



The Republic of Serbia
COMMISSIONER FOR INFORMATION OF PUBLIC IMPORTANCE
AND PERSONAL DATA PROTECTION

THE REPORT
ON THE WORK OF THE COMMISSIONER FOR INFORMATION OF PUBLIC
IMPORTANCE
For 2021

B e l g r a d e
March 2022

CONTENT

INTRODUCTORY WORD BY THE COMMISSIONER.....	5
1. BRIEF OVERVIEW OF THE REPORT ON THE WORK OF THE COMMISSIONER FOR INFORMATION OF PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION FOR 2021	11
2. SITUATION AND OBSTACLES IN EXERCISING THE RIGHT TO FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE AND THE RIGHT TO PROTECTION OF PERSONAL DATA	23
2.A. RIGHT TO FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE	23
2.A.1. Legal framework	23
2.A.2. About the realization of the public's right to know in 2021 and obstacles.....	26
2.A.3. Basic obstacles in exercising the right to access information	28
2.A.3.1. Impossibility of administrative execution of the Commissioner's decision	28
2.A.3.2. Inadequate accountability	29
2.A.4. Typical cases of inadequate action of public authorities on requests for access to information in 2021	29
2. B. THE RIGHT TO PERSONAL DATA PROTECTION.....	33
2. B.1. Legal framework	33
2. B.1.1. International legal framework	33
2. B.1.2. Internal legal framework	34
2. B.2. Basic obstacles in exercising the right to the protection of personal data	35
2. B.2.1. Disadvantages of LPDP.....	35
2. B.2.2. Inconsistency of other laws with LPDP	36
2. B.3. Development of a Personal Data Protection Strategy.....	36
2. B.4. Illustrative cases related to the right to protection of personal data	37
2. B.4.1. Illustrative cases of preventive action of the Commissioner.....	37
2. B.4.2. Illustrative cases related to the exercise of the rights of data subjects in the complaint procedure.....	41
2. B.4.3. Illustrative cases of violation of the right to protection of personal data determined in the supervision procedure	50
3. ACTIVITIES OF THE COMMISSIONER	53
3.1. OVERVIEW OF THE ACTIVITIES.....	53
3.1.1. Working groups, acts, opinions, initiatives, and proposals of the Commissioner.....	59
3.1.1.1. Participation in the work of working groups for drafting laws and strategies and other acts.....	59

3.1.1.2. Opinions of the Commissioner.....	59
3.1.1.3 Initiatives and proposals	64
3.1.2. Reporting.....	64
3.2. ACTIVITIES OF THE COMMISSIONER REGARDING THE PROTECTION AND PROMOTION OF THE RIGHT TO ACCESS INFORMATION OF PUBLIC IMPORTANCE	66
3.2.1. Protection of the right to free access to information by the Commissioner	66
3.2.1.1. Resolving complaints	66
3.2.1.2. Enforced execution of the Commissioner's decision	74
3.2.2. Protection of rights before the Administrative Court and other courts	75
3.2.3. Performing the legal obligations of the authorities, the supervision and responsibility.....	80
3.2.4 Activities of the Commissioner in connection with the publication of the Information Booklet on the work	86
3.3. ACTIVITIES OF THE COMMISSIONERS REGARDING THE PROTECTION OF PERSONAL DATA	88
3.3.1. Acting of the Commissioner in performing supervision	88
3.3.1.1. Checklists	92
3.3.1.2. Records of persons for the protection of personal data.....	93
3.3.1.3. Notifying the Commissioner of data breach	94
3.3.2. Acting of the Commissioner on complaints / appeals	95
3.3.2.1. Reasons for submitting a complaint to the Commissioner.....	95
3.3.2.2. Violated rights due to which the complaints were submitted to the Commissioner	97
3.3.2.3. The structure of the operators against whom the complaints have been submitted to the Commissioner	97
3.3.2.4. The complaints / appeals resolved by the Commissioner	98
3.3.3. Data transfer to other countries or international organizations	101
3.3.4. Proceedings of the Administrative Court on lawsuits against decisions of the Commissioner in the protection of personal data	101
3.3.5. Proceedings of the Constitutional Court on lawsuits against decisions of the Commissioner in the protection of personal data	102
3.3.6. Proceedings of prosecutors' offices upon criminal charges of the Commissioner	102
3.3.7. Acting of misdemeanor courts upon requests of the Commissioner for initiating misdemeanor proceedings	103
4. THE COOPERATION OF THE COMMISSIONER	104
4.1. THE COOPERATION WITH STATE AUTHORITIES, CIVIL SOCIETY ORGANIZATIONS AND BUSINESS ASSOCIATIONS	104
4.1.1. The conferences.....	104

4.1.2. The meetings.....	106
4.1.3. Project cooperation	111
4.1.4. The events.....	113
4.1.5. The appointment of representatives of foreign companies.....	118
4.1.6. The activities of the Commissioner on the affirmation of the right to free access to information of public importance and the right to protection of personal data	122
4.2. THE INTERNATIONAL AND REGIONAL COOPERATION.....	125
4.3. THE COOPERATION WITH THE MEDIA AND PRESENTATION OF THE ACTIVITIES OF THE COMMISSIONERS IN THE MEDIA	128
5. OFFICE OF THE COMMISSIONER AND FUNDS FOR WORK.....	137
5.1. THE NUMBER OF EMPLOYEES IN THE SERVICE OF THE COMMISSIONER.....	137
5.2. THE DEVELOPMENT OF THE COMMISSIONER'S SERVICE	138
5.3. PROVIDED FUNDS AND EXPENSES FOR THE WORK OF THE COMMISSIONER'S OFFICE.....	139
6. THE PROPOSALS OF THE COMMISSIONER.....	146
6.1. THE PROPOSALS OF THE COMMISSIONER TO THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA	146
6.2. THE PROPOSALS OF THE COMMISSIONER TO THE GOVERNMENT OF THE REPUBLIC OF SERBIA	147

ANNEX 1 - OVERVIEW of the decisions of the Commissioner made in 2021 but not executed or according to which the authority has not informed the Commissioner that they acted per decision (as of 25.2.2022.) – only in Serbian version

INTRODUCTORY WORD BY THE COMMISSIONER

The report of the Commissioner for Information of Public Importance and Personal Data Protection for 2021 is the seventeenth annual report on the work of the Commissioner on the implementation of the Law on Free Access to Information of Public Importance (LFAIPI) and the **thirteenth** on the implementation of the Law on Personal Data Protection (LPDP) which the Commissioner submits to the National Assembly of the Republic of Serbia.

The National Assembly of the Republic of Serbia is at the Ninth Special Session in the Twelfth Convocation, held on December 29, 2021. In the plenum, it considered the Report on the implementation of the Law on Free Access to Information of Public Importance (LFAIPI) and the Law on Personal Data Protection (LPDP) for 2020. On that occasion, the National Assembly of the Republic of Serbia adopted a Conclusion stating that the Commissioner's report gave a general assessment of the state and quality of LFAIPI and LPDP in 2020 and supported the Government in undertaking activities and measures for the continuous implementation of the legal framework to improve the administrative execution of the Commissioner, prevent the abuse of the right to free access to information of public importance and to improve the systemic access to the field of personal data protection. She also called on the Government to regularly submit a report to the National Assembly on the implementation of this conclusion.

The situation in the field of human rights protected by the Commissioner is still not at the required and desired level.

However, in 2021, the creation of the necessary preconditions for improving this situation has begun, primarily in the normative sphere, as a basis for better protection.

Thus, after several years, the Law on Amendments to the Law on Free Access to Information was brought, entered into force on November 16, 2021, and has been in force since February 17, 2022.

The adopted amendments to the law regulate the area of free access to information of public importance in a significantly better way, enabling the easier, faster, and more efficient exercise of this right, on one hand, but also hindering the abuse of this right, which has been particularly pronounced in recent years.

Also, the amendments to the law have considerably expanded the powers of the Commissioner, which is especially reflected in the ability to submit requests for initiating misdemeanor proceedings and issue a misdemeanor order for violations of the law.

In addition, the circle of authorities subject to legal obligations has been expanded, the procedure for requesting classified information has been regulated in more detail, and new content of mandatory bulletins on the work of government bodies has been prescribed. The effects of these changes will be reflected in 2022.

In the field of personal data protection, the solution to a key problem has begun, which consists of an inadequate legal framework, and above all the shortcomings of the Law on Personal Data Protection, which greatly hinder and in some segments prevent the implementation of this human right in full.

To solve this problem, the Commissioner initiated and the Government of RS agreed to, for the first time, effectively adopt a Strategy for Personal Data Protection, which should enable solving existing problems caused by an inadequate normative (legal) framework, both due to (LPDP) imperfections and the lack of laws that would regulate certain, especially sensitive, types

of processing of personal data brought by the new age, such as video surveillance, digitalization, and artificial intelligence.

I am convinced that the Strategy will be adopted in 2022 and that, as one of the most important and priority goals of the strategy, the (LPDP) will be amended to be clearer and more applicable on the one hand, and to regulate now unregulated areas on the other.

Regarding the numerical report on the work of the Commissioner in 2021, a significant increase in the number of cases in the work is especially notable, in both areas of the Commissioner's actions.

Thus, 7,244 cases were received in the area of free access to information of public importance (compared to 5,201 cases in 2020), 3,366 cases in the area of personal data protection (compared to 2,952 in 2020), and a total of 1,611 cases in both areas (compared to 1,065) in 2020). A total of 12,221 cases were received, 3,003 cases more than in 2020.

At the same time, 12,210 cases were resolved in 2021, which is 2,713 cases more than in 2020.

General information

- **Name of the authority:** Commissioner for Information of Public Importance and Personal Data Protection (Commissioner)
- **Status:** An independent state body in the exercise of its competence
- **Headquarters:** Bulevar Kralja Aleksandra no. 15, 11 000 Belgrade
- **Registration number:** 17600524
- **Tax id:** 103832055
- **Address for receiving submissions:** Bulevar Kralja Aleksandra no. 15, 11 000 Belgrade
- **Address for receiving electronic submissions:** office@poverenik.rs
- **Establishment:** The Commissioner is an independent state body that is independent in the exercise of its competence, established by the 2004 Law on Free Access to Information of Public Importance (LFAIPI). The Law on Personal Data Protection (LPDP) from 2008 extended the competence of the Commissioner to the field of personal data protection.

Competence of the Commissioner

The competence of the Commissioner is divided into two levels: one refers to the protection of the right to free access to information of public importance in accordance with LFAIPI, while the other relates to the protection of personal data and supervision over the implementation of LPDP.

1. According to the Law on Free Access to Information of Public Importance, the Commissioner is in charge of:

- monitoring compliance with the obligations of government bodies established by this Law and informing the public and the National Assembly thereof;
- initiating the adoption or amendment of regulations to implement and improve the right of access to information of public importance;
- proposing to the authorities to take measures to improve their work regulated by this law;
- taking the necessary measures for acquainting employees with their obligations regarding the rights to access information of public importance, for effective application of this Law.

- deciding on appeals against decisions of government bodies that have violated the rights regulated by this Law;
- informing the public about the content of this law, as well as about the rights regulated by this law;
- giving an opinion on draft laws and proposals of other regulations, as well as public policy documents, if they regulate issues important for exercising the right to access information of public importance;
- initiating the procedure for assessing the constitutionality and legality of laws and other general acts which regulate issues of importance for exercising the right to access information of public importance;
- publishing and updating the manual with practical instructions for the effective exercise of the rights regulated by this law, in Serbian and in languages that, following the law, are defined as languages in official use and through the press, electronic media, Internet, public forums and other ways, acquainting the public with the content of the law enforcement manual;
- issues instructions according to which an information booklet is prepared and published and provides advice, at the request of the authorities, to properly, completely, and timely fulfill the obligation to publish the newsletter;
- maintains a unique information system of work bulletins;
- submits a request for initiating misdemeanor proceedings if the authority fails to update and compile a bulleting on its work;
- prescribes in detail the form and manner of submitting the annual report of the authority on the actions taken by the authority, to implement the law and submits a request to initiate misdemeanor proceedings against the responsible person, in case the authority fails to submit an annual report to the Commissioner;
- submits to the National Assembly an annual report on the actions taken by the authorities in the implementation of the LFAIPI, as well as on its actions and expenditures under Article 36, paragraph 1. LFAIPI;
- orders the authority to revoke the secrecy of the requested information and issue a decision approving the appeal and orders the authority to provide the applicant with access to confidential information, in the appeal procedure against the decision rejecting the request relating to classified information referred to in Article 9, item 5. of this Law, the Commissioner finds that the reasons for which the information was determined as secret have ceased, ie that the information is not classified as secret by law which regulates the determination and protection of classified information, after inspecting the case file related to the appeal to fully determine the factual situation necessary to resolve the appeal;
- issues a misdemeanor order, following the law governing the misdemeanor procedure, for a misdemeanor, after determining that the appeal, filed due to failure to act on the request (silence of the administration), is founded;
- carries out the administrative execution of its decisions by coercive measure, ie by imposing fines on the executor - the authority for non-fulfillment of obligations from the decision of the Commissioner;
- submits a request for initiating misdemeanor proceedings, provided by the Law on Free Access to Information of Public Importance, when in the appeal procedure it assesses that there is a misdemeanor;
- performs other tasks determined by this law.

According to the Law on Personal Data Protection, the Commissioner:

- supervises and ensures the implementation of the LPP following its powers;
- takes care of raising public awareness of risks, rules, protection measures, and rights related to processing, especially if it is about processing data on a minor;
- gives an opinion to the National Assembly, the Government, other authorities, and organizations, per the regulation, on legal and other measures related to the protection of the rights and freedoms of natural persons in connection with processing;
- takes care of raising the awareness of operators and processors regarding their obligations prescribed by this law;
- at the request of the person related to the mentioned data, provide information on their rights prescribed by this Law;
- acts on the complaints of the data subject to determine whether there has been a violation of the LPP and informs the complainant about the course and results of the procedure conducted per Article 82. of LPDP;
- cooperates with the relevant supervisory authorities of other countries concerning the protection of personal data, especially in the exchange of information and the provision of mutual legal assistance;
- performs inspection supervision over the application of LPDP, following LPDP and similar applications of the law which regulates inspection supervision;
- submits a request for initiating misdemeanor proceedings if it determines that there has been a violation of the LPDP, by the law governing misdemeanors;
- monitors the development of information and communication technologies, as well as business and other practices important for the protection of personal data;
- draws up standard contractual clauses referred to in Article 45, paragraph 11. of LPDP;
- according to Article 54, paragraph 5 of LPDP;
- provides a written opinion referred to in Article 55, paragraph 4. of LPDP when it considers that the intended processing operations could produce a risk if risk mitigation measures are not taken;
- keeps records of persons for the protection of personal data referred to in Article 56, paragraph 11 of LPDP;
- encourages the development of a code of conduct per Article 59, paragraph 1 of encourages the development of a code of conduct under Article 59, paragraph 5 of LPDP;
- performs activities of collecting evidence on the independence and expertise of legal entities as well as on the absence of conflicts of interest in the accreditation procedure of legal entities that control the application of the code of conduct per Article 60 of the LPDP;

- encourages the issuance of certificates for the protection of personal data and appropriate trademarks and marks in accordance with Article 61, paragraph 1 and prescribes the criteria for certification per Article 61, paragraph 5 of the LPDP;
- conducts periodic review of the certificate under Article 61, paragraph 8 of LPDP;
- prescribes and publishes criteria for the accreditation of the certification body and performs activities of collecting evidence on the independence and expertise of legal entities, as well as on the absence of conflicts of interest in the accreditation procedure of the certification body, by Article 62 of the LPDP;
- provides provisions of a contract or agreement referred to in Article 65, paragraph 3 of LPDP which provides measures for the protection of personal data during their transfer following the law;
- conducts periodic review of the certificate per paragraph 67 of LPDP;
- keep internal records on violations of this Law and measures taken in the course of inspection supervision under Article 79, paragraph 2. LPDP;
- draw up an annual report on its activities following Article 81. LPDP and submits it to the National Assembly;
- performs other tasks determined by this law.

Inspection and other powers

The Commissioner is authorized to:

- instruct both the controller and the processor, and if necessary their representatives, to provide him with all the information he requests in the exercise of his powers;
- checks and evaluates the application of the provisions of the law and otherwise supervises the protection of personal data by using inspection powers;
- conducts periodic review of the certificate in accordance with Article 61, paragraph 8 of LPDP;
- informs the controller, ie the processor about possible violations of the LPDP;
- request and obtain from the controller and processor access to all personal data, as well as information necessary for the exercise of his powers;
- request and gain access to all operator and processor premises, including access to all means and equipment.

The Commissioner is authorized to perform the following corrective measures:

- to warn the controller and the processor by submitting a written opinion that the intended processing operations may violate the provisions of the LPDP under Article 55, paragraph 4. ;

- to issue a warning to the controller, ie the processor if the processing violates the provisions of the LPDP;
- to order the controller and the processor to act upon the request of the data subject in connection with the exercise of his rights, per the LPP;
- to order the controller and the processor to harmonize the processing operations with the provisions of the LPDP, in a precisely determined manner and within a precisely determined deadline;
- to order the controller to inform the person to whom the personal data relate about the violation of personal data;
- to impose a temporary or permanent restriction on the performance of the processing operation, including a ban on processing;
- to order the correction, ie deletion of personal data, or to limit the processing per Art. 29 to 32 of LPDP, as well as to order the controller to inform the other controller, the person to whom the data relate, and the recipients to whom the personal data were disclosed or transferred, per Article 30, paragraph 3 and Art. 33 and 34 LPDP;
- to revoke the certificate or to order the certification body to revoke the certificate issued under Art. 61 and 62 of this Law, as well as to order the certification body to refuse to issue a certificate if the conditions for its issuance are not met;
- to impose a fine based on a misdemeanor order if during the inspection it is determined that there was a misdemeanor for which this law prescribes a fine in a fixed amount, instead of other prescribed measures prescribed or with them, depending on the circumstances of the case;
- to suspend the transfer of personal data to the recipient in another state or international organization.

The Commissioner is also authorized to:

- draws up standard contractual clauses referred to in Article 45, paragraph 11. of LPDP;
- gives an opinion to the operators in the procedure of obtaining the opinion of the Commissioner, per Article 55 LPDP;
- gives an opinion to the National Assembly, the Government, other authorities, and organizations, on its initiative or at their request, as well as to the public, on all issues related to the protection of personal data;
- encourages the development of a code of conduct following Article 59, paragraph 5 of LPDP;
- issues certificate and conduct periodic review of the certificate under Article 61, paragraph 5 of LPDP;
- prescribes the criteria for accreditation, in accordance with Article 62 LPDP;

- approves the contractual provisions, ie the provisions to be included in the agreement, by Article 65, paragraph 3 of LPDP; conducts periodic review of the certificate following paragraph 67 of LPDP;

1. BRIEF OVERVIEW OF THE REPORT ON THE WORK OF THE COMMISSIONER FOR INFORMATION OF PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION FOR 2021

A brief overview of the Commissioner's Work Report for 2021 shows the situation regarding the implementation of LFAIPI and LPDP, measures and activities taken by the Commissioner, as well as obstacles and challenges in exercising the right to access information of public importance and protection of personal data.

In 2021, the Commissioner received a total of 12,221 cases, of which 7,244 related to freedom of access to information, 3,366 to the protection of personal data, and 1,611 to both areas of the Commissioner's activities.

The Commissioner completed the procedure in 12,210 cases, of which 7,341 were in the field of access to information, 3,261 in the field of personal data protection, and 1,608 cases related to both areas.

The largest number of cases related to resolving complaints about the violation of the right to free access to information of public importance (**5,246**); supervising (**303**) the processing of personal data and providing expert opinions in connection with the adoption and amendment of regulations or their application. A significant part of the activities was related to training for the implementation of the new LPDP, usually through a conference call due to a pandemic; cooperation with relevant bodies at the international and regional level, and contribution to reporting activities related to the process of Serbia's accession to the European Union, as well as training and informing the professional and general public on the process of amending the Law on Free Access to Information of Public Importance.

Full visibility of the role and work of the Commissioner, both in the field of free access to information of public importance and in the field of personal data protection, is a constant task that the Commissioner achieved in 2021 through the media, website, Open Data Portal, social networks, etc. The attention of the media was especially attracted by the statements of the Commissioner regarding the work of the working group for drafting the Law on Amendments to the Law on Free Access to Information of Public Importance, proposed solutions in the Draft Law, dynamics of the working group, and then statements to the adoption of the Law on Amendments to the Law on Free Access to Information of Public Importance and News that this law brings.

In 2021, the Commissioner gave **707 opinions** on the proper application of LFAIPI and LPDP.

In 2021, the Commissioner gave **52 opinions** on draft laws requested by the authorities, all from the point of view of the Commissioner's competence. One opinion was given on its

initiative, and 51 at the request of the authorities. The Commissioner also gave **39 opinions** on drafts and proposals of other acts, one of which was on his initiative, and 38 on the request of the authorities. In 2021, the Commissioner gave a total of **482** reasoned opinions regarding the application of the LPDP.

At the Fourth Session of the First Regular Session of the National Assembly of the Republic of Serbia held on March 25, 2021, **Sanja Unković** was elected Deputy Commissioner for Information of Public Importance and Personal Data Protection - for Personal Data Protection.

The Office of the Commissioner has systematized 100 jobs with a total of 129 executors. The Commissioner's staffing plan for 2021 envisages that the Commissioner's Office will have 116 employees in 2021. In the Office of the Commissioner, one position of advisor to the Commissioner with 2 executors is systematized, and by Article 5, paragraph 5 of the Decision on the work of the Office of the Commissioner for Information of Public Importance and Personal Data Protection, which provides that the Commissioner may have up to three advisors trustees, some of whom may be employed by the Commissioner. As of 31.12.2021. 104 persons were employed in the Office of the Commissioner (98 indefinitely and 6 permanently). Also, four people were hired based on contracts for temporary and occasional jobs.

The slow dynamics of filling vacancies with the Commissioner were conditioned by objective reasons: the epidemiological situation caused by the coronavirus (COVID-19) and the provision of the necessary financial resources.

In 2021, 4 employees renewed their certificates, passed the verification procedure, and received the prescribed certificates from the Office of the National Security Council for access to classified information per the Law on Data Secrecy, for access to "strictly confidential" data. The Office of the Commissioner currently has a total of **32** employees with a certificate for access to classified information.

According to the law, the work of the Commissioner and his service is financed from the budget of the Republic of Serbia. The Law on the Budget of the Republic of Serbia for 2021^[1] **approved funds to the Commissioner for the source of financing 01 - budget revenues of 263.572.000,00 dinars, which is 17.16% less than the proposed financial plan of the Commissioner for 2021.**

The Commissioner has a certificate on the introduction of an information security management system according to the requirements of ISO 27001: 2013. ISO / IEC 27001: 2013 certification and ISO / IEC 27701: 2019 (PIMS) certification were performed in February 2021.

Despite the successfully completed testing of the web portal "**eGovernment of the Commissioner**", for objective reasons, it did not enter the production phase in 2021, which is expected in the first quarter of 2022. "

In 2021, the Commissioner continued to maintain the **Open Data Portal**, at the address <https://data.poverenik.rs>, passing numerous data derived from his work, in a machine-readable format and through visualizations, made available to the general public via the Internet. In 2021, the Open Data Portal of the Commissioner was further improved, in the form of

creating a Single Control Panel for advanced data search, selection, filtering, and display of results in the form of interactive visualizations.

In 2021, the Commissioner continued to achieve successful cooperation with international organizations and forums, as well as with the representations of international or transnational organizations in Serbia. The Commissioner especially cooperated with the competent institutions from the region and the former Yugoslavia, in the field of personal data protection and the field of free access to information of public importance.

In 2021, as in every previous year, the Commissioner submitted the Annual Work Report to the National Assembly and published it on his website. At its ninth special session, held on **December 29, 2021**, the National Assembly passed a Conclusion on the occasion of the consideration of the Report on the Work of the Commissioner for Information of Public Importance and Protection of Personal Data for 2020.

The most numerous reports that the Commissioner submits to the competent authorities are reports, ie attachments to reports related to the realization of the integration processes of the Republic of Serbia in the EU.

I Activities of the Commissioner in the field of free access to information

- **Protection of the right to free access to information by the Commissioner**

In the area of freedom of access to information, in 2021, the Commissioner **dealt with 10,074 cases** related to the protection and promotion of rights. Of that, 2,830 cases were transferred from the previous year, and 7,244 cases were received in 2021. The Commissioner **resolved 7,341 cases**, while 2,733 cases remained in progress, for which he did not complete the procedure and which were transferred to 2022.

The most common part of the Commissioner's activities in this area was **resolving complaints from citizens, journalists, and other information seekers of public importance due to the failure of the authorities to act on requests for access to information or failure to obtain information.**

Other activities were related to assisting citizens in exercising this right through written opinions and explanations of actions, as well as assisting the authorities in the application of the law, especially through opinions and conducting training; monitoring the implementation of the legal obligation of the body in terms of proactive publication of information or information on work and taking measures in this regard; giving opinions regarding the adoption of regulations and other legal initiatives; measures related to the administrative execution of the decision; preparation of publications and other ways of publishing views from the practice of the Commissioner; participation in conferences and other professional gatherings; communication regarding the requests of information seekers submitted or forwarded to the Commissioner. The Commissioner also acted on requests for access to information by which citizens and media representatives requested information of public importance created in the work of the Commissioner.

The main obstacles to exercising the right to access information in 2021 were: the **impossibility of administrative execution of the Commissioner's decision, inadequate responsibility and difficult implementation of the Commissioner's authority, a large number of cases of abuse of rights from LFAIPI, also a significant increase in unjustified from LFAIPI ("abuse of abuse of rights")**.

- ***Resolving complaints***

The number of formally filed complaints to the Commissioner for violation of the right to access information of public importance is constantly high and shows a tendency to grow from year to year. In 2021, **5,181** complaints were received, which is an increase of **36.58%** compared to last year, while 2,482 complaints were transferred from the previous year for which the procedure was not completed.

Complainants, ie information seekers in 2021, were mostly **individual citizens and lawyers, civil society organizations and other citizens' associations, and the media**.

In 2021, the Commissioner **resolved 5,246 complaints. The largest number of resolved appeals, 2,042 or 38.93%, were filed against the decision of the authorities rejecting the applicant's request as unfounded with an explanation; then 2,035 or 38.79% stated that they completely ignored the requests of information seekers, the so-called administrative silence; 924 or 17.61% due to submitting a negative or incomplete answer, without deciding with the reasons for rejecting the request and instruction on legal remedy, as required by law; while in 245 cases or 4.67% of appeals were filed against the notification of the authorities with elements of the decision.**

Complaints were founded in large numbers, namely 3,334 complaints or 63.55% of the total number of resolved complaints. In 2021, as in previous years, the trend continued that in a large number of well-founded complaints, the Commissioner's appeal procedure ends with the **suspension of the procedure, in 1,452 cases (27.68%)** after the authorities acted at the request of the applicant in the meantime. knowledge of the appeal and the required statement by the Commissioner, and before deciding on the appeal, where in 595 cases the parties formally withdrew from the appeal.

Out of 1,052 decisions made by the Commissioner on complaints of information seekers ordering the authorities to make information available to them, the authorities did not act in 262 cases or in 24.91%, which means that the level of execution of the Commissioner's decisions averages **75.09%**.

In 2021, the Commissioner acted with special care and urgency on complaints regarding information about the disease caused by the coronavirus (**COVID-19**), having in mind the pandemic situation and the importance of that information. The Commissioner received 160 such complaints, and the largest number of complaints was filed due to the so-called "Silence of the administration", as many as 113. 186 of these complaints were resolved (complaints transferred from 2020 were also resolved), and the requested information was, in most cases, related to endangering and protecting health, then to spending budget funds, actions of government bodies, as well as public procurement, and donations during the corona virus pandemic. Although the percentage of journalistic complaints concerning the total number of

complaints filed in 2021 was only 6.5%, out of a total of 160 complaints received regarding the information on coronavirus disease (COVID-19), 75 complaints were reported by **journalists**, which amounts to **46.88%**.

In the structure of complaints resolved in 2021, the largest number of complaints was filed against **public companies**, as many as **1,677** or **31.97%**, of which 201 complaints against republican public companies, followed by complaints **against republican state and other bodies and organizations 1,959 complaints** or **37.3%**, of which **682** are complaints against **ministries** and their bodies. A large number of complaints were filed against **local self-government bodies and public services and other local self-government organizations**, as many as **970** or **18.5%**, followed by **judicial bodies and institutions in the field of justice**, as many as **595** complaints or **11.3%**.

In 2021, in the process of resolving complaints about the violation of the right to access information, the Commissioner in **five** cases applied the authorization from Article 26 of the LFAIPI and requested from the authorities, insight, documents with information that are the subject of the complainant's request, to determine if the information contained in the documents may or may not be made available at the request of the appellant of not.

The degree of confirmed decisions of the Commissioner in court proceedings from the beginning of the work is at a high level, ie. over **92.8%**, and that is the best indicator of the quality of work of this state body.

- ***Enforced execution of the Commissioner's decision***

In 2021, 178 proposals for administrative execution of the Commissioner's decision were submitted to the Commissioner.

In 2021, at the suggestion of the parties seeking information, the Commissioner initiated proceedings to enforce his decisions, but could not enforce them by imposing fines. The proceedings ended with the submission of a request to the Government to ensure the execution of the decision, by direct coercion. The Commissioner submitted 82 requests to the Government for the security of execution and on that occasion, he did not receive any feedback.

The problem of administrative execution of the Commissioner's decision dates back to previous years and exists in connection with the application of the new Law on General Administrative Procedure which prescribes very high penalties that the Commissioner should impose on penalties in the form of penalties and submit information. The cause of the problem of enforcement is the different interpretation of the relevant norms on enforcement by the competent authorities involved in this process, and in their refusal of competence and cooperation in providing the data necessary for the implementation of enforcement.

The cause of the problem of enforcement is the different interpretation of the relevant norms on enforcement by the competent authorities involved in this process, and in their refusal of competence and cooperation in providing the data necessary for the implementation of enforcement. It is a legal obligation of the Government to ensure the execution of his decisions at the request of the Commissioner, by direct coercion. The Report of the General Secretariat of the Government on the activities and measures taken by the Government in connection with the legal obligation to ensure the execution of the Commissioner's decision states that "the Government of the Republic of Serbia, the General Secretariat of the Government, it is prescribed by Article 28 para. 4. The Law on Free Access to Information of Public Importance,

by applying measures within its competence, ie ensuring the execution of the Commissioner's decision by direct coercion, has the same possibilities as the Commissioners themselves.

- **Protection of rights before the Administrative Court and other courts**

Judicial protection of the right to freedom of access to information **before the Administrative Court** in administrative disputes is provided about the legality of decisions of the Commissioner and decisions of six bodies against which no appeal is allowed to the Commissioner (National Assembly, President of the Republic of Serbia, Government of the Republic of Serbia, Supreme Court of Cassation of Serbia, Constitutional Court and Republic Public Prosecutor).

The party that is dissatisfied with the decision and the Republic Public Prosecutor, when the decision violates the public interest, has the right to file a lawsuit with the Administrative Court.

In 2021, **146 lawsuits** were filed with the Administrative Court against the Commissioner. The plaintiffs of these lawsuits are the parties, ie. information seekers (132), the Republic Public Prosecutor (6), and first instance bodies (8).

In 2021, according to the information available to the Commissioner, **8 requests for review of decisions** of the Administrative Court were submitted to the **Supreme Court of Cassation**, of which the **Commissioner** submitted **two**, one of which was rejected, and **six** were submitted by the appellant to the Commissioner. Three were rejected.

In 2021, **three** constitutional appeals were filed with the **Constitutional Court** against the Commissioner's decisions. All three constitutional appeals against the Commissioner's decisions were rejected.

- **Execution of legal obligations of government bodies, supervision, and responsibility**

In 2021, the level of implementation of the obligation to publish newsletters and submit reports to the Commissioner by the authorities has **increased by 10%** compared to the previous year. The annual report was submitted to the Commissioner by 1,648 bodies to which this legal obligation applies. Data analysis showed a **34.4% increase in the number of submitted reports of republic agencies, institutes, and other organizations, and a 21.6% increase in the number of submitted reports of local self-government bodies** (cities and municipalities), while other categories of government bodies in approximately the same percent submitted a report to the Commissioner.

The Administrative Inspectorate of the Ministry of Public Administration and Local Self-Government, responsible for supervising the implementation of LFAIPI, informed the Commissioner that the Administrative Inspectorate conducted 277 inspections (out of 367 decisions submitted to the Administrative Inspectorate by the Commissioner) relating to the application of free access regulations. information of public importance, and that the minutes of the inspection proposed to the supervised bodies the implementation of 103 measures and a deadline for the elimination of identified illegalities, irregularities, and shortcomings in the work. **In 2021, the Administrative Inspection did not submit any request to the**

misdemeanor courts to initiate misdemeanor proceedings due to violation of the provisions of Art. 46-48 of the Law on Free Access to Information of Public Importance.

According to the data of the misdemeanor courts submitted to the Commissioner, in 2021, these courts received a total of 4,078 requests for initiating misdemeanor proceedings due to violation of the right to access information, with all requests submitted by information seekers as injured parties.

According to the data of the Misdemeanor Court of Appeals in Belgrade, in 2021, that court decided in 1,704 cases on appeals against decisions of misdemeanor courts in the matter of freedom of access to information, and 208 cases remained pending. Analyzing the submitted data, it is concluded that the Misdemeanor Court of Appeals in 2021, as well as in 2020, in a larger number of cases than in previous years, confirmed the convictions of misdemeanor courts.

Tabular presentation of the type and scope of activities and measures of the Commissioner in 2021 In the field of access to Information of Public Importance

Ordinal:	Types of activities and measures	Number:
1.	Cases received	7.244
1.1.	Complaints received	5.181
2.	Cases resolved	7.341
2.1.	Complaints resolved	5.246
3.	Opinions regarding the application of LFAIPI	208
4.	Responses to lawsuits to the Administrative Court	133
5.	Acting on requests requesting information on the work/possession of other bodies - The Commissioner informed the applicants about the procedure	57
6.	Proposals for administrative execution of the Commissioner's decision	206
6.1.	Decisions were made on the permission to execute the decision	107
6.2.	Conclusions on punishment in the procedure of execution of the decision are made	-
6.3.	The total amount of fines imposed in the procedure of forced execution of the decision in Serbian dinars.	-
6.4	Requests of the Commissioner addressed to the Government to provide assistance - ensure the execution of the decision	82
6.5	Postponement of execution (Article 202, paragraphs 4 and 5 of the LAP)	1
6.6	Cases in which the Commissioner requested that the Administrative Inspection supervise and initiate misdemeanor proceedings	367
6.7	Conclusions on the suspension of the execution of the decision	126
6.7.	Rejected the proposal for administrative enforcement for formal reasons	3

7.	Written communication with the authorities on the application of LFAIPI (advisory-instructive instructions to the body, in order to improve the publicity of work and other communication)	931
8.	Responses to petitions regarding the application of LFAIPI	52
9.	Assigned requests (Article 19)	491
10.	Proposals for retrial (all adopted)	3
11.	Request for review of the decision of the Administrative Court	9
12.	Official supervision according to LAP	2
13.	Exemption request (denied)	1
14.	Request for annulment of the final decision (rejected)	1
15.	Request for restitution (rejected)	1

II Activities of the Commissioner in the field of personal data protection

The activities of the Commissioner in the field of personal data protection in 2021 were extensive, which is conditioned by the current situation in that area. This is best seen through the data on the number of cases received (**3,366**), as well as through the data on the number of cases in which the Commissioner ended the proceedings (**3,261**).

The main obstacles to the effective exercise of the right to protection of personal data are **numerous shortcomings of the LPDP, inconsistency of other laws related to the processing of personal data with the LPDP**. The Government of the Republic of Serbia has passed the Decision on the formation of the Working Group for the preparation of the Proposal of the Strategy for Personal Data Protection with the Action Plan. During 2021, two workshops of the Working Group were held, at which the general goal and specific goals of the strategy were discussed, as well as measures for achieving those goals and possible performance indicators, ie. parameters that are defined to monitor the degree of achievement of goals.

• Supervision

During 2021, the Commissioner **completed** a total of **303** supervision **procedures**, of which 161 supervision was regular, and 142 extraordinary.

Supervisions were completed as follows: 257 cases were terminated by establishing that they had acted according to the previously conducted supervision, 36 cases were terminated by an official note because it was determined that there were no violations of LPDP or elements for conducting inspection procedures, 3 cases were completed by filing requests for initiating misdemeanor proceedings, 3 cases were completed by filing criminal charges, 3 cases were transferred to the Ministry of Internal Affairs, and 1 case to the Higher Public Prosecutor's Office in Belgrade for further proceedings.

During 2021, the Commissioner initiated **362 supervision procedures**. The structure of managers over whom the Commissioner initiated the supervision procedure during 2021 indicates that **companies** are still managers over whom the Commissioner initiated several

supervision procedures (**49.72%**), as well as that the number of supervisions in relation to companies has significantly increased compared to last year. Compared to the previous year, the number of supervision over local self-government bodies (11.33%) and provincial bodies (8.84%) also increased significantly.

The most common reason for initiating the supervision procedure is the security of personal data (54.08%).

For the purpose of preventive and educational action, the Commissioner has compiled **checklists**, which contain questions to which it is necessary to provide accurate and comprehensive answers. In this way, the bodies supervised by the Commissioner are helped to know their obligations in advance, ie what they need to do in order to harmonize their operations and actions with regulations and prevent damage, as well as what the authorized person from the Commissioner's office checks in the supervision procedure.

From the beginning of the implementation of the new LPDP until the end of the reporting period, the Commissioner sent checklists to **2,524** handlers, to which 2,236 handlers responded (while 288 handlers did not do so) and 42 handlers submitted a checklist to the Commissioner on their own initiative.

Based on the received completed checklists, in 2,278 cases, the Commissioner assessed the level of risk of personal data processing.

The Commissioner of LPDP is prescribed the obligation to keep accurate and up-to-date records on persons for the protection of personal data. During 2021, a total of **706** handlers, ie processors, submitted to the Commissioner forms with contact details of persons for the protection of personal data. Since the beginning of the application of the LPDP, a total of **3,765** handlers, ie processors, have submitted personal data to the Commissioner for personal data protection, of which 2,232 are authorities, although approximately 11,000 of them have a legal obligation to do so.

- **Complaints/appeals**

The new LPDP introduces the **institute of a complaint to the Commissioner**, which is a legal remedy submitted by a person if he considers that the processing of data on his identity was performed contrary to the provisions of the Law.

In the procedure on the **complaint filed due to the violation of the rights of the person to whom the data refer** from Article 26-40. LPDP The Commissioner determines whether the data controller has violated the rights of the data subject and in accordance with the established facts makes a decision against when the data subject as well as the data controller to whom the decision relates, have the right to initiate an administrative dispute with a lawsuit within 30 days from the day of receipt of the decision.

In the procedure of determining the violation of the rights of the data subject, the Commissioner acts in accordance with the LAP.

A person may exercise the right to lodge a complaint with the Commissioner at the same time as the right to initiate other administrative or judicial protection proceedings.

During 2021, **204 complaints** and 2 appeals were filed with the Commissioner.

The Commissioner acted on 246 complaints and 2 appeals and resolved **209 complaints** (167 from 2021 and 52 transferred from the previous year), and the other 42 were transferred to 2022. The commissioner **closed the procedure on two appeals**.

- ***Reasons for submitting a complaint to the Commissioner***

The most common reasons for filing a complaint with the Commissioner are the **rejection or refusal of the request by the controller (87)**, the **failure of the controller to act upon the request (80)**, and the **partial action of the controller upon the request (37)**.

- ***Violated rights causing complaints submitted to the Commissioner***

The requests regarding which, due to the appropriate inaction of the handlers, complaints were submitted to the Commissioner, refer to the realization of: **the right to access data (85%)**, **the right to delete personal data (14.5%)**, **the right to correction and supplementation (0.5%)**.

- ***The structure of the managers against whom complaints were filed with the Commissioner***

Regarding the structure of managers against whom complaints were filed with the Commissioner, the largest number of complaints, as many as **117**, were filed due to (non) actions of government bodies at all levels, ie bodies and organizations entrusted with public authorities and public companies. The largest number (66) was submitted due to lack of actions of judicial bodies. Due to lack of action of the ministries, 37 complaints were submitted, out of which only against the Ministry of the Interior 34 complaints, and due to lack of actions of all other ministries together three complaints.

During the reporting period, the Commissioner issued a total of **83** binding and final decisions ordering the controller to act on the request or to provide the requested information to the applicant, as well as to inform the controller about the execution of the decision. According to the decision of the Commissioner, 70 handlers acted in full, who informed the Commissioner about it, one handler acted partially, while with two orders of the Commissioner there is no possibility of execution. Other operators did not inform the Commissioner about the procedure or the procedure is in progress.

- ***Data transfer to other countries or international organizations***

During 2021, there were a total of **two requests** for data transfer. One request was made for the transfer of data to the United States, and one to Brazil, based on contractual provisions.

During 2021, **7 requests for approval of binding business rules** were submitted to the Commissioner. In 3 cases the request was approved, while in 1 case the case was closed with an official note..

- ***The Commissioner's initiatives and proposals in 2021 include the following:***

An initiative was sent to the addresses of **25 higher courts of the Republic of Serbia** regarding the **case law for the application of the new Law on Personal Data Protection**;

An initiative was sent to the **Republic Public Prosecutor's Office** to align the provisions of the **Rulebook on Administration in Public Prosecutor's Offices with the**

provisions of the LPDP regarding the notification of persons for the protection of personal data;

Instructions were sent to the addresses of **18 companies** regarding the legal obligation to submit a request for approval of binding corporate rules.

- **State bodies activities regarding Commissioner's acts in the field of personal data protection**

During 2021, according to the information available to the Commissioner, **51 lawsuits** were filed with the Administrative Court against the Commissioner's decisions. Out of the total number of filed lawsuits, 24 were filed by the managers, most of which were filed by the Ministry of Interior (22), due to the Commissioner's order to delete data related to the applicant, ie complaints, from the records kept by that ministry. Of the remaining 27 complaints, 4 were filed by the applicants dissatisfied with the Commissioner's conduct in the inspection procedure, while 23 were filed by the complainants dissatisfied with the Commissioner's decision.

