that in most cases were different types of police training centres or academies.

Chart 3. Distribution of responding institutions



Collected data was processed from the online survey platform Qualtrics to Microsoft Excel. The data was synthesised and analysed by Excel functions.

¹³ The terminology 'Member States' hereinafter refers to 26 Member States of the European Union participating in the CEPOL regulation, i.e. all EU Member States excluding Denmark.

Relevance of topics

In line with the training priorities defined in the EU-STNA process, the main training topics in relation to fundamental rights and data protection are:

- General introduction to fundamental rights
- Rights of children and minors
- Victims' rights
- Hate crime and hate speech
- Duty of care
- Impact of digitalisation and use of new technologies
- Data protection
- Management training
- Domestic violence and gender-based violence

In order to identify which main topics are the most important for the European LE community requiring training to be provided by CEPOL in 2023-2025, the OTNA questionnaire presented multiple-select questions where the respondents could select one or more options in a list of nine main topics. While analysing the results, the relevance score of each main topic was calculated by summing up how many MS found the topic relevant. The final relevance rate was then calculated by dividing the sum of MS that found the topic relevant by the number of responding MS. Where several LE agencies submitted answers from the same MS, entries were consolidated. If more than 50 % of MS found a certain topic relevant, it was considered relevant to be processed for further analysis as per the OTNA methodology. Based on this method, two of all main topics passed and another two precisely met the 50 % threshold of relevance rate.

Table 3. Relevance rate of main topics

Main Topic	Relevance
Data protection	83 %
Impact of digitalisation and use of new technologies	67 %
General introduction to fundamental rights	50 %
Management training	50 %
Rights of children and minors	46 %
Victims' rights	46 %
Domestic violence and gender-based violence	46 %
Hate crime and hate speech	42 %
Duty of care	42 %

Training dimensions

In order to gain further insights on necessary training themes and subjects, various **subtopics** were presented under each topic. The questionnaire gave the respondents an option to rate the relevance of subtopics and horizontal aspects by using the five-point Likert Scale with five options: not relevant at all; somewhat relevant; relevant; very relevant; and extremely relevant. For analysing the responses, this scale was converted into a numerical scale 0-1-2-3-4-5, where 0 represents the minimum value (not relevant at all) and 5 the maximum (extremely relevant). The relevance score of

each subtopic was calculated by drawing the sum of the responses, while in those cases where several authorities from the same MS gave answers, an average was calculated and used as the final relevance level in the case of that particular country. The final relevance rate (percentage) was calculated by dividing the score by the maximum score¹⁴. If the relevance score reached 50% of the maximum score, the subtopic was found relevant.

The analysis revealed that the training need on most subtopics, presented under each main topic, is considerably high, and in most cases, all subtopics reached the 50 % threshold with very little differences between the highest and lowest scores. In a descending order, Table 4. below presents the subtopics prioritised on their relevance rate:

Table 4. Relevance rate of most relevant subtopics from prioritised main topics

Main topic	Subtopic	Relevance
Data protection	General data protection principles	70 %
	Data security	70 %
	Quality of data	65 %
	Links to national legislation	63 %
	Online aspects	63 %
	Access rights of citizens to police data	63 %
	How to deal with data protection requests	61 %
	Cross-border and domestic processing of data	59 %
	External data protection supervision	55 %
Impact of digitalisation and use of new technologies	Use of new technological tools (body-worn cameras, use of lethal weapons, use of drones, facial recognition technology)	84 %
	Digital investigative tools (use of artificial intelligence, big data analysis, surveillance, mass surveillance)	82 %
	Digital rights	75 %
General introduction to fundamental rights	Operational context (use of force)	79 %
	Basic standards (obligation to protect, respect)	75 %
	Data protection, data security, link to national legislation	74 %
	Checklists for breaching fundamental rights, national legislation	68 %
	Rights of privacy	68 %
	Deprivation of liberty	66 %
	Police ethics and integrity	66 %
	Investigative interviewing (witnesses, victims, suspects)	65 %
	Diversity management, non-discrimination	63 %
	Protection of fundamental rights in extraordinary situations	63 %
	Procedural rights: rights of perpetrators, use of force, rights of detainees, deprivation of liberty, bodily integrity, rights of those seeking asylum	63 %
	Stop and search	62 %

¹⁴ The maximum score was identified by multiplying the number of responding MS that found the subtopic or horizontal aspect relevant with the highest relevance score (5)

Management training	Protection of fundamental rights in extraordinary situations (international framework, obligations of law enforcement, standards of protection of vulnerable groups)	81 %
	Police ethics, integrity and leadership	78 %
	Diversity management	70 %
	Strategy for implementation of fundamental rights	64 %
	Communication and practical application of algorithms and internal processes used by the organisation	60 %

To better understand the training needs in each main topic, the questionnaire gave the respondents an option to indicate the **urgency level of training** on topics related to fundamental rights and data protection and estimate the **number of participants** at five different **professional levels**¹⁵. A multiple rating matrix with a fixed-sum function (facilitating an option to indicate quantities of trainees) was used to collect information on what level training is needed and how urgently LE officials would need the training to improve their current performance. By choosing from a six-point urgency level scale (most commonly known as Likert Scale)¹⁶, respondents could express their opinion if a training need is not urgent; somewhat urgent; moderate; urgent or very urgent, or alternatively, not applicable at all. Urgency in the context of the OTNA methodology refers to the criticality of a timely training intervention and its impact on the operational performance. In the analysis, responses were converted into a numerical scale from 0-5, where 1 refers to a low need, with an expected minor impact on the performance boost, and 5 to a crucial need as a critical response for ensuring successful performance of duties. The minimum value is 0 because ‘not applicable’ corresponds to a zero training need. Where the same proficiency level was indicated by several LE agencies of the same MS to the attributes of the training, the highest rate indicated was taken into consideration.

Since CEPOL’s training activities address law enforcement officials of the 26 EU MS, the number of participants indicated in the responses to the survey are considered as the number of participants who would need training from responding MS or EU institutions. In order to estimate the total number of LE officials who would need training in a certain topic at a certain proficiency level, the OTNA methodology relies on a calculation based on the identified statistical median of the number of trainees. The estimate of the number of participants at EU-level is then calculated by multiplying the median with 26 (as per the number of MS¹⁷). In statistics, the median is the value separating the higher half from the lower half of a data set, hence, it can be considered as the middle value. Based on this method of calculation, approximately **5 291 participants**¹⁸ would need training on fundamental rights and data protection in 2023. As the basic feature of the median in describing data is that it is not skewed by a small proportion of extremely large or small values, and therefore provides a better representation of a typical value, it might happen that the rank of proficiency levels in each topic is

¹⁵ Awareness, practitioner, advanced practitioner, expert and train-the-trainer; please find detailed description of proficiency levels in Annex 2

¹⁶ A Likert scale is commonly used to measure attitudes, knowledge, perceptions, values, and behavioural changes. A Likert-type scale involves a series of statements that respondents may choose from in order to rate their responses to evaluative questions

¹⁷ All EU member States except Denmark

¹⁸ Based on median values, which in some cases flattens the numbers

different at EU-level to the rank which is based on the responses given to the survey. Without statistically processing the data, the respondents communicated up to **178 094** potential trainees on topics related to fundamental rights and data protection. For example, in the area of **general introduction to fundamental rights**, the actual number of potential trainees was much higher due to one MS¹⁹ reporting a considerable volume of LE officers being in need of awareness and practitioner level training. **Data protection** and the **impact of digitalisation and use of new technologies** were also topics where high numbers of potential trainees were indicated by a single MS²⁰ at awareness and practitioner level.

Table 5. Relevance and urgency rate of prioritised main topics

Main Topic	Relevance rate	Urgency rate	Trainees (median)	Trainees (actual)
Data protection	83 %	51 %	1 014	34 357
Impact of digitalisation and use of new technologies	67 %	45 %	741	31 844
General introduction to fundamental rights	50 %	52 %	3 081	111 671
Management training	50 %	47 %	455	222
Average/total	63 %	49 %	5 291	178 094

Besides calculating the overall urgency rate and number of trainees per each prioritised main topic, training needs and the volume of trainees were also analysed per each proficiency level. While differences on the indicated urgency rates between the different proficiency levels were relatively small and the training need in all categories is moderately urgent, the highest urgency for training is at **expert** and **train-the-trainer** levels. Then again, considering the volume of trainees, the highest numbers in need for training are indicated regarding the proficiency levels of **awareness** and **practitioner**.