During 2021, the Administrative Court resolved **12 lawsuits** (out of the resolved lawsuits, 3 were filed in 2021, and the remaining 9 are from the previous period), by rejecting the lawsuit as unfounded in 7 cases, dismissing 3 lawsuits and dismissing 2 lawsuits were upheld.

According to the information available to the Commissioner, the Constitutional Court acted on **two constitutional complaints** filed against the Commissioner's acts in the field of personal data protection. In one case, he rejected a constitutional complaint because it was filed against a response to a petition of a constitutional complainant. In the second case, he rejected the constitutional complaint filed against the acts of the Commissioner issued on the requested opinions of the Commissioner in the supervision sector.

During 2021, the Commissioner filed **three criminal charges**, all three of which were for a criminal offense under Article 146 of the CL (unauthorized collection of personal data).

In 2021, the Commissioner submitted **three requests for initiating misdemeanor proceedings** due to violations of the provisions of the LPDP. Regarding all misdemeanor requests that he has submitted so far, during 2021, the Commissioner received 17 decisions of misdemeanor courts (9 first instance and 8 decisions of second instance court).

Tabular presentation of the type and scope of activities and measures of the Commissioner in the field of personal data protection 2021

Ordinal:		
	Types of activities and measures	Number:
1.	Cases received	3.366
2.	Cases resolved	3.261
3.	Inspection control	303
4.	Check lists	1.010
5.	Complaints	209

6.	Appeals	2
7.	Responses to lawsuits	52
8.	Personal data breach notices	36
9.	Petitions	301
10.	Proposals for administrative execution	1
11.	Request for approval of binding business rules	4
12.	Opinions	482
13.	Previous opinion (article 55 LPDP)	17
14.	Analyses	3
15.	Records of requests for access retained data	135
16.	Records of persons for the protection of personal data	706

• Trainings

During 2021, the Commissioner organized and implemented a large number of trainings in the field of personal data protection and in the field of free access to information of public importance. The Commissioner, in accordance with the available human and material capacities, organized trainings by target groups and by territorial distribution.

In addition to these trainings, as a form of continuous education, the Commissioner made a short study program during 2020/2021 with the Faculty of Security called "Training of managers for personal data protection" with the aim of professional training and education of persons performing personal data protection.

In order to expand and improve the knowledge of law that the Commissioner protects, during 2021, negotiations were held with the Faculty of Political Sciences, University of Belgrade and the Faculty of Law, University of Kragujevac on the establishment of similar short study programs in the coming years. Also, in the organization of the Ministry of Public Administration and Local Self-Government, the signing of an agreement between higher education institutions and selected public authorities was initiated for the realization of student professional practice. Within this project, the Commissioner signed an agreement with the Faculty of Law of the University of Belgrade, and implementation is expected in the school year 2021/2022.

2. SITUATION AND OBSTACLES IN EXERCISING THE RIGHT TO FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE AND THE RIGHT TO PROTECTION OF PERSONAL DATA

2.A. RIGHT TO FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE

2.A.1. Legal framework

The exercise and protection of the constitutionally guaranteed right to free access to information of public importance in Serbia are regulated by the LFAIPI. This law was amended several times, in 2007, by tightening the conditions for the election of commissioners, then in 2009 by amending procedural and penal provisions, in 2010 when the competence for compulsory execution of the Commissioner's decision was determined and in 2021 when significant changes in order to eliminate the existing problems in the application of LFAIPI, about which more will be said later in this report.

Namely, the Commissioner has been pointing out the need to further improve this law in the interest of the public's right to know and strengthen a democratic and open society, and to remove obvious obstacles in practice since 2012. That is when the long process of amending this law began, which was interrupted several times due to the parliamentary elections.

Finally in January 2021, the competent ministry, immediately after the constitution of the RS Government, formed a Special Working Group for the preparation of the text of the Draft LFAIPI, one of whose members was the Commissioner himself. Representatives of the civil sector also participated in the working group, not as formal legal members, but with all the rights of full members, they proposed changes to the draft law and were consulted on all issues. The mentioned working group met intensively and its work was extremely dynamic and resulted in the fact that the text of the Draft Law on Amendments to the LFAIPI entered the parliamentary procedure in October. The Law on Amendments to the LFAIPI was adopted in November, entered into force on November 16, 2021, and its implementation began on February 17, 2022.

The new Law on Amendments to the LFAIPI creates normative conditions for eliminating key problems in this area (impossibility of administrative execution of the Commissioner's decision, inadequate responsibility of employees and responsible persons in public authorities for fulfilling the obligations from the LFAIPI, abuse of the right to free access to information), but Solutions have also been adopted that significantly lead to the improvement of the situation in this area and easier and more efficient exercise of the right to access information (strong affirmation of the principle of proactive transparency, expansion of public authorities, greater powers of the Commissioner, opening regional offices of the Commissioner outside Belgrade).

In this regard, the most significant amendments to the Law are:

- The principle of proactive transparency has been affirmed, as a way of exercising the right to access information. The bulletin is published through a single information system of the work newsletter maintained and maintained by the Commissioner; in electronic and machine-readable form; updated every 30 days; the scope of information

that is published is wider and the circle of bodies that are obliged to produce information is wider; Failure to create and update a work report is a misdemeanor for the relevant head of the body.

- The circle of public authorities that are liable for the Law on Free Access to Information of Public Importance has been significantly expanded.
- The range of grounds that represent a formal legal condition for the possible restriction or exclusion of the right to access information of public importance has been expanded.
- The institute of abuse of the right to access information of public importance from Article 13 of the Law has been completely deleted, ie. this can no longer be the basis for restricting or excluding the right of access to information.
- Special rules are prescribed for dealing with requests for information that constitute classified information in terms of the Law on Data Secrecy.
- The Commissioner has a new authority when deciding on an appeal against a decision rejecting a request relating to classified information. If in the procedure of such an appeal the Commissioner determines that the reasons for which the information was classified as secret have ceased, ie that the information is not classified as secret per the Law on Data Secrecy, he shall issue a decision approving the appeal and ordering the authority to revoke the secrecy data and provide the applicant with access to that data.
- The deadlines for the Commissioner to act on the appeal have been changed. The Commissioner shall issue a decision without delay, and no later than 60 days from the day of receipt of the appeal, unless the appeal is due to failure of the authorities in accordance with Article 16, paragraph 2 of the Law (information relevant for the protection of life or liberty that is, for endangering or protecting the health of the population or the environment - the deadline for the action of the first instance body is 48 hours) in which case the Commissioner makes a decision within 30 days from the day of receipt of the appeal.
- When regarding the complaint due to non-compliance with the request (silence of the administration) it determines that the complaint is founded, the Commissioner is authorized to issue a misdemeanor order and a fine of 30,000 dinars for the misdemeanor requests (ie the head of the body if the authorized person has not been appointed).
- Upon request, the authorities are obliged to provide the Commissioner with all the information necessary to establish the factual situation relevant for making decisions on the appeal, as well as for deciding on the submission of requests for initiating misdemeanor proceedings related to these decisions. To determine the factual situation, the Commissioner has been granted access to each information carrier applicable to this law.
- The mechanisms for administrative execution of the Commissioner's decision have been unblocked. The Commissioner will force the executive body - the authority to fulfill the obligations from the decision of the Commissioner by indirect coercion, by imposing fines. The fine is imposed by a decision. The fine is imposed in the range of 20,000 to 100,000 dinars and can be imposed more than once. The imposed fine is executed by the court under the law which regulates execution and security. The fines imposed represent the revenue of the budget of the Republic of Serbia.

- The Commissioner has new powers. In addition to issuing a misdemeanor order, he is also authorized to submit a request for initiating a misdemeanor procedure for misdemeanors prescribed by law, when in the appeal procedure he assesses that there is a misdemeanor. The information seeker may not submit a request for initiating misdemeanor proceedings against the authorities before the end of the appeal procedure before the Commissioner, or before the end of the administrative dispute if the appeal is not allowed to the Commissioner.
- The Commissioner may establish offices outside his head office. The performance of work in the office is regulated by the act on the organization and systematization of the work of the professional service of the Commissioner. It is planned to open offices in Kragujevac, Nis, and Novi Sad.
- The Commissioner is elected in the National Assembly, by a majority vote of all deputies, on the proposal of the committee responsible for state administration, for a term of eight years, by public call. The law also regulates in detail the manner of election of the Commissioner and the conditions for performing the function of the Commissioner.
- The Commissioner no longer needs the consent of the National Assembly for the general act on the organization and systematization of the Commissioner's professional service but is only obliged to inform the National Assembly within 15 days from the day of passing that act.
- Persons authorized to act upon a request for free access to information of public importance have a wider scope of obligations and significantly greater liability (primarily misdemeanor, which is now explicitly prescribed by law). For the first time, the law prescribes the explicit responsibility and duty of employees in the authority to provide the authorized person with all necessary assistance and to provide complete and accurate information necessary to act upon the request.
- The obligation to submit an annual report to the Commissioner is now incumbent on all public authorities, without exception, by 31 January of the current year for the previous year. The Commissioner has prescribed a form for submitting the annual report. In case of failure to submit the annual report, the Commissioner is authorized to submit a request for initiating misdemeanor proceedings against the head of the body.
- The Law made a distinction between misdemeanors for which the head of the body is responsible (Article 46, paragraph 1 of the Law), the person authorized to act upon requests (Article 46, paragraph 2 of the Law), and employees in the authority (Article 46, paragraph 3 Of the Law). A fine in the range of 20,000 dinars to 100,000 dinars is envisaged for all these violations.

The issue of jurisdiction regarding the re-use of information regulated by the Law on Electronic Administration from 2018 is still unresolved. Namely, even then, the issue of protection of this right was opened as a disputable issue, ie which body would be competent for its protection. If the legislator intended to be in the competence of the Commissioner (having in mind the provision that the provisions on the procedure of exercising the right to free access to information of public importance are applied to the procedure of exercising the right to reuse information), then in the Commissioner's opinion the competence of the body for protection of rights is explicitly prescribed by the Law on Electronic Administration or LFAIPI. The Commissioner took this

position in appeals against requests for re-use of data, by rejecting, due to incompetence, appeals concerning requests for re-use of data.

When it comes to international documents, the Commissioner once again points out that the Minister of Justice of the Government signed the Council of Europe Convention on Access to Official Documents on June 18, 2009, but that the Government has not yet initiated the procedure for ratification of that convention by the National Assembly. Significance of this convention, which entered into force on 1.12.2020. is that it is the first general legally binding document of the Council of Europe in terms of access to official documents, although LFAIPI in certain segments provides a higher level of rights than the minimum required by the Convention, and which the Convention itself allows. In this regard, in May 2021, the Commissioner, in cooperation with the Council of Europe Office in Belgrade, organized a conference on the significance of the said convention. On that occasion, the Commissioner, representatives of the Council of Europe, and the Minister of Public Administration and Local Self-Government supported the importance of ratification of that convention. However, that convention has still not been ratified by the National Assembly.

2.A.2. About the realization of the public's right to know in 2021 and obstacles

The institute of the right to free access to information of public importance in the Republic of Serbia is continuously used to a large extent. It is mostly used by citizens individually, followed by citizens' associations, journalists and media representatives, government bodies themselves, political parties and their members, lawyers, business entities, and others. Applicants had the most difficulty in obtaining information regarding the spending of budget funds, public procurement, and other disposals of public funds and records of public property. The **number of complaints filed** with the Commissioner has significantly increased (an increase compared to 2020 by **36.58%**).

The situation in exercising the right to free access to information of public importance in 2021 has not changed significantly compared to the previous year and, from the point of view of the Commissioner and a large number of well-founded complaints due to violation of rights, cannot be assessed as satisfactory.

In short, the situation is such that obtaining information from the authorities is still greatly hindered without filing a complaint with the Commissioner or a complaint to the Administrative Court where an appeal is not allowed.

There is still a phenomenon that in a large number of cases, public authorities act upon the request and submit information only after the applicant submits a complaint to the Commissioner, and the Commissioner submits it to the authority for a statement. This necessarily leads to the suspension of the appeal procedure, but at the same time causes unnecessary harassment of those seeking information and unnecessary spending of public resources in connection with the processing of grievances and the engagement of staff in the Office of the Commissioner. Giving information only after learning about the complaint shows that there were no essential reasons for not acting on the submitted requests and that such an irresponsible and irrational attitude of the authorities towards citizens and public resources could and should have been avoided.

Information is usually denied because there is an abuse of rights by information seekers, that the information is confidential, or that providing the information would violate someone's

privacy (even when it comes to office holders and officials, and the information relates to their work), and all this, very often, without adequate argumentation and evidence.

Unfortunately, it is often the case that the authorities do not provide information to applicants even after the Commissioner's order, so the level of unexecuted decisions is still high, especially in cases of complaints from journalists. Although LFAIPI is used by journalists as a basic tool in performing their work, they find it increasingly difficult to obtain information on the work of government bodies, which is confirmed by the very high percentage of unexecuted decisions (35.51%) issued by the Commissioner on their complaints. the information is made available. The number of unexecuted decisions of the Commissioner on complaints of journalists and media representatives is significantly higher compared to the general trend when it comes to other complainants, which is not justified since it is a profession that seeks information to write and report to the public on topics of general public interest.

However, what represents an improvement in the situation compared to 2020 and earlier years is that there were **no cases when the authorities denied the Commissioner information when he requested it, under the pretext that it was "confidential" data.** Namely, during 2021, in the procedure of resolving complaints due to violation of the right to access information, the Commissioner in five cases applied the authorization from Article 26 of the LFAIPI and requested from the authorities, for insight, documents with information that are the subject of the complainant's request, to determine if the information contained in the documents may or may not be made available at the request of the appellant or not. In none of these cases was the access to the requested information denied.

The described situation in the freedom of access to information is significantly contributed by the fact that the legal mechanisms of forced execution of the Commissioner's decision, ie. fines were completely blocked, making it difficult for applicants to obtain information. In addition, there was no support from the Government to ensure the execution of the Commissioner's decision by direct coercive measures, following the law. This was the biggest obstacle to exercising the right. However, the fact that the enactment of the Law on Amendments and Supplements to the LFAIPI creates normative conditions for solving these problems is encouraging.

The responsibility for unfounded denial of information to the searchers, ie the public, was reduced exclusively to the initiative of the information seekers as injured parties since the competent authority did not submit any requests for initiating misdemeanor proceedings against the responsible persons in the authorities. Thus, the non-implementation of the legal obligation to a large extent, in terms of proactive disclosure of information and taking other measures to improve the publicity of work, remained unpunished. However, this situation will certainly change as the Commissioner is empowered by the new law to submit requests to initiate misdemeanor proceedings and issue misdemeanor warrants.

Apart from the fact that from year to year there is a very large number of complaints on which the Commissioner conducts proceedings, the work of the Commissioner's Office has been burdened for many years due to an inadequate number of employees and a large influx of cases due to inaction or inappropriate actions of authorities. The inability of the Commissioner to decide on the appeal within the legal deadline of 30 days opened the possibility of conducting administrative-court proceedings before the Administrative Court, on the occasion of which the court awarded court costs at the expense of the Commissioner. The frequency of lawsuits and the Commissioner's efforts to prevent the occurrence of court costs additionally burdened the work of the Service and disrupted the order of resolving complaints. At the same time, it negatively affects the exercise of the rights of those citizens who do not resort to a lawsuit against the Commissioner

in case of delay in deciding on the appeal. Consequently, although not caused by the Commissioner's fault, it may reflect the trust of citizens in this institution as a protector of the right to freedom of access to information, which is long-term, judging by the number of complaints and recognitions received by the Commissioner. The new law has somewhat solved this problem, as for most cases the deadlines for the Commissioner to act on the appeal and make a decision (60 days from the date of receipt of the appeal) have been extended, except for cases related to endangering and protecting public health and the environment where the deadline is still 30 days).

Despite all obstacles, the effects of the Commissioner's action on obtaining information on the work of public authorities are still at a high level in terms of the ratio of the number of cases in which applicants exercised their rights concerning the complaints filed. In addition, despite all the challenges brought by 2021, **the Commissioner managed to resolve more complaints than he received** (although 36.5% more complaints were received than in 2020), thus reducing the backlog from previous years.

The degree of confirmed decisions of the Commissioner in court proceedings from the beginning of the work is at a high level, ie. over 92% and that is the best indicator of the quality of work of this state body.

2.A.3. Basic obstacles in exercising the right to access information

Obstacles that burdened the exercise of the right to free access to information in 2021 are almost identical to those in 2020, with the adoption of the new Law on Amendments to the Law on Free Access to Information of Public Importance creating normative conditions for solving these problems. What is an example of good practice is that the National Assembly is for the third year in a row, after several years of not considering the report of the Commissioner at the sessions of the National Assembly, ie. in plenary, considered the Report of the Commissioner for 2020 and adopted appropriate conclusions on that occasion.

The essence of obstacles to exercising the right to access information is reflected in the following:

2.A.3.1. Impossibility of administrative execution of the Commissioner's decision

The problem of administrative execution of the Commissioner's decision dating from previous years was present in 2021 as well. The cause of the problem of enforcement is the different interpretation of the relevant norms on enforcement by the competent authorities involved in this process, and in their refusal of competence and cooperation in providing the data necessary for the implementation of enforcement. This problem is expressed in connection with the application of the new Law on General Administrative Procedure (June 1, 2017) which prescribes very high penalties that the Commissioner in the procedure of administrative execution should impose on penalties to the authorities as executors, to force execute the decision and submit the information.

The genesis of this problem is detailed in the Commissioner's Annual Report for 2017, so it will not be repeated in this report.

The Law on Amendments to the LFAIPI from November 2021 created conditions for resolving two key problems related to the enforcement of the commissioner's decisions, namely: determining the number of fines and competencies for enforcing the imposed fines. The fine is imposed in the range of 20,000 to 100,000 dinars and can be imposed more than once. The imposed fine is executed by the court in accordance with the law which regulates execution and security. The fines imposed represent the revenue of the budget of the Republic of Serbia.

2.A.3.2. Inadequate accountability

The responsibility of the authorities for violating the right to free access to information, of the most drastic forms, ie. complete ignoring of citizens' requests and non-compliance with executive and binding decisions of the Commissioner until non-fulfillment of other legal obligations of government bodies, and in 2021 it was symbolic and it was initiated exclusively by requests for misdemeanor proceedings by information seekers as injured parties.

The situation regarding liability for violation of the right to access information is best illustrated by the fact that the competent authority - Administrative Inspection in 2021 did not submit to the misdemeanor courts any request to initiate misdemeanor proceedings against 3334 complaints that the Commissioner found to be founded (out of 5246 resolved complaints) which were resolved by the Commissioner in the same year, which are confirmation that there was a violation of rights, ie violations of the law in government bodies.

Also, the level of fulfillment of other legal obligations is still unsatisfactory. Regarding the submission of reports to the Commissioner, the degree of fulfillment of this obligation is 43%, regarding the publication of newsletters on the Internet about 27%, conducting training about 32%, bearing in mind that in 2021 over 3,800 authorities were subject to these obligations, which means that the vast majority of authorities continue to ignore this obligation, with impunity.

Years ago, the Commissioner pointed out that the absence of responsibility for the violation of this right, and not only the misdemeanor responsibility, undoubtedly encourages those responsible in the authorities to continue to behave in this way, in the belief that they will not bear any consequences. In addition, the years-long absence of full responsibility for the violation of rights is the main cause of a very large number of complaints to the Commissioner. The Commissioner's objective inability to resolve all complaints within the legal deadline causes dissatisfaction among citizens and is often the reason for filing lawsuits and causing costs and unnecessary budget expenditures, which have already been discussed in this report.

In such a state of affairs, the citizens whose rights were violated, in their capacity as injured parties, submitted requests for initiating misdemeanor proceedings to the misdemeanor courts in 2021, and in large numbers, although less than in 2020. According to the data of the misdemeanor courts, in 2021, a total of 4078 requests were submitted. In the continuation of the report, in the part on statistical data, the stated data and the outcome of the proceedings before the misdemeanor courts are presented.

2.A.4. Typical cases of inadequate action of public authorities on requests for access to information in 2021

- **The unfounded claim that the requested information is not information of public importance**

In their decisions, public authorities very often refer to the fact that the requested information is not information of public importance, although all the conditions from Article 2 of the LFAIPI are met for the requested information to be considered information of public importance in terms of the provisions of that law.

In that sense, the case of inadequate conduct of the authorities in a situation when the journalist asked the Nikola Tesla Museum for a proposal of the work and development program of the Nikola Tesla Museum for the period from 2021 to 2025, which is the candidate I.J. submitted during the competition for the selection of the director of the Museum. The Nikola Tesla Museum

rejected the appellant's request with the appealed decision, referring to Article 2 of the Law on Free Access to Information of Public Importance and stating that the requested information is not of public importance. The Commissioner annulled the appeal decision and ordered the Museum to make the requested information available to the appellant. In the explanation of his decision, the Commissioner stated that the first instance body erred when it rejected the appellant's request with the appealed decision, referring to Article 2 of the Law on Free Access to Information of Public Importance, with the explanation that the requested information is not information of public importance. This is due to a request from 14.05.2021 for access to information of public importance, the appellant requested the information contained in the document of the proposed program of work and development of the Museum, which is the candidate IJ, as a participant in the public competition for the election of the director of the Museum, by the decision of the Government of the Republic of Serbia 24 number 119-4100 / 2021 from 12.05.2021. ("Official Gazette of RS", No. 48/21) appointed director of the Museum of Nikola Tesla, was obliged to propose, as an integral part of the tender documentation, as prescribed by Article 36, paragraph 2 of the Law on Culture ("Official Gazette of RS", No. 72/09, 13/16, 30/16 - correction, 6/20, 47/12), and there is no doubt that they refer to the work of the Nikola Tesla Museum in Belgrade, as an authority, when conducting a competition for the appointment of the director of the institution, that they are contained in certain documents in his possession and that the public has a legitimate interest to know, given that according to Article 4 of the Law, legitimate public interest to know always exists, unless the authority does not prove otherwise, which in the specific case the first instance body did not do. Therefore, the requested information is information of public importance, because in this case all the elements from Article 2, paragraph 1 of the Law have been fulfilled, which is a precondition for the information to be considered information of public importance. This is specially referred to proposal of the work program of the institution, which according to Article 36, paragraph 2 of the Law on Culture, is a condition of the competition and which the candidate for the director is obliged to submit, as an integral part of the competition documentation, for which reason the allegation of the first instance body that it is a projection is unacceptable, in the form of a proposal of a natural person participating in a public competition, because it is a proposal submitted by IJ, who was elected director of the Nikola Tesla Museum in Belgrade after the competition, so there is no doubt that it is information that the public is interested in knowing. The stated decision of the Commissioner has been executed.

- **Unfounded reference of the first instance bodies to the confidentiality of data**

Public authorities often invoke the confidentiality of data without adequate explanation, when they deny information concerning general acts, disposal of public funds, the environment, and the like.

In that sense, the case in which the Ministry of Defense of the Republic of Serbia, referring to Art. 9 p. 5 LFAIPI, denied the appellant access to the requested information, ie. copies of the Rulebook on systematization and organization of jobs in the Military Medical Academy, MMA Treatment Sector, or other appropriate act regulating the systematization and organization of jobs in the Military Medical Academy, MMA Treatment Sector, which have been in force with the said body since 2011. The Commissioner annulled the appellate decision of the Ministry of Defense and ordered them to make the requested information available to the appellant. In the explanation of the decision, the Commissioner stated that the first-instance body erred when referring to the provisions of Art. 2 par. 1 and Art. 9 p. 5 Of the Law on Free Access to Information of Public

Importance, Art. 1. par 2 p. 2), provisions art.6. par. 1 and par. 2 The Law on Data Secrecy and the Rulebook on the Organization of the Serbian Army and the Internal Organization and Systematization of Formation Positions of Commands, Units, and Institutions, refused the submitted request. Namely, when the first instance body (which bears the burden of proof in terms of Article 24, paragraph 3 of the Law on Free Access to Information of Public Importance) denies access to the requested information, due to the secrecy of documents, the aforementioned is obliged to prove that this case justifies doing so to protect the overriding interests referred to in Article 9, item 5 Of the Law on Free Access to Information of Public Importance). This is because two conditions need to be met, one that it is information or a document which, by regulation or official act based on law, is determined to be kept secret, ie which is available only to a certain circle of persons, and the other condition that it is information or a document due to which the disclosure could have severe legal or other consequences for the interests protected by law that prevail over the interest in access to information as prescribed by Article 9, item 5 of the said Law. At the same time, these consequences or reasons for denying access to information cannot be abstract and hypothetical but must be made concrete, and clearly recognizable about the requested information. In this particular case, the first instance body stated that the document containing the requested information is an act of the organization - the formation of the Armed Forces and that it bears the degree of confidentiality "strictly confidential" which is determined to prevent serious damage to the interests of the Republic of Serbia, as well as that the documents in question bear the stated level of secrecy because the information contained therein may indicate to unauthorized persons, organizations and states the capacities of commands, units, and institutions for performing tasks in defense of state interests from the armed threat or indicate peacetime capacities of commands, units, and institutions for the execution of tasks in the defense of state interests, but did not provide any evidence in support of such a claim, ie did not state what severe legal or other consequences would occur by making the requested information available and how it would happen. On the other hand, the requested information is information of public importance given that, in this case, all the essential elements of Article 2, paragraph 1 of the Law on Free Access to Information of Public Importance have been fulfilled, which is a precondition for the information to be considered information of public importance. They refer to the systematization and organization of jobs in the Military Medical Academy, ie to the organization of the work of government bodies in performing tasks within their competence, and the public has a justified interest to know. The justified interest of the appellant, ie the public in the sense of Article 4 the Law on Free Access to Information of Public Importance always exists, unless the authority proves otherwise, which it did not do in the specific case. In addition, the stated public interest is further strengthened by the fact that the requested information relates to the Treatment Sector. This is especially due to the fact that the request requested a copy of the Rulebook on systematization and organization of jobs in the Military Medical Academy, and it is difficult to imagine how making the requested information available would cause severe legal or other consequences, considering that the subject document contains the number of jobs for each title and each type of job, job titles, job descriptions of jobs and titles, the required number of persons for each job, conditions for employment, etc., ie that the document in question prescribes systematization and the organization of jobs of the health military institution, bearing in mind that the Military Medical Academy is a medical, educational and scientific research institution within the Ministry of Defense, open to all citizens and integrated into the national health system. The stated decision of the Commissioner has not been executed.

In this regard, it is important to mention that the Administrative Court, in a similar factual and legal situation, took the position that the Rulebook on Internal Organization and Systematization of Workplaces of the Ministry of Internal Affairs should be made available to the appellant.

In relation to the unfounded denial of information with a call for the confidentiality of data, the decision of Elektro distribucija Srbije Ltd in Belgrade is also characteristic, which refused to make information available to the applicant, ie documents from which it is possible to find out how much electricity the Branch of Elektro distribucija Leskovac In 2020, it took over for each mini-hydropower plant. The Commissioner annulled the said decision and ordered Elektro distribucija Srbije Ltd to make the requested information available to the applicant. In the explanation of his decision, the Commissioner stated that the first-instance body did not prove that the conditions from the LFAIPI for denying access to the requested information were met. When making the decision, the Commissioner especially had in mind the nature of the requested information, ie: that they are related to the use of renewable energy sources, which according to Article 2, para. 1 and 2 of the Law on the Use of Renewable Energy Sources ("Official Gazette of the RS", No. 40/21) in the public interest of the Republic of Serbia and of special importance for the Republic of Serbia. Therefore, it is indisputable that there is an increased public interest in knowing how much electricity the public authority has taken over from the producer, which is not only paid to that producer with public money but also with public money to encourage the production of electricity. Electricity is also a public good for the use of which, as well as the use of energy, citizens pay a fee (fee for improving energy efficiency), and the Decree on the amount of special fee for incentives for privileged electricity producers stipulates that the system operator of the guaranteed supplier, submit data on the amount of taken over electricity for each subject of a collection of the incentive fee. This decision has been executed.

- **Unfounded call of the first instance bodies to abuse the right to access information of public importance**

Public authorities very often invoke the abuse of the right to access information, without adequate proof and explanation that the conditions from the LFAIPI are met to deny access to information on that basis, which is especially unfounded when it comes to information on the disposal of public funds and spending public money.

In that sense, the typical case in which the Public Company "Post of Serbia", referring to the abuse of the right to access information, denied access to information related to donations and sponsorships, for the period from March 22, 2015, until March 22, 2020, ie documents in which they are contained, from which it is possible to find out when all that Company sponsored and to whom it gave donations; the amount awarded to each beneficiary of the donation and sponsorship; when contracts have been concluded with the beneficiaries of donations and sponsorships and the period of their duration, as well as whether any of the beneficiaries has abused the donation or sponsorship and whether they have possibly returned the money received. The Commissioner annulled the decision of the Public Company "Post of Serbia" and ordered them to make the requested information available to the appellant. In the explanation of his decision, the Commissioner stated, among other things, that in connection with the allegation of the first instance body that the volume of the requested information is excessive, it cannot and must not be a reason why the first instance body in terms of Art. 13 of the Law on Free Access to Information of Public Importance, could deny access to the requested information and reject the request in its

entirety. Also, the case-law of the European Court of Justice suggests that it is up to the authority to first prove the scope of its task, go beyond what can reasonably be required, then thoroughly consider the various options available to it to take measures that will not be the unreasonable scope of work for him to satisfy the request of the applicant, as well as to try to consult with the applicant to adopt the request to the extent that is less unfavorable than rejecting the request in its entirety, which the first instance body did not do. In addition, the requested information speaks of his work and business, ie the disposal of public funds and donations from them for donations and sponsorships, and there is not only the interest of the complainant but also the general public to know them, given that in terms of spending public funds always there is a heightened public interest in knowing. This decision has been executed.

2. B. THE RIGHT TO PERSONAL DATA PROTECTION

2. B.1. Legal framework

2. B.1.1. International legal framework

•European Union

1. Charter of Fundamental Rights of the European Union - Respect for private life and protection of personal data are guaranteed in Art. 7th and 8th Of the Charter. The Charter is an integral part of the Lisbon Treaty and binding on EU institutions and bodies and the Member States.

2. General Data Protection Regulation (GDPR) - Regulation (EU) 2016/679 of the European Parliament and the Council on the protection of individuals concerning the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EU as a key document in this area that has been directly applicable in EU member states since May 2018.

3. Police Directive - Directive 2016/680 of the European Parliament and the Council on the protection of individuals about the processing of personal data by the competent authorities for prevention, detection, investigation, or prosecution of criminal offenses or the execution of criminal sanctions and on the free movement of such data on the repeal of Council Framework Decision 2008/977 came into force in May 2018. The Police Directive ensures the protection of personal data of victims, witnesses, and criminal suspects and facilitates cross-border co-operation in the fight against crime and terrorism.

Community law in the field of personal data protection includes other regulations, as well as judgments of the Court of Justice of the European Union and decisions of the European Committee for Personal Data Protection. A strong impetus for the further improvement of the appropriate protection of personal data is given by the European Supervisor for Personal Data Protection, but also by special departments and senior officials for personal data protection of Europol and Eurojust.

The Republic of Serbia's readiness for European integration, in particular after 1 September 2013, when the Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, imposes an obligation on the Republic of Serbia to harmonize its protection legislation of personal data with Community law and other European and international rules on privacy (Article 81 of the Agreement). From the point of view of international law, the harmonization of national legislation in the field of personal data protection with European Union law is an international legal obligation of the Republic of Serbia governed not only by the Stabilization and Association Agreement but also by the status of a candidate for membership of the European Union means that the foreign and domestic policy of the candidate country is in line with the policies of the European Union and its legal framework.

- **The European council**

1. **1. European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)** - Article 8 guarantees the right to privacy.
2. **2. Convention for the Protection of Individuals about Automatic Processing of Personal Data** - the first legally binding international document in the field of protection of personal data.
3. **3. Additional Protocol to the Convention on the Protection of Individuals concerning Automatic Processing of Personal Data and Cross-Border Data Flow**
4. **4. Protocol amending the Convention on the Protection of Individuals about Automatic Processing of Personal Data (Convention 108+)**

2. B.1.2. Internal legal framework

The legal framework for the protection of personal data in the Republic of Serbia consists of the following regulations:

1. **Constitution of the Republic of Serbia**

The provisions of Article 42 guarantee the right to the protection of personal data

2. **Act on ratification of the Convention on the Protection of Individuals about Automatic Processing of Personal Data**

3. **Law on ratification of the Protocol amending the Convention on the Protection of Individuals about Automatic Processing of Personal Data**

4. **Law on ratification of the Protocol amending the Convention on the Protection of Individuals about Automatic Processing of Personal Data**

5. **Law on Personal Data Protection - LPDP**

LPDP is a key regulation in the field of personal data protection, which was adopted in November 2018 with the delayed implementation of nine months from 22 August 2019.

Following the need to complement the internal legal framework, the Commissioner adopted, based on the LPDP obligations and powers, certain statutes that further regulate the area of personal data protection, as follows:

- Rule book on the form and manner of keeping registers of persons for the protection of personal data
- Rule book on the form and manner of keeping internal registers of violations of the law on the protection of personal data and measures taken in the performance of inspection supervision
- Rulebook on the form of notification of personal data breaches and the procedure of informing the Commissioner of information of general importance and protection of personal data in the event of breaches of personal data.
- Rulebook on the complaint form
- Decisions on the list of types of personal data processing activities for which an impact on the protection of personal data must be assessed and obtain the opinion of the Commissioner for information of general importance and protection of personal data
- Decision amending the Decision on the list of types of processing of personal data for which a personal data protection impact assessment must be carried out and obtain the opinion of the Commissioner for information of general importance and protection of personal data
- Rule book on the form of ID card for the competent person to carry out inspection supervision per the Personal Data Protection Act
- Decision on the establishment of standard contractual clauses

In addition to the statutes adopted by the Commissioner, a statute published by the government was adopted.

- Decisions on the list of States, parts of their territories, or one or more sectors of activity in the States and international organizations where it is considered that an appropriate level of protection of personal data is provided.

2. B.2. Basic obstacles in exercising the right to the protection of personal data

2. B.2.1. *Disadvantages of LPDP*

LPDP provides better protection of the right to protection of personal data and prescribes a greater scope of obligations and responsibilities to all data processors. However, the main obstacles in exercising the right to protection of personal data are numerous shortcomings of the LPDP, which primarily relate to unclear provisions and prescribed mechanisms that do not exist in the domestic legal system, which calls into question its applicability. The text of the LPDP mostly represents an adapted translation of the General Regulation (with the fact that its integral part of the Preamble, which is a necessary starting point for the interpretation of regulations, is not included in the LPDP), as well as the so-called "Police Directives" which regulates the processing of personal data by the competent authorities in connection with criminal proceedings and threats to national security. Due to the inappropriate manner of transposing the "Police Directive", two parallel regimes have been established in the LPP in terms of data processing, one of which is general, and the other, which refers to "competent authorities", is special.

The LPDP does not adequately elaborate procedural provisions on the Commissioner's handling of complaints. The LPDP contains a provision according to which the data subject has

the right to file a complaint to the Commissioner, as well as that this does not affect the right of that person to initiate other administrative or judicial protection proceedings. Given that the bodies before which the procedure can be conducted (Commissioner, Administrative Court, High Court) do not have the obligation to inform each other, nor to check whether another body is conducting any procedure, this raises the problem of applying the principle of "ne bis in idem"- not twice about the same). This means that in any procedure in which several mechanisms for the protection of the rights of persons are initiated, legal certainty is called into question.

Bearing in mind that several issues in the LPDP are not regulated at all or adequately, ie that some provisions are not sufficiently concretized, that many articles contain inappropriately many views and that there are an extremely large number of cases of exemptions from the LPDP, its effective application is difficult and therefore necessary to amend.

2. B.2.2. Inconsistency of other laws with LPDP

The obligation from Article 100 of the LPDP, which stipulates that the provisions of other laws, which refer to the processing of personal data, will be harmonized with the provisions of the LPP by the end of 2020, has not been fulfilled.

Given that the LPDP concerning the previous data protection regime regulates the matter more comprehensively, including prescribing the quality and content of other regulations, that a large number of regulations were adopted before the LPDP, and that in some cases the Commissioner's opinions on the draft laws were never transferred to the final provisions of the adopted laws, it is necessary to amend the relevant regulations, ie to consider the adoption of new ones.

2. B.3. Development of a Personal Data Protection Strategy

At the initiative of the Commissioner, the Government of the Republic of Serbia passed the Decision on the formation of the Working Group for the preparation of the Proposal of the Strategy for Personal Data Protection with the Action Plan, in which, in addition to other members, the Commissioner for Information of Public Importance and Personal Data Protection and the Deputy Commissioner for Personal Data Protection has been appointed.

The adoption of the Strategy for Personal Data Protection proved to be a necessary step towards enabling the easier and more efficient exercise of the right to personal data protection in the Republic of Serbia. The Strategy and the accompanying Action Plan should address the problems resulting from the inaccuracy and incompleteness of the Law on Personal Data Protection, as well as the lack of appropriate regulations in this area, such as data processing through video surveillance, digitalization, and the relationship between artificial intelligence and protection personal data.

In 2021, two working meetings of the Working Group were held, at which the general goal and specific goals of the strategy were discussed, as well as measures for achieving those goals and possible performance indicators, ie. parameters that are defined to monitor the degree of achievement of goals.

The Working Group is expected to complete its work in 2022 and for the Government to adopt the Strategy and Action Plan for its implementation.

2. B.4. Illustrative cases related to the right to protection of personal data

2. B.4.1. Illustrative cases of preventive action of the Commissioner

Illustrative cases of preventive action of the Commissioner

1. The Commissioner for Information of Public Importance and Personal Data Protection received a request for **an opinion on whether a private preschool institution is a government body in terms of Article 4, paragraph 1, item 25) of the Law on Personal Data Protection ("Official Gazette of RS "No. 87/18) and whether the private preschool institution is obliged to appoint a person for the protection of personal data.**

The response sent by the Commissioner to the Applicant states the following:

In the sense of the provision of Article 4, paragraph 1, item 25) of the Law on Personal Data Protection, a state body means a state body, a body of territorial autonomy and local self-government units, a public enterprise, institution, and another public service, organization and another legal or natural person which exercises public authority.

Law on Public Services ("Official Gazette of RS", No. 42/91, 71/94, 79/2005 - other law, 81/2005 - amended other law, 83/2005 - amended other law, and 83/2014 - other law), in Article 1, paragraph 1, it is determined that public service in terms of this law are institutions, companies and other forms of organization determined by law, which perform activities or activities that ensure the exercise of citizens' rights or satisfy the needs of citizens and organizations, as well as the realization of other legally-established interest in certain areas, and Article 2 of this Law prescribes that the funds used by companies, institutions and other forms of the organization referred to in Article 1 of this Law may be in all forms of ownership. Given the above, private institutions also represent public authorities in the sense of the Law on Personal Data Protection, and following the provision of Article 56 of that Law, they also represent controllers who must have a person for personal data protection.

The provision of Article 56 of the Law stipulates that the controller must have a data protection person, as follows: if the processing is performed by a public authority unless it is a processing performed by a court to exercise its judicial powers; the basic activities of the controller or processor consist of processing operations which by their nature, scope, or purposes require regular and systematic supervision of a large number of persons to whom the data relate; the basic activities of the controller or processor consist in the processing of special types of personal data referred to in Article 17, paragraph 1 or personal data related to criminal convictions and criminal offenses referred to in Article 19 of that Law, to a large extent.

2. The Commissioner for Information of Public Importance and Personal Data Protection received a request for an **opinion on whether a company that provides its clients with pick-up and delivery services has the status of a controller or processor per the Law on Personal Data Protection ("Official Gazette RS "No. 87/18)**

The response sent by the Commissioner to the Applicant states the following:

The conditions and manner of performing postal services are regulated by the Law on Postal Services ("Official Gazette of RS" No. 77/19).

The provisions of Article 3, paragraph 1, items 2) and 3) of the said law, it is determined that the term "postal service" means a service that includes any treatment of postal service providers with postal items and includes receipt, processing, transportation, and delivery of postal items in domestic and international postal traffic, as well as the term "postal service user" means a natural or legal person who uses postal services as a sender or recipient of a postal item. The provider of postal services is marked with the term "postal operator", which means an economic entity that performs one or more postal services (Article 3, paragraph 1, item 5 of the same law).

The provisions of Article 7 of the Law on Postal Services stipulate that postal services are performed based on an access contract or based on a contract that must be following the law, regulations adopted based on laws, general conditions for performing postal services, and other acts of postal operators based on the law, as well as based on international conventions, agreements and other international acts ratified by the Republic of Serbia.

The Law on Postal Services also establishes the obligation of the postal operator to process the personal data of the users of its services, ie its proxy, as is the case, for example, when issuing a receipt to the sender and keeping special records of shipments per Article 41 of that law, ie when inspecting the identity document with a photograph and recording the registration number of the identity document of the proxy for the delivery of shipments per the provisions of Article 42 of the same law.

The meaning of the terms "operator" and "processor" is determined by the provisions of Article 4, item 8) and 9) of the Law on Personal Data Protection, so that the controller represents a natural or legal person, ie a government body that independently or together with others determines the purpose and manner of processing personal data, while the processor represents a natural or legal person or government body which processes personal data on behalf of the controller.

According to the cited provisions of the Law on Postal Services, the postal operator performs postal services under the conditions and in the manner regulated by that law, and the users of its services may be legal and natural persons in the capacity of senders or recipients of postal items. Considering that when providing the appropriate postal service to a certain user, per the Law on Postal Services, the postal operator is, among other things, obliged to process personal data to achieve the purpose of processing, it follows that the postal operator concerning the personal data of the users of its services, being processed within the performance of postal activities, has the capacity of a controller, in the sense of the Law on Personal Data Protection.

Regarding the part of your request related to giving an opinion on whether the postal operator must conclude a contract with the user of its services on the processing of personal data concerning personal data that may be contained in the document contained in the shipment, we think yes, provided that a special law does not provide otherwise, and if the postal operator does not process this data in whole or in part in an automated manner, or if the data do not form a data collection, nor are intended for data collection, there are no conditions for the application of the Law on Data Protection on the person referred to in Article 3, paragraph 1 of that Law, as well as the obligation to conclude a processing contract in the cases provided for by that Law.

3. The legal entity (hereinafter: the Handler), asked the Commissioner for **an opinion on the act on the assessment of the impact of the intended actions of personal data processing,**

and on the occasion that as an employer, at the request of one of its clients, considers the introduction of silent monitoring option within LMI Rescue application, which allows superiors to monitor the work of their employees while providing support to end-users ", which is stated to" allow access to computers of employees in the Operator by their immediate superiors ".

The response sent by the Commissioner to the Applicant states the following:

The Impact Assessment Act states in the section "Project / Process Description": "LogMein Rescue (" LMI Rescue ") software application allows employees/operators in the Operator to solve problems of end-users through remote control of the device. The operator is considering introducing a silent monitoring option within the LMI Rescue application, which allows supervisors to monitor the work of their employees while providing support to end-users. The purpose of data processing is to monitor the work of operators to improve the quality of their work and provide better and better service to end-users. It is further stated that the same application has the functionality to: "allow superiors to see the entire desktop of the computer on which the employee/operator works; the supervisor can supervise any employee/operator within the sector in which the LMI Rescue application is used, monitoring can be performed crucially during the operation of the operator in the application; there is no possibility to record a monitoring session; the operator will not be notified when monitoring begins and ends; monitoring includes all tools, applications or programs that the operator works on, more precisely monitoring everything that the operator does on the computer." It also states that when accessing the application, the operator receives the following message: "Your account is configured to allow your administrator to monitor your entire desktop without prior notice. Note that the administrator can only monitor your desktop while the application is running. "Potentially high-risk data processing activities are cited as the reason for performing the impact assessment."

The part of the act marked as "Description of personal data processing", among other things, states: that personal data are processed "for employees hired for the work of one of the handler's clients"; that the results of such processing "are not recorded or stored by the Operator and his client"; that the intended data processing implies access to employees' computers by their immediate superiors who are enabled to see the entire desktop of the computer on which the employee / operator works, ie implies monitoring everything that the operator does on the computer while the operator works in the application; that the processing in question will be performed "daily during working hours, ie when the employee uses the LMI Rescue application" and that it will be performed "at the level of a certain number of employees in the Operator (176 employees), hired to work for one of the Operator's clients"; that the purpose of processing personal data is to "monitor the work of operators in order to improve the quality of their work and provide better service to end users of services"; that the legal basis of the intended processing of personal data is the "Labor Law".

Regarding the necessity and proportionality of processing, it is stated that only those data "necessary to fulfill the purpose of processing" will be used and that access to personal data, ie processing results is minimized, so that access to processing results is allowed only to persons employed in the Manager which must-have information on the work of the operator "

In the part of the act marked as "Risk assessment for the rights and freedoms of data subjects", the risk is stated as "violation of the rights and freedoms of employees within processing", and "probability and seriousness of violation" are stated as "significant", while the overall risk identified as "high".

The part of the act marked as "Description of protection measures about the existence of risk", as "measures to reduce or eliminate risk" states that: monitoring can be performed only during the operation of the operator in the application; there is no possibility to record a monitoring session; the application is used exclusively during working hours and within the use of the employer's (or Operator's) business systems ", and" impact on risk "is stated as" accepted ", while" residual risk "is determined as" medium ".

In this regard, we inform you of the following.

Under Article 54, paragraph 1 The provisions of Article 54, paragraph 1 of the Law on Personal Data Protection stipulate the obligation of the controller to, if it is probable that some type of processing, especially using new technologies and taking into account the nature, scope, circumstances, and purpose of processing, cause high risk for rights and the freedom of natural persons, before starting the processing of personal data, to assess the impact of the envisaged processing operations on the protection of personal data.

Cases in which the controller is obliged to assess the impact of processing are prescribed by Article 54, paragraph 4 of the Law and the Decision on the list of types of personal data processing operations for which an assessment of the impact on personal data protection must be performed and seek the opinion of the Commissioner for Information of Public Importance and Personal Data Protection ("Official Gazette of RS", No. 45/19 and 112/20).

Pursuant to Article 54, paragraph 6 of the Law prescribes the minimum content of the impact assessment act and stipulates that the impact assessment must at least contain: a comprehensive description of the envisaged processing operations and the purpose of processing, including a description of the operator's legitimate interest, if any; assessment of the necessity and proportionality of processing operations concerning the purposes of the processing; risk assessment for the rights and freedoms of data subjects; a description of the measures intended to be taken about the existence of risks, including protection mechanisms, as well as technical, organizational and personnel measures to protect personal data and provide evidence of compliance with the provisions of this law, taking into account the rights and legitimate interests data relating to other persons.

According to Article 55, paragraph 1 The provision of Article 55, paragraph 1 of the Law stipulates that if the assessment of the impact on the protection of personal data, which was performed by Article 54 of that Law, indicates that the intended processing operations will produce a high risk if no measures are taken to reduce the risk, the controller is obliged to seek the opinion of the Commissioner before starting the processing operation.

The provision of paragraph 7 of the same Article of the Law stipulates the obligation of the controller to submit, together with the request for an opinion, information to the Commissioner on 1) duties of the controller, and, if any, joint operators and processors participating in processing, perform within a group of economic entities; 2) the purposes and methods of the intended processing; 3) technical, organizational and personnel measures, as well as mechanisms for the protection of the rights and freedoms of persons to whom the data relate following this Law; 4) contact details of the data protection person if specified; 5) assessment of the impact on the protection of personal data referred to in Article 54 of this Law; 6) other information requested by the Commissioner.

Therefore, the act on the assessment of the impact of the envisaged processing operations on the protection of personal data is issued by the controller, and it is signed by the person authorized to represent the controller, and not by the person appointed by the controller as a person for personal data protection. Article 54, paragraph 3 of the Law, when assessing the impact,

requests the opinion of the person for the protection of personal data and the same should be stated in that act.

In the relevant act on impact assessment, the purpose of personal data processing is not clearly defined, but the goals of using a certain technological solution within the application and the purpose of personal data processing that will be performed through it are identified.

In this regard, the provisions of Article 5, paragraph 1 item 2 of the Law, the purpose of processing must be specifically determined, explicit, justified, and lawful, and the purpose of processing must be determined following the Law and differentiated from the goal of a project/activity.

The Labor Law is stated as the legal basis for the intended processing of personal data, so in this regard in this case no specific provisions of the Labor Law are presented, which determine the legal obligation, ie the legal authority of the controller to process personal data for purposes and manner described in the act.

When the legal basis for the processing of personal data of employees by the employer is a legal authorization or legal obligation, data processing may be performed only within the statutory authority, ie obligations determined by specific laws and for the purpose determined by those laws. The controller cannot achieve the purpose of processing in a way that excessively encroaches on the privacy of employees, especially when other less invasive methods of processing are available to the employer to achieve the purpose of processing.

The assessment of the necessity and proportionality of performing processing operations in relation to the purpose of processing was not performed following the Law, since the operator should determine whether there is a need to perform intended processing operations concerning the processing purpose. processing contributes to the realization of the purpose, whether the purpose of processing can be achieved without such processing, whether the same purpose can be achieved in a less invasive way for privacy and other rights and freedoms of individuals, etc., which in this case is not determined.

Regarding the risk assessment for the rights and freedoms of the data subjects, the submitted act states that the probability and severity of the violation are "significant", while the overall risk is assessed as "high", without specifying the sources of risk or how an established level of risk has occurred.

Consequently, it is not possible to determine whether the envisaged measures, which are intended to be taken about the existence of risks, are adequate.

Therefore, after determining the purpose and appropriate legal basis for processing, as well as assessing the necessity and proportionality of the intended processing, it is necessary to identify and assess possible risks, their sources, probability, and severity of consequences, as well as measures to eliminate/reduce risks of rights and freedoms.

Having in mind all the above, the Commissioner thinks that in the specific case the conditions for starting the intended processing of personal data have not been met.

2. B.4.2. Illustrative cases related to the exercise of the rights of data subjects in the complaint procedure

1. Email address as personal information

The complainant V.P. submitted a complaint to the Commissioner for Information of Public Importance and Personal Data Protection against the company XX l.t.d. Novi Sad as a data

controller, due to the violation of the right to delete his e-mail address xxxx@xxxinox.co.rs, considering that it is personalized because it contains his last name.

In his statement on the complaint, the Operator stated, among other things, that the stated data were not personal data; that the complainant was employed by the Operator until October XXX, and that, while employed, he used the official e-mail address xxxx@xxxinox.co.rs owned by the Operator; that access to the official e-mail address of the complainant is necessary for the Operator in order to fulfill his contractual obligations towards business partners in a timely and following the contract, to realize his legitimate interests; that the Operator has never sent letters from the specified e-mail address or committed any abuses, and that the processing is reduced exclusively to inspection concerning the principles of processing and per Article 12. Law on Personal Data Protection.

Article 4, paragraph 1, item 1) of the Law on Personal Data Protection stipulates that personal data is any data relating to a natural person whose identity is determined or identifiable, directly or indirectly, and item 3) of the same article of the law that processing of personal data any action or set of actions performed automatically or non-automated with personal data or their sets, such as, inter alia, insight, use, and storage.

Article 5, paragraph 1 of the said law stipulates, inter alia, that personal data must be processed lawfully, fairly, and transparently concerning the data subject ("legality, fairness and transparency"), whereby lawful processing is processing carried out per that law, ie other law governing the processing and that personal data must be collected for purposes specifically specified, explicit, justified and lawful and still, cannot be processed in a manner that is not following these purposes ("restriction on the purpose of processing").

Article 12, paragraph 1, items 2) and 6) of the Law on Personal Data Protection stipulates that processing is legal only if one of the following conditions is met, and among other things, if the processing is necessary for the execution of a contract concluded with a person to whom the data also relate if the processing is necessary to achieve the legitimate interests of the controller or a third party unless those interests are overridden by the interests or fundamental rights and freedoms of the data subject requiring personal data protection, and especially if the data subject the data refer to a minor.

Article 30, paragraph 1 of the same law stipulates that the data subject has the right to have his / her data deleted by the controller, and paragraph 2 that the controller is obliged to delete the data referred to in paragraph 1 of this Article without undue delay in the following cases: personal data are no longer necessary to achieve the purpose for which they were collected or otherwise processed; the data subject has revoked the consent based on the processing was performed and there is no other legal basis for the processing; the data subject has objected to the processing following Article 37 para. 1 and 2 of this Law; personal data were processed illegally; personal data must be deleted to fulfill the legal obligations of the operator and when personal data are collected in connection with the use of information society services referred to in Article 16, paragraph 1 of the Law.

Having in mind the above, the e-mail address through which a person is determined or identifiable, directly or indirectly, represents the personal data of that person in terms of the Law on Personal Data Protection. Given that, in this particular case, the e-mail address contains the complainant's last name, the first letter of his name, and the name of the company where the complainant was employed, and that the complainant's clients and business partners continue to contact the official e-mail address, it is indisputable that that person was determined through that address, and that such e-mail address represents his data. As the Data Controller inspects the

official e-mail address of the complainant and keeps it, he performs personal data processing by the Law on Personal Data Protection and is obliged to respect all processing principles prescribed by Article 5 of the said Law, including the principle of legality and the principle of limitation concerning the purpose of processing. Therefore, as it is an official e-mail address that was opened and used to fulfill the obligations of the complainant in connection with his engagement with the Operator, after the termination of employment of that person with the Operator there is no contractual relationship since a legal basis for processing is the official e-mail address for the complainant open is terminated. In making the decision, the Commissioner took into account the allegations of the Operator from the response to the complaint that he processes the e-mail address in question-based on the legitimate interest to eliminate the damage caused by the complainant but found that in this case the conditions for application are not met. Legitimate interest as a legal basis for data processing because the Operator did not document, ie presented to the Commissioner that there is a legitimate interest that prevails over the right of the complainant to the protection of his personal data. According to the Commissioner, the processing of data on the complainant to prevent damage to the company in which the complainant was employed, as indicated by Rukovalac, is not necessary because Rukovalac has other legal means at his disposal to protect his rights and interests. Therefore, after the termination of the complainant's employment with the Operator, there is no longer a legal basis for the processing of personal data, more precisely, the official e-mail addresses containing the surname and the initial letter of the complainant, and how the purpose for which the personal data in question were processed was fulfilled, the Commissioner found that the conditions for deleting data prescribed by Article 30, paragraph 2, item 1) and 4) of the Law on Personal Data Protection and based on Article 79, paragraph 2, item 7) and in connection with Article 77, paragraph 2 of the Law on Personal Data Protection and the provisions of Article 136, paragraph 1 of the Law on General Administrative Procedure, ordered the Operator to delete the official e-mail address NN xxxx@xxxinox.co.rs. within 8 days from the date of receipt of this decision.

2. Conflict between the right to freedom of expression and the right to forget

Complainant XX filed a complaint with the Commissioner for Information of Public Importance and Personal Data Protection through a proxy, lawyer, for violation of the right to delete his personal data from Article 30 of the Personal Data Protection Act by Google LLC, 1600 Amphitheater Parkway Mountain View, CA 94043, as a data controller. The complaint states that against the company XXX l.t.d. Belgrade, as the publisher of the media "XXXX", filed a lawsuit against the High Court in Belgrade to establish that the publication of information violated the complainant's right and to remove the published record, as well as that criminal proceedings are underway against the editor-in-chief of the said media for the criminal offense of insult under Article 170, paragraph 2 in conjunction with paragraph 1 of the Criminal Code.

In a statement on the complaint, Operator's attorney stated, among other things: that the article was originally published in the media and that, although Operator is not a media, a search engine, it has a responsible role in ensuring respect for basic human rights, freedom of expression, information and media; that the legal basis for the processing of data by the Controller, including data on the complainant, is a legitimate interest referred to in Article 12, paragraph 1, item 6) of the Law on Personal Data Protection; that the position on the validity of legitimate interest as a legal basis was confirmed by the judgment of the Court of Justice of the EU No. C-131/12 in the case "Google Spain SL and Google Inc." against "Agency Española de Protección de Datos, Mario

Costeja González" and personal data protection groups; that the provision of an Internet browser service implies enabling Internet users to provide information and to have access to information through a browser, which is a right protected by Article 10. European Convention on Human Rights and the Constitution of the Republic of Serbia; that the guidelines of the European Committee for the Protection of Personal Data name five criteria to be considered when assessing a request for removal, namely 1) the role of the complainant in public life, 2) whether the data are related to the professional life of the complainant, 3) whether the data represent hate speech, defamation, insult or similar criminal offenses in the field of expression based on a court order, 4) whether the data have been verified and 5a) whether the data refer to a relatively minor criminal offense, 5b) whether the offense occurred long ago and 5c) whether the processing of data related to the offense causes damage to the data subject; that the Working Group's guidelines explicitly state that business people are considered to have a role in public life; that the complainant is the director of the company XXXXX, and that the media in Serbia have repeatedly interviewed or in some other way represented the complainant in the capacity of a successful entrepreneur, and only some examples are the guest's appearance on the TV program "Dvougao", Blic article "from xx.xx.xx. year, an article in the newspaper "Danas" from xx.xx.xx, and that the complainant is the Honorary Consul XXX in Serbia; that the purpose of making the complainant's personal data available in Google search is to perform the basic function of a web browser, ie. providing links to websites containing information about the complainant, in response to a user's query in a search engine using the name and surname of the complainant; that the disputed article states that the complainant was close to the former Prime Minister of AP Vojvodina XXX during his term and that at the time of publication of the article he was close to XXX and XXX (Minister of Finance) in the Government of Serbia, and that because of these connections the company XXX, which is connected with the complainant, acquired the right to perform construction works on the plot in XXX, and that the works allegedly undermined the foundations of the surrounding houses and threatened to cause the collapse of a nearby cultural monument, that the complainant tried to persuade the owner of the neighboring house to sell him the house, but when the owner refused, the complainant took steps to undermine the foundations of the owner's house, which allegedly prevented the normal use of the house, as well as the homeowner's business, and the company "XXX" for damages, that the complainant allegedly pressured the experts to do an expert examination favorable to "XXX"; that, taking into account the Guidelines of the Working Group, the Operator rejected the applicant's request because the article in question reports on the alleged actions of the complainant as a representative of the company "XXX", i.e. as a businessman and not as a natural person, and therefore the article examines his professional life and not his private life, and proceedings against the publisher and the editor-in-chief are still ongoing and there is no binding court decision finding inaccuracy information from the subject article, that the data are not sensitive, the information is reasonably current and does not put the complainant at substantial risk, the data were published for journalistic purposes and the article contains factual allegations which, if true, would indicate the complainant's recent criminal conduct.

Examining the case file, the Commissioner established the following facts and found that the complaint was well-founded.

The complainant XX on 13.11.2020. submitted to the Operator a request for the removal of the URL link xxxxxxxx in which, among other things, it is stated that when entering his name and surname in Google search, the first result of the search is the website, ie the text of the media "XXXX: XXXXX" with the title "XXX" and subtitle "XXX", which enables and contributes to

the dissemination and availability of untrue and offensive allegations about the applicant contained in that text.

The operator refused to remove the URL link because in the specific case the content refers to topics that are of great importance to the public and relate to the professional life of the applicant.

Inspecting the text to which the link to the request for removal from the indexing search system of the operator leads, it was determined that it contains data on the actions of the company "XXXX" in connection with the construction of the facility in XXX and alleged complaints of the complainant with senior officials of the Republic of Serbia.

Under Article 42, paragraph 1 Article 42, paragraph 1 of the Constitution of the Republic of Serbia ("Official Gazette of the RS", No. 98/2006), stipulates that the protection of personal data is guaranteed, and Article 50, para. 3 and 4 of the Constitution that there is no censorship in the Republic of Serbia, and that the competent court may prevent the dissemination of information and ideas through the media only if it is necessary in a democratic society to prevent calls for the violent destruction of the constitutional order or violation of the territorial integrity of the Republic of Serbia, to prevent the propagation of war or incitement to direct violence or to prevent the advocacy of racial, national or religious hatred, which incites discrimination, hostility or violence, and to exercise the right to correct false, incomplete or incorrectly transmitted information that violates someone's right or interest and regulates the right to respond to published information by law. Article 51 of the Constitution further stipulates that everyone has the right to be informed truthfully, completely, and promptly on issues of public importance, and the media are obliged to respect that right.

Pursuant to Article 194, paragraph 4 of the Constitution stipulates that ratified international agreements and generally accepted rules of international law are part of the legal order of the Republic of Serbia.

European Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by the Republic of Serbia by the Law on Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("Official Gazette of Serbia and Montenegro - International Agreements", No. 9/2003, 5/2005 and 7 / 2005 - corrigendum and "Official Gazette of RS - International Agreements", No. 12/2010 and 10/2015) in Article 8, paragraph 1 prescribes that everyone has the right to respect for his private and family life, home and correspondence.

Article 10 Paragraph 1 of the Convention provides, inter alia, that everyone has the right to freedom of expression and that this right includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

Article 30, paragraph 1 of the Law on Personal Data Protection, which ensures the protection of fundamental rights and freedoms of natural persons, and in particular their right to protection of personal data, stipulates that the data subject has the right to have his / her personal data deleted by the operator. Paragraph 2 of the same article of the law stipulates that the controller is obliged to delete the data referred to in paragraph 1 of this article without undue delay in the following cases: personal data are no longer necessary to achieve the purpose for which they were collected or otherwise processed; the data subject has revoked the consent based on which the processing was performed and there is no other legal basis for the processing; the data subject has objected to the processing under Article 37 para. 1 and 2 of this Law; personal data were processed illegally; personal data must be deleted to fulfill the legal obligations of the controller and when personal data are collected in connection with the use of information society services referred to in Article 16, paragraph 1 of the Law.

Article 30, paragraph 3 of the said law stipulates that if the controller has publicly disclosed personal data, his obligation to delete the data following paragraph 1 of this Article includes taking all reasonable measures, including technical measures, in accordance with available technologies and possibilities of bearing the costs of their use, to inform other controllers who process the data that the data subject has submitted a request to delete all copies of this data and references, ie electronic links to this data.

Article 30, paragraph 5, item 1) of the said law prescribes that paragraphs 1 to 3 of this Article shall not be applied to the extent that processing is necessary for exercising freedom of expression and information.

The Law on Public Information and Media ("Official Gazette of the RS", No. 83/2014, 58/2015, and 12/2016 - authentic interpretation), which regulates the manner of exercising the freedom of public information in Article 1, prescribes that public information is exercised through the media, in Article 4 that public information is free and not subject to censorship, and in Article 5, paragraph 1 that the media publish information, ideas and opinions about phenomena, events and personalities about which the public has a legitimate interest to know, regardless of how the information was obtained, under the provisions of this law.

Article 101 of the said law stipulates that if the publication of information or records violates, inter alia, the right to dignity of the person, the right to authenticity, ie the right to privacy, under the provisions of this law, the lawsuit may require a determination that publishing information, ie records violated the right, ie interest, as well as destruction of the published record (deletion of video, deletion of audio, destruction of negatives, removal from publications, etc.).

Having in mind the above provisions, it is indisputable that the right to protection of personal data, the right to freedom of the media and the right to be informed by the constitution and the law are guaranteed rights. However, none of these rights is absolute, but in each case, it is necessary to perform a test of balancing between these rights. On the one hand, everyone has the right to the protection of their data as one of the fundamental and inalienable human rights. On the other hand, freedom of expression and information which includes not only the right to express oneself on a particular issue but also the right to receive information is essential for a democratic society. Although search engines are not media in the sense of the Law on Public Information and Media, they play an important role in disseminating information accessed on the Internet and accessing that information. Therefore, although every person has the right to be forgotten, as one of the rights to personal data protection, ie the right to control what appears when their name is searched and to require the browser as a data controller to remove certain URLs that contain outdated or unpleasant data from the results of Internet searches, when deciding on the merits of a person's request, search engines are obliged to perform a balancing test between the above rights. When performing the balancing test, it is necessary to take into account the following criteria: whether the person whose data are being processed has a role in public life; whether the person whose data are processed is a minor; whether the data include special types of personal data or relate to criminal offenses; whether the data are accurate; whether the original content was published for journalistic purposes; whether the person whose data are being processed is endangered or suffers damage and the like. This is also provided by the guidelines of Working Group 29 on the implementation of the judgment of the European Court of Justice No. C-131/12 in the case of Google Spain SL and Google Inc. against the Española de Protección de Datos, Mario Costeja González Agency, and the guidelines European Data Protection Board No. 5/2019 on the criteria for the application of the right to forgetting by search engines under the General Regulation on Personal Data Protection. Therefore, a distinction must be made between private

individuals and persons appearing in public life, whether in politics, economics, the arts, the social sphere, sports, or any other field. Namely, while otherwise, an individual is unknown to the public, persons who have a role in public life are inevitably and consciously exposed to the examination of their words and deeds, both by journalists and the public in general, and their right to protection of personal data is narrower to other persons. When it comes to persons who have a role in public life, it is necessary to distinguish between reporting on aspects of their private life, on the one hand, and reporting on them in a public capacity on the other. Although they enjoy greater protection in terms of reporting on their private lives, in certain circumstances the right of the public to be informed may include aspects of the private lives of public figures. Also, when performing the test of balancing which right is predominant in each specific case, it is necessary to take into account whether the original content was published for journalistic purposes. This is because the media play a key role in the exchange of information and opinions and have not only the right but also the obligation to inform the public, and they are provided with a greater degree of protection than others when exercising the right to freedom of expression.

Having in mind the above, it is indisputable that the complainant, as a successful businessman, is the director of the company XXXXX and a person who has appeared in the media several times in that capacity and is known to the public, a person who has a role in public life.

When deciding on the merits of the complaint, the Commissioner performed a balancing test between the right to protection of personal data and the right to freedom of the media and the right to information and found that the conditions for deletion from Article 30, paragraph 2 of the Law on Personal Data Protection were not met, because processing, in terms of Article 30, paragraph 5, item 1) of the same law, is necessary for the exercise of freedom of expression and information because the complainant is a person who has a role in public life; that the original content was published for journalistic purposes; that in the media article “XXX” to which the link which is the subject of the request leads, information and opinion of the author of the text regarding the actions of the complainant and the company “XXX” regarding the construction of the facility in XXX are presented; that the inaccuracy of the data presented in the subject text has not been proven, nor has it been proven that the complainant suffers damage due to the subject processing, given that the proceedings against the publisher and the editor-in-chief of the said media are still ongoing; that it is not a matter of processing special types of data, nor is it a minor; that there is no other criterion on the basis of which the right to protection of personal data of the complainant could prevail over the right to freedom of expression and information, which is why the Commissioner found that in this case the public interest in accessing information about the complainant prevails; in relation to his right to protection of personal data, and that the removal of the link in question would at this time constitute a disproportionate restriction on the right to freedom of expression in order to protect the right to respect for private life. Therefore, based on the provision of Article 78, paragraph 1, item 6) of the Law on Personal Data Protection and the provision of Article 136, paragraph 1 of the Law on General Administrative Procedure, the Commissioner decided that the complaint was unfounded.

3. Execution of legal obligations of the operator as a condition for deleting personal data

Complainant XX submitted a complaint against the company A1 Srbija l.t.d. Belgrade to the Commissioner for Information of Public Importance and Personal Data Protection, as a data controller due to violation of rights related to the processing of personal data at his request from

02.04.2021. year in which he requested the deletion of all his personal data, namely all personal data, data on the use of services, data on traffic, and data on terminal equipment used for the realization of the service since he withdraws his consent to data processing, and which was the basis for processing personal data has ceased to be valid.

In the statement on the complaint, the Operator stated that the complainant, as the user of Operating services, terminated the contract on November 5, 2019., that per Article 128 of the Law on Electronic Communications, the Operator is obliged to keep the retained data from Article 129 of that Law for 12 months after which they are automatically deleted, ie they are no longer retained, to keep other data for 10 years from the date of termination. The operator further stated that the same data retention periods were valid at the time when the complainant concluded the contract with the operator, ie that the prescribed data retention periods were valid from the beginning of the controller's operations, and that the retained data on the complainant were deleted, given that the deletion of retained data after one year is set on the Operator's systems.

Examining the case file, the Commissioner established the following facts and found that the complaint was not well-founded.

Inspecting the Operator's document "General Terms and Conditions of the Contract on Subscriber and User Relationship of the Mobile Communication Network", it was determined that it stipulates that these General Terms and Conditions are considered an integral part of the subscription contract and that the Operator processes the subscriber's identity in The personal data protection policy which is available on the website https://a1.rs/o-a1/o_nama/politika_zastite_licnih_podataka and which is considered an integral part of the General Terms and Conditions.

Inspecting the Operator's document "Personal Data Protection Policy", it was determined that the Policy supplements the General Terms and Conditions of the Subscriber and User Relationship Agreement of the Handler's electronic communication network regarding personal data protection and that the said document stipulates, among other things, that the Handler processes personal data persons to whom the data relating fulfilling their contractual obligations for the provision of electronic communications services and other services it provides, as well as that contracts and invoices, are kept for 10 years after the end of the year to which the invoice refers, ie ten years after the termination of the contract, following the general statute of limitations of the Law on Obligations and the law governing taxes.

Article 4, item 1) of the Law on Personal Data Protection stipulates that personal data is any data relating to a natural person whose identity is determined or identifiable, directly or indirectly, and item 3) of the same article of the law that processing of personal data any action or set of actions performed automatically or non-automated with personal data or their sets, such as, inter alia, insight, use, and storage.

Article 12, paragraph 1, item 2) of the said law prescribes that the processing is legal if it is necessary for the execution of the contract concluded with the person to whom the data relate.

Article 21, paragraph 1 of the same law stipulates, inter alia, that the controller is obliged to take appropriate measures to provide the data subject with all information related to the exercise of the right referred to in Article 30 of this Law to a concise, transparent, comprehensible and an easily accessible way, using clear and simple words. This information shall be provided in writing or another form, including electronic form, as appropriate.

Under Article 30, paragraph 1 of the Law on Personal Data Protection stipulates that the data subject has the right to have his / her personal data deleted by the controller, and paragraph 2 that the controller is obliged to provide the data referred to in paragraph 1 without undue delay of

this Article shall be deleted in the following cases: personal data are no longer necessary to achieve the purpose for which they were collected or otherwise processed; the data subject has revoked the consent based on which the processing was performed and there is no other legal basis for the processing; the data subject has objected to the processing per Article 37 para. 1 and 2 of this Law; personal data were processed illegally; personal data must be deleted to fulfill the legal obligations of the operator and when personal data are collected in connection with the use of information society services referred to in Article 16, paragraph 1 of the Law.

The provision of Article 79, paragraph 2, item 7) of the said Law stipulates, inter alia, that the Commissioner may order the deletion of personal data under Articles 29 to 32 of this Law.

Pursuant to Article 128, paragraph 1 of the Law on Electronic Communications ("Official Gazette of RS", No. 44/2010, 60/2013 - decision US, 62/2014 and 95/2018 - other law) stipulates that the operator is obliged to retained data from Article 129 of that Law shall be kept for 12 months after which they shall be automatically deleted, and Article 129 that this obligation of the operator refers to data necessary for monitoring and determining the source of communication, determining the destination of communication, determining the beginning, duration and end of communication, types of communication, identification of the user's terminal equipment and determination of the location of the user's mobile terminal equipment.

The provisions of Article 142 of the Law on Obligations ("Official Gazette of the SFRY", No. 29/78, 39/85 ... No. 18/2020) stipulate, inter alia, that the general conditions determined by one contractor, either that they are contained in a formal contract, whether referred to in the contract, supplement the special agreements established between the contractors in the same contract, and as a rule oblige as well as these, that they must be published in the usual way, and that they oblige the contracting party were known or had to be known at the time of the conclusion of the contract.

Article 360 of the said law stipulates that the right to demand the fulfillment of an obligation ceases with the statute of limitations, and Article 371 of the same law stipulates that claims become statute-barred by ten years, unless another statute of limitations is determined by law.

Having in mind the stated provisions of the law, as the legal deadline for keeping retained data is 12 months, and as the Handler deleted the data after the expiration of the legal deadline before filing the complaint, the Commissioner found that the complaint was not founded in that part.

Regarding other data that are the subject of the complainant's request for deletion, how they are related and arise from the contract concluded by the complainant with the Operator, and how the prescribed retention periods, with which the complainant was or should have been aware, have not yet expired, The Commissioner finds that at this moment the conditions for deleting the personal data in question prescribed by Article 30, paragraph 2 of the Law on Personal Data Protection have not been met.

The Commissioner also appreciated the complainant's allegation that he withdrew his consent to the processing of personal data and that there was no longer a legal basis for processing, but it was not relevant for a different decision of the Commissioner, because in this case the legal basis for processing was not consent, but the execution of rights and obligations from the contract concluded by the complainant with the Operator.

Therefore, based on Article 79, paragraph 2, item 7), and in connection with Article 77, paragraph 2 of the Law on Personal Data Protection and the provisions of Article 136, paragraph 1 Of the Law on General Administrative Procedure, the Commissioner decided that the complaint was unfounded.

2. B.4.3. Illustrative cases of violation of the right to protection of personal data determined in the supervision procedure

1. The preschool institution published the unique personal identification number of children admitted to the preschool institution on the official website and bulletin board

The Commissioner, through an authorized person from his professional service, under Article 78, paragraph 2 of the LPDP, ex officio performed an extraordinary office inspection over the application of the LPP by the Operator, based on the information he obtained from the citizen's application regarding the publication lists of children received upon complaint, on the official website of the Operator, which contains personal data relating to the children received.

Insight into the acts and documentation of the Operator and based on the submitted written statements of the Operator, which is important for the subject of supervision, it was determined:

- that the Operator published the document entitled "List of admitted children according to the complaint 2020/2021", which in the column "date of birth" contains the personal identification number of the admitted children, on the official website in the section "News" and the bulletin board, on 23.06.2021.;
- that the Operator published the Decision on the admission of children without stating their ID numbers on 28.05.2021;
- that the Operator published the document entitled "List of admitted children according to the complaint 2020/2021", which in the column "date of birth" contains the personal identification number of the admitted children, on the official website in the section "News" and the bulletin board, on 2020/2021;
- In a written statement, the Operator stated that he removed the disputed lists from the official internet presentation and bulletin board, as well as that an apology was sent to the parents for the omission on the internet presentation, which was determined by the Commissioner's Authorized Person by inspecting the Operator's internet presentation.

By publishing the document entitled "List of admitted children according to the complaint 2020/2021", which contained the JMBG of accepted children in the column provided for entering the date of birth, on June 23, 2021. year, on his official website and bulletin board, Operator violated the provisions of Art. 5. paragraph 1, item 1) and Art. 12. LPDP, because it did not process the data in a lawful, fair, and transparent manner concerning the persons to whom the data relate, nor was one of the conditions for lawful processing prescribed by Article 12 Of the LPDP;

2. The company performs video surveillance in retail facilities, among other things, to control the work of employees, and the processing is entrusted to a licensed processor in terms of regulations on private security, but without a contract or other legally binding act

Based on the statements of the representative of the Operator present at the time of the extraordinary field inspection, insight into the space of the retail facility at the address Zeleni venac. no. 2 in Belgrade and equipment from the video surveillance system, insight into the internal

act on video surveillance and the employment contract of the employee in the retail facility, and submitted scanned solutions of the Ministry of the Interior, The Police Directorate, Belgrade, by which _____ from Obrenovac were issued licenses for planning the system of technical protection and installation, commissioning, maintenance of the system of technical protection and training of users, it was determined:

- that the Operator performs processing via video surveillance in the retail facility at the address Zelenci venac. no. 2 in Belgrade;
- that the said processing is performed for the security of persons and property, entry and exit from the official or business premises, as stated in the internal act on video surveillance of March 08, 2019.
- that a graphic notice on the performance of video surveillance is displayed on the front door;
- to process with 4 cameras, and to record the recordings on a DVR device with a 4 TV hard disk;
- that in other retail facilities the Operator performs video surveillance with similar systems made of similar equipment;
- that the cameras are aimed at the sales area and the area around the cash register;
- that _____ from Obrenovac personally installed cameras and equipment from the video surveillance system, that he is not employed by the Operator, that he is not in a contractual relationship with the Operator, and that he does not have a registered activity related to technical protection;
- that _____ from Obrenovac has licenses for planning the system of technical protection and installation, commissioning, maintenance of the system of technical protection, and training of users, but does not have a license for risk assessment in the protection of persons, property, and business;
- that the stated licenses (decisions) of the Ministry of Internal Affairs, Police Directorate, and Police Directorate, were issued on January 18, 2018.
- that _____ from Obrenovac, as the present representative of the Operator, stated that the Operator does not perform audio surveillance;
- that the Operator in the internal act on video surveillance informed the employees about the purpose of processing, restrictions on use, storage period, and that they were signed by the legal representative of the Operator and the installer, _____ from Obrenovac;
- that access to the image / stored recordings from the video surveillance system has _____ from Obrenovac and the legal representative of the Operator and that access to the DVR device and application is possible via username and password/password (eight characters, including uppercase and lowercase letters, special characters, and numbers) which only these two persons know;
- that articles 20 and 21 of the Employment Contract read: “Article 20 To improve the organization of business, greater safety, and control of employees, the employer may install a video surveillance system (hereinafter: electronic surveillance) in the workplace and work environment, with a clear indication that the space is under such surveillance. Article 21 By signing this Agreement, the Employee expressly agrees that the electronic surveillance system monitors his work continuously, that the data is archived and that the Employer may use them for evidentiary purposes, following the law and the Ordinance.”

As with a natural person, _____ from Obrenovac, as a processor, there is no concluded contract or other legally binding act in writing, which includes electronic form, and that person

has access to personal data that are processed through video surveillance, the Operator violates the provisions Article 45 items 3 and 4 Of the LPDP;

3. Collection of personal data of employees through the survey on vaccination against the virus "COVID-19".

The company "Erste bank" a.d. Novi Sad, The legal entity (hereinafter: Operator) was reprimanded, due to processing the data collected through the survey on vaccination against the virus "COVID 19", and he violated:

- Article 12, paragraph 1 of the LPDP, because for the processing of data on the name and surname of employees collected by the Operator through the said survey, none of the conditions for lawful processing from that provision of the LPP was met, thus acting contrary to the principles of legality, honesty and transparency Article 5, paragraph 1, item 1) of the LPDP;

- Article 17, paragraph 1 LPDP, because none of the conditions from Article 17, paragraph 2 of the LPDP was met for the processing of data on the health status of employees, according to which the processing of special types of personal data (health status data) from paragraph 1 of the same Article would be allowed, and contrary to the principle of legality, fairness, and transparency from Article 5, paragraph 1, item 1) of the LPDP;

Article 5, paragraph 1, item 3) of the LPDP ("data minimization") because the purpose for which the data on the name, surname and health status of employees were collected could be achieved without processing that data;

- that during the survey, data were collected on the health status of employees who completed the survey themselves, and which was sent to all employees; that the employees in the survey responded to only one question via the link sent to them via e-mail - whether they had been vaccinated, ie whether they had contracted the coronavirus; that the options offered in the survey were: I received the first dose of the vaccine; I received both the first and second dose of the vaccine; I signed up and waited for them to call me; I have had COVID-19 and I don't think I need to be vaccinated; I have not applied for vaccination, but I plan to; I have not applied for vaccination and I do not intend to;

- that the basis for the processing was the protection of vital interests of persons to whom the data relate to the health of employees of the Operator and indirectly other individuals (clients of the Operator), families of all these persons, as well as all persons with whom these persons come into contact, and beyond social communities in the Republic of Serbia;

- that no one except the employee who prepared the report on the results of the survey had access to the personal data of the employee (name, surname) or to the answer as to whether a particular employee was vaccinated or had the virus; that the data retention period was limited to the period when there was a need for processing (conducting the survey and final assessment of further preventive measures based on the statistical results of the survey); that the data obtained on this occasion are deleted immediately after a statistical analysis has been made of the percentage of employees who have been vaccinated or who have contracted the virus; that after completing the survey, no database containing employee names and health data was created, but the survey

was used to prepare a statistical chart and based on such anonymous and statistical analysis - the report determined which preventive measures to combat the virus the Operator will continue to apply, and which not;

- that the Operator, before the commencement of the subject processing, assessed its impact on the protection of personal data per Article 54 of the LPDP;

- that in the Report the results of the survey are presented with anonymous and statistical data (collectively, at the level of departments and business units of the Operator).

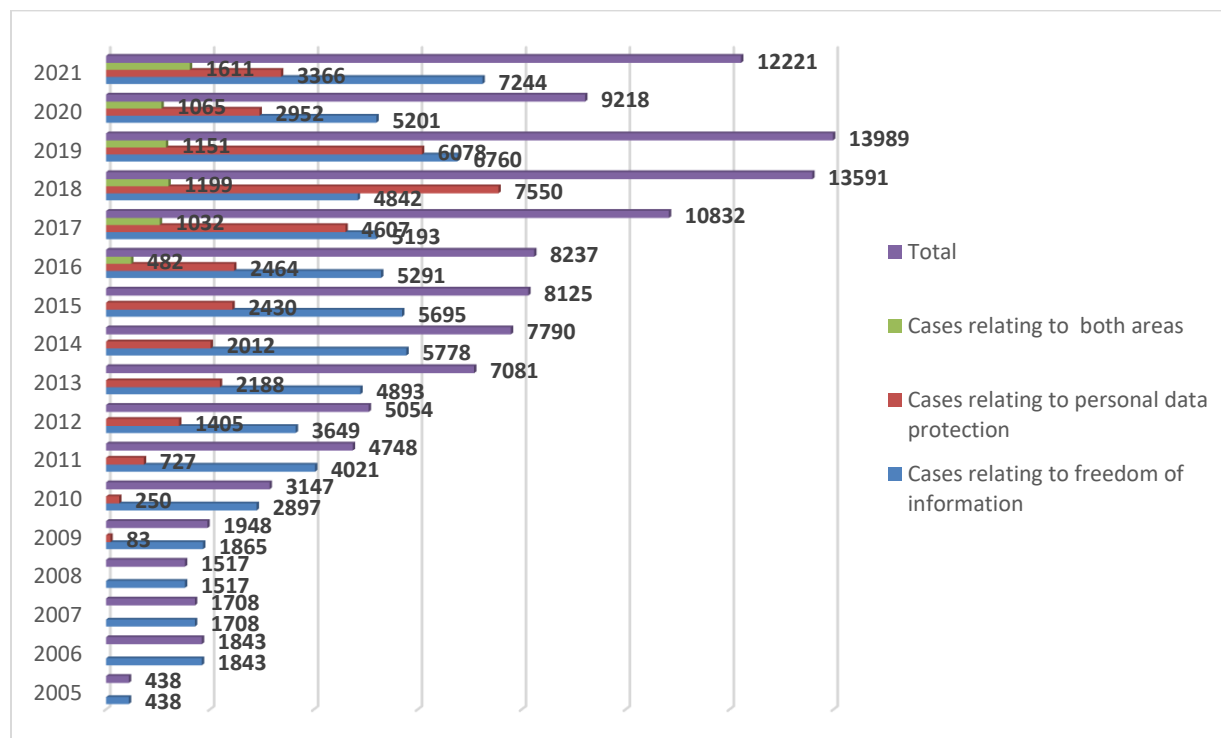
3. ACTIVITIES OF THE COMMISSIONER

3.1. OVERVIEW OF THE ACTIVITIES

In 2021, the Commissioner received a total of 12,221 cases, of which 7,244 related to freedom of access to information, 3,366 to the protection of personal data, and 1,611 to both areas of the Commissioner's activities.

In 2021, the Commissioner had a total of 15,257 cases pending, given that 3,036 unresolved cases were transferred from the previous period. Of that number, about 80.1%, more precisely 12,221 cases were received by the Commissioner in 2021 (7,244 - freedom of access, 3,366 - protection of personal data, and 1,611 - both areas of activity of the Commissioner).

Graph 1 - Number of received cases by years



In 2021 the Commissioner completed the procedure in 12,210 cases, of which 7,341 in the field of access to information, 3,261 in the field of personal data protection, and 1,608 cases related to both areas.

In the next 2022, 3,047 cases were transferred for which the procedure has not been completed. (2,733 - freedom of access, 264 - protection of personal data, and 50 - both areas of activity).