Table 6. Proficiency level and number of participants

Proficiency level	Urgency rate	Number of participants (median)	Number of participants (actual)
Awareness	45 %	2 249	87 258
Practitioner	43 %	1 508	87 030
Advanced practitioner	48 %	715	2 700
Expert	55 %	429	657
Train-the-trainer	54 %	390	449
Average/Total	49 %	5 291	178 094

In order to establish a more comprehensive picture on target groups to be trained, the questionnaire offered the possibility of indicating **professional profiles**²¹ and the related volumes of LE officials who need training under each main category. With a share of over 90 %, **investigators** were clearly the

¹⁹ Belgium, with 102 000 trainees (51 000 awareness and 51 000 practitioner)

²⁰ Ireland, with 60 000 trainees (15 000 awareness and 15 000 practitioner for both topics)

²¹ Investigators; analysts; managers; prosecutors, investigative judges and magistrates; experts (forensics, IT etc.)

biggest professional group reported in need of training, suggesting that investigators should be considered as a high priority training audience and be provided with the opportunity to be trained first. **Managers** represent approximately 5 % of the trainees, and the rest is divided between the other profiles with minimal differences in terms of numbers of trainees.

Through an open text field the respondents were also able to specify other professionals in need for training and insert the related numbers. The most emerging observation is that all six MS²² that communicated further training needs emphasised the need for **train-the-trainers** on all prioritised main topics. The second most mentioned group were **police officers for data protection**. Furthermore, single references were made to training data protection officers, crime prevention specialists, legal officers and representatives from police training institutions, as well as from personnel departments.

In terms of MS, **Belgium** reported the biggest volume of trainees²³ on one particular topic, namely **general introduction to fundamental rights**, indicating that the same number of LE officials that were working in the related field, would need awareness and practitioner training on the topic. **Ireland** communicated a considerable quantity of potential trainees²⁴ for awareness and practitioner level training on the topics of **data protection** and **impact of digitalisation and new technologies**. Otherwise, distribution of the trainees was relatively even, and notably emphasising **awareness** and **practitioner** level training with trainees representing **investigators** being the largest training audience.

National or international training

The OTNA questionnaire had a section with a question referring to previous national or international training attended on fundamental rights and data protection. In a free-text form, data on previous training was provided by approximately 75 % of the respondents (from 18 different MS). Provided text entries were approached by implementing light text analysis, i.e. based on word identification in an Excel spreadsheet, grouping similar entries and establishing categories of entries representing thematically similar topics. In terms of content, most references were given to **data protection** related topics, e.g. relevant legislation in specific national contexts and/or legal proceedings, the provisions in the new SIS Regulations related to data protection and the Law Enforcement Directive (LED)²⁵. **Fundamental rights** in general and the related legislation, as well as **hate crime** and **hate speech** were topics that were also mentioned regularly. In most occasions, previous training was attended by **practitioner** level officials, followed by **experts** and **advanced practitioners**. Notably less awareness and train-the-trainer training activities were indicated. In terms of training delivery format, the division between online and onsite training was almost equal, indicating that half (50 %) of training attended has been implemented online (online module/course, webinar or other virtual implementation), 44 % onsite and the rest in an undefined mode. While not all responses specified the details on training providers, CEPOL courses and webinars were mentioned in many occasions, as

²² Namely Germany, Romania, Croatia, Malta, Latvia and Bulgaria

²³ Up to 51 000 trainees for both categories (awareness and practitioner) on the topic of general introduction to fundamental rights

²⁴ Up to 15 000 trainees for both categories (awareness and practitioner) on both topics

²⁵ LED Directive (EU) 2016/680

well as INTERPOL's training offer (e.g. for data protection officers). Moreover, the Academy of European Law (ERA) was named as a training provider on topics related to data protection for policing, and furthermore, some training and education materials provided by the United Nations (UN) organisations, such as the UN Human Rights Committee (OHCHR).

Training dimensions for main topics

As methodologically explained in the previous chapter, each of the five prioritised main topics was analysed in terms of relevance of subtopics and horizontal aspects, level of proficiency, potential number of participants per profile, as well as urgency of training needs. This chapter presents more detailed training needs related to each main topic. After a summary of training needs, the first table of each main topic shows the relevance rate of subtopics in a descending order. The second table demonstrates the estimated number of participants per different proficiency level, both calculated in line with the OTNA methodology²⁶ and for comparison purposes, the figures as communicated by the responding MS, as well as the urgency rate of training to be delivered.

Data protection

Data protection is the most relevant main topic as indicated by the MS (relevance 86 %). Within this main topic, training should focus on the most relevant subtopics as indicated below. The need for training on data protection is **moderately urgent** at all proficiency levels, however, the highest urgency rate was identified for **expert** and **train-the-trainer** level training. Nonetheless, the biggest volumes in terms of number of potential trainees reported are for **awareness**, **practitioner** and **advanced practitioner** level training. Notably the biggest group of professionals in need of training were **investigators**, followed by **managers**. In total, training should be delivered within one year to approximately **1 014 trainees**. Within this main topic, training should focus on the most relevant subtopics, as indicated below.

Table 7. Relevance rate of subtopics and horizontal aspects in descending order

Main topic	Subtopic	Relevance
Data protection	General data protection principles	70 %
	Data security	70 %
	Quality of data	65 %
	Links to national legislation	63 %
	Online aspects	63 %
	Access rights of citizens to police data	63 %
	How to deal with data protection requests	61 %
	Cross-border and domestic processing of data	59 %
	External data protection supervision	55 %

Table 8. Urgency and number of participants per proficiency level

Proficiency level	Urgency rate	Number of participants (median)	Number of participants (actual)
Awareness	51 %	260	17 767
Practitioner	46 %	260	15 397
Advanced practitioner	47 %	260	785

²⁶ The number of trainees is presented as a figure extrapolated to the EU and calculated based on the statistical median; the related methodology and process is further explained in the 'Analysis' section of this report.

Expert	59 %	104	259
Train-the-trainer	53 %	130	149
Average/Total	51 %	1 014	34 357

Impact of digitalisation and use of new technologies

Impact of digitalisation and use of new technologies is the second most relevant main topic, as indicated by the MS (relevance 67 %). Overall, the training need is **moderately urgent**, with the highest urgency indicated for **experts** and followed by **advanced practitioner** level training. In terms of number of trainees, **practitioners** are the biggest target group. The biggest group of professionals in need of training were **investigators**, followed by **managers**. In total, training should be delivered within one year to approximately **741 trainees**. Within this main topic, training should focus on the most relevant subtopics, as indicated below.

Table 9. Relevance rate of subtopics in descending order

Main topic	Subtopic	Relevance
Impact of digitalisation and use of new technologies	Use of new technological tools (body-worn cameras, use of lethal weapons, use of drones, facial recognition technology)	84 %
	Digital investigative tools (use of artificial intelligence, big data analysis, surveillance, mass surveillance)	82 %
	Digital rights	75 %

Table 10. Urgency and number of participants per proficiency level

Proficiency level	Urgency rate	Number of participants (median)	Number of participants (total)
Awareness	39 %	117	15 606
Practitioner	44 %	260	15 268
Advanced practitioner	50 %	130	686
Expert	51 %	130	193
Train-the-trainer	41 %	104	91
Average/Total	45 %	741	31 844

General introduction to human rights

General introduction to human rights is the third most relevant main topic, as indicated by the MS (relevance 50 %). The training need on the topic is **moderately urgent** overall, and **urgent** at both **expert** and **train-the-trainer** levels. Although these groups gained higher urgency, the biggest volume for trainees was reported at **awareness** and **practitioner** level. On this topic, **investigators** and **managers** established the target groups that would need the training most. In total, approximately **3 081 trainees** would need to receive training within a year's period. Within this main topic, training should focus on the most relevant subtopics, as indicated below.