Graph 2 - Number of resolved cases by years

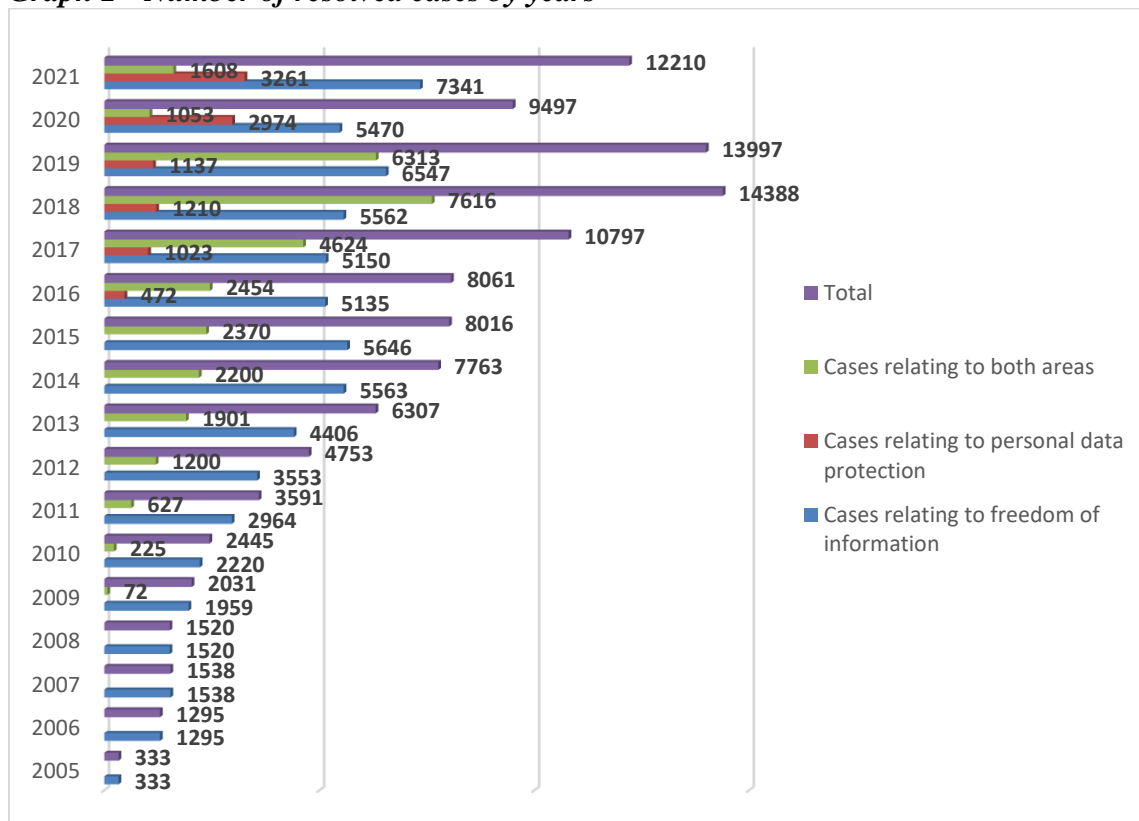


Table 1. - Activities of the Commissioner in 2021

<i>Most of the activities of the Commissioner in 2021 were related to</i>		
•	resolving cases on complaints due to violation of the right to free access to information	A total of 5,246 complaints were resolved
•	Resolving cases on complaints due to violation of the right to personal data protection.	Resolved a total of 209 complaints - protection of personal data and 2 complaints - protection of personal data).
•	Initiation of the procedure of supervision over the implementation and execution of LPDP	The Commissioner initiated 362 procedures of supervision over the implementation and execution of LPDP, of which 211 were regular and 151 extraordinary supervision.

		Out of 151 extraordinary supervisions, 116 were initiated upon petition, 17 after notifying the Commissioner of a data breach, 2 based on a warning from the competent authority, and 16 on other grounds.
•	Finalizing of supervision over the implementation and execution of LPDP	<p>The Commissioner completed a total of 303 inspections.</p> <p>Supervisions were completed as follows:</p> <ul style="list-style-type: none"> - 3 cases ended with a request to initiate misdemeanor proceedings, ses were terminated with criminal charges, • 3 cases were transferred to the Ministry of Interior and 1 case was forwarded to the Higher Public Prosecutor's Office in Belgrade for further proceedings • 257 cases were completed by determining that the measures taken by the Commissioner were followed after the supervision, - 36 cases were found to be free from violation of LPDP and ended with an official note
•	Opinions on draft laws and other general acts	e Commissioner gave 91 opinions on drafts and proposals of laws and other regulations sent to state bodies, at the request of the bodies or on the Commissioner's initiative, of which 52 were given on draft laws, and 39 on drafts and proposals of other acts.
•	Providing assistance to natural and legal persons and authorities, ie data controllers in exercising their rights or in the correct application of the LFAIPI and LPDP, by clarifying unclear issues and procedures	The Commissioner gave 707 opinions and answered opinions of the Commissioner (Article 55 of the LPDP) and 208 on the application of the LFAIPI.
•	Providing assistance to citizens regarding their requests for free access to information or protection of personal data provided to the Commissioner by bodies that do not have the requested information so that their requests are addressed to those from whom they can obtain the necessary information	548 cases
•	Other communication of advisory and instructive character with the authorities regarding the	931 cases

	application of LFAIPI, regarding the application of regulations on improving the publicity of work, on submitting the annual report to the Commissioner and drafting and publishing newsletters, which contribute to the continuous improvement of proactive publication of information. work on the website of the body and a more active role of the body in enabling the exercise of rights	
•	Activities related to the process of Serbia's accession to the European Union	The Commissioner submitted 27 attachments and reports: <ul style="list-style-type: none"> • - Ministry of Justice • - Ministry of Public Administration and Local Self-Government • - Ministry of European Integration • - Agency for Prevention of Corruption • - Council of Europe
•	Public announcements in which the commissioner addressed the public	70 announcements and current events
•	Activities related to the submission of information on the person for personal data protection	706 operators submitted records on the person for personal data protection. Since the beginning of the application of the LPDP, a total of 3,765 operators, ie processors, have submitted personal data to the Commissioner for personal data protection, of which 2,232 are authorities.
•	Sending checklists	A checklist was sent to the addresses of 992 controllers, of which a risk assessment was performed in 929 cases, with 913 controllers submitting a completed checklist to the Commissioner based on which the Commissioner assessed the level of risk of personal data processing, and 16 controllers submitted a completed checklist to the Commissioner, based on which the Commissioner also assessed the level of risk of personal data processing.
•	Dealing with requests for free access to information of public importance	192 cases related to dealing with requests for free access to information of public importance related to the work of the Commissioner as a government body
•	Activities related to the implementation of the procedure of forced execution of the Commissioner's decision	207 cases were completed and a total of 320 acts were adopted.

•	Responses to the Administrative Court to lawsuits in administrative disputes against decisions of the Commissioner and failure to resolve appeals within the legal deadline, the so-called management silence.	185 responses
•	Answers to citizens' petitions related to issues related to the exercise of rights in the field of personal data protection and free access to information, as well as those that are not within the competence of the Commissioner	626 responses
•	Submission of the list of cases to the Administrative Inspection on the need to perform supervision in situations in which the authorities did not act per the decisions of the Commissioner	367 cases
•	Invitations of citizens, journalists, and media representatives, as well as employees of government bodies for consultations on issues related to the exercise of rights within the competence of the Commissioner.	The Commissioner received 28,740 calls

Table 2. - Structure of resolved cases

Ord.no.	Freedom of access Cases resolved 7.341	Number of resolved cases
1.	appeals	5.246
2.	proposals for administrative execution	206
3.	proposals for retrial	3
4.	exemption request	1
5	official supervision according to LAP	2
6.	opinions	208
7.	measures for improving the publicity of work	931
8.	petitions	52
9.	responses to lawsuits	133
10	request for review of the decision of the Administrative Court	9
11.	request for annulment of the final decision	1
12.	assigned requests (Article 19)	491

13.	requests for information on the work of other bodies	57
14.	request for restitution	1

Table 3. - Structure of resolved cases

Ord. no.	Personal Data Protection - cases resolved 3.261	Number of resolved cases
1.	inspection control	303
2.	complaints	209
3.	appeals	2
4.	responses to lawsuits	52
5.	personal data breach notices	36
6.	petitions	301
7.	proposals for administrative execution	1
8.	request for approval of binding business rules	4
9.	opinions	482
10.	previous opinions (art. 55)	17
11.	analyses	3
12.	records of requests for access retained data	135
13.	checklists	1.010
14.	records of persons for the protection of personal data	706

Table 4. - Structure of resolved cases

Ord.no.	Both fields - cases resolved 1.608	Number of resolved cases
1.	press releases	70
2.	requests for information from the Commissioner	192
3.	case information requirements	183
4.	requirements for exercising rights related to the processing of personal data	2
4.	claim for reimbursement	1
5.	objections	5
6.	subjects in the scope of European integration	27
7.	internal cooperation	329
8.	international cooperation	119
9.	opinions on draft laws and other general acts	91
10.	initiatives and proposals	56

11.	reports	97
12.	petitions that do not relate to the scope of competence of the Commissioner	273
13.	other communication with authorities, operators, and the public	163

3.1.1. Working groups, acts, opinions, initiatives, and proposals of the Commissioner

3.1.1.1. Participation in the work of working groups for drafting laws and strategies and other acts

In 2021, the Commissioner was a member of the Special Working Group for the Drafting of the Law on Amendments to the Law on Free Access to Information of Public Importance. The Commissioner and the Deputy Commissioner have been appointed as members of the Working Group for the Development of the Personal Data Protection Strategy with the accompanying Action Plan.

In 2021, the Representative of the Commissioner participated in the work as a member of the Inter-Ministerial Project Group for Professional Affairs in the coordination and monitoring of the AP implementation process for the period from 2021 to 2025 of the Public Law Reform Strategy in RS.

In 2021, representatives of the Commissioner were appointed members of the following working groups: Working Group for drafting the Fourth and Fifth Periodic Report on the Implementation of the Convention on the Rights of the Child, Working Group for Drafting the Law on Amendments to the Family Law, Working Group for Drafting the Law on Amendments to the Law on Prohibition of Discrimination, Working Group for Drafting the Law on Gender Equality, Special working group for drafting a strategy for creating a supportive environment for the development of civil society in the Republic of Serbia for the period 2021-2030. Special Working Group for drafting the Strategy for Gender Equality for the period from 2021 to 2025 with the Proposal of the Action Plan for Implementation of the Strategy for Gender Equality for the period from 2021 to 2023, Special Working Group for drafting the Proposal of the National Strategy for Prevention and protection against discrimination for the period from 2021 to 2030 with the Proposed Action Plan for the implementation of the National Strategy for Prevention and Protection against Discrimination for the period from 2021 to 2025.

3.1.1.2. Opinions of the Commissioner

1) Opinions on draft laws

In 2021, the Commissioner gave **52 opinions on draft laws requested** by the authorities, and 1 opinion on his initiative. All opinions are given from the point of view of the Commissioner's competence.

- The Ministry of Environmental Protection was given opinions on Draft Law on Climate Change on two occasions; Draft Law on Amendments to the Law on Nature Protection; Draft Law on Environmental Noise Protection, all views of the Commissioner's competence;
- The Ministry of Culture and Information was given opinions on Draft Law on Inspection Supervision in Culture; Draft Law on Museum Activity; Draft Law on Cultural Heritage, and Draft Law on Amendments to the Law on Culture, all from the point of view of the Commissioner's competence;
- The Ministry of Mining and Energy was given an opinion on the Draft Law on Amendments to the Law on Mining and Geological Research, from the point of view of the Commissioner's competence;
- The Ministry of Youth and Sports was given opinions on Draft Law on Amendments to the Law on Prevention of Doping in Sports; Draft Law on Ratification of the Council of Europe Convention on the Manipulation of Sports Competitions, all from the point of view of the Commissioner's competence;
- The Ministry of Trade, Tourism and Telecommunications was given opinions on Draft Law on Amendments to the Law on Electronic Document, Electronic Identification and Trust Services in Electronic Business; Draft Law on Consumer Protection; Draft Law on Electronic Communications, all from the point of view of the Commissioner's competence;
- The Ministry of Human and Minority Rights and Social Dialogue was given opinions on Draft Law on Same-Sex Communities; Draft Law on Gender Equality; Draft Law on Amendments to the Law on Prohibition of Discrimination, all from the point of view of the Commissioner's competence;
- The Ministry of Finance was given opinions on Draft Law on Amendments to the Law on Budget System; Draft Law on the Budget of the Republic of Serbia for 2022; Draft Law on Amendments to the Law on the Budget of the Republic of Serbia for 2021; Draft Law on Amendments to the Law on the Budget of the Republic of Serbia for 2021, all from the point of view of the competence of the Commissioner;
- The Ministry of Family Care and Demography was given an opinion on the Draft Law on Amendments to the Law on Financial Support to Families with Children, from the point of view of the Commissioner's competence;
- Ministry of Public Administration and Local Self-Government was given opinions on Draft Law on the Protector of Citizens on two occasions (once at the request of the Ministry and once on its initiative); Draft Law on Amendments to the Law on Free Access to Information of Public Importance, all views of the Commissioner's competence;
- The Ministry of Education, Science, and Technological Development was given opinions on Draft Law on Amendments to the Law on Higher Education; Draft Law on Student Organization; Draft Law on Amendments to the Law on Education Inspection; Draft Law

on Innovation Activity; Draft Law on Amendments to the Law on Fundamentals of the Education System; Draft Law on Amendments to the Law on Secondary Education and Upbringing on two occasions; Draft Law on Amendments to the Law on Preschool Education; Draft Law on Amendments to the Law on Primary Education, all from the point of view of the Commissioner's competence;

- Ministry of Agriculture, Forestry and Water Management was given opinions on Draft Law on Amendments to the Law on Waters on two occasions; Draft Law on Amendments to the Law on Agriculture and Rural Development on two occasions, all from the point of view of the Commissioner's competence;
- Ministry of Labor, Employment, Veterans and Social Affairs was given opinions on Draft Law on Protection of the Rights of Users of Temporary Accommodation Services in Social Protection; Draft Law on Employment in Seasonal and Other Occasional Jobs in Certain Activities on Two Occasions, Draft Law on Social Entrepreneurship, all from the point of view of the Commissioner's competence;
- The Ministry of Health was given opinions on Draft Law on Amendments to the Law on Health Insurance, Draft Law on Sanitary Supervision, all from the point of view of the Commissioner's competence;
- The Ministry of Defense was given an opinion on the Draft Law on Health Care and Health Insurance of Military Insured Persons, from the point of view of the Commissioner's competence;
- The Ministry of Foreign Affairs was given opinions on Draft Law on Participation of Civilians in International Missions and Operations Outside the Borders of the Republic of Serbia; Draft Law on Foreign Affairs, from the point of view of the Commissioner's competence;
- The Ministry of Justice was given an opinion on the Draft Law on the National Database for Prevention and Fight against Terrorism;
- The Ministry of Interior was given an opinion on the Draft Law on Amendments to the Law on Identity Card;
- The Ministry of Mining and Energy was given an opinion on the Draft Law on Amendments to the Law on Mining and Geological Research, from the point of view of the Commissioner's competence;
- The Public Policies Secretariat was given an opinion on the Draft Law on the Register of Administrative Procedures, from the point of view of the Commissioner's competence;
- The Republic Bureau of Statistics was given an opinion on the Draft Law on Agricultural Census 2022, from the point of view of the Commissioner's competence.

2) Opinions on drafts and proposals of other acts

- Ministry of Public Administration and Local Self-Government was given opinions on: Proposal of the Public Administration Reform Strategy for the period 2021-2030 in the Republic of Serbia with the Action Plan for the period 2021-2025 with explanation; Proposal of Decree on Amendments to the Decree on Internal and Public Competition for filling vacancies in state bodies; Proposal of Instruction on Amendments to the Instruction for Implementation of the Law on the Unified Voters' List; Draft Explanations of the Draft Law on Amendments to the Law on Free Access to Information of Public Importance; Proposal of Instruction on Amendments to the Instruction for Implementation of the Law on the Unified Voters' List; Proposal of Decision on formation of the Working Group for External Control of the Unified Voters' List; Proposal of Decision on the manner of processing and protection of personal data during the work of the Working Group for External Control of the Unified Voters' List with the Statement on Confidentiality of Data, all from the point of view of the Commissioner's competence;
- The Ministry of Labor, Employment, Veterans and Social Affairs was given opinions on the Draft Strategy for Prevention and Combating Gender-Based Violence against Women and Domestic Violence for the Period from 2021 to 2025; the Proposed strategy for deinstitutionalization and development of community social protection services for the period from 2021 to 2026; a Proposed action plan for the period 2021-2023. year, for the implementation of the Strategy for the Prevention and Combating of Gender-Based Violence against Women and Domestic Violence for the period from 2021-2025. years, all from the point of view of the competence of the Commissioner;
- The Ministry of Education, Science and Technological Development was given opinions on the Proposed strategy for the development of education in the Republic of Serbia until 2030, with an Action Plan for the period from 2021-2023. years, explanations, and attachments; Proposed conclusion by which the Government approves the text of the Agreement on Cooperation in the Field of Teaching French in Educational Institutions of the Republic of Serbia, with an explanation, all from the point of view of the Commissioner's competence;
- The Ministry of Trade, Tourism and Telecommunications was given opinions on The proposal of the Rulebook on Amendments to the Rulebook on the Manner of Entering, Working, Managing, and Using the Central Information System and its Content and Type of Data ("Official Gazette of RS" No. 87/20) on four occasions; Proposal of the strategy for the development of the information society and information security in the Republic of Serbia for the period from 2021 to 2026 and the Action Plan for the implementation of the Strategy for the development of the information society and information security in the Republic of Serbia for the period from 2021 to 2026, all from the point of view of the Commissioner's competence;
- The Ministry of Justice was given opinions on the third Work Version of the Operational Plan for Prevention of Corruption in Areas of Special Risk; Proposal of Conclusion adopting the Operational Plan for Prevention of Corruption in Areas of Special Risk, all from the point of view of the Commissioner's competence; Proposal of Decision on the

establishment of the Coordination Body for implementation of the Operational Plan for Prevention of Corruption in the Areas of Special Risk, from the point of view of the Commissioner's competence;

- The Ministry of the Interior was given an opinion on the Draft Memorandum of Understanding between the “*Amber Alert Europe*” Foundation and the Ministry of the Interior of the Republic of Serbia on three occasions, from the point of view of the Commissioner's competence;
- The Ministry of Human and Minority Rights and Social Dialogue was given opinions on: Proposed conclusion of the Government on the adoption of the Report on the state of protection and promotion of gender equality in the Republic of Serbia for 2019; Proposal of the National Strategy for Gender Equality for the period from 2021 to 2030, with the Proposal of the Action Plan for the implementation of the mentioned strategy (2021-2023); Proposed conclusion of the Government on the adoption of the Report on the state of protection and promotion of gender equality in the Republic of Serbia for 2020; Working version of the Baseline for the development of a public policy document for the creation of a supportive environment for the development of civil society in the Republic of Serbia; Proposed national strategy for gender equality for the period from 2021 to 2030; Plan for monitoring the implementation of United Nations recommendations with Proposed Conclusion and Explanation; Proposed strategy for prevention and protection against discrimination for the period from 2021 to 2030, from the point of view of the Commissioner's competence. all from the point of view of the competence of the Commissioner;
- The Ministry of Defense was given an opinion on the Draft Rules on Amendments to the Rules on the Coat of Arms of the Serbian Army, military flags, military insignia, and other symbols and insignia of the Serbian Army, from the point of view of the Commissioner's competence;
- The Ministry of Mining and Energy was given opinions on the Draft Decree on Energy Vulnerable Customer and the Draft Rulebook on the Content and Maintenance of the Register of Customers Connected to the Transmission, Distribution, or Closed Distribution System with a Methodology for Assessing Electricity Produced in the Customer's Facility, all from the point of view of the competence of the Commissioner;
- The Ministry of Finance was given an opinion on the Draft Decree on the centralized calculation of the income of employees, elected and appointed persons with users of budget funds, and users of funds and organizations for compulsory social insurance, from the point of view of the Commissioner's competence;
- The Personnel Management Service of the Government of the RS was given an opinion on the Draft Decree on Determining the Competences for the Work of Civil Servants from the Perspective of the Commissioner's Competence;
- The Republic Geodetic Authority was given an opinion on the Draft Decree on the implemented rules for the interoperability of geospatial data sets and services of the national geospatial data infrastructure, from the point of view of the Commissioner's competence.

3) Responses to petitions regarding the application of LPDP

In 2021, the Commissioner gave a total of **482 reasoned opinions** regarding the application of the LPDP as follows: 280 opinions were given to citizens, lawyers and media, 12 NGOs and other associations, political parties and trade unions, 84 legal entities (private companies, insurance companies, banks, mobile operators, internet providers), 89 state bodies, local self-government bodies, health, and social care institutions, educational institutions and public enterprises and 17 others (mostly housing community managers).

In 2021, the Commissioner also issued **17 previous opinions** according to Article 55 of the LPDP regarding the assessment of the impact on the protection of personal data. Opinions were given to state and local government bodies (5), banks (1), mobile operators (1), private companies (9), and NGOs and other citizens' associations (1).

3.1.1.3 Initiatives and proposals

To review the case law for the application of Articles 84 and 86 of the Law on Personal Data Protection in 2021, letters were sent to the addresses of 25 higher courts of the Republic of Serbia requesting information on whether after the new law came into force proceedings are conducted based on Articles 84 and 86 of the Law on Personal Data Protection. The High Court in Belgrade and Sremska Mitrovica informed the Commissioner that judicial protection of the rights of persons (three in total) was conducted before those courts, namely the right to access data and the right to delete data, while other courts stated that they had no registered cases following Article 84. and 86 of the Law on Personal Data Protection.

According to the election of the Commissioner, letters were sent to the addresses of 18 companies that were found to have binding business rules (BSR) approved by the competent EU data protection authorities, reminding them of the obligation that, if they transfer data from the Republic Serbia to another state or to an international organization for which the list of the Government of the RS has not established the existence of an adequate level of protection, need to be approved by the Commissioner.

An initiative was sent to the Republic Public Prosecutor's Office to align the provisions of the Rulebook on Administration in Public Prosecutor's Offices with the provisions of the LPDP regarding the notification of persons for the protection of personal data.

3.1.2. Reporting

As part of the performance of legal obligations, the Commissioner receives reports, ie attachments for reports from the authorities, but also submits his reports, ie attachments to the reports to the authorities.

Under Article 130a) of the Law on Electronic Communications, the Commissioner receives reports, ie records on access to retained data from electronic communications operators. The subject records for the previous year were submitted to the Commissioner by **121** electronic communications **operators**.

Pursuant to the provision of Article 43 of LFAIPI, state bodies are obliged to submit to the Commissioner annual reports on the actions of these bodies, undertaken to implement the LPDP.

Out of about 3,800 of these bodies, 1,648 of them submitted the reports for the previous year to the Commissioner.

According to the provision of Article 18 of the Law on Records and Data Processing in the Field of Internal Affairs, the Ministry of Interior (MoI) submitted to the Commissioner the Annual Report on the Implementation of LPDP in the MoI for 2021.

The Commissioner submits the annual work report to the National Assembly of the Republic of Serbia and publishes it on his website. The Commissioner's annual report for 2020 was submitted on March 22, 2021. At the Ninth Special Session on December 29, 2021, the National Assembly of the Republic of Serbia adopted a conclusion on the occasion of its consideration.

Other reports, ie attachments to the reports that the Commissioner submits to the authorities, primarily refer to the realization of Serbia's integration processes in the EU, and in 2021 they were submitted:

- **The Anti-Corruption Agency:** Report on the implementation of activities from the Revised Action Plan for Chapter 23, subchapter Fight against corruption for the fourth quarter of 2020; Report on implemented activities from AP23 for the first quarter of 2021; Report on the implementation of activities from the AP for Chapter 23 for the second quarter of 2021; Report on the implementation of activities from the Action Plan for Chapter 23 for the third quarter of 2021;
- **Ministry of Justice** Ministry of Justice: Report on the implementation of activities from the Revised Action Plan for Chapter 23; NPAA implementation report for the 4th quarter of 2020; Tables of transitional criteria for free access to information for the second half of 2020; information on the status of implementation of activities 2.2.5.1 from the Action Plan for Chapter 23; contribution to the Annual Progress Report of Serbia for 2020; report on the implementation of activities on the implementation of the NPAA in the first quarter of 2021 at the level of Negotiating Group 23; statement regarding the Commissioner's opinion on the use of the CovSignal application, based on the information provided for 7th Meeting of the Subcommittee on Justice, Freedom and Security; information regarding the European Commission's comment on the text of the minutes of the 7th Meeting of the Subcommittee on Justice, Freedom and Security; information regarding the European Commission's comment on the text of the minutes of the 7th Meeting of the Stabilization and Association Committee; information on the implementation of activities from AP23; report on the implementation of AP23 for the first half of 2021; contributions to Serbia's Annual Progress Report for the EC for the first half of 2021; contribution on the implementation of planned measures and activities regarding the strengthening of institutional and administrative capacities for the second quarter of 2021 within the Negotiating Group 23 - Judiciary and Fundamental Rights; Table of transition criteria for AP23; report on the implementation of activities from the NPAA for the second quarter of 2021; Analysis of the needs for strengthening the human resources of the Commissioner, from the AP to Chapter 23; opinion on the Draft GRECO Evaluation Report and a meeting with their expert mission; Report on the implementation of activities from the Action Plan for Chapter 23 for the third quarter of 2021; Report on the implementation of planned measures and activities from the NPAA for the third quarter of 2021;

- **Ministry of Public Administration and Local Self-Government:** comments on the Draft Operational Conclusions from the meeting of the Public Administration Reform Group following the comments of the European Commission; contribution to the Annual Progress Report of Serbia for 2020; contribution to the Annual Progress Report of Serbia for the EC for the first half of 2021; comments on the Draft Report for the area of Responsibility within the SIGMA assessment in 2021;
- **Ministry of European Integration:** contribution to Serbia's Annual Progress Report for 2020; contribution to the Annual Progress Report of Serbia for the EC for the first half of 2021; guidelines for regulations necessary for the implementation of the “Independent Oversight or Regulatory Review Mission”.

In addition to these reports, in 2021 the Commissioner submitted the following reports to international and national institutions:

- **Council of Europe:** comments on the draft GRECO Evaluation Report;
- **Ministry of Public Administration and Local Self-Government:** data for SIGMA Monitoring assessment of progress in the field of public administration reform;
- **Ministry of Trade, Tourism, and Telecommunications:** OECD SEECO 2021 report - for the digital agenda dimension, with comments on the proposed text in the part related to the tasks within the competence of the Commissioner; Report on the preparation of the OECD Competitiveness Report for Southeast Europe for 2021 (SEE Competitiveness Outlook 2021-CO2021), which refers to the Trade Policy Dimension component.

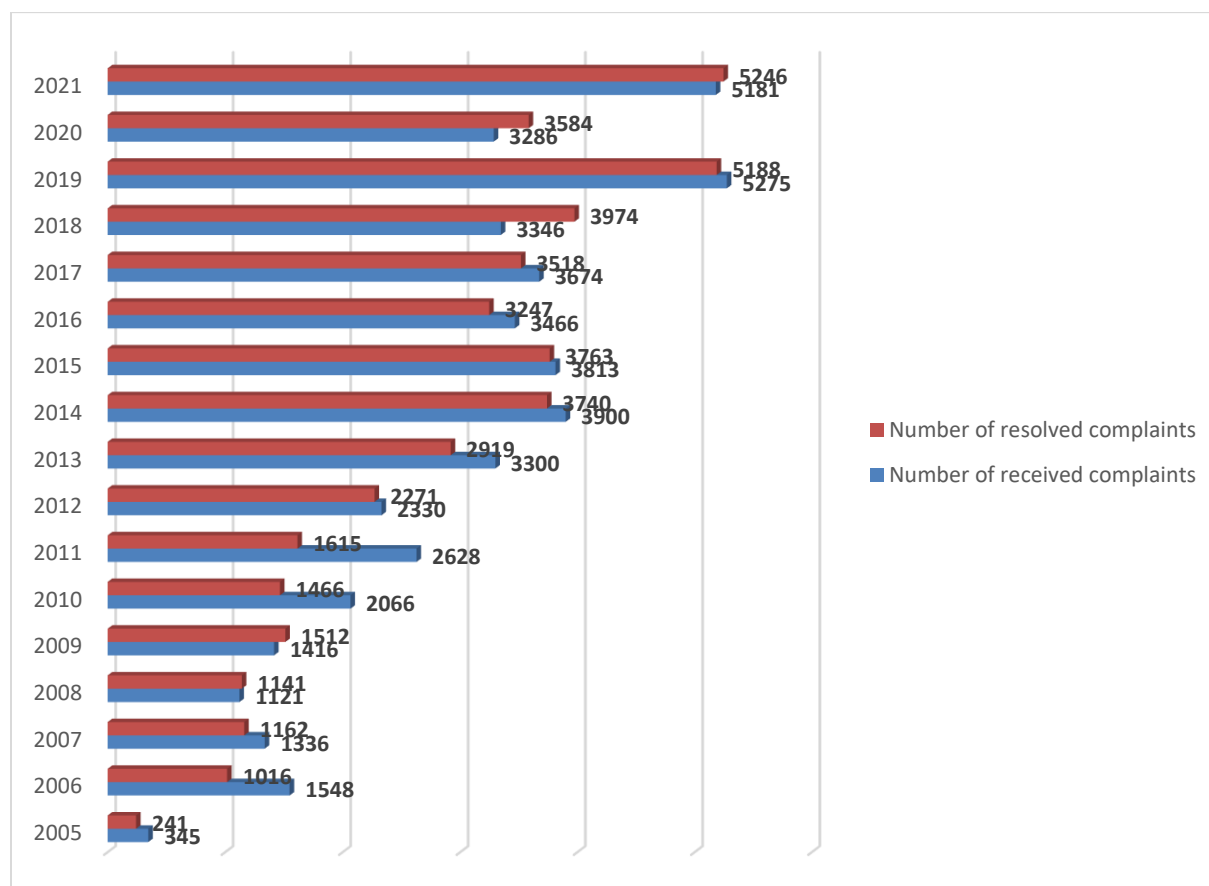
3.2. ACTIVITIES OF THE COMMISSIONER REGARDING THE PROTECTION AND PROMOTION OF THE RIGHT TO ACCESS INFORMATION OF PUBLIC IMPORTANCE

3.2.1. Protection of the right to free access to information by the Commissioner

3.2.1.1. *Resolving complaints*

The number of formally filed complaints to the Commissioner for violation of the right to access information of public importance is constantly high and shows a tendency to grow from year to year, as illustrated by the following chart. In 2021, **5,181** complaints were received, while **2,482** complaints were transferred from the previous year for which the procedure was not completed.

Graph 3 - Number of received cases by years 2005-2021



In 2021, the Commissioner resolved 5,246 complaints. 2,035 or 38.8% of them stated that they completely ignored the requests of information seekers ("silence of the administration"). 2,042 appeals, or 38.93% of the total number of resolved appeals, were filed against the decision of the authorities rejecting the applicant's request as unfounded with an explanation. In 924 cases, the authorities incompletely responded to the requests of information seekers, ie in 17.6% of the total number of resolved complaints, while in 245 complaints or 4.67% the authorities responded to the requests of information seekers with explanations with elements of the decision, from the total number of resolved complaints in 2021.

Complaints were **founded** in large numbers, namely 3,334 complaints or 63.55% of the total number of resolved complaints (5.246).

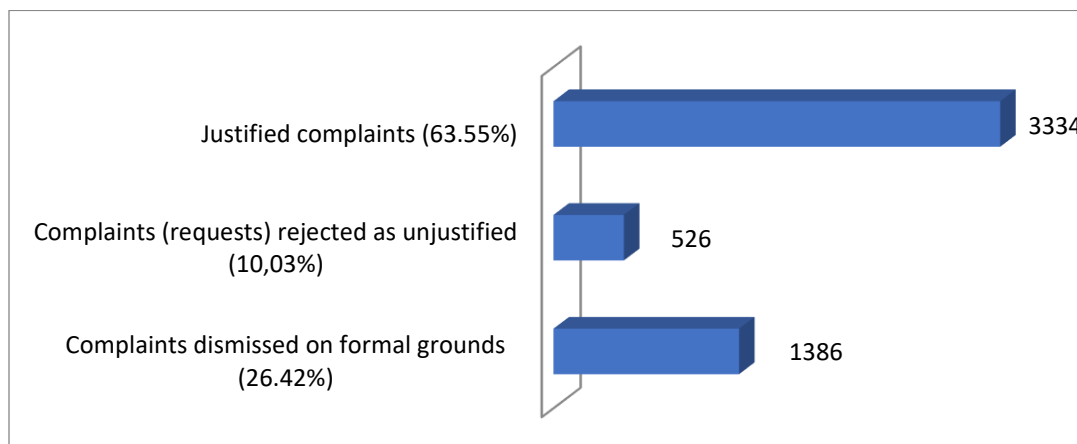
In 2021, as in previous years, the trend continued that in a large number of well-founded complaints, the Commissioner's appeal procedure ends with the **suspension of the procedure, in 1,452 cases (27.68%)** after the authorities acted at the request of the applicant in the meantime. knowledge of the appeal and the required statement by the Commissioner, and before deciding on the appeal, where in 595 cases the parties formally withdrew from the appeal. This still confirms the bad attitude and absence of responsibility of the authorities towards the citizens, disrespect of the law, and irrational, ie unnecessary engagement of employees and spending of public money, since there was no real reason for the initial denial of information before the complaint was filed.

According to the data of those bodies that submitted the report to the Commissioner, it is determined that in 2021, a total of 24,596 requests for exercising the right to free access to information of public importance were submitted to those bodies.

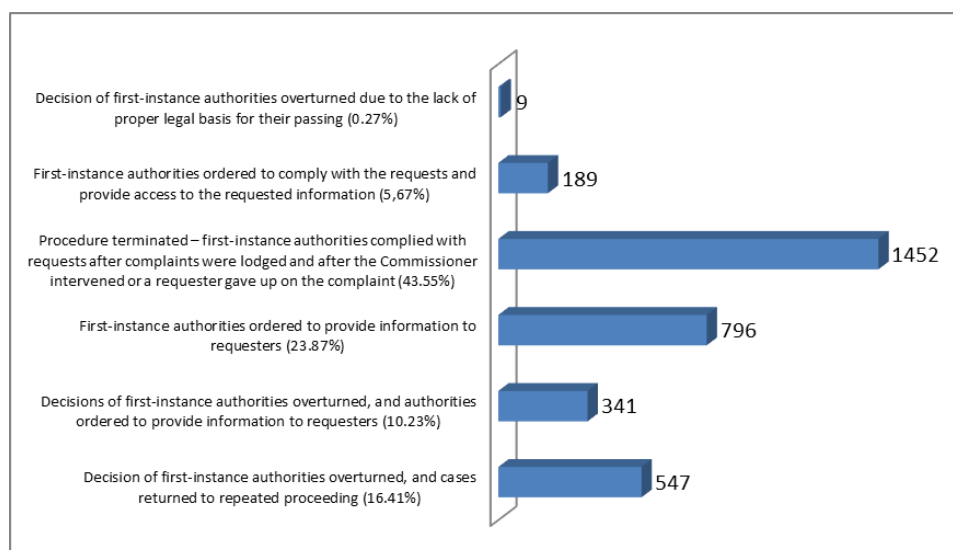
The annual report to the Commissioner for 2021 was submitted by more than a third of the bodies to which this legal obligation refers, ie. 1,648 out of a total of 3,817 bodies obliged to submit a report, with the number of authorities obliged to act upon requests for access to information almost 11,000.

Data on what information was the subject of the request in the proceedings in which the appeals of information seekers were filed in 2021, who are the information seekers, against which bodies the appeals were filed, what reasons the authorities referred to when making decisions rejecting the request of the applicant, on the decisions made by the Commissioner deciding on the appeals, how the bodies acted on the decisions of the Commissioner, is shown in the graphs that follow.

Graph 4 - Decisions made by the Commissioner in appeals



Graph 5 - Decisions of the Commissioner on well-founded appeals



Complainants, ie information seekers in 2021 in the largest number, as in 2020, were citizens individually and citizens' associations.

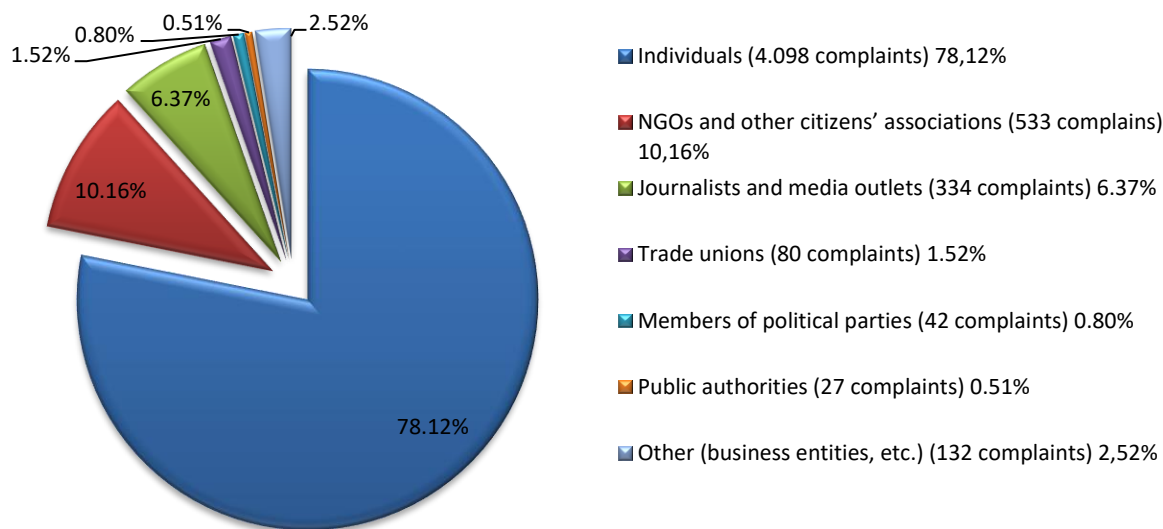
Journalists and media representatives filed 337 complaints with the Commissioner in 2021 (or 6.5% of the total number of complaints filed in 2021). The largest number of these complaints, 196 to be precise, were filed due to the so-called management silence. **In 2021, 334 complaints of journalists and media representatives were resolved (complaints that were transferred as unresolved from 2020 were also resolved).**

Although the percentage of journalistic complaints concerning the total number of all complaints filed in 2021 is 6.5%, when it comes to information about the Sars Cov 2 virus and Kovid 19 disease, the percentage of journalistic complaints in the total number of these complaints is significantly higher. Out of a total of 160 complaints received regarding the information on coronavirus disease (COVID-19), 75 complaints were reported by journalists, which amounts to 46.87%.

The fact that the number of journalistic complaints related to the topic of Covid 19 and the pandemic is significantly higher (46.87%) than the share of journalistic complaints in the total number of complaints (6.5%) shows how important this topic was and general interest for the public. Consequently, the Commissioner, acting with special care and urgency on these complaints, resolved 68 of the 75 complaints received in 2021 without delay (42.5% of all complaints related to the topic of Covid and the pandemic), while the remaining seven complaints were transferred to 2022 for resolution.

A large percentage of orders from the Commissioner's decisions issued on complaints from journalists and media representatives to make information available remained unfulfilled. Of the 334 resolved complaints of journalists and media representatives, 107 ended with an order to provide information to the applicant, which the authorities in 38 cases or 35.51% did not act, which is a particularly worrying fact, given the content of information that was the subject of their requirements, ie. the fact that journalists always report on topics that are important to the general public.

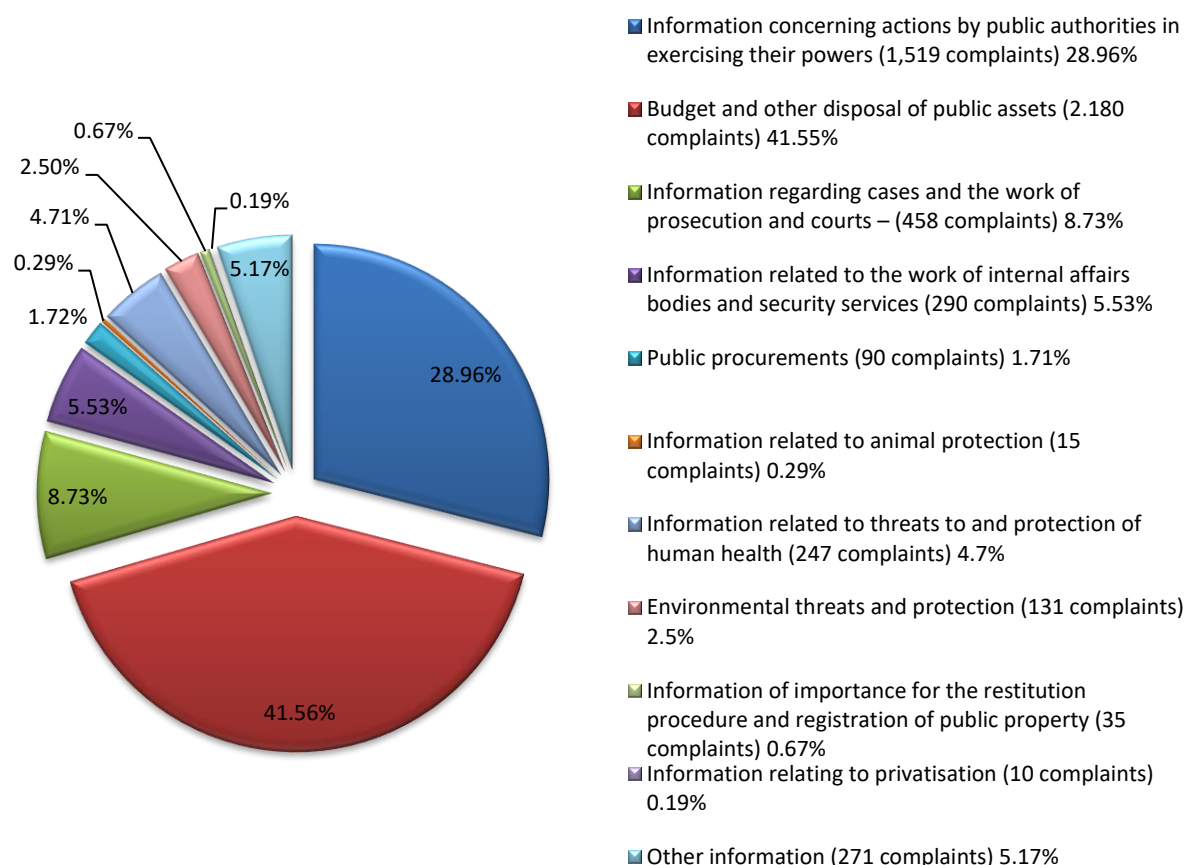
Graph 6 - Complainants to the Commissioner (resolved complaints)



In 2021, the Commissioner acted with special care and urgency on complaints regarding information about the disease caused by the coronavirus (COVID-19), having in mind the pandemic situation and the importance of that information. In 2021 the Commissioner received 160 such complaints, and the largest number of complaints was filed due to the so-called "Silence of the administration", as many as 113.