Table 11. Relevance rate of subtopics in descending order

Main topic	Subtopic	Relevance
General introduction to human rights	Operational context (use of force)	79 %
	Basic standards (obligation to protect, respect)	75 %
	Data protection, data security, link to national legislation	74 %
	Checklists for breaching fundamental rights, national legislation	68 %
	Rights of privacy	68 %
	Deprivation of liberty	66 %
	Police ethics and integrity	66 %
	Investigative interviewing (witnesses, victims, suspects)	65 %
	Diversity management, non-discrimination	63 %
	Protection of fundamental rights in extraordinary situations	63 %
	Procedural rights: rights of perpetrators, use of force, rights of detainees, deprivation of liberty, bodily integrity, rights of those seeking asylum	63 %
	Stop and search	62 %

Table 12. Urgency and number of participants per proficiency level

Proficiency level	Urgency rate	Number of participants (median)	Number of participants (actual)
Awareness	47 %	1 768	53 820
Practitioner	43 %	910	56 320
Advanced practitioner	47 %	221	1 192
Expert	62 %	104	170
Train-the-trainer	63 %	78	169
Average/Total	52 %	3 081	111 671

Management training

Management training is the fourth most relevant main topic, as indicated by the MS (relevance 50 %). The training need is **moderately urgent**. However, **train-the-trainer** met the threshold of **urgent** training need (60 %). Overall, approximately **455 trainees**, mostly **managers**, would need training, and the training should focus on the most relevant subtopics, as indicated below.

Table 13. Relevance rate of subtopics in descending order

Main topic	Subtopic	Relevance
Management training	Protection of fundamental rights in extraordinary situations (international framework, obligations of law enforcement, standards of protection of vulnerable groups)	81 %
	Police ethics, integrity and leadership	78 %
	Diversity management	70 %
	Strategy for implementation of fundamental rights	64 %

	Communication and practical application of algorithms and internal processes used by the organisation	60 %
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Table 14. Urgency and number of participants per proficiency level

Proficiency level	Urgency rate	Number of participants (median)	Number of participants (actual)
Awareness	43 %	104	65
Practitioner	38 %	78	45
Advanced practitioner	47 %	104	37
Expert	47 %	91	35
Train-the-trainer	60 %	78	40
Average/Total	47 %	455	222

Conclusions

Based on the OTNA survey on fundamental rights and data protection, two topics, namely **data protection** and **impact of digitalisation and use of new technologies** gained more than 50 % relevance, which in the OTNA methodology represents the threshold qualifying the topics for further analysis. Two other topics, **general introduction to fundamental rights** and **management training** both precisely met the 50 % threshold, hence it was decided to include them in the analysis process. The survey results indicate that during the coming years, at least **5 291 participants**²⁷ would need training on the four prioritised main topics²⁸. However, it must be noted that there was a **relatively small difference between the main topics** and their ranking. While the two highest-ranking topics reached a >67 % relevance rate, all other topics ranged between 42 % and 50 %. The overall findings of the OTNA process suggest that **there are training needs across a variety of topics related to fundamental rights and data protection**, and the related training portfolio should take a holistic approach without strictly focusing only on the prioritised main topics, but also considering e.g. factors impacting the operating environment in Europe and the EU's political priorities.

Unlike the number of prioritised main topics, an interesting finding is that a high degree of subtopics gained high relevance scores, meaning that the training portfolio in this area should address a variety of different topics. In addition, the respondents communicated a number of further training needs and/or potential subtopics related to the prioritised main topics. Overall, advancing **general awareness on fundamental rights** issues, as well as on **data protection foundations** appears to be widely needed. In order to make training on these important topics accessible to everyone, **extending the offer of online resources** such as webinars and/or e-Lessons, especially at awareness level, could be one avenue to explore further. CEPOL's new e-Learning platform, LEEd, already contains fundamental rights as a thematic area with multiple sub-categories and training materials on different relevant topics. On top of developing new ones, increasing the target groups' awareness on the already existing resources should not be forgotten. The demand for **train-the-trainer** activities became evident across all prioritised main topics, and training potential instructors and/or subject matter experts to enable them to train other people in their organisations, could be a response to the need of awareness building on the topics of fundamental rights and data protection. **Police officers for data protection** appeared as one particular professional group whose training needs were indicated by the MS responding to the OTNA survey. An interesting and somewhat contradicting finding is that while **managers** established a marginal group of overall volume of potential trainees communicated by the responding MS, management training as a main topic reached the relevance rate of 50 %. This demonstrates that the importance of comprehensive knowledge of both fundamental rights and data protection is acknowledged as a foundation for professionally managing people and organisations in today's LE environment.