In 2021, 186 such complaints were resolved (complaints transferred from the previous year were also resolved), and in 49 cases the Commissioner had to order the authorities to submit previously denied information. In 110 cases, the procedure was suspended because the authorities subsequently acted upon the request after the Commissioner's intervention (in 37 cases, the appellants formally withdrew the appeal). In 7 cases the decision of the first instance body was annulled and the case was returned for retrial, 8 appeals were rejected for formal reasons, 2 appeals were rejected as unfounded, in 7 cases the request of the applicant was ordered, and in 3 cases the decision of the authority was annulled. The requested information referred in most cases (161) to endangering and protecting people, then to spending budget funds (13), actions of public authorities (9), as well as public procurement and donations during the coronavirus pandemic (3).

Graph 7 - Types of the requested information in resolved complaints



In the structure of complaints resolved in 2021, the largest number, more precisely 1,959 complaints or 37.34% are complaints against republic states and other bodies and organizations, of which 876 complaints (44.72%) were against ministries and bodies within them.

The number of complaints against public companies has increased by more than three times, and a slight increase in the number of complaints compared to 2020 has also been recorded with local self-government bodies. A decrease in the number of complaints was recorded with the judiciary, as well as with the provincial authorities.

It is illustrative that about 6,100 requests were submitted to the judicial authorities in 2021, and that due to the violation of rights against these bodies, the Commissioner resolved 595 complaints (Chart No. 8), ie. one complaint about every tenth request, which speaks of significantly better treatment with the general trend of acting on the requests of information seekers.

Graph 8 - Number of resolved complaints by types of bodies

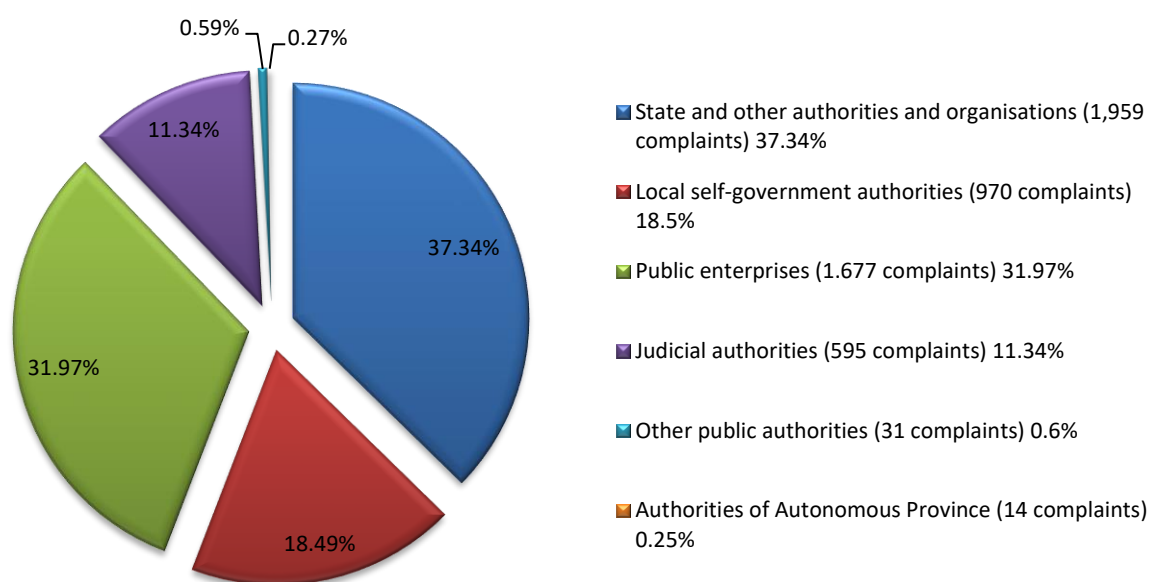


Table 5 - Overview of submitted requests and complaints filed with the Commissioner in 2021 against ministries with their constituent bodies, on 1.2.2022.

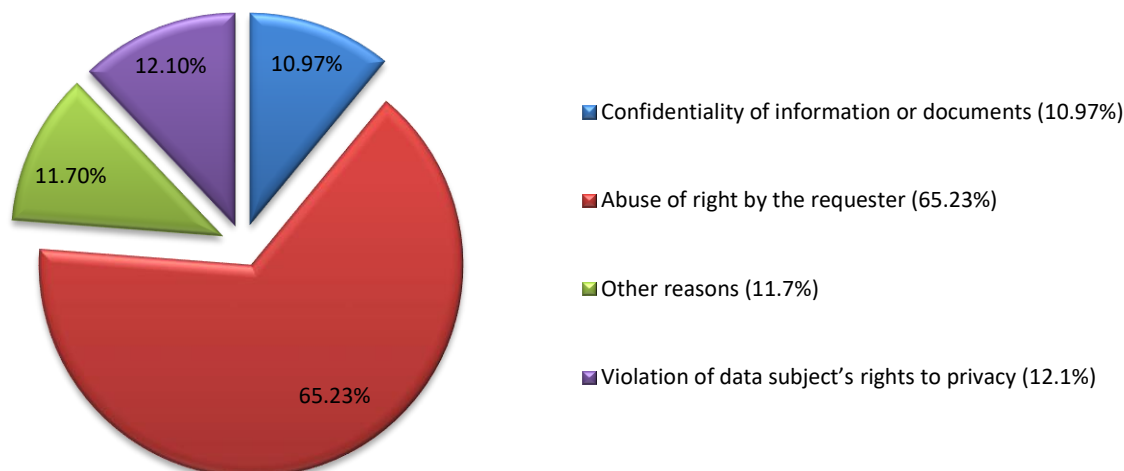
Ord.no.	Name of the ministry	Request no.	Number of filed complaints
1.	Ministry of Interior	1170	334
2.	Ministry of Health	456	106
3.	Ministry of Agriculture, Forestry and Water Management	465	10

4.	Ministry of Justice	155	144
5	Ministry of Construction, Transport, and Infrastructure	349	17
6.	Ministry of Education, Science, and Technological Development	185	22
7.	Ministry of Defense	128	63
8.	Ministry of Health	155	41
9.	Ministry of Economy	103	14
10.	The Ministry of Public Administration and Local Self-Government	104	8
11.	Ministry of Labor, Employment, Veterans and Social Affairs	85	19
12.	Ministry of Trade, Tourism, and Telecommunications	89	4
13	Ministry of Culture and Information	41	2
14.	The Ministry of Youth and Sports	37	10
15.	Ministry of Mining and Energy	153	8
16.	The Ministry of Foreign Affairs	31	5
17	The Ministry of Environmental Protection	307	27
18.	Ministry of European Integration	21	3
19.	The Ministry of Human and Minority Rights and Social Dialogue	21	1
20.	Ministry of Family Welfare and Demography	12	4
21.	Ministry of Village Welfare	6	/
TOTAL		4073	842

The data from the given table show that in 2021, for every 4.8 requests submitted to the ministries, the information seeker filed a complaint to the Commissioner due to lack of information, which is the same as in 2020, when this ratio was also 4.8. That relationship has been better in previous years. For example, in 2016, one complaint was filed for every 9.5 requests, in 2017, one complaint was filed for every 7.7 requests, and in 2018, an appeal was filed for every 5.35 requests.

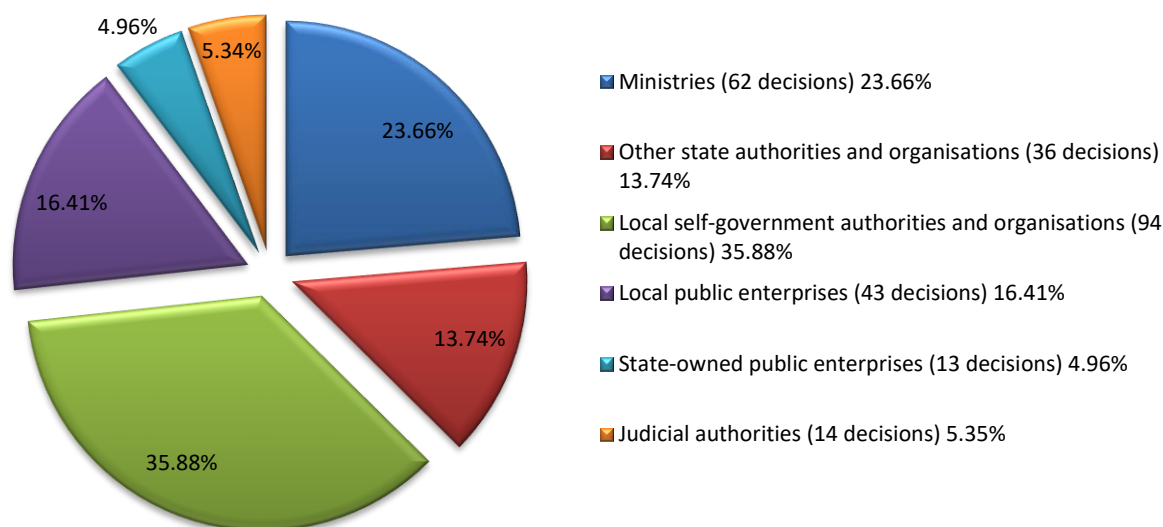
In the structures of republican bodies and organizations, the most important information is provided by the Ministry of Interior (1,170) and by the Republic Geodetic Authority (603), as well as the number of appeals filed in 2021, 334 against this ministry and 198 against the RGA.

Graph 9 - Reasons for rejecting requests from information seekers in resolved complaints



In 2021, in cases in which the decision rejected the requests of information seekers as unfounded, the authorities more often invoked the abuse of rights by information seekers than in 2020 (by 28.25%), while a smaller number of cases called for the secrecy of information and documents (by 6.7%), while the number of cases where the reason for refusal was the right to privacy of persons to whom the information relates in 2021 compared to 2020 decreased by 7.6%.

Graph 10 - Number of unexecuted decisions of the Commissioner issued in 2021 (262 out of 1,052 decisions issued with an order to provide access to information)



Out of 1,052 decisions made by the Commissioner on complaints of information seekers ordering the authorities to make information available to them, the authorities did not act in 262

cases or in 24.91%, which means that the level of execution of the Commissioner's decisions averages 75.09%. These data are worrying because they show that almost a quarter of the Commissioner's decisions remained unfulfilled.

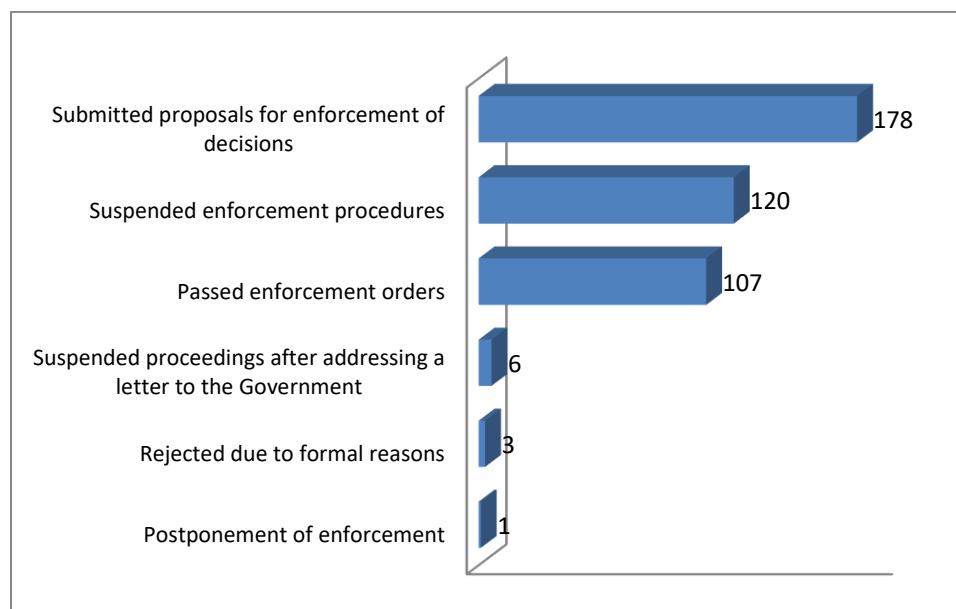
The degree of execution of the Commissioner's decisions made on the complaints of journalists and media representatives, who were ordered to submit the requested information, remains unsatisfactory. Of the 334 resolved complaints of journalists and media representatives, 107 ended with an order to provide information to the applicant, which the authorities in 38 cases or 35.5% did not act, which is a particularly worrying fact, given the content of information that was the subject of their requirements. Besides that, the number of unexecuted decisions of the Commissioner on complaints of journalists and media representatives is significantly higher compared to the general trend when it comes to other complainants, which is not justified since it is a profession that seeks information to write and report to the public on topics of general public interest.

3.2.1.2. Enforced execution of the Commissioner's decision

In 2021, at the suggestion of the parties seeking information, the Commissioner initiated proceedings to enforce his decisions, but could not enforce them by imposing fines for the reasons explained in the part of this report that deals with the situation and obstacles to exercising rights. Based on the reports of the bodies and the information received from the parties, it is recorded that only in six cases, after addressing the Government, the decision of the Commissioner was executed. In these cases, the parties withdrew from the proposal for execution, because the first-instance public authorities acted in the meantime according to the decision of the Commissioner. At the same time, the Government did not inform the Commissioner that in these cases it assisted in the administrative enforcement proceedings.

An overview of the measures taken is shown in the chart that follows.

Graph 11 - Proposals for enforcement of the Commissioner's decision submitted in 2021 and measures taken



3.2.2. Protection of rights before the Administrative Court and other courts

The judicial protection of the right of freedom to access to information **before the Administrative Court** in administrative disputes is provided regarding the legality of decisions of the Commissioner and decisions of six bodies against which is not allowed the appeal to the Commissioner and which are exempt from protection before the Commissioner (the National Assembly, the President of the Republic of Serbia, the Government of the Republic of Serbia, the Supreme Court of Cassation of Serbia, the Constitutional Court and the Republic Public Prosecutor).

The right to file a lawsuit to the Administrative Court has a party which is dissatisfied with the decision and the Republic Public Prosecutor, when the decision violates the public interest.

The party and the competent public prosecutor may submit **a request to the Supreme Court of Cassation** against the final decision of the Administrative Court, **for review of the court decision, in cases when the Administrative Court decided in a dispute of full jurisdiction**. In 2021, according to the information available to the Commissioner, 8 requests were submitted to the Supreme Court of Cassation for review of the decisions of the Administrative Court. Out of the submitted requests for review of the decision of the Administrative Court, the Commissioner submitted two requests to the Supreme Court of Cassation (of which 1 was rejected by the Supreme Court of Cassation) and 6 requests were submitted to the Commissioner by the complainants (of which 3 were rejected by the Supreme Court of Cassation).

Chart 12 - Overview of the lawsuits filed by applicants to the Supreme Court of Serbia, ie the Administrative Court against the decisions of the Commissioner in the period from 2005 to 2021.

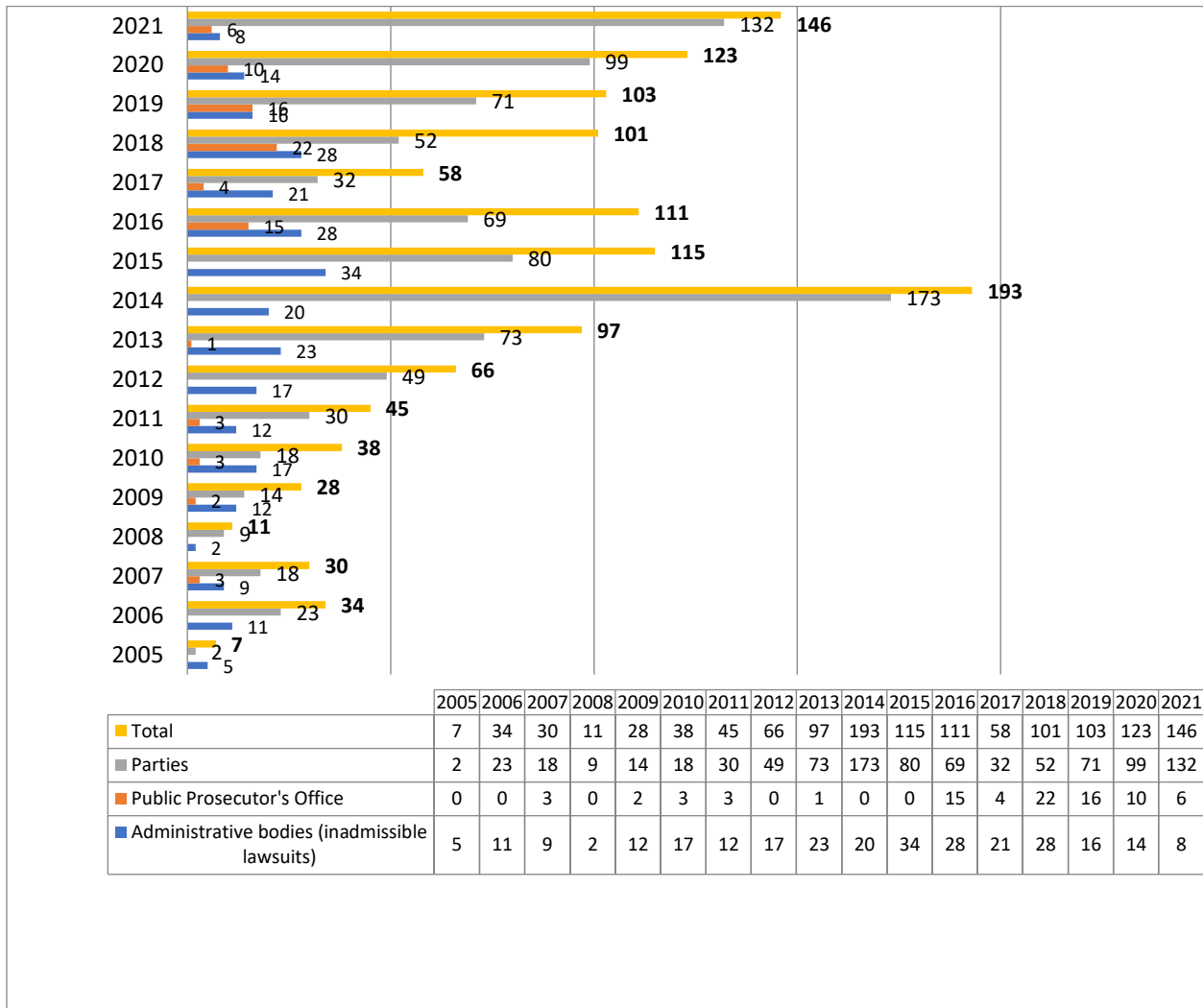
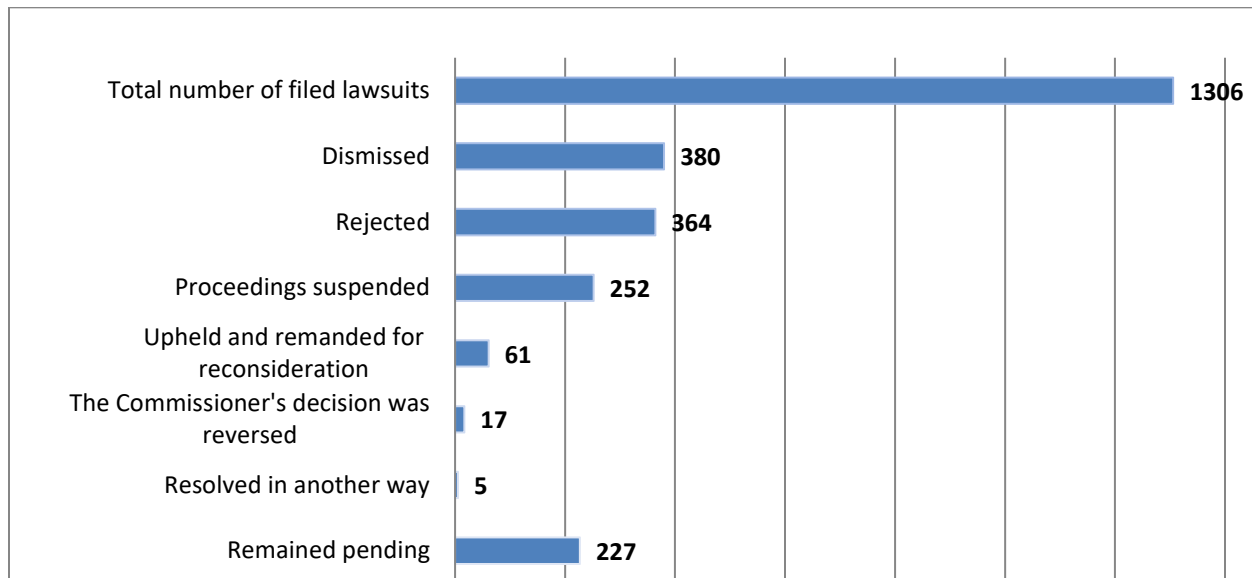


Chart 13 - The lawsuits against the Commissioner in the area of freedom to access to information from 2005-2021



The chart shows an overview of the decisions made by the Administrative Court in 2021 on lawsuits filed in that and previous years.

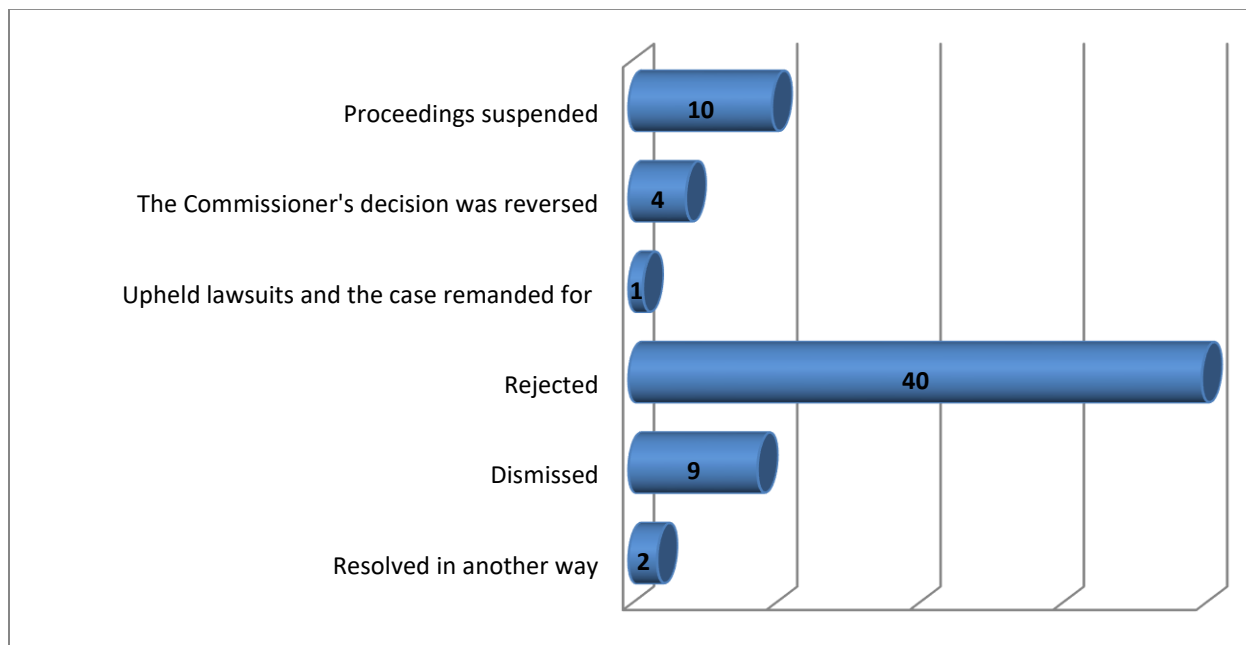
The above mentioned data show that since the beginning of the Commissioner's work, in the court proceedings which have reviewed the legality of his decisions, in 1079 resolved cases out of a total of 1306 lawsuits filed, **92.8% or 1001 decisions of the Commissioner have been confirmed by the court.**

In 2021, 146 lawsuits were filed to the Administrative Court against the Commissioner, of which 134 lawsuits were submitted to the Commissioner for a statement. Out of the 146 lawsuits filed, 132 lawsuits were filed against the Commissioner's decision, and 14 lawsuits were filed due to the fact that the Commissioner did not make a decision on its appeal within the legal deadline.

The plaintiffs against the Commissioner in 2021 are: the parties, ie. information seekers (132), the Republic Public Prosecutor (6) and first instance bodies (8).

During 2021, the Administrative Court resolved a total of 66 lawsuits (24 of the resolved lawsuits are from 2021, while 42 lawsuits are from the previous period). The lawsuits were resolved as follows: 40 lawsuits were rejected, 9 were dismissed, 10 proceedings were suspended, 2 were resolved in another way, 1 lawsuit was accepted, while 4 decisions of the Commissioner were reversed.

Chart 14 - Overview of decisions of the Administrative Court made in 2021 by lawsuits against the decisions of the Commissioner

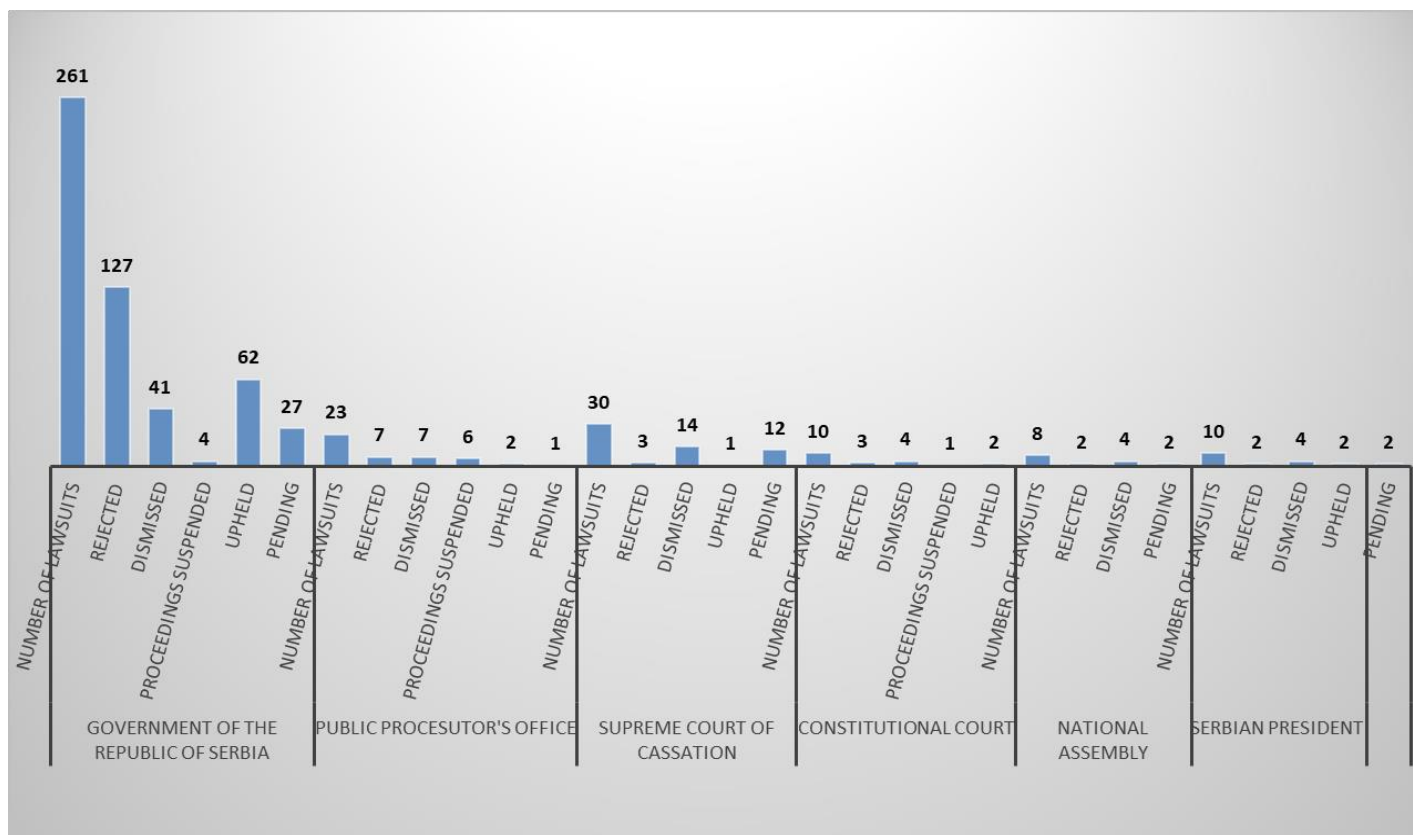


During 2021, the Administrative Court resolved a total of 5 lawsuits which were filed by the Republic Public Prosecutor (all these lawsuits were filed in the period before the reporting period) as follows: 4 decisions of the Commissioner were reversed, while 1 lawsuit was rejected.

During 2021, as during 2020 and 2019, the reversed decisions of the Commissioner, which were annulled, are mostly decisions against which the Republic Public Prosecutor's Office filed lawsuits and relate to the cases in which the appellant is the Humanitarian Law Center (HLC) against the Ministry of Defense, which mostly requested information on the professional engagement of certain members of the Ministry of Defense in the Yugoslav Army during the conflict in Kosovo in 1999, as well as their status today, ie the movement in service in the Serbian Army (if they are still active). More details on the arguments of the decisions of the Commissioner, ie the Administrative Court, are presented in the Annual Report of the Commissioner for 2018.

In these cases, the Commissioner submitted requests to the Supreme Court of Cassation to review the decisions of the Administrative Court, of which the Supreme Court of Cassation rejected 11, while 4 are still in operation.

Chart 15 - Review and outcome of lawsuits filed to the Supreme Court of Cassation, ie the Administrative Court against decisions or for inaction of the six highest state bodies against which is not allowed the appeal to the Commissioner, for the period 2005-2021



The data show that in the period from 2005 to 2021, a total of 342 lawsuits were filed against the six highest state bodies against whose decisions is not allowed the appeal to the Commissioner, of which 298 were resolved, in that way that 144 lawsuits were rejected, 74 were dismissed, 69 were accepted, and 11 proceedings were suspended.

The largest number of lawsuits was filed against the Government of the Republic of Serbia - 261, of which 234 were resolved, in that way that 127 lawsuits were rejected, 62 were accepted, 41 were dismissed, while 4 proceedings were suspended.

In 2021, 21 lawsuits were filed to the Administrative Court of the Republic of Serbia against the highest state bodies, of which only 1 was resolved. Out of that, 9 lawsuits were filed against the Government of the Republic of Serbia (8 for silence of the Administration), 10 against the Supreme Court of Cassation (2 for silence of the Administration), 1 against the National Assembly (silence of the Administration) and 1 against the President of the Republic.

During 2021, the Administrative Court resolved 8 lawsuits filed against the highest state bodies (one filed in 2021, and the other 7 from the previous period), so that 2 lawsuits were accepted (both filed against the Government of the Republic of Serbia), 5 lawsuits were dismissed (four against the Government and one against the Supreme Court of Cassation), and 1 lawsuit was rejected (against the Supreme Court of Cassation).

According to the information available to the Commissioner, the Constitutional Court acted by 8 constitutional complaints from the area of freedom to access to information.

In 3 cases, the Constitutional Court rejected the constitutional appeals stated against or regarding the decisions of the Commissioner made on the appeals. In 2 cases, the submitter of the constitutional complaint was the authority, while in 1 case the submitter of the constitutional complaint was the appellant and he filed the constitutional complaint due to violation of the right to trial within a reasonable time and inaction of the authorities by order of the Commissioner.

In 5 cases, the Constitutional Court dismissed the constitutional appeals against the verdicts of the Administrative Court and the verdicts of the Supreme Court of Cassation, regarding the lawsuits due to non-compliance of the General Secretariat of the Government of the Republic of Serbia with requests for access to information of public importance

3.2.3. Performing the legal obligations of the authorities, the supervision and responsibility

The level of performing of the legal obligation regarding the implementation of training of employees related to the application of the Law on Access to Information of those authorities that have a legal obligation to submit an annual report to the Commissioner in 2021, has slightly improved compared to the previous year, at the same time has slightly increased the level of performing of the obligation to publish the Information Booklet on the work, as well as the level of training of civil servants. The submission of reports by the authorities has slightly improved, although the Commissioner has facilitated this process by creating a special Portal for submitting reports in electronic form, so the reasons for not fulfilling this legal obligation should be sought in the absence of responsibility for ignoring it for many years. By the analysis of the data it was determined that the number of submitted reports of bodies from the category of educational institutions (schools) is similar to the previous year, while there was an increase in the number of submitted reports of republic bodies and organizations (agencies, directorates, institutes, funds, chambers, etc.) by 34%, as well as an increase in the number of reports of local self-government bodies (cities and municipalities).

Table 6 - Data from the report of state authorities in a broader sense (bodies referred to in Article 3, paragraph 1, item 1) Law on Free Access to Information of Public Importance -, LFAIPI on the implementation of legal obligations of government bodies (section February 1, 2022)

State authority	Number of State authorities	Submitted the report no. i%	Published the Information Booklet on the work no. i%	Made but did not publish the Information Booklet work no. i%	Conducted the training no. i%	Maintain information carriers. no. i%
Bodies referred to in Art. 22 of the Law (the National Assembly, the President of the Republic, the Supreme Court of Cassation of Serbia, the Constitutional Court, the Government, the	6	6 (100%)	6 (100%)	/	5 (83,3%)	6 (100%)

Republic Public Prosecutor).						
Ministries (without constituent bodies)	21	21 (100%)	20 (95,2%)	/	17 (80,1%)	21 (100%)
Other state bodies and organizations (agencies, directorates, institutes, funds, chambers ...)	303	207 (68,3%)	126 (41,6%)	61 (20,1%)	156 (51,5%)	195 (64,4%)
Courts	158	130 (82,3%)	109 (68,9%)	19 (12%)	109 (68,9%)	126 (79,7%)
Prosecutor's offices	89	60 (67,4%)	49 (55%)	9 (10%)	48 (53,9%)	55 (61,8%)
Bodies and organizations of the Autonomous Province of Vojvodina	52	28 (53,8%)	28 (53,8%)	/	21 (40,4%)	28 (53,8%)
Local self-government (cities and municipalities with bodies and organizations of local self-governments)	1047	478 (45,6%)	432 (41,2%)	28 (2,6%)	397 (37,9%)	451 (43,1%)
Public companies (republic and provincial) that are obliged to submit reports	28	24 (85,7%)	16 (57,1%)	1 (3,6%)	16 (57,1%)	22 (78,6%)
Other state bodies (educational institutions)	2113	694 (32,8%)	244 (11,5%)	263 (12,4%)	473 (22,4%)	632 (29,9%)
Total	3817	1648 (43,2%)	1030 (26,7%)	381 (9,9%)	1242 (32,5%)	1536 (40,2%)

Table 7. - Data from the report of the state administration body on the implementation of obligations

State authority	Number of State authorities	Submitted the report no. i%	Published the Information Booklet work no. i%	Made but did not publish the Information Booklet work no. i%	Conducted the training no. i%	Maintain information carriers. no. i%
Ministries (without constituent bodies)	21	21 (100%)	20 (95,2%)	/	17 (80,1%)	21 (100%)
Other state bodies and organizations (agencies, directorates, institutes, funds ...)	303	207 (68,3%)	126 (41,6%)	61 (20,1%)	156 (51,5%)	195 (64,4%)
Total	324	228 70,4 %	146 45,1%	61 18,8 %	173 53,4 %	216 66,6%

The report of the Administrative Inspectorate stated that "in the process of implementing the Work Program for 2021, the Administrative Inspection conducted 277 inspection supervisions related to the application of regulations on free access to information of public importance. By the minutes on inspection supervision, the supervised bodies were proposed to implement 103 measures and a deadline for elimination of determined illegalities, irregularities and shortcomings in work, as well as that the Administrative Inspection acted on 351 decisions made by the Commissioner in the procedure upon the complaint of the information seeker, and which were submitted to this body ". It is also stated that 136 petitions were submitted in connection with the application of the regulations on free access to information of public importance.

Table 8 - Overview of the request for initiating misdemeanor proceedings for misdemeanors from the Law on Free Access to Information of Public Importance and the outcome before the first instance courts for misdemeanors from 2021

Magistrates Court	Submitter	Legal qualification	Number of submitted requests	Conviction	Warning	Suspension	Rejection	Acquittal	Suspension - obsolescence	Resolved in other way (connected)
Belgrade	Injured	Article 46	889	274	16	31	54	110	320	165
		Article 47	1							
		Article 48	2	2				2	1	1
Požega	Injured	Article 46	14				2			
Prokuplje	Injured	Article 46	132	1	63	3	21	11		3
Užice	Injured	Article 46	164	7	2					119
Požarevac	Injured	Article 46	71	8	5	5		5		48
Gornji Milanovac	Injured	Article 46	25		5	2	1	4		4
Jagodina	Injured	Article 46	70	10		3	1	5		18
Zaječar	Injured	Article 46	119	5	4	1	2	17	3	
Sombor	Injured	Article 46	34	1					3	
Niš	Injured	Article 46	284	21	19	6	7	1	8	64
Kragujevac	Injured	Article 46	141	1			4		4	93
Preševo	Injured	Article 46	45							
Bečej	Injured	Article 46	34			1	6	3		
Pančevo	Injured	Article 46	116	3	5	3	11		3	4
		Article 48	1							
Negotin	Injured	Article 46	38	4	6			1		11
Trstenik	Injured	Article 46	75	13		1	28	24		
Šabac	Injured	Article 46	220	1		11	1	2	2	132
Kraljevo	Injured	Article 46	19	2	2			2	1	
Vršac	Injured	Article 46	19			1	7			
	Administrative Inspectorate	Article 46	4			1			2	
Subotica	Injured	Article 46	15		1		2	1		
Paraćin	Injured	Article 46	15	1			1			3
Arandelovac	Injured	Article 46	41	2		1		3		14
Kikinda	Injured	Article 46	4	2				2		

Zrenjanin	Injured	Article 46	20	1	1	2		1		
Senta	Injured	Article 46	13							
Novi Pazar	Injured	Article 46	10	7				1		
Obrenovac	Injured	Article 46	14			1			1	4
Sjenica	Injured	Article 46	110	1	2	1		4		97
Kruševac	Injured	Article 46	205		5	5	5	11		46
Pirot	Injured	Article 46	57	2	11	6	2	8		12
Vranje	Injured	Article 46	424	11	190	20	287	59	18	
Lazarevac	Injured	Article 46	4							
Smederevo	Injured	Article 46	50	4		5		1		12
Valjevo	Injured	Article 46	180	19	5	14	17	10		19
Pijepolje	Injured	Article 46	61							
Ruma	Injured	Article 46	34		1		3	2	1	
Leskovac	Injured	Article 46	70		12	6		12		18
Čačak	Injured	Article 46	98	7		19		1		65
Sremska Mitrovica	Injured	Article 46	11							
Novi Sad	Injured	Article 46	48	3	1			5	1	
Mladenovac	Injured	Article 46	14		1			1		
Raška	Injured	Article 46	5		1			1		
Loznica	Injured	Article 46	51	10				2		
Bačka Palanka	Injured	Article 46	7	1			1	2		
Total of Injured		Article 46	4.074	422	358	149	463	314	368	952
		Article 47	1							
		Article 48	3	2						

The data from the table show that the misdemeanor courts for misdemeanors from the Law on Free Access to Information imposed the largest number of fines in the amount of the legal minimum, ie closer to the lower limit of fines from the Law on Free Access to Information, prescribed in the range of 5,000 to 10,000 dinars.

Table 9 - Overview of the requests for initiating misdemeanor proceedings for misdemeanors from the Law on Free Access to Information of Public Importance and the outcome before the Misdemeanor Court of Appeals in Belgrade from 2021.

Conviction	Warning	Suspension	Rejection	Acquittal	Suspension due to obsolescence	Revoked decision and returned for retrial	Resolved in other way
596 confirmed, 3 convictions reversed to harsher sentence, 4 acquitted-reversed	13-reversed to a milder sentence, 15 reversed in terms of legal qualification, defendant passed away, the applicant withdrew (of which 12 convicts, 1 acquittal, 1 rejection of the request, 1 suspension because the request was not submitted by an authorized person)	25 confirmed	224 rejections confirmed 2 acquittals 1 suspension due to obsolescence 4 decisions rejecting the request for initiating misdemeanor proceedings 14 convicts 1 suspension for other reasons 2 suspensions due to the applicant's withdrawal	162 confirmed 17 convicts - reversed	141 confirmed 24 acquittals - reversed 71 convictions - reversed 5 suspensions - reversed for other reasons 6 rejections - reversed	47 rejections 85 acquittals 160 convicts 53 suspensions due to obsolescence 11 suspensions for other reasons 2 suspensions due to the ban on retrial 2 suspensions because the procedure was conducted without a request 5 suspensions because the request was not submitted by an authorized person 1 suspension due to the death of the defendant	8
603	28	25	248	179	247	366	8

According to the data of misdemeanor courts in Serbia, which submitted data to the Commissioner, in 2021, these courts received a total of 4,078 requests to initiate misdemeanor proceedings for violating the right to access information, with the fact that all requests were submitted by the information seeker in the capacity of the injured party.

According to the data of the Misdemeanor Court of Appeals in Belgrade, in 2021 that court decided in 1704 cases upon appeals against decisions of misdemeanor courts in the matter of freedom of access to information, and 161 cases remained in operation. The court decided on the appeals as follows: **1,148 decisions were confirmed**, as follows: 162 acquittals, 596 convictions, 224 - the request was dismissed and 166 - suspension of the proceedings, of which 141 suspensions due to obsolescence, 9 suspensions due to other reasons, 11 suspensions due to the applicant's withdrawal, 2 suspensions due to the ban on retrial because it has been legally decided, 3 suspensions due to the death of the accused; **158 decisions were reversed**: a total of 106 decisions were suspended due to obsolescence (24 acquittals, 71 convicts, 6 on rejection of requests and 5 suspensions for other reasons), 17 convicts were reversed to acquittals, 13 convicts were reversed to a milder sentence - reprimand/warning, 3 convicts were reversed to tougher sentence, 4 acquittals were reversed to convictions, 15 decisions were reversed for other reasons (in terms of legal qualification, defendant died during misdemeanor proceedings, authorized applicant gave up), that is, 12 convicts, 1 acquittal, 1 rejection of request and 1 decision on

suspension of the procedure because the request was not submitted by an authorized person; **366 decisions** upon appeal against decisions of misdemeanor courts **were revoked** (47 dismissals, 85 acquittals, 160 convictions and 74 suspensions - of which 53 suspensions due to the obsolescence, 11 suspensions due to other reasons, 2 suspensions due to ban on retrial, 2 suspensions because proceedings were conducted without request, 5 suspensions because the request was not submitted by an authorized person and 1 suspension due to the death of the defendant), **24 were rejected**, namely: 2 acquittals, 1 suspension due to obsolescence, 1 suspension due to other reasons, 2 suspensions due to withdrawal, 4 decisions because the request for initiating misdemeanor proceedings was rejected, and 14 convicts; and **8 cases were resolved in other way**.

By analyzing the submitted data, it is concluded that the Misdemeanor Court of Appeals, as in 2020, in more cases than in previous years, confirmed the convictions of misdemeanor courts.

The Administrative Inspectorate of the Ministry of State Administration and Local Self-Government, responsible for supervising the implementation of the Law on Free Access to Information, informed the Commissioner that the Administrative Inspection conducted 277 inspections supervisions related to the application of regulations on free access to information of public importance, and that in the minutes on inspection supervision they proposed to the supervised bodies to implement 103 measures and set a deadline for the elimination of identified illegalities, irregularities and shortcomings in the work. The report stated that the administrative inspection acted on 351 decisions made by the Commissioner in the appeal procedure, as well as on 136 petitions of the applicants regarding the application of regulations on free access to information of public importance.

In 2021, the Administrative Inspectorate did not submit any request for initiating misdemeanor proceedings due to violation of rights or non-fulfillment of prescribed obligations of the authorities regarding the application of the Law on Free Access to Information, from which it is concluded that non-compliance with these legal obligations remains without responsibility.

3.2.4 Activities of the Commissioner in connection with the publication of the Information Booklet on the work

Publishing the Information Booklet work, with the obligation to regularly update the data (at least once a month) aims to make available to citizens, media, authorities and other users, the most important information about the work of the body, staff and other capacities of the body, its organization, competencies, resources (means of work), disposal of public funds, salaries, state aid, subsidies, donations, international and other projects and their implementation, public procurement, types of services provided by the body and the procedures for exercising rights, legal remedies in case of negative outcomes of proceedings before the body, types of information which the body has at its disposal, etc.

The Law on Amendments to the Law on Free Access to Information of Public Importance (LFAIPI) ("Official Gazette of the Republic of Serbia" No. 105 of November 8, 2021) entered into force on November 16, 2021, and its implementation started on February 17, 2022. years. The said law stipulates that the Information Booklet on the work is made in electronic and machine-readable form, and is published through the unique information system of the Information Booklet on the

work, kept and maintained by the Commissioner, in accordance with the instructions for drafting and publishing the Information Booklet on the work passed by the Commissioner. In this regard, the Commissioner undertook the activities necessary for the timely adoption of the said instruction and the establishment of the information system in question. The publication of the Information Booklet on the work on the common digital platform should lead to a greater degree of transparency, comparability and greater usefulness of data, as well as easier monitoring of the implementation of this legal obligation.

In 2021, during the control of the Information Booklet on the work related to the the work of state bodies, the Commissioner determined that the shortcomings in the the Information Booklet on the work are mostly reflected in the following:

- the data in the Information Booklet on the work **are not updated regularly, in accordance with the Instructions, so they do not meet the condition of reliability;**
- **a review of data on provided services is most often missing;**
- **data on revenues and expenditures**, out of which the data on budget, either are missing or incomplete;
- **data on conducted public procurements;**
- data on paid **salaries, wages and other incomes** are presented in a very small number of cases;
- **descriptions of actions within competencies, authorities and obligations** are missing;
- also **the services provided by the body to interested parties**, as well as **the procedure for providing services**, are missing.

On the occasion of the International Day of the Right of the Public to Know, which is celebrated every year on September 28, the Commission for Awarding Recognitions for Improving the Right to Free Access to Information for 2021, chaired by the Commissioner, awarded the following recognitions:

- **To Higher Court in Kragujevac - for the best Information Booklet on the work;**
- **To the Supreme Court of Cassation - for its contribution to the affirmation of the public's right to know in the category of the highest public authorities;**
- **To the Ministry of State Administration and Local Self-Government - for contribution to the affirmation of the right of the public to know in the category of republic bodies;**
- **To the Court of Appeals in Kragujevac- for contribution to the affirmation of the public's right to know in the category of judicial bodies;**
- **To the city of Požarevac for its contribution to the affirmation of the public's right to know in the category of local public authorities;**
- **To the Assembly of the Autonomous Province of Vojvodina - for contribution to the affirmation of the public's right to know in the category of provincial public authorities;**
- **In the category of special recognition for the greatest contribution to the affirmation of the public's right to know (the statuette) - to the United States Agency for International Development (USAID).**

3.3. ACTIVITIES OF THE COMMISSIONERS REGARDING THE PROTECTION OF PERSONAL DATA

3.3.1. Acting of the Commissioner in performing supervision

During 2021, the Commissioner **completed** a total of **303 supervisions**, of which 244 were initiated in 2021, and 59 supervisions come from the previous period. Out of the total number of completed supervisions, 161 are regular and 142 are extraordinary supervisions.

The supervisions (303) were finished as follows: 257 cases were finished by determining that they had acted according to the previously conducted supervision, 36 cases were finished by an official note because it was determined that there were no violations of the Law on Personal Data Protection (LPDP) or elements for conducting inspection procedures, 3 cases were finished with the submission of a request to initiate misdemeanor proceedings, 3 cases were finished with the submission of criminal charges, 3 cases were transferred to the Ministry of Interior and 1 case was forwarded to the Higher Public Prosecutor's Office in Belgrade for further proceedings.

In cases where he found that the provisions of the Law on Personal Data Protection (LPDP), had been violated (72), the Commissioner:

- submitted 3 requests for initiating misdemeanor proceedings for violation of the Law on Personal Data Protection (LPDP),
- submitted 3 criminal charges,
- passed 63 corrective measures in which in 60 cases he issued warnings to operators, in 2 cases temporarily or permanently restricted performing of processing operations, including the prohibition of processing and in 1 case ordered the operator and processor to harmonize processing operations with the provisions of the Law on Personal Data Protection (LPDP).

During 2021, the Commissioner **initiated 362 supervision procedures**, of which 211 were regular and 151 were extraordinary supervisions.

Out of 151 extraordinary supervisions, 116 were initiated upon petition, 17 after notifying the Commissioner of data breach, 2 on the basis of a warning by the competent authority and 16 on other grounds.

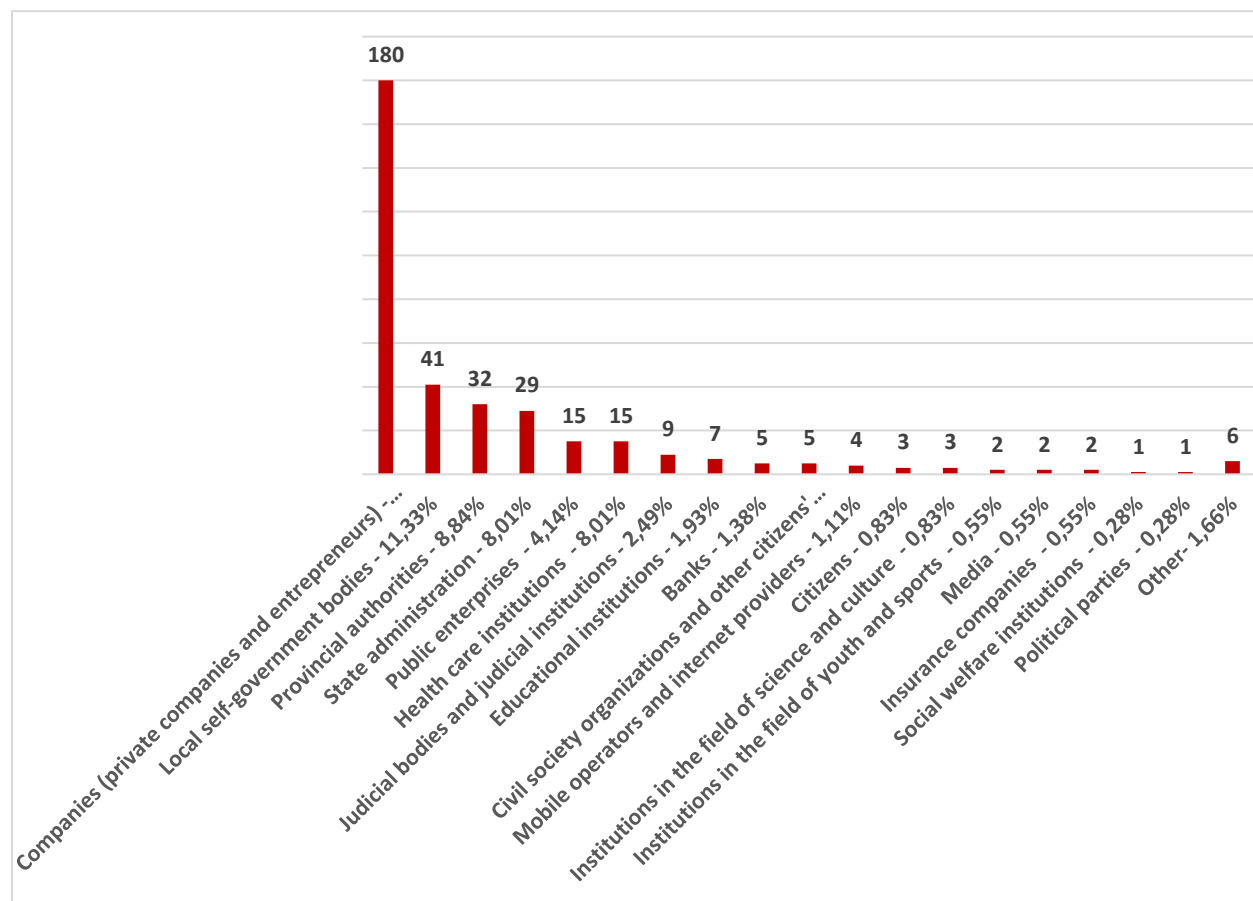
Having in mind the operators over whom the Commissioner initiated the supervision procedure during 2021, the structure of the operators and the reasons for performing the supervision are significantly different compared to the previous year. A significant number of supervision procedures were performed in companies (private companies and entrepreneurs), with the largest number of those who are engaged in online sales.

Having in mind the reasons for supervision, the contribution of security of personal data has increased, as in previous years, compared to all previous years, and the percentage of the contribution of personal data and personal documents has decreased several times. During 2021, the security of personal data was significantly endangered, especially with the establishment of new information systems, through which a large number of delicate data on citizens are processed.

Thus, the operators over whom the Commissioner initiated 362 supervision procedures are most often: companies (private companies and entrepreneurs) - 180 (49.72%), local self-

government bodies 41 (11.33%), provincial authorities - 32 (8, 84%), state administration - 29 (8.01%), public enterprises - 15 (4.14%), health care institutions - 15 (4.14%), judicial bodies and judicial institutions - 9 (2.49%), educational institutions - 7 (1.93%), banks 5 (1.38%), civil society organizations and other citizens' associations - 5 (1.38%), mobile operators and internet providers - 4 (1, 11%), citizens - 3 (0.83%), institutions in the field of science and culture - 3 (0.83%), institutions in the field of youth and sports - 2 (0.55%), media - 2 (0, 55%), insurance companies - 2 (0.55%), social welfare institutions - 1 (0.28%), political parties - 1 (0.28%) and other 6 - (1.66%).

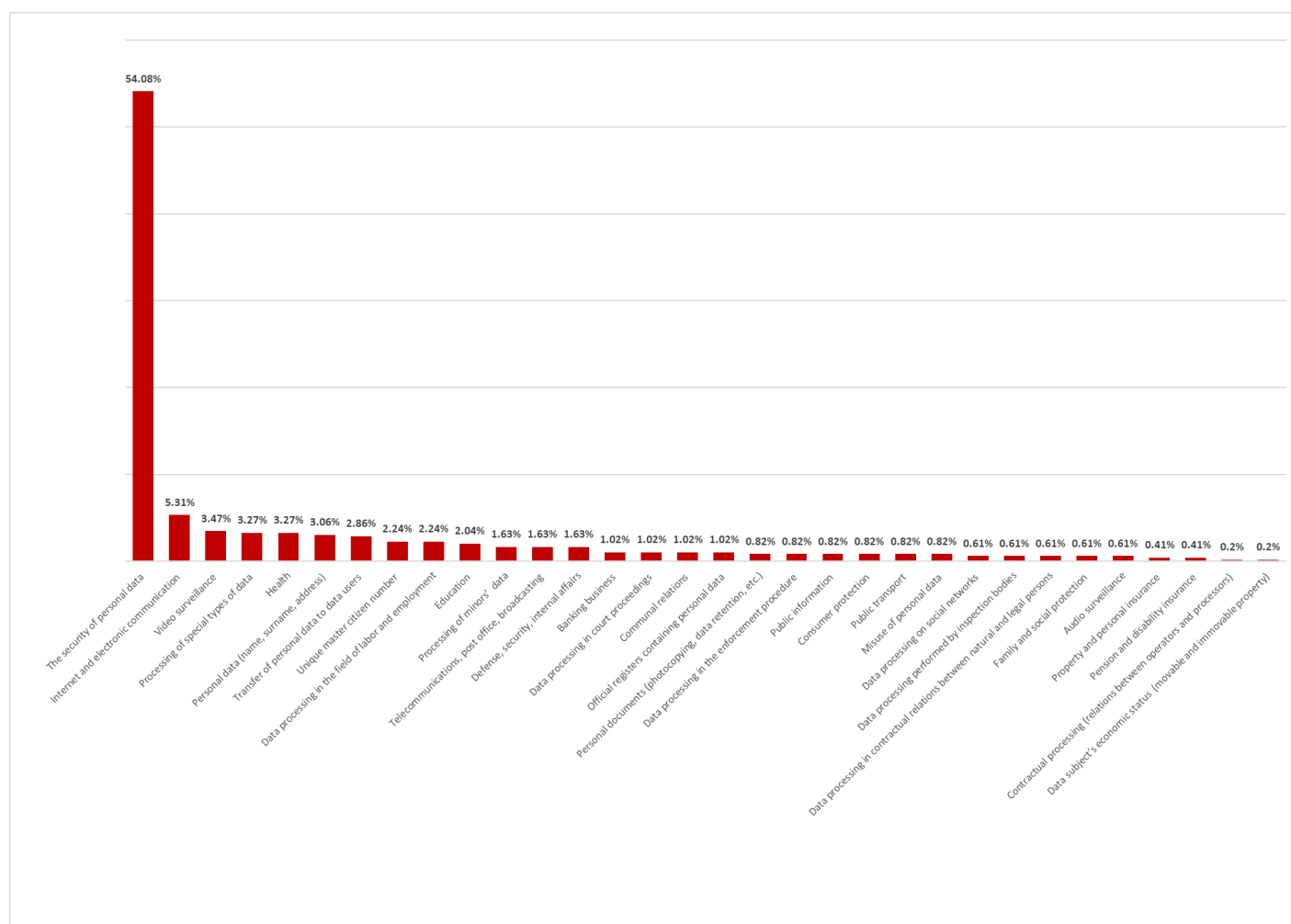
Graph 16 - Structure of operators over whom the supervision procedure was initiated in 2021.



The most common reasons for initiating supervision are: the security of personal data (54.08%), Internet and electronic communication (5.31%), video surveillance (3.47%), processing of special types of data (3.27%), health (3.27%), personal data (name, surname, address) (3.06%), transfer of personal data to data users (2.86%), Unique Master Citizen Number (2.24%), data processing in the field of labor and employment (2.24%), education (2.04%), processing of data on minors (1.63%), telecommunications, post, broadcasting (1.63%), defense, security, internal affairs (1.63%)), banking business (1.02%), data processing in court proceedings (1.02%), communal relations (1.02%), official registers containing personal data (1.02%), personal

documents (photocopying, data retention, etc.) (0.82%), data processing in the enforcement procedure (0.82%), public information (0.82%), consumer protection (0.82%), public transport (0.82%), misuse of personal data (0.82%), data processing on social networks (0.61%), data processing performed by inspection bodies (0.61%), data processing in contractual relations between natural and legal persons (0.61%), family and social protection (0.61%), audio surveillance (0.61%), property and personal insurance (0.41%), pension and disability insurance (0.41%), contractual processing (relations between operators and processors) (0.2%), data on the economic condition of the persons to whom they refer (movable and immovable property) (0.2%).

Graph 17 - The most common reasons for initiating the supervision procedure during 2021.



The Commissioner issued 63 corrective measures, ie in 60 cases the Commissioner issued warnings to the operators (in 44 cases the operator acted according to the imposed measure of the Commissioner, while in 1 case he did not do so, and in 15 cases the operator has not yet informed the Commissioner of the action); in 2 cases he temporarily or permanently restricted the processing operation, including the prohibition of processing (in 1 case the operator acted according to the imposed measure, while in 1 case he did not act); in 1 case, he ordered the operator and the processor to harmonize the processing operations with the provisions of the Law on Personal Data

Protection (LPDP) (the operator has not yet informed the Commissioner about the action taken upon the imposed measure).

In cases in which he issued reprimands/warnings (60), the Commissioner found the following (irregularities) violations of the provisions of the Law on Personal Data Protection (LPDP):

- data are not processed legally, fairly and transparently in relation to the person to whom the data relate - Article 5, paragraph 1, item 1. (38);
- data are not collected for purposes that are specifically determined, explicit, justified and lawful and are still processed in a manner that is not in accordance with those purposes - Article 5, paragraph 1, item 2. (6);
- data are not appropriate, relevant and limited to what is necessary in relation to the purpose of processing - Article 5. Paragraph 1, item 3. (14);
- data are not stored in a form that allows the identification of persons only within the period necessary to achieve the purpose of processing - Article 5, Paragraph 1, Item 5. (2);
- data are not processed in a way that provides adequate protection of personal data, including protection against unauthorized or illegal processing, as well as against accidental loss, destruction or damage through the application of appropriate technical, organizational and personnel measures - Article 5, Paragraph 1, Item 6. (7);
- processing for other purposes contrary to Article 6 and 7 (1)
- the operator processes personal data without the consent of the data subject or is unable to show that the data subject has consented to the processing of his or her data - Article 15 and 16 (3);
- the operator processes special types of personal data contrary to Article 17 and 18 (3);
- the person with whom are related the data that are collected is not provided with information in accordance with Article 23. (6);
- if personal data are not collected from the person to whom they refer in accordance with Article 24 (1);
- when determining the manner of processing, as well as during processing, the operator does not take appropriate technical, organizational and personnel measures - Article 42. (16);
- the relationship between the joint operators is not regulated in the manner prescribed by Article 43, Paragraph 2-4 (4):
- the operator entrusted the processing of personal data to the processor contrary to Article 45. (4);
- the operator or processor does not keep the prescribed records of processing - Article 47. (3);
- the operator or processor has not implemented appropriate technical, organizational and personnel measures in order to achieve the appropriate level of security in relation to risk - Art. 50. (1);
- the operator did not inform the Commissioner about the data security breach - Article 52. (2);
- the operator did not timely inform the person to whom the data refer about the violation, if the violation of personal data may produce a high risk to the rights and freedoms of natural persons - Article 53 (2);
- the operator did not perform an impact assessment on data security protection in the manner provided for in Article 54. (1).

3.3.1.1. Checklists

During 2021, a **checklist was sent** to the addresses of **992** operators, of which a risk assessment was performed in 929 cases, and **913** operators submitted to the Commissioner a completed checklist on the basis of which the Commissioner assessed the level of risk of personal data processing, while **16** operators voluntarily submitted a completed checklist to the Commissioner, based on which the Commissioner also assessed the level of risk of personal data processing. The completed checklist was not submitted by 79 operators.

The structure of the operators to whom the checklist was sent in 2021, is as follows:

- public executors and notaries public (431) of whom 10 did not submit a completed checklist to the Commissioner even after the Commissioner's urgency. Based on the submitted checklists (421), the level of risk among these operators was assessed as critical in 3 cases, high in 6, medium in 5, low in 372 and insignificant in 35 cases;

- preschool institutions (225), of which 17 did not submit a completed checklist to the Commissioner even after the Commissioner's urgency. Based on the submitted checklists (208), the level of risk among these operators was assessed as critical in 6 cases, high in 2, medium in 12, low in 150 and insignificant in 38 cases;

- social protection institutions (174), of which 32 did not submit a completed checklist to the Commissioner even after the Commissioner's urgency. Based on the submitted checklists (142), the level of risk among these operators was assessed as critical in 1 case, high in 3, medium in 7, low in 123 and insignificant in 8 cases;

- private companies (153), of which 16 did not submit a completed checklist to the Commissioner even after the Commissioner's urgency. Based on the submitted checklists (137), the level of risk among these operators is in 2 cases was assessed as high, in 21 as medium, in 106 as low and in 8 cases as insignificant;

- ministries (3), of which all submitted a completed checklist to the Commissioner, on the basis of which in all 3 cases the level of risk was assessed as low;

- the local self-government body (1), which submitted the completed checklist to the Commissioner, on the basis of which the level of risk was assessed as low;

- a public enterprise at the local level (1), which did not submitted a completed checklist to the Commissioner even after the Commissioner's urgency;

- Non-Governmental Organisations (NGOs) and other citizens' associations (1), which submitted a completed checklist to the Commissioner, on the basis of which the level of risk was assessed as low;

- other operators (3), of which 1 did not submit the completed checklist to the Commissioner even after the Commissioner's urgency. Based on the submitted checklists (2), the level of risk was assessed as medium.

Based on all the obtained data, the Commissioner will adopt the plan of inspection supervision for 2022.

From the beginning of the implementation of the new Law on Personal Data Protection (LPDP) up to the end of the reporting period, the checklist was sent to the addresses of **2,524 operators**, the checklist of which in 2,278 cases a risk assessment was performed, with 2,236 operators who submitted a completed checklist to the Commissioner, on the basis of which the Commissioner assessed the level of risk of personal data processing, while 42 operators voluntarily submitted a completed checklist to the Commissioner, based on which the Commissioner also assessed the level of risk of personal data processing. A total of 288 operators did not submit a completed checklist.

3.3.1.2. Records of persons for the protection of personal data

During 2021, **704 operators** submitted the records on personal data protection.

Since the beginning of the implementation of the Law on Personal Data Protection (LPDP), a total of **3,895 operators** have submitted records on the person for the protection of personal data, of which 2,531 authorities, although just over 11,000 authorities have a legal obligation to do so.

Table 10. - Structure of operators who submitted records on persons for personal data protection

Companies, firms, banks and insurance companies	1220
educational institutions	1022
authorities at the republic, provincial and local levels	312
health care institutions	343
judicial bodies and institutions from the field of justice	367
social welfare institutions	169
public companies	170
institutions from the field of science and culture	137
civil society organizations and other citizens' associations, political parties and trade unions	108
internet providers and mobile operators	21
sports organizations and institutions from the field of youth and sports	10
the media	9
institutions from the field of agriculture	1
lawyers	1
others	5

Considering the presumed number of subjects who have the obligation to appoint a person for the protection of personal data, publishing his or her contact data, and submitting them to the Commissioner, the mentioned number of operators, ie processors, and who performed this obligation until December 31, 2021 - this undoubtedly indicates the justification of the Commissioner's efforts to raise the level of awareness of the Law on Personal Data Protection (LPDP) obligors through the specialized trainings, and to regulate the question of personal data protection in the Republic of Serbia in a strategic way, which has never been done before.

In order to facilitate the fulfillment of this obligation, as the least demanding of all prescribed by the new Law on Personal Data Protection (LPDP), the Commissioner on his website, at www.poverenik.rs/en/data-protection/лице-за-заштиту-података-о-личности.html gave a very receptive and simple instruction, how and in what way the stated obligation is the easiest to fulfill. Notwithstanding, not only there was not recorded more significant trend of increasing the number of submitted notifications on contact data by persons appointed for the protection of personal data, but in many cases were observed the numerous irregularities in fulfilling this statutory obligation, such as: submission of data, not for one, but for several persons appointed for the protection of personal data; submission of private data of persons appointed for the protection of personal data (private contact telephones, private email addresses, private residential addresses), submission of data for which there is no prescribed obligation (Unique Master Citizen Number, etc.); submission by the authorities of private contact email addresses created on Google's email service, etc.

3.3.1.3. Notifying the Commissioner of data breach

Considering that by the newly established organization of work within the Office of the Commissioner, the Information Technology Sector has been entrusted with the performance of work regarding the recording of notifications of the operators on violations of personal data that may pose a risk to the rights and freedoms of natural persons, and given the fact that in the period from the beginning of the implementation of the Law to December 31, 2020, only 32 such violations were reported (in the period of significantly increased threats to the security of computer networks by so-called "Crypto Lockers" and other types of ransomware), the number of such notifications in 2021 increased by a total of **34** (thirty-four) operators, as follows:

- 6 authorities;
- 8 institutions from the field of health;
- 1 social protection institution;
- 1 high school;
- 1 insurance company;
- 3 banks;
- 10 private companies;
- 1 preschool institution and,
- 3 NGOs and other citizens' associations,

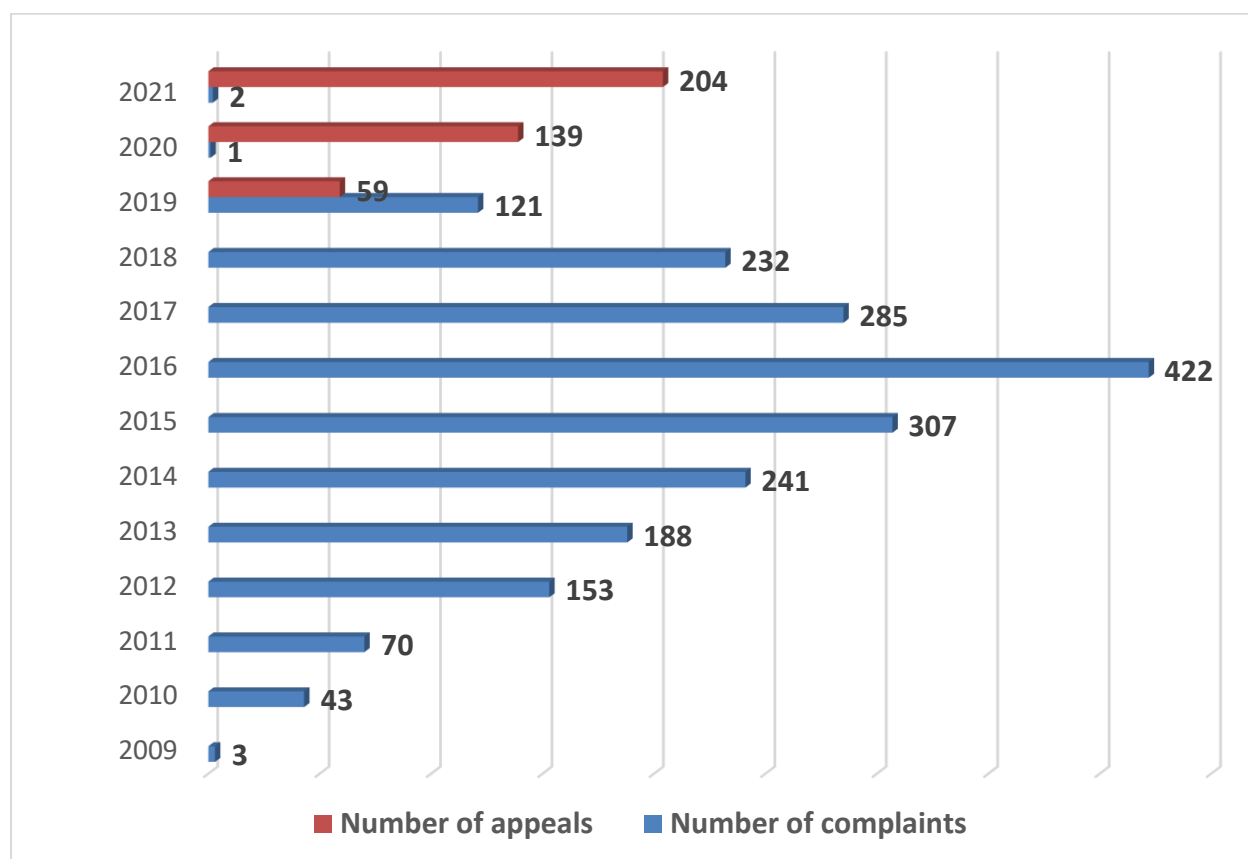
which continues to lead to the conclusion that many operators are not yet aware of the existence of this legal obligation, or more likely, refrain from notifying the Commissioner in order not to be exposed to possible inspection supervision and / or reputational risks that could affect the business and trust of clients, ie recipients of their products and / or services. This is because, according to the available reports on a daily basis, in the so-called "Cyberspace", there are a large number of attacks on the Information and Communications Technology (ICT) infrastructure of many operators, including the fact that 2021 year will be remembered on a global level for the large number of attacks of various types of ransomware, which as a result left enormous material damage around the world.

The received notifications are forwarded to the Supervision Sector of the Commissioner's Office immediately after entering them into the electronic database, with the aim of possible further actions in the form of performing inspection supervision.

3.3.2. Acting of the Commissioner on complaints / appeals

During 2021, **204 complaints and 2 appeals** were submitted to the Commissioner. During 2021, the Commissioner acted on 246 complaints and 2 appeals, of which 204 complaints and 2 appeals were received during 2021, while 42 complaints were transferred from 2020.

Graph. No. 18 - Complaints / appeals submitted to the Commissioner by years

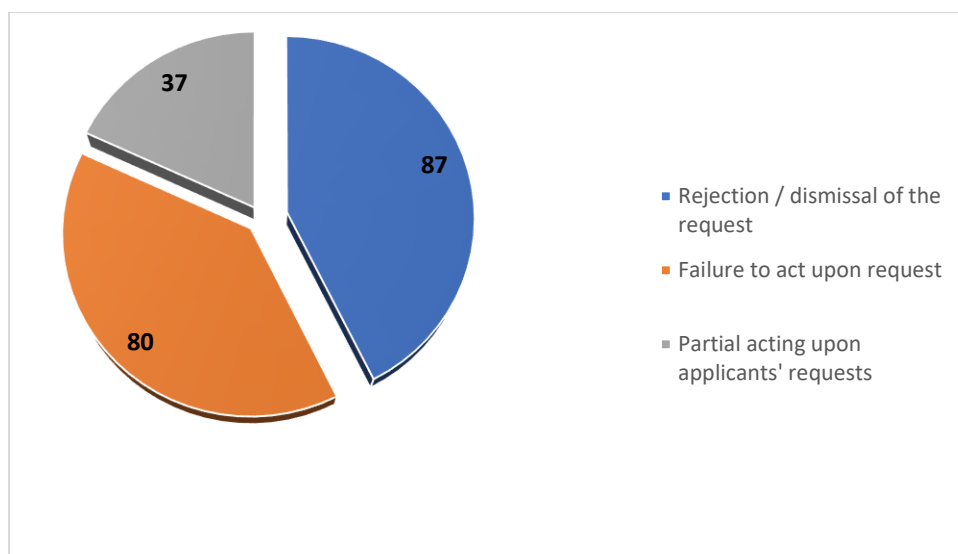


The complaints submitted to the Commissioner relate to data processed by prosecutor's offices and courts, banks, Ministry of Internal Affairs, republic public companies, health institutions, political parties, social work centers, private companies, insurance companies, as well as data processed by internet search engines, electronic media, mobile operators, etc.

3.3.2.1. Reasons for submitting a complaint to the Commissioner

The most common reasons for submitting a complaint to the Commissioner are the rejection or dismissal of the request by the operator (87), the failure of the operator to act upon the request (80), and, partial acting of the operator upon request (37).

Graph no. 19. - Reasons for submitting appeals in 2021.



1) Rejection / dismissal of the request

The most common reason for submitting a complaint to the Commissioner is the rejection or dismissal of the request by the operator (87). Compared to 2020, when 25.2% of complaints were submitted for this reason, this year the percentage was 42.7%.

The largest number of complaints were submitted against banks due to the rejection of the request for receiving of a copy of the data, ie loan agreement, and against the Ministry of Interior due to the rejecting of the request for deleting personal data processed in the records kept by that ministry. The number of complaints against public prosecutor's offices for refusing or partially providing access to copies of data has also increased this year. Also, this year has increased the number of complaints against courts related to the data they process on the basis of their judicial powers, although according to Article 77, Paragraph 3 of the Law on Personal Data Protection (LPDP) the Commissioner is not competent to supervise this processing.

2) Failure to act upon request

The next most common reason for submitting a complaint to the Commissioner during 2021 was that the operators did not act upon the request within the legally prescribed period of 30 days (80). Compared to 2020, when the percentage of complaints submitted for this reason was 51.1%, in 2021 the growth of the negative trend of failure of operators was stopped and it amounts to 39.2% of the total complaints submitted to the Commissioner, which is still a high percentage of ignoring the demands of individuals by operators who process data. This cannot be justified by the fact that the law has been in force since August 22, 2019, because according to the previous law, there was a legal obligation of the operator to act on the requests of persons in order to exercise their rights in connection with the processing of personal data.

3) Partial acting upon applicants' requests

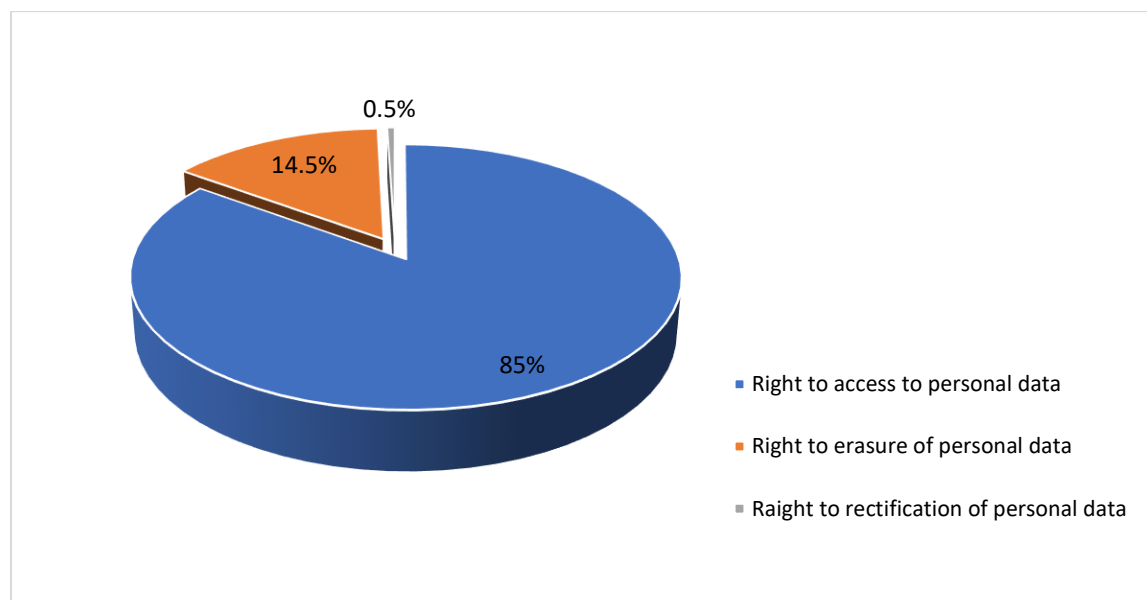
During 2021, 37 complaints were submitted to the Commissioner due to the partial actions of the operators upon the requests of the applicants. Compared to 2020, when 23% of the total

number of complaints were submitted to the Commissioner due to this reason, in 2020, 18.1% complaints were submitted due to this reason.

3.3.2.2. Violated rights due to which the complaints were submitted to the Commissioner

The requests because of which, due to the failure of operators to act, the complaints were submitted to the Commissioner, relate to the exercise of: the right to access data (85%), the right to delete personal data (14.5%), the right to correction and supplementation (0.5 %).

Graph no. 20 – The requests because of which the complaints were submitted to the Commissioner in 2021.



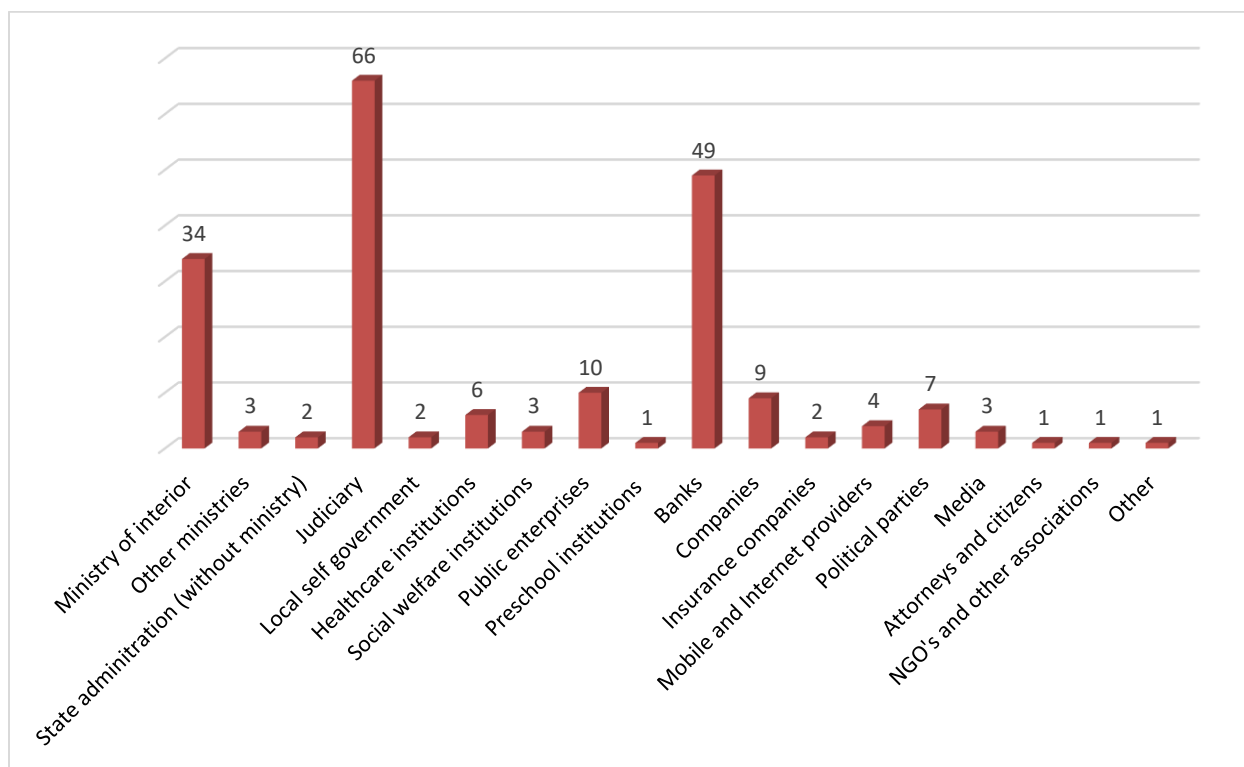
3.3.2.3. The structure of the operators against whom the complaints have been submitted to the Commissioner

The largest number of complaints, as many as 117, were submitted against government bodies at all levels, ie bodies and organizations to which were entrusted public powers and against public companies. The largest number (66) was submitted against the judicial authorities as operators. 37 complaints were submitted against the ministries, of which only 34 complaints were submitted against the Ministry of the Interior, and a total of 3 complaints against all other ministries.

Within the authorities, the largest number of complaints were submitted against the Ministry of the Interior. The greatest interest of the citizens is related to the deletion of data on entered criminal reports, which the ministry keeps permanently, regardless of the passage of time and the outcome of the procedure, which, according to the Commissioner, is contrary to the Law on Personal Data Protection (LPDP) and international standards.

A large number of complaints were submitted against banks (49) due to failure to obtain a copy of the data, ie, the loan agreement.

Graph no. 21 - Structure of operators to whose (non) acting have been submitted the complaints in 2021.