²⁷ In line with the standardised OTNA methodology, this figure represents the statistical median extrapolated to the EU level; the method of calculation is explained in detail on page 15

²⁸ Data protection; impact of digitalisation and use of new technologies; general introduction to fundamental rights, and management training

Since the survey data was collected prior to the crisis in Ukraine and hence does not reflect its implications for the European security environment, it is likely that the quantitative and qualitative demand for training on different topics can be even higher than what the outcomes of this research have identified. In order to maintain readiness to provide timely training responding to the needs of the current situation, the constant assessment and analysis of emerging training needs in the area of fundamental rights must continue. Finally, considering the EU's commitment to fundamental rights and CEPOL's mandate to specifically promote a common respect and understanding of fundamental rights, they should always be given high priority as a horizontal aspect when designing training portfolios, regardless of the topic.

Annex 1. EU-STNA Chapter on Fundamental rights and data protection

The EU-STNA findings reiterate that **fundamental rights** are a cross-cutting element that should be mainstreamed across all areas and integrated into each training session in an applicable manner. Several new capability gaps have been identified: as a lesson learned from the global COVID-19 pandemic, there is an emerging need to pay increased attention to the protection of fundamental rights in extraordinary situations such as lockdowns, specifically considering the protection of vulnerable groups, in particular migrants and children, as well as victims of domestic violence. A general introduction to fundamental rights is a training topic to be addressed for operational law enforcement officials and managers. Further training topics cover the rights of children and minors, victims' rights, and hate crime and hate speech. New topics in the area of fundamental rights that need to be covered by specific training for law enforcement also include the procedural rights of non-EU citizens and the handling of gender/sexual violence. **Data protection** is a fundamental right stipulated by law at both national and EU level. As FRA highlighted during the EU-STNA consultations, the use of specific new technologies, such as AI and big data, is a comprehensive fundamental rights matter not only in terms of data protection, but also considering the principles of non-discrimination and access to an effective remedy. Since law enforcement has already become largely data-driven and data plays a crucial role in the prevention, investigation, detection and prosecution of criminal offences, the use of personal data for these purposes raises multiple questions regarding the application of human rights principles, including how to regulate the investigatory powers of the state while respecting the essence of fundamental rights and freedoms. This situation creates a considerable number of training needs. Privacy and the use of new technologies go hand in hand, so law enforcement officials need further support in developing skills, knowledge and solutions that will enable them to reap the benefits of new technologies, information accessible online and turning personal data into analytical insights, while simultaneously ensuring the secure management of data in the course of any action taken by the authorities.

Detailed list of training needs:

Fundamental rights and data protection
General introduction to fundamental rights, especially online aspects
Fundamental rights knowledge in relation to receiving complaints from individuals belonging to vulnerable groups (complaints related to gender/sexual violence, hate crime); how to ensure fundamental rights for people with special needs and mental health issues, or for vulnerable groups, victims and suspects
Protection of fundamental rights in extraordinary situations such as pandemics, i.e. during lockdowns, notably for vulnerable groups (migrants, children, etc.), cooperation with NGOs
Impact of use of new devices on fundamental rights; victims' perspective
Raising awareness among police officers of standards applicable to police stops and of the damaging effect of discriminatory profiling practices on community relations and trust in law enforcement
Victims' rights: legal and psychological aspects, how to deal with traumatised victims; police officers as victims
Management and leadership training, zero tolerance towards non-respect of fundamental rights, handling and rights of whistleblowers, discriminative profiling
Handling gender during investigations, European Institute for Gender Equality (EIGE), Independent Police Complaints Authorities' Network (IPCAN)
Cooperation with judicial authorities