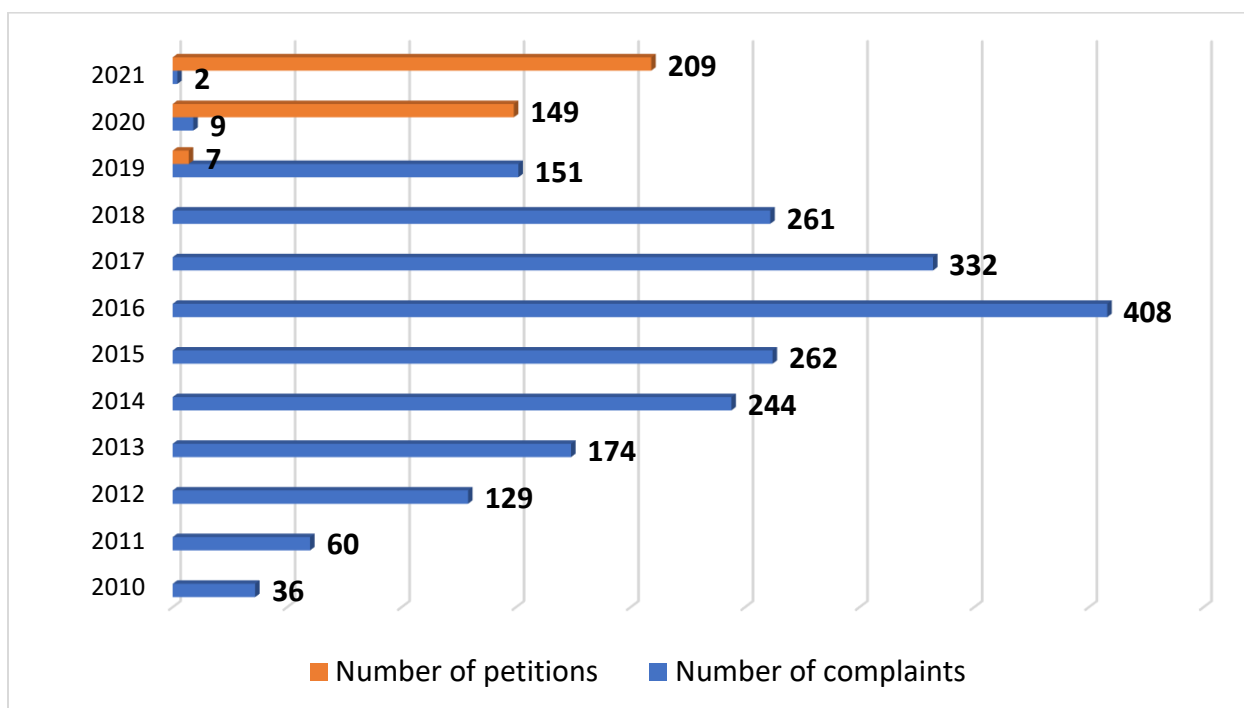


3.3.2.4. The complaints / appeals resolved by the Commissioner

Out of **246 complaints**, the Commissioner **resolved 209** complaints during 2021 (167 from 2021 and 42 transferred from the previous year), and the remaining 37 complaints were transferred to 2022.

During 2021, the Commissioner finished the procedure upon 2 **appeals** (appeals were formed because the Administrative Court annulled the decision of the Commissioner made on those appeals and returned the case for retrial).

Graph no. 22 - The complaints / appeals resolved by Commissioner per years



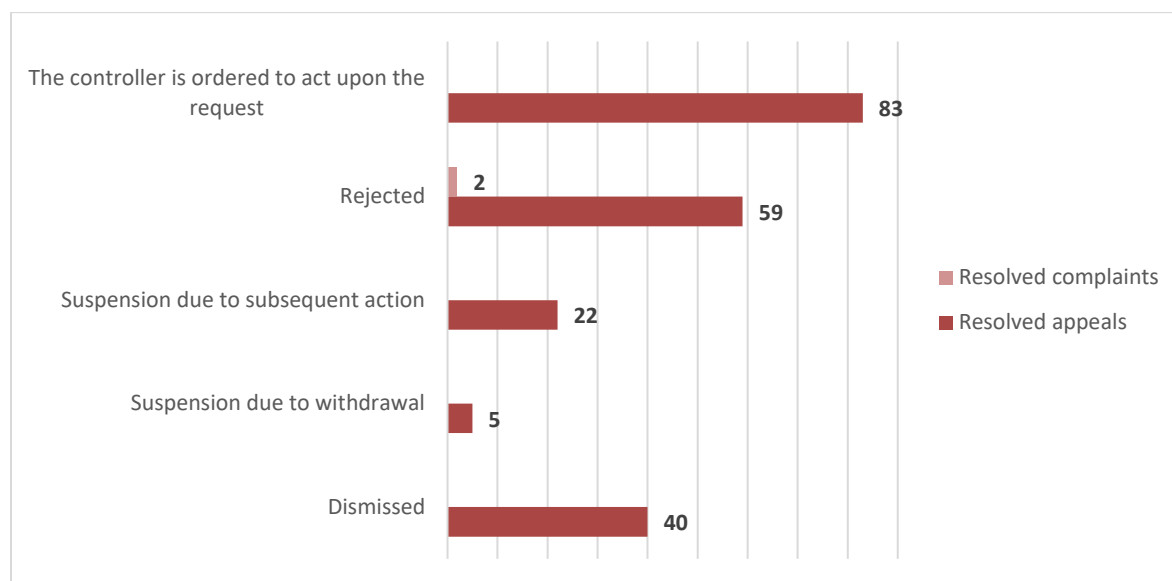
In the decisions made upon the submitted appeals (2), the Commissioner determined that the appeal was unfounded and by decision (2) rejected them as unfounded.

In the decisions made upon the submitted complaints (209), the Commissioner determined that the complaint was founded in 83 cases, ie 39.71%, and in all 83 cases a decision was made with an order to the operator to act upon the request. By the decision, the Commissioner suspended the procedure in 27 cases, ie 12.92%, because the operator, before making the decision by the Commissioner upon the complaint, acted upon the request (22), ie the complainant withdrew from the same (5). The Commissioner rejected 40 complaints, ie 19.14%, for formal reasons, while he rejected 59 complaints, ie 28.23%, as unfounded.

By analyzing the complaints whichs the Commissioner found are unfounded, it can be concluded, inter alia, that citizens still do not have enough knowledge about the content of rights that belong to them under the Law on Personal Data Protection (LPDP), because they request information about other persons, issuing confirmations and certificates, data on deceased persons and similarly. Often, they recognize the institution of the Commissioner as a body for the protection of rights in general, and not the rights related to the processing of personal data and the right to access information of public importance.

Also, according to the Law on Personal Data Protection (LPDP), the Commissioner is not competent to supervise the processing by the courts in the exercise of their judicial powers, which is a novelty compared to the previous law, so people still submit requests to the courts for access to data which are processed in case files, and as a result, the complaint is being rejected due to incompetence.

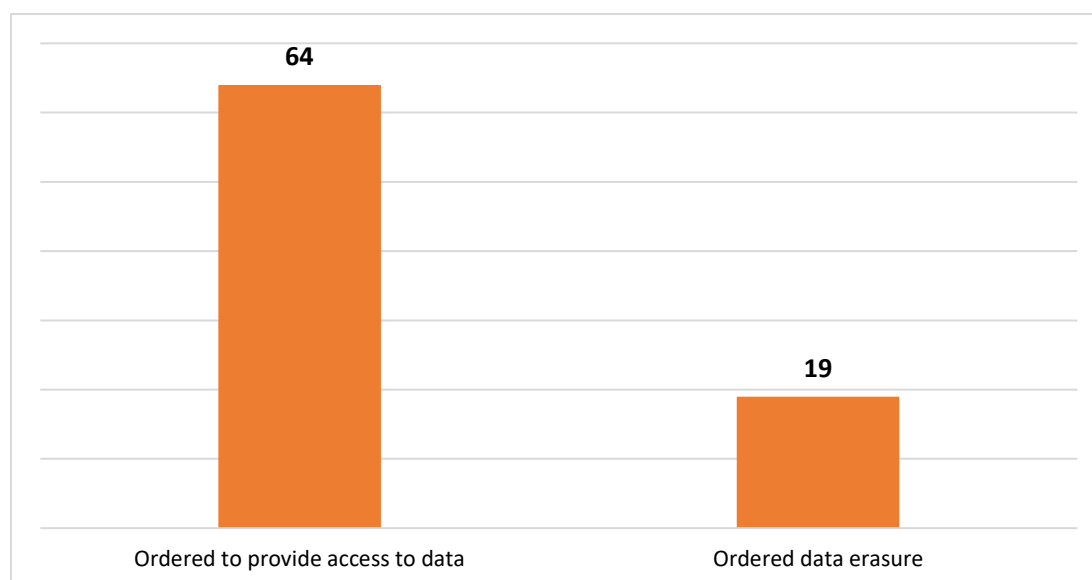
Graph no. 23 - The decisions made by the Commissioner upon complaints / appeals in 2021.



During the reporting period, the Commissioner issued a total of 83 binding and final decisions (based on submitted complaints) ordering the operator to act upon the request or to provide the requested information to the applicant, as well as the operator inform him about the execution of the decision. According to the decision of the Commissioner, **70 operators** acted in full, they informed the Commissioner about it, ie **83.3%**, **one operator** acted partially upon the order of the Commissioner, ie **1.2%**, while in the case of two orders of the Commissioner, there was no possibility of execution, ie **2, 4%**. Other operators did not inform the Commissioner about the procedure or the procedure is in progress.

Within the orders (83) of the Commissioner issued in 2021 on the basis of complaints, the Commissioner in **64 cases or 77.1%** ordered to provide access to data, while in **19 cases or 22.9%** ordered the deletion of data.

Graph no. 24 - Measures imposed by decisions of the Commissioner in 2021.



3.3.3. Data transfer to other countries or international organizations

In accordance to the Law on Personal Data Protection (LPDP), the Commissioner approves **binding business rules and provisions of contracts or agreements** when data are transferred on the basis of these mechanisms from the Republic of Serbia to another state, part of its territory or in one or more sectors of certain activities in that state or to an international organization for which by the list of the Government of the Republic of Serbia has not determined the existence of an appropriate level of protection.

During 2021, **7 requests** for approval of binding business rules were submitted to the Commissioner. In 3 cases the request was approved, while in 1 case the company submitted binding business rules in English, and the data protection officer of this company after additional clarifications of the Commissioner informed the Commissioner that he would formally submit a request for approval of binding business rules, as well as that it will be submitted to the Commissioner in Serbian language. The other 3 requests are still in progress (in operation).

During 2021, 2 requests for data transfer were submitted, of which 1 request for data transfer to the United States and 1 request for data transfer to Brazil, based on contractual provisions.

3.3.4. Proceedings of the Administrative Court on lawsuits against decisions of the Commissioner in the protection of personal data

According to the information available to the Commissioner, in 2021, **51 lawsuits** were submitted to the Administrative Court **against the Commissioner**, of which 50 were provided to the Commissioner for a statement. Out of the lawsuits submitted, 1 was submitted due to failure to initiate the procedure of inspection supervision, 1 due to failure to act on a complaint within the legal deadline, the so-called silence of the administration, while the remaining 49 were submitted regarding to the decisions made on complaints, ie to acts adopted in the procedure of inspection supervision.

. This is the largest number of lawsuits submitted against the Commissioner's decisions since the beginning of the implementation of the Law on Personal Data Protection (LPDP), due to the fact that the Ministry of Internal Affairs submitted as many as 22 lawsuits due to the Commissioner's order to delete data related to the applicant, ie complainant.

Out of the total number of submitted lawsuits (51), 24 were submitted by the operators, that is, 23 on the decisions made on the issued complaints and 1 lawsuit of the operator on the corrective measure in the procedure of inspection supervision. Most lawsuits were filed by the Ministry of the Interior (22), in most cases due to the Commissioner's order to delete data related to the applicant, ie complainant, from the records kept by the Ministry of the Interior.

Out of the remaining 27 lawsuits, 4 were submitted by the applicants dissatisfied with the Commissioner's conduct in the procedure of inspection supervision, while 23 were submitted by the complainants dissatisfied with the Commissioner's decision, of which 18 lawsuits were against the decision rejecting the applicant's complaint as unfounded in whole or in part, 2 lawsuits against the decision rejecting the applicant's complaint, 1 lawsuit against the decision to suspend the procedure due to the subsequent actions of the operator upon the request, 1 lawsuit due to failure to make a decision by the Commissioner on the issued complaint within the legal deadline, the so-

called silence of the administration and 1 lawsuit against the decision of the Commissioner, which partially rejected the applicant's complaint as unfounded.

During 2021, the Administrative Court resolved 12 lawsuits (3 of the resolved lawsuits were submitted in 2021, and the remaining 9 are from the previous period), so that in 7 cases rejected the lawsuit as unfounded, while 3 lawsuits were dismissed, 2 lawsuits were accepted, and the cases were returned for reconsideration.

Two objections to the decision of the Administrative Court rejecting the lawsuit of the operator (Ministry of Internal Affairs) as inadmissible were adopted.

3.3.5. Proceedings of the Constitutional Court on lawsuits against decisions of the Commissioner in the protection of personal data

According to the information available to the Commissioner, the Constitutional Court acted on two constitutional complaints submitted against the Commissioner in the field of personal data protection.

In one case, it rejected the constitutional complaint submitted against the act of the Commissioner, ie the response to the petition of the submitter of the constitutional complaint made upon the submitted petition. In the second case, it rejected the constitutional complaint submitted against the act of the Commissioner made on the requested opinions of the Commissioner in the sector for supervision.

3.3.6. Proceedings of prosecutors' offices upon criminal charges of the Commissioner

During 2021, the Commissioner submitted **three criminal charges**, all three of which were for a criminal offense under Article 146 of the Criminal Code (unauthorized collection of personal data).

In the period so far, from 2010 to the end of the reporting period, the Commissioner has submitted a total of **48 criminal charges**, for criminal offenses under Article 143 (unauthorized wiretapping and recording), 144 (unauthorized photography), 145 (unauthorized publication and presentation of of someone else's file, portrait, and recording), 146 (unauthorized collection of personal data), 299 (computer sabotage), 302 (unauthorized access to a secure computer, computer network and electronic data processing), 329 (false representation), 355 (falsification of a document) and 359 (abuse of official position) of Criminal Law.

According to the data available to the Commissioner, based on the criminal charges that the Commissioner has submitted so far, only 2 indictments have been filed. In connection with the indictments, one final conviction was passed (the person was sentenced to 6 months probation) and 1 acquittal. 21 criminal charges were rejected, so that in 14 cases the criminal prosecution was postponed due to opportunities, in 2 cases the prosecutor's office assessed that the reported offense was not a criminal offense prosecuted ex officio, while 5 investigations were suspended due to occurrence of obsolescence. Proceedings on other criminal charges are still pending.

The Commissioner believes that in the criminal reports he submitted to the public prosecutor's offices, he gave enough elements for their further processing, so that the perpetrators of criminal acts could be detected and appropriately sanctioned.

3.3.7. Acting of misdemeanor courts upon requests of the Commissioner for initiating misdemeanor proceedings

During 2021, the Commissioner submitted **3 requests for initiating misdemeanor proceedings** due to violations of the provisions of the Law on Personal Data Protection (LPDP).

During 2021, the Commissioner submitted 3 requests for initiating misdemeanor proceedings for violations of the provisions of the Law on Personal Data Protection (LPDP), due to the fact that the operator processes personal data contrary to the principles of Article 5, Paragraph 1 of the Law on Personal Data Protection (LPDP); during the determination of the manner of processing, as well as during the processing, the operator did not take appropriate technical, organizational and personnel measures in accordance with Article 42 and because the relationship between joint operators was not regulated in the manner prescribed by Article 43, Paragraph 2 to 4.

In the period so far, from 2010 to the end of the reporting period, the Commissioner has submitted **226 requests for initiating misdemeanor proceedings**, of which:

- 216 for violating the provisions of the old Law on Personal Data Protection (LPDP), due to:
 - Records were not formed or updated (50)
 - Processing of data was performed without consent contrary to the conditions of Article 12. (38)
 - Data processing was performed contrary to the conditions from Article 13 (13)
 - Collection of personal data from another person contrary to Article 14 (1)
 - Before collecting the data of the data subject, another person was not familiar with the conditions from Article 15, Paragraph 1 (3)
 - Processing of particularly sensitive data contrary to Article 16-18. (18)
 - The requested information, ie access, ie a copy of the data being processed was not provided - Article 26, Paragraphs 1 and 2 and Article 27 (1)
 - Data from the database have not been deleted in accordance with Article 36 (1)
 - The decision of the Commissioner made upon the appeal was not executed - Article 41 paragraph 1 (4)
 - It was acted contrary to the obligation to take measures from Article 47, Paragraph 2. (25)
 - The Commissioner was not informed about the intention to form a data collection within the prescribed period - Article 49 Paragraph 1. (20)
 - The Commissioner was not provided with the records, ie changes in the data collection within the prescribed deadline - Article 51 Paragraph 1. (62)
 - Export of data from the Republic of Serbia contrary to Article 53 (3)
 - The authorized person of the Commissioner was not enabled to perform unhindered supervision and the necessary documentation was not made available to him - Article 55 (46)
 - It was not acted upon the orders of the Commissioner – Article 56. Paragraph 2 (11)
 - Offense from Article 57, paragraph 1, item 14 in connection with Paragraph 3. (12)

and

- 12 for violating the provisions of the new Law on Personal Data Protection (LPDP), due to:

- Processing of personal data contrary to the principles of processing from Article 5, Paragraph 1 (7)
- Processing of personal data for other purposes contrary to Articles 6 and 7 (1)
- During the determination of the manner of processing, as well as during the processing, have not been taken the adequate technical, organizational and personnel measures in accordance with Article 42 (4).
- The relationship between the joint operators was not regulated in the manner prescribed by Article 43, Paragraph 2 to 4. (1)

Regarding all misdemeanor requests that he has submitted so far, the Commissioner **during 2021 year** received 17 decisions of misdemeanor courts (9 of first instance and 8 decisions of second instance court). The first instance courts decided as follows: 6 convictions, while 3 proceedings were suspended due to occurrence of obsolescence for conducting the proceedings.

In the convicting verdicts (6), the misdemeanor courts reprimanded the defendants in 1 case, and in the other 5 cases they imposed fines in the amount of 272,000 dinars. Penalties for responsible legal entities range from 50,000 to 100,000 dinars (3 fines of 50,000 and 1 of 100,000) while for responsible natural persons range from 5,000 to 7,000 dinars, of which for the largest number of fines (3) was imposed the amount of 5,000 dinars and 1 sentence was imposed in the amount of 7,000 dinars.

Second instance courts decided as follows: in 4 cases the conviction was confirmed; in 2 cases where first instance convictions were passed, the appeals of the defendants were accepted and the case was returned to the first instance court, while 2 convictions were reversed due to occurrence of absolute obsolescence for conducting misdemeanor proceedings.

The Commissioner has several times so far, as well as during the procedure of drafting and adopting the Law on Misdemeanors, unsuccessfully pointed out that the deadline of two years for the occurrence of absolute obsolescence is too short.

4. THE COOPERATION OF THE COMMISSIONER

4.1. THE COOPERATION WITH STATE AUTHORITIES, CIVIL SOCIETY ORGANIZATIONS AND BUSINESS ASSOCIATIONS

4.1.1. The conferences

- Organized by the Commissioner on January 28, 2021, **the Day of Personal Data Protection** was marked in the ceremonial hall of the Club of Deputies in Belgrade, in compliance with prescribed preventive measures, and due to the pandemic caused by SARS-CoV-2 virus, when only speakers and representatives of a certain number of the highest state institutions were present, while all other interested parties could follow the event live via the official Youtube channel of the Commissioner;

- On March 10, 2021, the Commissioner participated in an online conference organized by the Organization for Security and Co-operation in Europe (OSCE), on the topic of the results of a survey on the attitudes of citizens on the protection of personal data;
- On May 14, 2021, the Deputy Commissioner attended a conference on the occasion of the presentation of the Special Report on Discrimination against Elder Citizens, organized by the National Assembly and the Commissioner for the Protection of Equality;
- On May 12-16, 2020, the Advisor to the Commissioner participated in an international conference organized by the Association for International Criminal Law on the topic of "Challenges of International Law", with special reference to the situation after the coronary virus pandemic;
- The conference "Tromso Convention - Current Situation in Serbia", organized by the Commissioner and the Council of Europe Office in Belgrade was held on May 27, 2021. The Convention is the first binding international legal instrument recognizing the general right of access to official documents in the possession of public authorities and signed by the Republic of Serbia on June 18, 2009;
- On June 9, 2021, the Advisor to the Commissioner participated in an online press conference organized by Transparency Serbia on the topic of "Public Enterprises - Acting state, transparency and (un) expertise of the management ”;
- On July 15, 2021, year was held an online conference on the results and possibilities of IPA funds in Serbia entitled "Serbia and the EU: support for development and membership negotiations", organized by the Ministry of European Integration, with the participation of a representative of the Commissioner. The main goal of the conference was to present the results of IPA 2, financed from the financial framework 2014-2020, as well as to encourage dialogue on the overall impact of this financial instrument for the development of our society, with reference to individual sectors in which IPA projects were implemented in Serbia. These are the areas of energy, environment, competitiveness, agriculture and rural development, local development, public administration reform, judiciary, education. Also the announcement of IPA 3 and new opportunities for development, green and digital transition and improvement of infrastructure in the Republic of Serbia;
- On September 24, 2021, the representative of the Commissioner attended the conference "Constitutional Changes in Serbia", organized by the Association of Judges of Serbia, in cooperation with the OSCE Mission in Serbia;
- On September 27, 2021, the representative of the Commissioner participated in the conference "Defense of the public's right to know", organized by the civil society organization "Partners of Serbia";
- On September 28, 2021, the Commissioner's Institution marked the International Day of public's right to know, with anticipation of the adoption of the Draft Law on Amendments to the Law on Free Access to Information of Public Importance, which should lead to easier, greater and more efficient exercise of this right. In addition to the Commissioner, the introductory speech was attended by representatives of foreign delegations: the Head of the EU Delegation in Serbia, the Head of the OSCE Mission in Serbia, the Head of the

Council of Europe Mission in Belgrade and Acting Director of the USAID Mission in Serbia;

- On November 16, 2021, the Advisor to the Commissioner participated in a conference on the occasion of the International Day for Tolerance, organized by the Commissioner for the Protection of Equality;
- On November 11, 2021, the Commissioner and associates participated in the Second International Conference on the Law on Personal Data Protection (LPDP) Implementation organized by the Law Office Jovanović-Popović-Mitić;
- On November 18, 2021, the Adviser to the Commissioner participated in the final conference of the project "Public-Private Dialogue for Development" organized by NALED in cooperation with the Republic Secretariat for Public Policy, and with the support of USAID;
- On November 30, 2021, the representative of the Commissioner had a presentation at the regional conference "Public Procurement Marathon -" Is there any progress? ", organized by the FOS Media;
- On December 9 and 10, 2021, the representative of the Commissioner participated in the conference "Effective implementation of the European Convention on Human Rights with a focus on the execution of verdicts of the European Court of Human Rights", organized by the Council of Europe, Office in Belgrade;
- On December 9, 2021, the representative of the Commissioner participated in an online conference organized by the Agency for the Prevention of Corruption "Gender Policy as a Necessity or Opportunity - Policy of Equal Opportunities for More Effective Prevention of Corruption";

4.1.2. The meetings

- On January 22, 2021, year and on May 20, 2021, the Commissioner and the Deputy Commissioner had meetings with the Mayor of Niš on the occasion of the opening of narrower organizational units (offices) outside the Commissioner's headquarters;
- On January 29, 2021, the Commissioner and the representatives of the Commissioner had a meeting with representatives of the Institute of Public Health of Serbia "Batut", on the occasion of drafting the Instruction for informing citizens about the implementation of immunization against COVID 19;
- On 29 January 2021, representatives of the Commissioner participated in an online consultative meeting "Enforcement of the verdict of the European Court of Human Rights in the case Zorica Jovanović versus Serbia: Establishment of a DNA Database", organized by the Directorate General for Human Rights and Rule of Law of the Council of Europe;
- On February 2, 2021, the Commissioner had a meeting with the Regulatory Body for Electronic Media, at which were discussed the upcoming amendments to the Law on Free Access to Information of Public Importance, emphasizing the problems in the work and implementation of the current law, as well as the expectations from the new law;

- On February 3, 2021, the Commissioner received on an official visit the Ombudsman for Human Rights of Bosnia and Herzegovina. During the talks, the state of freedom of access to information of public importance in Serbia and Bosnia and Herzegovina was mostly discussed, since this is an area under the jurisdiction of these two bodies;
- On February 22, 2021, the Commissioner held a meeting with the Veterinary Chamber on the topic of veterinary stations as authorities;
- On February 26, 2021, the Commissioner received the representatives of the Coalition for Access to Justice and the Coalition for Free Access to Information of Public Importance. The topic of the meeting was work on amendments, additions and elimination of shortcomings in the work on amendments to the Law on Free Access to Information of Public Importance. The Coalition for Access to Justice consists of: Center for the Advancement of Legal Studies, *Civil Rights Defenders*, Independent Association of Journalists of Serbia, Independent Association of Journalists of Vojvodina, *Praxis*, Humanitarian Law Center, Youth Initiative for Human Rights, The Network of the Committee for Human Rights in Serbia CHRIS and Sandžak Committee for the protection of human rights and freedoms. The Coalition for Free Access to Information of Public Importance consists of: Belgrade Center for Security Policy, Belgrade Center for Human Rights, Committee of Lawyers for Human Rights - *Yucom*, Transparency Serbia, Open Society Foundation, Youth Initiative for Human Rights, Civic Initiatives, Toplica Center for Democracy and Human Rights, *Praxis*, Citizens' Association Sretenje, Požega, Partners for Democratic Changes, CRTA (Center for Research, Transparency and Accountability), Share Foundation, Human Rights Committee Niš;
- On March 12, 2021, the representatives of the Commissioner received the representatives of the Ministry of Trade, Tourism and Telecommunications in connection with the proper functioning of the e-Tourist service, from the aspect of personal data protection;
- On March 18, 2021, the Commissioner and his associates received the representatives of the Chamber of Commerce in connection with the implementation of the Law on Free Access to Information of Public Importance and situations that a large number of utility companies encounter in its implementation;
- On March 23, 2021, the representatives of the Commissioner received the representatives of the Ministry of State Administration and Local Self-Government and the Association of Citizens CRTA (Center for Research, Transparency and Accountability), on the occasion of determining the manner of implementation of the Agreement on Cooperation between the Ministry of State Administration and Local Self-Government and the Association of Citizens CRTA (Center for Research, Transparency and Accountability) and the Methodology for Voter Register Verification, from the aspect of personal data protection;
- On March 30, 2021, the Commissioner and his associates participated in an online meeting with representatives of SIGMA, organized by the Ministry of State Administration and Local Self-Government, on the topic of public administration reform - the area of Responsibility;

- On April 6, 2021, the representatives of the Commissioner participated in a meeting with UNDP Serbia regarding the project proposal "Improving access to information and protection of personal data";
- On April 6, 2021, the Commissioner and the Deputy Commissioner had a meeting with the Mayor of Kragujevac on the occasion of the opening of narrower organizational units (offices) outside the Commissioner's headquarters;
- A meeting of the Commissioner and the Head of the Council of Europe Mission on the occasion of the Convention on Access to Official Documents (*TROMSO* Convention) and amendments to the Law on Free Access to Information of Public Importance was held on April 7, 2021;
- On April 8, 2021, the Commissioner met with the delegation of the European Commission, which began to prepare the Report on Serbia for 2021. The topic of the meeting was the implementation of the Action Plan for Chapter 23;
- The first meeting of the Coordination Body for the implementation of the Action Plan for Chapter 23 - Justice and Fundamental Rights was held on April 20, 2021. The meeting was attended by the Assistant Secretary General;
- On April 21, 2021, the Commissioner and the representative of the Commissioner participated in a meeting in the Government of the Republic of Serbia on the occasion of the Strategy for Personal Data Protection;
- On April 23, 2021, the Commissioner and the Deputy Commissioner with the representatives of the Commissioner were at a meeting with the representatives of the Notary Chamber. The topic of the meeting was checklists and designation of personal data protection persons;
- On April 27, 2021, the Commissioner and the Deputy Commissioner were at a meeting in the Assembly of the City of Novi Sad. The topic of the meeting was the Commissioner's initiative to amend the Law on Free Access to Information of Public Importance in order to enable the Commissioner for Information of Public Importance and Personal Data Protection to establish his organizational units in cities outside his headquarters;
- On May 26, 2021, the Commissioner participated in a working meeting in the Ministry of Education, Science and Technological Development, in order to improve the work in the field of data processing and security within the Unified Information System in Education (JISP);
- On June 4, 2021, the Commissioner and the Deputy Commissioner participated in a meeting at the Faculty of Law in Kragujevac with the Dean, Vice Dean and Secretary of the Faculty. At the meeting was discussed the education of students and professors on the topic of personal data protection, and the launch of a short program of studies at the Faculty, in connection with the protection of human rights within the competence of the Commissioner, as well as the opening of the Commissioner's office in Kragujevac;

- On June 14, 2021, the Adviser to the Commissioner participated in the Sixth Meeting of the National working group for Monitoring the Public Administration Reform on the topic of Strengthening Civil Society in the Western Balkans for Reformed Public Administration within the WeBER 2.0 Project for Serbia organized by the Center for European Policies;
- On July 6, 2021, an online meeting was held with representatives of the OSCE Mission in Serbia and the selected agency Communis regarding the implementation of the campaign on personal data protection;
- On July 13, 2021, the Commissioner and the Deputy Commissioner participated in a meeting in the Serbian Chamber of Commerce in connection with the development/drafting of the Strategy for Personal Data Protection;
- On July 16, 2021, the Commissioner attended a meeting of the Sector for Emergency Situations of the Ministry of the Interior regarding the handling upon requests for access to information of public importance of this body;
- On July 23, 2021, the Commissioner and the representative of the Commissioner attended an *online* meeting of the World Bank Thematic Working Group on the topic of Proactive Transparency;
- The second meeting of the Coordination Body for the implementation of the Action Plan for Chapter 23: Justice and Fundamental Rights, was held on July 23, 2022. The meeting was attended by the Assistant Secretary General. At the meeting were discussed the reasons for the significant delay in the implementation of the Action Plan for Chapter 23, the activities that due in the third quarter of 2021 were considered and the recommendations of the Coordination Body for the implementation of the Action Plan 23 were unanimously adopted;
- On July 28, 2021, the Commissioner and the Deputy Commissioner had a meeting in the Ministry of Education with the Minister and associates on the topic of the implementation of the Law on Personal Data Protection in the field of education;
- On July 29, 2021, the Commissioner had a meeting with the Ambassador of the *OSCE* Mission in Serbia;
- On July 30, 2021, the Commissioner had an *online* meeting related to the street video surveillance in Serbia and the implementation of the Law on Personal Data Protection in that area;
- On September 9, 2021, the Commissioner and his associates participated in a meeting with representatives of the *GRECO* (Group of States against Corruption) expert mission. The topic of the meeting was the draft of the GRECO Report on the Fight against Corruption in Serbia;
- On September 23-25, 2021, the representative of the Commissioner attended a three-day training on reporting on the implementation of Action Plan 23, organized by the Ministry of Justice;

- On September 30, 2021, the representative of the Commissioner participated in the meeting of the Secretariat of the Ministry of the Interior with civil society organizations which attended the public debate on the Draft Law on Internal Affairs, in order to further consider the provisions of the Draft Law;
- On October 6, 2021, the representatives of the Commissioner participated in a workshop entitled "Presentation of the Handbook on the application of the concept of human rights in the planning, drafting and implementation of laws", held through the video Zoom platform, organized by the Ministry of European Integration;
- On October 27, 2021, a meeting of the Commissioner was held with the NALED (National Alliance for Local Economic Development) expert team on the status of the new Law on Free Access to Information of Public Importance, as well as the Strategy for Personal Data Protection, and the provisions of the law that affect the process of digitalization of procedures in health, finance and agriculture were also discussed;
- On November 5, 2021, the Commissioner, Deputy Commissioner and representative of the Commissioner held a meeting with the Dean and Management of the Faculty of Law in Kragujevac, on the topic of a short program of studies from the field of access to information of public importance and personal data protection. Also, the topic was the upcoming opening of the Office of the Commissioner in Kragujevac;
- The third meeting of the Coordination Body for the implementation of the Action Plan 23 was held on November 29, 2021. The Assistant Secretary General was present at the meeting. Through the early warning mechanism, the activities that are late and due in the fourth quarter of 2021 were discussed at the meeting;
- On December 2, 2021, the Commissioner and Deputy Commissioner and associates received the representatives of civil society, SHARE Foundation, Partners of Serbia, ATHENS, ATTENTION, Association "To be known!", A11 Initiative, on the occasion of drafting a new Strategy for Personal Data Protection for the period from 2022 to 2029. The Commissioner acquainted the attendees with the work done so far on a basic basis and the activities undertaken by the Working Group on the development of the Strategy, in which the Commissioner and the Deputy Commissioner participate as members. The representatives of civil society informed the Commissioner about their practice and problems they face in the field of personal data protection, asking that this be taken into account during the drafting of the Strategy;
- On December 2, 2021, the representative of the Commissioner participated in a meeting held with representatives of the Association of patients with lymphoma "LIPA", on the topic of genomic profiling;
- On 8 December 2021, the Commissioner and the Deputy Commissioner and their associates received the representatives of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) conducting an assessment of the need to observe elections. From the aspect of his competencies, the Commissioner pointed out that the number of requests for free access to information sent to public authorities is increasing in pre-election activities, and that citizens address more often, pointing out the violation of their rights in the field of personal data protection. In that period, the Commissioner, through

announcements and media appearances, points out the rights and obligations of election actors as well as the citizens themselves, arising during the processing of personal data of voters;

- On December 13, 2021, the Commissioner and the Deputy Commissioner had a meeting with the Mayor of Valjevo on the occasion of presenting the work of the Commissioner and raising the public awareness of the rights protected by the Commissioner;
- On December 15, 2021, the Commissioner and the Deputy Commissioner participated with associates in the meeting of the New Literacy Program, which is implemented in partnership by the United States Agency for International Development (USAID) and the Propulsion Foundation and the Corporate Compliance Association;
- On December 17, 2021, the Commissioner received the representatives of the Ministry of Health on the occasion of the work on the E-health application, which will contain sensitive personal data;
- On December 20 and 21, 2021, the representatives of the Commissioner participated in the 54th meeting of the Bureau of the Advisory Committee of Convention 108, which was held via video conference. Inter alia, at the meeting were discussed drafts of the following documents: Evaluation and monitoring mechanism according to Convention 108+; Digital Identity Guidelines; Guidelines on the implications of the Data Exchange Mechanism for the Prevention of Money Laundering / Suppression of Terrorist Financing and Tax Purposes for Data Protection. Related to the contractual clauses in the context of cross-border data flow and cooperation, it was proposed to draft a contract model which will be discussed at the next meeting;
- On December 30, 2021, the Commissioner and the Deputy Commissioner had a meeting with the director of the Republic Fund for Pension and Disability Insurance on the topic of personal data processing.

4.1.3. Project cooperation

- On April 6, 2021, the Office of the Commissioner held an online meeting with representatives of the OSCE Mission in Serbia. The aim of the meeting was to define the tasks and time frame for organizing a campaign to improve citizens' awareness of personal data protection, ie the implementation of activities from the fifth phase of the project "Consolidation of the process of democratization in the security sector in the Republic of Serbia", implemented by the OSCE Mission in Serbia with the financial support of the Government of Sweden;
- On April 9, 2021, the Office of the Commissioner held an online meeting with the representatives of the Project for Responsible Government of the United States Agency for International Development (USAID GAI) on the topic of continuing cooperation on further training in the field of personal data protection and free access to information of public importance;
- On April 12, 2021, the Office of the Commissioner held an online meeting with UNDP representatives. At the meeting was discussed the concept of the project prepared by UNDP

on the basis of previously identified needs of the Commissioner, and within which UNDP would seek resources to support the Office of the Commissioner. After observations made by representatives of the Commissioner's Office, UNDP representatives noted the suggestions in order to incorporate them into the final version of the project;

- On April 22, 2021, the Office of the Commissioner held an online meeting with the representatives of the Responsible Government Project (USAID GAI) and their graphic designers. The meeting was divided into two phases: the first phase - the selection of characters for further production of video animation, the second phase - the selection of the Commissioner's logo;
- On May 12, 2021, the OSCE Mission in Serbia held the first online coordination meeting on the implementation of activities within the project "**Consolidation of the process of democratization in the security sector in the Republic of Serbia**" - the fifth phase. One of the main goals of the project was to contribute to the democratization of relations between citizens and the government in the field of security in the Republic of Serbia. From the Commissioner's Office, the effects of project activities were presented by the Head of the Reporting and Support Department;
- On May 20, 2021, the Office of the Commissioner held an online meeting with representatives of the **Project for Responsible Government of the United States Agency for International Development (USAID GAI Project)**. Four topics of joint cooperation were discussed at the meeting: video animation; the Commissioner's logo; trainings that will be organized by the end of the year on the topic of personal data protection and a forum on the topic of "*Access to information in relation to environmental protection*" which was planned in the second half of June. Agreements have been reached for upcoming activities;
- On May 25, 2021, the Office of the Commissioner held an online meeting with representatives of UNDP and the Office for IT and eGovernment. The main topic of the meeting was the potential cooperation and provision of services of designing and installation of the new website of the Commissioner;
- On June 2, 2021, an online meeting with representatives of the Belgrade Chamber of Pharmacy was held within **the Project for Responsible Government of the United States Agency for International Development (USAID GAI Project)**. The aim of the meeting was to agree on holding the planned training on the topic of personal data protection;
- On June 4, 2021, a meeting was held with UNDP representatives in connection with the proposal for the development of the Commissioner's website;
- On June 11, 2021, within **the Project for Responsible Government of the United States Agency for International Development (USAID GAI)**, was held a meeting in connection with the preparation of the forthcoming analysis of the Commissioner's website;
- On June 25, 2021, within **the Project for Responsible Government of the United States Agency for International Development (USAID GAI)** was held an online forum on free access to information of public importance "Information on environmental protection - how difficult it is to get it". The aim of the Forum was to point out the importance and rights to free access to information of public importance in the field of environmental protection;

- On July 6, 2021, within the implementation of the OSCE project "Consolidation of the process of democratization in the security sector" was held a meeting with the representatives of the OSCE Mission in Serbia and the representatives of the "Communis" Agency on the topic of public opinion polls on citizens' attitudes towards privacy. The goal of the meeting was to get to know all the people who will be engaged in this project and the exchange the first ideas regarding the media campaign. On July 23, 2021, the "Communis" Agency submitted to the Commissioner a proposal for the Creative Concept of the campaign (umbrella idea, messages, implementation);
- On July 27, 2021, within the **Project for Responsible Government of the United States Agency for International Development (USAID GAI)** was presented the Analysis of the Commissioner's website (Assessment of the Commissioner's website: results of the analysis and recommendations);
- On September 30, 2021, the Project for Responsible Government of the United States Agency for International Development (USAID GAI) and the Commissioner organized a Forum on Free Access to Information of Public Importance "**Access to Information from Public Prosecutor's and Judicial Proceedings**", with the aim of explaining in more detail to the public what information citizens can obtain in court proceedings on the basis of the Law on Free Access to Information of Public Importance;
- Within the Project for Responsible Government of the United States Agency for International Development (USAID GAI), in order to promote the Commissioner, two animated videos were finalized regarding the right to access information of public importance and the right to protection of personal data;
- On December 7-21, 2021, within the Project for Responsible Government of the United States Agency for International Development (USAID GAI), in order to promote the Commissioner, it was implemented the campaign of promoting two animated films related to the right of access to information of public importance and the right to protection of personal data;
- Memorandum of Cooperation between the Commissioner for Information of Public Importance and Personal Data Protection and the Propulsion Fund Foundation on cooperation in the implementation of project activities aimed at developing and improving media and information literacy in the Republic of Serbia for 2021-2024. year was signed on December 15, 2021.