Fighting hate crime, racism and discrimination, how to deal with different -isms and unconscious bias towards underrepresented groups in society (elderly people, anti-ziganism, anti-semitism)
Procedural rights of suspects and the accused
Rights of persons deprived of their liberty
Rights of children as victims, perpetrators, witnesses; communication with children, interviewing techniques, processing children's data; interdisciplinary cooperation
Fundamental rights aspects of using datasets, predictive policing
Awareness of data protection principles during investigations, data protection impact assessment regarding data processing; fundamental rights and data protection when using different modern technologies (AI, facial recognition)
Use of data by police covering different areas of fundamental rights; legal requirements stemming from the Directive; contact with data protection authorities, case studies, how to build investigations, mutual learning, what is legally non-compliant, etc.
Use of content by law enforcement officials when investigating (fight against terrorism, hate speech); how far legitimate interest of security can go; freedom of expression, freedom of information, legal content on the internet
Citizens' access rights to police data: data subject access requests, rights, how to process requests, time limit to respond, refusal grounds for police, privileges of law enforcement, freedom of information requests
Technical and organisational matters for protection of personal data within modern technologies
General Data Protection Regulation (GDPR) challenges for public-private partnerships for law enforcement
Access to e-evidence, linked to access to justice and victims' rights
Training for data protection officers
Protection of minors' personal data: how to process their data, how to record their data in police databases, application of extra data protection safeguards

Annex 2. Proficiency levels

	Level 1 – Awareness	Level 2- Practitioner	Level 3 – Advanced Practitioner	Level 4 - Expert	Level 5 – Train-the-trainer
Definition	Refers to those who only need an insight into the particular topic, they do not need specific skills, competences and knowledge to perform the particular tasks, however require general information in order to be able to efficiently support the practitioners working in that particular field.	Refers to those who independently perform their everyday standard duties in the area of the particular topic.	Has increased knowledge, skills and competences in the particular topic because of the extended experience, or specific function, i.e. team/unit leader.	Has additional competences, highly specialised knowledge and skills. Is at the forefront of knowledge in the particular topic.	Officials who are to be used as trainers for staff
Description	Has a general factual and theoretical understanding of what the topic is about, understands basic concepts, principles, facts and processes, and is familiar with the terminology and standard predictable situations. Taking responsibility for his/her contribution to the performance of practitioners in the particular field.	Has a good working knowledge of the topic, is able to apply the knowledge in the daily work, and does not require any specific guidance in standard situations. Has knowledge about possible situation deviations and can practically apply necessary skills. Can assist in the solution development for abstract problems. Is aware of the boundaries of his/her knowledge and skills, is motivated to develop self-performance.	Has broad and in-depth knowledge, skills and competences involving a critical understanding of theories and principles. Is able to operate in conditions of uncertainty, manage extraordinary situations and special cases independently, solve complex and unpredictable problems, direct work of others. Is able to share his/her knowledge with and provide guidance to less experienced colleagues. Is able to debate the issue with a sceptical colleague, countering sophisticated denialism talking points and arguments for inaction.	Has extensive knowledge, skills and competences, is able to link the processes to other competency areas and assess the interface as a whole. Is able to provide tailored advice with valid argumentation. Is able to innovate, develop new procedures and integrate knowledge from different fields. Is (fully or partially) responsible for policy development and strategic performance in the particular area.	Has knowledge and skills to organise training and the appropriate learning environment using modern adult training methods and blended learning techniques. Is familiar with and can apply different theories, factors and processes of learning in challenging situations. Experienced with different methods and techniques of learning. Can prepare and conduct at least one theoretical and one practical training session for law enforcement officials.
EQF equivalent	EQF Level 3-4	EQF Level 5	EQF Level 6	EQF Level 7	n/a
EQF levels – Descriptors defining levels in the European Qualifications Framework, more information is available at https://ec.europa.eu/ploteus/en/content/descriptors-page					

Annex 3. Urgency levels

Urgency in the context of this questionnaire refers to the criticality of timely training intervention and its impact to the operational performance.

Urgency scale level	1	2	3	4	5
Training need is	Low	Secondary	Moderate	Urgent	Crucial
Training impact	Training has a minor role in the performance boost, it would refresh the knowledge, officials could benefit from training, and however, it is not essential.	It would be useful if the training would be delivered, however, the need is not urgent. Training can be delivered in (predictable) 2-3 years' time, it is needed to stay updated.	It would be advantageous to receive training within a year's period, it would improve the performance, however, not significantly.	Training is essential, it is necessary to be delivered within a year's period, it is important to perform qualitatively.	Training is critical, it is necessary as soon as possible, it is crucial for the successful performance of duties.