4.1.4. The events

- Within the Privacy Week, from January 25-29, 2021, which was organized within the joint project of several civil society organizations "**Save privacy - resist pressure**", the representatives of the Commissioner's Office participated in the following online panels: "Judicial protection of privacy of Serbian citizens; processing personal data during the pandemic and Meeting the new Law on Social Card. In the focus of the discussions were the current issues and problems related to the privacy of Serbian citizens, primarily in relation to the implementation of the legal framework for the protection of personal data;

- On February 8, 2021, the Commissioner visited the Assembly of the Autonomous Province of Vojvodina and met with the Secretary General of the Assembly of AP Vojvodina and the Assistant Secretary General of the Assembly of AP Vojvodina. The topic of discussion was the upcoming amendments to the Law on Free Access to Information of Public Importance. The special emphasis in the conversation was placed on the proposal to amend the Law in order to enable the formation of organizational units of the Commissioner's Office outside the headquarters, of which one such organizational unit would be established in Novi Sad;
- On February 15, 2021, the Commissioner spoke about drafting amendments to the Law on Free Access to Information of Public Importance, emphasizing that the basic changes expected from the upcoming legal changes represent the significant improvement of citizens' right to get information and easier access to information;
- On March 1, 2021, the Commissioner and his associates attended the presentation of the presentation of the software solution "ZPL Alat" developed by representatives of the Serbian Chamber of Commerce in cooperation with partners. "ZPL Alat" is a platform for personal data protection, intended for continuous management of personal data, processes in which personal data are processed within the organization, as well as monitoring and compliance with the Law on Personal Data Protection;
- On March 16, 2021, the Commissioner with his associates attended the session of the Committee on Culture and Information of the National Assembly of the Republic of Serbia, the agenda of which included the discussion of the Draft Decision on the election of the Deputy Commissioner for Information of Public Importance and Personal Data Protection - for personal data protection, and interview with the candidate for Deputy Commissioner for Information of Public Importance and Personal Data Protection;
- On March 16, 2021, the representatives of the Commissioner attended the presentation of the pilot project implemented by the Office of Information Technology and Electronic Government in cooperation with the Association of Serbian Banks. This pilot project aims to provide an e-service which will make the data in the databases of state bodies available to citizens;
- The Commissioner and his associates attended the Fourth Session of the First Regular Session of the National Assembly in the Twelfth Convocation, and the agenda included the election of the Deputy Commissioner for Information of Public Importance and Personal Data Protection - for personal data protection. Sanja Unković was elected Deputy Commissioner on March 25, 2021;
- On April 7, 2021, the Commissioner attended the celebration of the 50th anniversary of the World Romani Congress;
- On April 8, 2021, ISO / IEC 27001: 2013 (Information Security Management System) and ISO / IEC 27701: 2019 (Privacy Information Management System/abbreviation/PIMS) certificates were solemnly handed over to the Commissioner for Information of Public Importance and Personal Data Protection, by the Director of *"Quality Austria Center"*;
- On April 14, 2021, the Adviser to the Commissioner attended a webinar organized by the Committee of Lawyers for Human Rights - YUKOM and the Belgrade Center for Human Rights on the topic of discussion on the Draft Law on the Protector of Citizens;

- On April 23, 2021, the representative of the Commissioner attended an event organized by the Ministry of Culture and Information of the Republic of Serbia together with UNESCO, with the partnership support of the European Commission and Sweden: "Media and information literate citizens: Think critically, click wisely";
- On April 27, 2021, the Commissioner voted for the members of the ICIC (the International Conference of Information Commissioners) Executive Committee;
- On April 27, 2021, the Adviser to the Commissioner attended an event organized by the Association of Insurers of Serbia on the topic - One year of pandemics - New Insurance Risks;
- On April 29, 2021, the Commissioner attended the public hearing "Amendments to the Constitution of the Republic of Serbia in the field of justice" at the invitation of the President of the Committee on Constitutional Affairs and Legislation;
- On May 3, 2021, the Commissioner congratulated the World Press Freedom Day and called on all authorities to respect freedom of the media and expression and their right to access information of public importance. The Commissioner pointed out that the authorities must publish the information they have in a transparent and timely manner;
- On May 7, 2021, the Commissioner attended the event on occasion of marking the tenth anniversary of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence - Istanbul Convention;
- On May 8, 2021, the Commissioner was invited by the Head of the Delegation of the European Union in the Republic of Serbia to attend a formal reception on the occasion of celebration of Europe Day;
- On May 18, 2021, the Adviser to the Commissioner attended an event organized by the Coalition PrEUgovor on the topic of Online presentation of PrEUgovor Alarm report on the state of the rule of law in Serbia;
- On May 24, 2021, the Commissioner and the Dean of the Faculty of Security, University of Belgrade, handed over the certificates to the first generation of students, who completed a short program of study "Training of managers for personal data protection". The short study program is the unique educational program in Serbia that enables professional training of persons for personal data protection, in accordance with regulations and international and domestic standards, after which the students receive the title of manager of personal data protection;
- On June 10, 2021, the Commissioner was elected a member of the Organizing Committee of the World Bank Initiative for Improving Transparency and Accountability in Serbia, and the Assistant Secretary-General for Access to Information of Public Importance was elected his Deputy;
- On June 28, 2021, the Advisor to the Commissioner attended the Round table on the topic - Centennial of the adoption of the Vidovdan Constitution organized by the Faculty of Law UNION - Union University;

- On July 6, 2021, the Commissioner and the Deputy Commissioner received the newly appointed Ambassador of the Kingdom of the Netherlands, and Senior Counselor for the Rule of Law at the Embassy of the Kingdom of the Netherlands. At the meeting, the Commissioner introduced to the Ambassador the organization and work of the Commissioner's Office, with special reference to two human rights from the areas of the Commissioner's activities and with emphasis on normative changes in these areas, especially in the area of free access to information of public importance;
- On July 15, 2021, the Commissioner and the Secretary General visited the Faculty of Political Science, University of Belgrade, where they talked with the Dean about establishing the cooperation, especially in the field of free access to information of public importance;
- On July 15, 2021, the Adviser to the Commissioner attended the Tenth Session of the Council for Monitoring the Implementation of UN Recommendations on Human Rights, organized by the Ministry of Human and Minority Rights and Social Dialogue;
- On August 4, 2021, the Commissioner attended the commemoration of the Day of Remembrance for the dead and escaped Serbs in the Croatian operation Storm, Busije;
- On September 15, 2021, the Commissioner attended the celebration of the Day of Serbian Unity, Freedom and the National Flag;
- On September 17, 2021, the representative of the Commissioner attended the eleventh public hearing "Amendments to the Constitution of the Republic of Serbia in the field of justice", which was held in the House of the National Assembly of the Republic of Serbia;
- On September 22, 2021, the representative of the Commissioner attended the program of the Cultural Center of Belgrade, organized by the Lyceum Association and the Museum of the Defense of the Stara Planina Rivers (Informal Association of Artists, Scientists, Humanists and Activists), including the Press Conference, projection of the movie "Rivers Thirsty for Freedom" by the author Dragana Božinović and the Tribune "People who make a difference";
- On September 29, 2021, the representative of the Commissioner attended the session of the Council for Monitoring the Implementation of UN Recommendations on Human Rights, organized by the Ministry of Human and Minority Rights and Social Dialogue;
- On October 6, 2021, the Representatives of the Commissioner followed, through the *Zoom* application, the presentation of the Manual on the application of the concept of human rights in the planning and drafting and implementation of law, organized by the Ministry of European Integration;
- On October 15, 2021, it was held the official signing of the Agreement on Cooperation in Providing Public Administration Support to Higher Education Institutions in the Educational Process of the Commissioner with the Faculty of Law in Belgrade, through the *Zoom* Platform;
- On November 4, 2021, the Commissioner participated in the opening of the First Fair of Student Professional Practice in Public Administration 2021/2022. year, which was held

online, on a specially designed digital platform, in the virtual space of the Palace of Serbia. The Commissioner presented the work of his institution and invited all students interested in working in public administration to perform professional practice with the Commissioner for Information of Public Importance and Personal Data Protection. He pointed out that the student internship in the Commissioner's Office is a unique opportunity for students to get acquainted with the work of an independent state body dealing with the protection of human rights to information, ie access to information of public importance held by authorities, and the right to personal data protection;

- On November 11, 2021, the representative of the Commissioner participated in the presentation of the latest Alarm - Independent Semi-Annual Progress Report on Serbia in Cluster 1 (Basics), with focus on political criteria and Chapters 23 (Justice and Fundamental Rights) and 24 (Justice, Freedom and Security) of accession negotiations with the European Union, organized by the Coalition prEUgovor;
- On December 9, 2021, the representative of the Commissioner participated in an online panel discussion organized by the University of Passau in Germany entitled "Personal Data Protection Laws in the Western Balkans: Let's Talk About Adequacy". In addition to the representatives of this university, the discussion was attended by a representative of the Share Foundation and the German Chamber of Commerce;
- On December 9, 2021, the Advisor to the Commissioner attended the presentation of the "Knight of the Call" awards organized by the Association of the League of Experts "LEX";
- On December 10, 2021, the representative of the Commissioner participated in the online workshop organized by ICIC: "The Right of Access to Information and its use by Vulnerable Groups";
- On December 15, 2021, the Adviser to the Commissioner attended a public forum "Do we personally know a person who is a victim of domestic violence and would we personally intervene and take steps to help", organized by the Association of Victims of Violence HAJR and the Center for the Advancement of Society, with the support of the Ministry of Human and Minority Rights and social dialogue;
- On December 15, 2021, at a meeting entitled "Leaders of Responsible and Honorable Business", a Memorandum of Cooperation was signed between the Commissioner and the organization *Propulsion* within the program "New Literacy", which they implement in partnership with the United States Agency for International Development (*USAID*). The organization of the meeting was also supported by the *Corporate Compliance Association*. The goal of cooperation is the development and improvement of media and digital literacy, as well as the responsibility of economic entities in creating a safer business environment, both for the economy and for citizens. On the occasion of drafting the new Strategy for Personal Data Protection for the period from 2022 to 2029, the Commissioner emphasized that this document will regulate the rights and responsibilities of all actors in personal data protection and thus improve the exercise of this right, both in real and in online environment;
- On December 16, 2021, the representative of the Commissioner participated in the webinar "From Slovenia to France: Vouloir, c'est pouvoir", organized by the European Policy Centre;

- On December 20 and 21, 2021, a multi-member delegation of the Commissioner, led by the Commissioner and Deputy Commissioner, participated in Palić in the second workshop of the Working Group for the Preparation of the Strategy for the Protection of Personal Data. This workshop discussed the vision, general and specific goals and measures that should be included in the Strategy;
- On December 21, 2021, the representative of the Commissioner attended the panel discussion "Public Secrets on Public Health", , organized by the Partner for Democratic Change Serbia;
- On December 21, 2021, the representative of the Commissioner participated in the Round Table on the topic of the introduction of the Amber alert system for the search for missing children in Serbia, organized by the US Embassy;
- On December 23, 2021, at the 31st session of the Committee on Justice, State Administration and Local Self-Government of the Assembly held in the library of the House of the National Assembly, the Commissioner attended the discussion of the report of the Commissioner for Information of Public Importance and Personal Data Protection;
- On December 29, 2021, at the Sixteenth Session of the Second Regular Session of the National Assembly in 2021 in the Twelfth Convocation, the Commissioner and the Deputy Commissioner attended the adoption of the Report on the Work of the Commissioner for Information of Public Importance and Personal Data Protection for 2020;
- At the Ninth Special Session in the Twelfth Convocation, held on December 29, 2021, The National Assembly of the Republic of Serbia adopted a conclusion on the occasion of the consideration of the Report on the work of the Commissioner for Information of Public Importance and Personal Data Protection for 2020, which the Commissioner submitted to the National Assembly of the Republic of Serbia on March 22, 2021. (<http://www.poverenik.rs/en/o-nama/annual-reports/3511-извештај-повереника-за-2020-годину.html>)

4.1.5. The appointment of representatives of foreign companies

During 2020, the Commissioner received written decisions on the appointment of representatives in accordance with the LPDP from the following companies:

Table 11. - The representatives of operators / processors who do not have headquarters in the Republic of Serbia

Oath Inc. (a company as part of the <i>Verizon Communications Group</i>) with the headquarters in the United States, which business includes a portfolio of digital platforms for products and services under the <i>Yahoo</i> brand	The representative of this company for the Republic of Serbia is the Law Office Karanović & Partners, with the headquarters in Resavska Street No.23, Belgrade. In accordance with the law, this representative, in addition to <i>Oath Inc.</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
--	---

Yandex LLC , with the headquarters in Russia	The representative of this company for the Republic of Serbia is the Law Office Živković Samardžić, with the headquarters in Makedonska Street No. 30, Belgrade. In accordance with the law, this representative, in addition to <i>Yandex LLC</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
AiCure LLC , with the headquarters in New York, USA	The representative of this company for the Republic of Serbia is the Law Office SOG / Samardžić Oreški Grabović, with the headquarters in Kondina Street No.13, Belgrade. In accordance with the law, this representative, in addition to <i>AiCure LLC</i> ., or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
Spotify AB , with the headquarters in Stockholm, Sweden	The representative of this company for the Republic of Serbia is the Law Office Karanović & Partners, with the headquarters in Resavska Street No.23, Belgrade. In accordance with the law, this representative, in addition to <i>Spotify AB</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
CORVUS INFO d.o.o. , with the headquarters in Zagreb, Croatia	The representative of this company for the Republic of Serbia is lawyer Natasa Pepić, zastitnik@kimtec.rs In accordance with the law, this representative, in addition to comany <i>CORVUS INFO d.o.o.</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
Proxima Beta Pte. LTD , with the headquarters in Singapore	The representative of this company for the Republic of Serbia is the Law Office Karanović & Partners, with the headquarters in Resavska Street No.23, Belgrade. In accordance with the law, this representative, in addition to company <i>Proxima Beta Pte. LTD</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
WeChat International Pte. LTD , with the headquarters in Singapore	The representative of this company for the Republic of Serbia is the Law Office Karanović & Partners, with the headquarters in Resavska Street No.23, Belgrade. In accordance with the law, this representative, in addition to

	company <i>WeChat International Pte. LTD</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
Acer Sales International SA , with the headquarters in Switzerland	The representative of this company for the Republic of Serbia is the Law Office Moravčević, Vojnović partners, with the headquarters in Bulevar Vojvode Bojovića No. 6-8, Belgrade. In accordance with the law, this representative, in addition to company <i>Acer Sales International SA</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
Wizz Air Hungary Airlines Limited , with the headquarters in Budapest, Hungary	The representative of this company for the Republic of Serbia is lawyer Igor V. Denčić with the headquarters at Terazije No. 8, Belgrade. In accordance with the law, this representative, in addition to company <i>Wizz Air Hungary Airlines Limited</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
Upwork Inc , with the headquarters in USA	The representative of this company for the Republic of Serbia is the Law Office Karanović & Partners, with the headquarters in Resavska Street No.23, Belgrade. In accordance with the law, this representative, in addition to company <i>Upwork Inc</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
SA Coca-Cola Services NV (the company is a member of the group The Coca-Cola Company and is the operator of data processed in the Republic of Serbia through the application for smart devices Coca-Cola App, which offers users various entertainment content) with the headquarters in Brussels	The representative of this company for the Republic of Serbia is lawyer Ivana Ružičić from the Law Office PR Legal, with the headquarters in Belgrade, Studentski trg No.10/4. In accordance with the law, this representative, in addition to company <i>SA Coca-Cola Services NV</i> ., or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
Sharkmob AB , with the headquarters in Sweden	The representative of this company for the Republic of Serbia is the Law Office Karanović & Partners, with the headquarters in Resavska Street No.23, Belgrade. In accordance with the law, this representative, in addition to company <i>Sharkmob AB</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues

	related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
Ariston Thermo Croatia doo , with the headquarters in Zagreb, Croatia	The representative of this company for the Republic of Serbia is the Law Firm Janković Popović Mitić, with the headquarters at Palmotićeve Street No.16a , Belgrade. In accordance with the law, this representative, in addition to company <i>Ariston Thermo Croatia doo</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
Stunlock Studios AB , with the headquarters in Sweden	The representative of this company for the Republic of Serbia is the Law Office Karanović & Partners, with the headquarters in Resavska Street No.23, Belgrade. In accordance with the law, this representative, in addition to company <i>Stunlock Studios AB</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
La Prairie Group AG , with the headquarters in Switzerland	The representative of this company for the Republic of Serbia is the Law Office Karanović & Partners, with the headquarters in Resavska Street No.23, Belgrade. In accordance with the law, this representative, in addition to company <i>La Prairie Group AG</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
Orsay GmbH , with the headquarters in Germany	The representative of this company for the Republic of Serbia is Ordiser d.o.o. with the headquarters in Jurija Gagarina Street No.16, Belgrade. In accordance with the law, this representative, in addition to company <i>Orsay GmbH</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.
Pirelli Tyre S.p.A. , with the headquarters in Italy	The representative of this company for the Republic of Serbia is the Law Office Karanović & Partners, with the headquarters in Resavska Street No.23, Belgrade. In accordance with the law, this representative, in addition to company <i>Pirelli Tyre S.p.A.</i> , or in its place, may be contacted by the Commissioner or another person regarding all issues related to the processing of personal data, in order to ensure compliance with the provisions of of this law.

4.1.6. The activities of the Commissioner on the affirmation of the right to free access to information of public importance and the right to protection of personal data

During 2021, the Commissioner organized and realized a large number of trainings in the field of personal data protection and in the field of free access to information of public importance. In addition to trainings organized and implemented by the Commissioner, either independently or in co-organization with other institutions, trainings in field of law protected by the Commissioner are conducted continuously, organized by the National Academy of Public Administration, for the needs of public servants. The representatives of the Commissioner are also participating in these trainings, in the role of lecturers, among other lecturers.

In addition to these trainings, as a form of continuous education, the Commissioner during 2020/2021. year realized a short study program called "Training of managers for personal data protection", with the aim of professional training and education of persons to perform personal data protection. This program is realized on the basis of the Agreement between the Commissioner and the Faculty of Security of the University of Belgrade on long-term educational, scientific, technical and business cooperation in the field of education of personnel in charge of processing and protection of personal data. The Commissioner, the Secretary General of the Commissioner's Office and the Assistant Secretary General of the Supervision Sector also participated as lecturers in the courses within this program.

Desiring to expand and improve the knowledge of the law that the Commissioner protects, during 2021. year also were held the negotiations with the Faculty of Political Sciences, University of Belgrade, and the Faculty of Law, University of Kragujevac, about the establishment of similar short study programs in the coming years. Also, in the organization of the Ministry of State Administration and Local Self-Government, the signing of an agreement between higher education institutions and selected public authorities was initiated for the realization professional practice of students. Within this project, the Commissioner signed an agreement with the Faculty of Law of the University of Belgrade, and in the 2021/2022 school year is expected the implementation of this agreement.

The trainings held by the Commissioner are:

- The representative of the Commissioner held a training on February 18, 2021, on the topic: "Introduction to personal data protection regulations, practical advices in the context of the human rights research process", the training was held in cooperation with the Youth Initiative for Human Rights;
- The representative of the Commissioner held a training on February 19, 2021, on the topic: "Development of a mechanism for access to information of public importance", the training was held in cooperation with the Youth Initiative for Human Rights;
- The representative of the Commissioner held a training on February 26, 2021, on the topic: "Personal data protection - Abuse of social networks", the training was held in cooperation with the Student Center for Regional Cooperation;
- On April 7 and 8, 2021, the Office of the Commissioner for Information of Public Importance and Personal Data Protection held an online training on the topic of "The implementation of the Law on Personal Data Protection (LPDP)", via the Zoom application. The training was attended by representatives of public companies, other bodies and institutions, as well as judges, lawyers, and representatives of the business sector;

- In the period from April 19 to April 29, 2021, the seventh generation of students of the Faculty of Law, University of Belgrade, attended the professional practice with the Commissioner. During the two-week practice, which was held in the form of a webinar due to the epidemiological situation, the students had the opportunity to get acquainted in more detail with the work of the Commissioner, his competencies, regulations and practice of conduct, in the areas of free access to information of public importance and personal data protection;
- On April 22, 2021, the Assistant Secretary General held a webinar for the Association of Financial Directors of Serbia on the topic of "Implementation of the Law on Personal Data Protection (LPDP)";
- On April 26, 2021, the representative of the Commissioner held an *online* webinar for the Student Club of the Faculty of Law in Belgrade;
- On June 1, 8, 15, 22 and 29, 2021, the Assistant Secretary General held an online webinar for the journalists, organized by the OSCE and the Share Foundation;
- On June 7, 2021, the Assistant Secretary General held a webinar - the Commissioner and USAID (The United States Agency for International Development);
- On June 10, 2021, the representative of the Office of the Commissioner held an online training for the Association of Professional Managers of Belgrade on the topic of "Implementation of the Law on Personal Data Protection (LPDP)";
- On June 16 and 17, 2021, the representatives of the Commissioner's Office held an online webinar on the topic of "Personal Data Protection", the training was intended for persons for personal data protection, who will perform these tasks;
- On June 3, 10 and 17, 2021, the representative of the Commissioner's Office held three one-day trainings on the topic of "Organizing the right to access information of public importance." The trainings were realized as a form of cooperation between the Commissioner and the Standing Conference of Towns and Municipalities (SCTM) within the SCTM project "Improvement of good governance at the local level", which is implemented through the Program "Support of the Government of Switzerland to the development of municipalities through the promotion of good governance and social inclusion - SwissPRO" in the realization of the UN Office for Project Services (UNOPS.);
- On June 21, 2021, the Assistant Secretary General held a webinar for civil servants of the Ministry of Education on the topic of "Implementation of the Law on Personal Data Protection (LPDP)";
- On June 25, 2021, the representative of the Commissioner's Office held a training on the topic of "How to obtain information of public importance?" within the project "Civil Society for Serbia's accession to the European Union", implemented by the Belgrade Open School, with the support of the Swedish Embassy in Belgrade;
- On June 29, 2021, the Commissioner and the Assistant Secretary General hosted a group of young people, within the program "How to Research and Report on the Situation of Human Rights", in front of the Youth Initiative for Human Rights, for the third year in a row.

- On July 13, 2021, the Commissioner organized training for persons authorized to act upon the requests for access to information in the organizational units of the Ministry of Health. The purpose of the training was to enable the employees of the Ministry to acquire, ie upgrade the existing knowledge on the implementation of the Law on Free Access to Information of Public Importance (LFAIPI) and to get acquainted in more detail with the work of the institution of the Commissioner;
- On September 1, 2021, the Commissioner's Office held a final training for the participants of the program of the Youth Initiative for Human Rights within the program "How to research and report on the state of human rights";
- On October 12, 2021, the Project for Responsible Government of the United States Agency for International Development (USAID GAI) and the Commissioner, in cooperation with the Pharmaceutical Chamber of Serbia, organized a virtual training for the implementation of the Law on Personal Data Protection/LPDP (General Data Protection Regulation/GDPR). The aim of the training was to enable the participants (the representatives of pharmacy institutions and independent private pharmacies) to acquire new and upgrade existing knowledge about the right to protection of personal data and to get acquainted in more detail with the obligations of personal data operators and processors in accordance with the Law on Personal Data Protection (LPDP);
- On October 15, 2021, the Office of the Commissioner held training in the field of free access to information of public importance for employees in the bodies of the provincial administration. The aim of the Forum was to explain in more detail to the public what their rights are in this type of procedure. The training especially pointed out the most common mistakes of bodies while dealing with requests for free access to information of public importance, as well as the novelties provided by the Draft Law on Amendments to the Law on Free Access to Information of Public Importance (LFAIPI), which is in the parliamentary procedure. The special attention was paid to the conditions for restricting the right to access information due to the violation of the right to privacy and protection of personal data, with the presentation of characteristic examples from the practice of the Commissioner;
- On October 19, 2021, at a seminar held on Stara Planina, the Assistant Secretary General held a training on the topic of Implementation of the Law on Personal Data Protection (LPDP) to the representatives of the Republic Pension and Disability Insurance Fund;
- On October 21, 2021, at a seminar held in Novi Sad, the Assistant Secretary General held a training on the topic of Implementation of the Law on Personal Data Protection (LPDP) to representatives of the Provincial Government;
- On November 24, 2021, the Commissioner's Office held an online lecture for student organizations from the Faculty of Law, University of Belgrade, the Student Organization for International Cooperation and the Club for Social Relations, in order to present them the work of an autonomous and independent state body and two rights protected by it;
- On November 30, 2021, the Assistant Secretary General held an online webinar on the topic of "Amendments to the Law on Free Access to Information of Public Importance (LFAIPI)", organized by the National Academy of Public Administration, for the needs of public servants;

- On December 8 and 9, 2021, the Office of the Commissioner for Information of Public Importance and Personal Data Protection held an online training on the topic of "Implementation of the Law on Personal Data Protection (LPDP)" to all interested persons who submitted a request.

4.2. THE INTERNATIONAL AND REGIONAL COOPERATION

In 2021, the Commissioner continued to realize the successful cooperation with international organizations and forums, the Council of Europe, primarily the Advisory Committee of Convention 108, the International Conference of Information Commissioners (ICIC), the Global Privacy Assembly (GPA), the European Data Protection Board (EDPB); International Working Group on Data Protection in Technology (IWGDPT); UNESCO, with the representatives of international institutions, such as the Member of the European Parliament, the Commissioner for Personal Data Protection in "Eurojust", as well as with representations of international or transnational organizations in Serbia (OSCE, Delegation of the European Union in the Republic of Serbia, Council of Europe Office in Belgrade, USAID Responsible Government Project).

The Commissioner especially cooperated with the competent institutions from the region and from the former Yugoslavia, in the field of personal data protection and in the field of free access to information of public importance, such as Initiative 2017; and Initiative 2020.

The representatives of the Commissioner participated in the following international and regional gatherings, as well as meetings dedicated to free access to information and protection of personal data, as follows:

- On January 19, 2021, within the framework of international cooperation, to the Council of Europe was sent the information on the manner of marking the Day of Personal Data Protection in 2021 in the Republic of Serbia;
- On January 21, 2021, the Consent to the draft Declaration of the Committee of Ministers on the need to intensify efforts to respect and protect the privacy of children in the digital environment was sent to the Convention Advisory Committee 108 (*Declaration of the Committee of Ministers on the need to intensify efforts to respect and protect children's privacy in the digital environment*), which was prepared together with the Executive Committee on the Rights of the Child / the Steering Committee for the Rights of the Child (CDENF);
- On January 25, 2021, the Consent to the draft Guidelines on Facial Recognition was sent to the Convention Advisory Committee 108 (*Guidelines on Facial Recognition*);
- On January 28, 2021, the activities of the Council of Europe within the framework of marking the Day of Personal Data Protection and the 40th anniversary of Convention 108, have been followed (*European Data Protection Day 2021 - Transborder Transfers - 40th Anniversary Convention 108*);
- The 25th meeting of the Steering Working Group of the International Conference of Information Commissioners - *ICIC Governance Working Group (GWG)* was held on February 10, 2021, via video conference;

- On February 11, 2021, the Commissioner held a meeting with Viola von Cramon, the Member of the European Parliament;
- On February 17, 2021, the Commissioner informed the Secretariat that he agrees with the Draft Memorandum of Understanding between ICIC and IOI (International Ombudsman Institute);
- On February 22, 2021, the Commissioner held a meeting via video conferencing with the Commissioner for Personal Data Protection in Eurojust, *Diana Alonso Blas*;
- On February 25, 2021, the Commissioner held a meeting with the Ambassador of the Federal Republic of Germany, *Thomas Schieb*;
- The representative of the Commissioner followed the 46th plenary session of the European Data Protection Board (EDPB), which was held via video conference on March 9, 2021;
- The representatives of the Commissioner participated in the 67th meeting of the International Working Group on Data Protection in Technology (IWGDPT), which was held via video conference on March 24, 2021;
- The representative of the Commissioner participated in the 52nd meeting of the Bureau of the Committee of Convention 108, which was held via video conference on March 24-26, 2021;
- The representative of the Commissioner followed the extraordinary 47th plenary session of the European Data Protection Board (EDPB), which was held via video conference on March 30-31, 2021;
- On April 19, 2021, UNESCO held an online session "Clinic for the Survey on Public Access to Information for 2021";
- At the 42nd Conference of the Global Privacy Assembly (GPA) was adopted a Resolution on Face Recognition Technology (FRT). In order to promote the principles for the use of personal data in face recognition technology, a questionnaire was prepared and sent to all GPA members. The Commissioner provided the answers on April 22, 2021;
- On April 29, 2021, the completed Survey on public access to information for 2021 was submitted to UNESCO;
- On May 10, 2021, the 26th meeting of the Steering Working Group of the International Conference of Information Commissioners -ICIC (Governance Working Group - GWG) was held via video conference. The meeting was attended by the Assistant Secretary General. The results of the election of new members of the ICIC Executive Committee (Mexico - the Chairman, Chile, Albania, South Africa, Kenya, the United States and Bermuda) were announced at the meeting;
- On May 19, 2021, the European Data Protection Board (EDPB) held its 49th plenary session, which was followed by the Assistant Secretary-General of the Commissioner in approved segments for observers;
- On May 26, 2021, within the open session of the 12th International Conference ICIC 2021, the first webinar was held on the topic of "Transparency and trust during the pandemic". The webinar was followed by the Assistant Secretary General;

- On May 28, 2021, in organization of the Commissioner of the Republic of Slovenia, the Commissioner participated in the meeting "Initiative 2017 on-line meeting" on the topic of personal data protection in the era of COVID-19;
- On June 9, 2021, the 27th meeting of the Steering Working Group of the International Conference of Information Commissioners -ICIC (Governance Working Group - GWG) was held via video conference. The meeting was attended by the Assistant Secretary-General;
- On June 18, 2021, the European Data Protection Board (EDPB) held its 50th plenary session, which was followed by the Assistant Secretary General of the Commissioner in approved segments for observers. The EDPB and the EDPS (European Data Protection Supervisor) have adopted a joint opinion on the European Commission's Proposal for a Regulation laying down the harmonized rules on artificial intelligence, calling for a general ban on any use of artificial intelligence for automated recognition of human characteristics in publicly accessible spaces;
- In the period from June 23-24, 2021, the 12th International Conference - ICIC 2021 - closed session for ICIC members and observers was held, attended by the Commissioner and two Assistant Secretaries General. The ICIC Executive Committee was inaugurated at the conference; also was performed the transfer of competencies of the ICIC Secretariat from the Secretariat of the Office of the British Commissioner for Information (ICO) to the Secretariat of the National Institute for Transparency, Access to Information and Personal Data Protection of Mexico (INAI), ie the Chairman of the Executive Committee;
- In the period from June 28-30, 2021, the 41st plenary session of the Committee of Convention 108 was held, attended by the Assistant Secretary-General;
- On June 30, 2021, within the open sessions of the 12th International Conference - ICIC 2021, the second webinar was held on the topic of "Blurred boundaries in access to information: internal affairs and management of public records". The webinar was followed by the Assistant Secretary General;
- On July 1 and 8, 2021, online meetings were held with the representatives of EUROJUST and the representatives of personal data protection authorities of Montenegro, Albania, Northern Macedonia and Serbia;
- On July 7, 2021, the European Data Protection Board (EDPB) held the 51st plenary session on-line, which was followed by the Assistant Secretary-General in approved observer segments;
- On July 28, 2021, within the open sessions of the 12th International Conference - ICIC 2021, the third webinar on "Privacy and Transparency in Health Issues" was held. The webinar was followed by the Assistant Secretary General;
- On August 19, 2021, the Deputy and Advisor to the Representative of the Republic of Serbia in the Advisory Committee of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data were appointed;
- The representative of the Commissioner participated in the 53rd meeting of the Bureau of the Advisory Committee of Convention 108, which was held via video conference from September 28-30, 2021;

- In the period from October 3-5, 2021, in Bled, the Commissioner and Deputy Commissioner participated in the second regional conference "Initiative 2020", an association that brings together independent bodies from countries of the region dealing with the protection of the right to access information of public importance;
- On October 13, 2021, the representative of the Commissioner participated in the virtual 56th plenary session of the European Data Protection Board (EDPB) at which, inter alia, the EDPB adopted the final version of the Guidelines on Restrictions on the Rights of Data Subjects from Article 23 of the Law on Personal Data Protection (LPDP);
- The representative of the Commissioner participated in the virtual 43rd Global Privacy Assembly (GPA) Conference held from October 18-21, 2021. The Conference was hosted by the National Institute for Transparency, Access to Information and Personal Data Protection (INAI), Mexico;
- The representatives of the Commissioner participated in the virtual 42nd Plenary Session of the Advisory Committee of Convention 108 held from November 17-19, 2021;
- On December 14, 2021, the representatives of the Commissioner participated in the virtual 58th plenary session of the European Data Protection Board (EDPB), at which, inter alia, the EDPB adopted the final version of the Guidelines on examples related to data breach notifications.

4.3. THE COOPERATION WITH THE MEDIA AND PRESENTATION OF THE ACTIVITIES OF THE COMMISSIONERS IN THE MEDIA

During 2021, as in previous years, the Commissioner cooperated intensively with the media and journalists' associations.

The journalists from the News agencies Tanjug, Beta and Fonet, the dailies Danas, Politika, Blic, Kurir, Večernje Novosti, Financial Times, Informer, the weekly news magazines NIN, Vreme, Novi Magazin, Ilustrovana politika, Diplomacy & Commerce, the French magazine and portal Usbek et Rica, and many other media such as: RTS (Radio Television of Serbia), CINS (Center for Investigative Journalism of Serbia), KRIK (Crime and Corruption Reporting Network), TV N1, TV Nova S, TV Prva, TV Pink, Istinomer, TV Studio B, AL Jazzira, RTV Vojvodina (Radio Television of Vojvodina), TV Happy, TV Euronews Serbia, 24 seven, TV News, TV K1, RTV Bor, TV Jefimija, Financial Times, the Swedish Television, the French TV ARTE, BBC in Serbian, Telegraf, E-kapija, Radio Belgrade 1 and 2, Radio Belgrade 202, Radio 021, Radio Novi Sad, Radio Zlatousti of the Serbian Orthodox Diocese of Šumadija in Kragujevac, as well as from other portals, asked the Commissioner for statements. The Commissioner was a guest on the following televisions with a national frequency: RTS, TV Pink, TV Prva, TV Happy, as well as on RTV and Radio Belgrade.

- On January 2, 2021, the Commissioner spoke for Beta agency about the introduction of cameras with face recognition software in Belgrade and pointed out that it is necessary to first pass a law on biometric data processing or a law on video surveillance, by which would systematize all types of video surveillance, including biometric;

- On January 12, 2021, the representative of the Commissioner gave a statement for TV Nova S and the show "Between Us", and the main topic was that the health records of patients from the "Medigroup" database went public, as well as that the Office of the Commissioner initiated the supervision procedure;
- On January 20 and 21, 2021, the Commissioner for TV Jefimija and RTV Bor said that work on amendments to the Law on Free Access to Information of Public Importance (LFAIPI) is underway, as well as that the number of complaints in the field of access to information of public importance is growing every year, which also was transmitted on other regional television;
- On January 21, 2021, the Commissioner spoke for Beta agency and Danas daily about the announced amendments to the Law on Free Access to Information of Public Importance (LFAIPI); emphasizing that one of the goals of the new Public Administration Reform Strategy is greater transparency in the work of public authorities, he pointed out that his wish was that this institution in the future enable all people who are seeking information access it more quickly and easily;
- On January 27, 2021, the Commissioner was a guest on TV Studio B, in the Morning program, in order to promote the celebration of the Day of Personal Data Protection. On the same day, he was a guest on the cable television Nova S, in the show Pregled dana (Review of the day), as well as on Radio Belgrade 1. On the very day of the event, the Commissioner was a guest in the Morning program of RTS 1, and had a live broadcast in the Morning program on N1 television. The Assistant Secretary General also had media guest appearances: on the regional TV station Al Jazeera, TV Happy, Radio Belgrade 1 and 2, Radio 021, Informer, TV Prva in the show "150 Minutes" and for Insider. A large number of newsrooms were present at the celebration of the Day of Personal Data Protection;
- On January 28, 2021, the Commissioner pointed out on TV N1 that the Office of the Commissioner was approved to increase the number of employees, saying that a competition would be announced soon;
- On January 29, 2021, the representative of the Commissioner spoke for RTS show "Dnevnik (Daily News)" about data security on social networks, and on the occasion of dangerous games on social networks, as well as about possible types of control;
- On February 1, 2021, the representative of the Commissioner spoke for RTV Vojvodina in the show "Razglednica (Postcard)" about the challenges faced by the institution of the Commissioner in the implementation of the Law on Personal Data Protection (LPDP) during the pandemic;
- On February 1, 2021, the Commissioner spoke for the daily "Danas" about the processing of health data on the person during the pandemic and the challenges in the implementation of the Law on Personal Data Protection (LPDP);
- On February 4, 2021, the representative of the Commissioner gave a statement for TV Pink and the show "New Morning". He spoke about privacy on the Internet, as well as the obligation of global and domestic companies to appoint a person for personal data protection, what are the sanctions if they do not do that, what is the procedure if a citizen feels damaged and wants to file a criminal report;

- On February 4, 2021, the representative of the Commissioner spoke for "Telegraf" about the work of the Commissioner's Office during the pandemic, a large number of requests and questions addressed by citizens to the Commissioner's Office in the previous period, among which the most common questions were about the processing of personal data concerning health condition, as well as the rights and obligations of employers;
- On February 6, 2021, the Commissioner spoke for "Fonet" about the prices of vaccines as information of public importance, as well as about whether citizens can know the price of vaccines by law;
- On February 9, 2021, the representative of the Commissioner spoke for RTS show "Belgrade Chronicle" about the issuance of covid passports, as well as whether it is in accordance with the Law on Personal Data Protection (LPDP);
- On February 9, 2021, the Commissioner spoke for portal *Novosti.rs* about whether veterinary stations, as public authorities, have an obligation to act upon requests for free access to information of public importance;
- On February 10, 2021, the Commissioner spoke for CINS (Center for Investigative Reporting in Serbia) about the upcoming amendments to the Law on Free Access to Information of Public Importance (LFAIPI), highlighting the problems in the work and implementation of the current law, as well as the expectations from the new law;
- On February 10, 2021, the Commissioner for TV "Prva" and the show "150 minutes" talked about privacy on the Internet, phone tapping, as well as whether the supervision of employees through applications is allowed or not, based on the Law on Personal Data Protection (LPDP) during the epidemic;
- On February 12, 2021, the Commissioner for *RTS1 show Dnevnik (Daily News)* and portal *Nova.rs* talked about the initiated misdemeanor charges against several veterinary stations in Serbia because they did not answer the question asked, ie. they did not provide the requested information. The problem arose because the owners of veterinary stations did not know that the authorities covered by the Law on Access to Information are of public importance, and that they were therefore obliged to respond and provide the requested information;
- On February 19, 2021, the representative of the Commissioner spoke for RTS "Belgrade Chronicle" about the theft of personal data, as well as the issuance of covid passports and whether it is in accordance with the Law on Personal Data Protection (LPDP);
- During March 2021, the Commissioner gave several statements to the media from the aspect of free access to information and protection of personal data, including the statement for N1 from March 5, 2021, in the form of a denial after the information published in a daily newspaper that he imposed a fine to the Mayor Zoran Radojicic for failing to submit information of public importance, on the price of the monument to Stefan Nemanja in Belgrade, as well as the statement from March 9, 2021, on the occasion of publishing explicit content on the application of a daily newspaper. On March 12, the Commissioner for Radio Belgrade talked about the reason why veterinary stations, as a public authority, have an obligation to respond to citizens' petitions, based on the Law on Free Access to Information of Public Importance, and whether the amendments to the law could change

this item for holders of public authority. The commissioner also gave a statement for RTS1 on how, on the basis of the Law on Personal Data Protection (LPDP), citizens can prevent increasingly frequent calls from traders who offer certain health services.

- On April 5, 2021, the representative of the Commissioner spoke for TV Pink and the show "New Morning" about the current topic of personal data breach on Facebook, to whom turn for help and how to protect oneself in these situations. On April 8, 2021, he spoke for daily tabloid newspaper "Kurir" about the same topic;
- On April 13, 2021, the representative of the Commissioner for *RTS1 show Dnevnik (Daily News)* answered the questions whether the employer has a legal basis to keep records on vaccination of employees against coronavirus;
- On April 15, 2021, the Commissioner spoke for TV Vesti and the show "Vesti/News" about the amendments to the Law on Free Access to Information of Public Importance, at the same time answering the current issues related to the epidemic and vaccination against covid;
- On April 17, 2021, the representative of the Commissioner spoke for K1 and the show "Jutarnji program/Morning Program" about the possible records of pedophiles and the register of pedophiles on the basis of the Law on Personal Data Protection (LPDP);
- On April 20, 2021, the representative of the Commissioner spoke for *RTS1 show Treći dnevnik* about whether banks in Serbia have a legal basis to provide users' personal data to debt collection agencies;
- On April 21, 2021, the representative of the Commissioner spoke for *the Swedish National Television* on the topic of installed police cameras for video surveillance in Belgrade, as well as on the legal basis for the installation of cameras, and what is their purpose;
- On April 22, 2021, in the podcast of the Belgrade Students' Union, the Commissioner gave an interview on the topic of the Law on Free Access to Information of Public Importance (LFAIPI) and the Law on Personal Data Protection (LPDP);
- On April 27, 2021, the representative of the Commissioner gave an interview to the Financial Times on the occasion of the Smart Cities / Safe Cities initiative;
- On April 28, 2021, in the podcast Cyberama 2 - on the Youtube channel-Share foundation, the representative of the Commissioner gave an interview on the topic: "Leakage of personal data in the digital space " - how incidents occur, who and how can access these databases, how the data may abuse, and how to take control over own data;
- On April 29 and 30, 2021, the Commissioner for Nedeljnik.rs and TV Happy, in the show "Telemaster", presented the Deputy Commissioner, the annual report, obstacles to the exercise of two laws, as well as measures to remove obstacles presented in the report submitted to the National Assembly;
- On May 11, 2021, the Commissioner spoke for Radio "Zlatousti" of the Serbian Orthodox Diocese of Šumadija in Kragujevac on the topic of smart cities and video surveillance;
- In the period May 24-28, 2021, the Commissioner spoke for RTS1, TV Happy, N1, Nova S, TV Vojvodina, TV Studio B, TV Kurir, Radio Belgrade 1, 021.rs and 24sedam.rs in

informative shows on the awarding of certificates for personal data protection to the first generation of students of the Faculty of Security;

- On June 1, 2021, the Commissioner spoke for TV Pink in the show "Vesti/News" and for pink.rs about the awarding of certificates for personal data protection to the first generation of students of the Faculty of Security and the goals of the Commissioner regarding the education of young people in this field;
- On June 3, 2021, the Commissioner and the Deputy Commissioner spoke for TV Kurir about the amendments to the Law on Free Access to Information of Public Importance (LFAIPI), the beginning of work on the Personal Data Protection Strategy, the election of the Deputy Commissioner for Personal Data Protection, and the idea of introducing personal data protection in the curricula of primary and secondary schools;
- On June 3, 2021, the representative of the Commissioner spoke for *TV Prva* and the show "Jutarnji program/Morning Program" about the initiated supervision procedure after the media news about the violation of privacy by video surveillance in one shopping center;
- On June 7, 2021, the Commissioner spoke for telegraf.rs about the first generation of students who received the title of manager for personal data protection, as well as why they are important for every citizen;
- On June 8, 2021, the representative of the Commissioner spoke for K1 in the show "Uranak" about who and why uses bitcoins, about the cryptocurrency market and the implementation of the Law on Personal Data Protection (LPDP);
- On June 9, 2021, the representative of the Commissioner spoke for the Financial Times in the show "News" about the installed surveillance cameras in Belgrade and the implementation of the Law on Personal Data Protection (LPDP);
- On June 9, 2021, the Commissioner spoke for monthly magazine *Diplomacy & Commerce* about the Law on Personal Data Protection during the COVID Pandemic, as well as the awarding of certificates to the first generation of managers for personal data protection and education of young people in this area;
- On June 14, 2021, the Commissioner responded for the daily newspaper "Danas" to the criticism published in the media regarding the amendments to the Law on Free Access to Information of Public Importance (LFAIPI);
- On June 16, 2021, the Commissioner spoke for Radio Belgrade1, N1 and nova.rs, in the shows "In the center of attention" and "Live Day" about what we learned during the two years of implementation of the Law on Personal Data Protection (LPDP), on amendments to the Law on Free Access to information of public importance (LFAIPI), as well as whether the law is violated when people watch in live video surveillance cameras in residential buildings, etc.;
- On June 17, 2021, the Commissioner spoke in the show "Right Angle" on RTV Vojvodina about the amendments to the Law on Free Access to Information of Public Importance;
- On June 24, 2021, the Commissioner spoke for RTV Vojvodina, Novi Magazin, in the show "Jutarnji program/Morning Program" about the amendments to the Law on Free

Access to Information of Public Importance (LFAIPI), and also announced the Forum on Free Access to Information of Public Importance "Information on Environmental Protection - how much is difficult to reach them? ", organized by the Commissioner in cooperation with the USAID Project for responsible government;

- On June 29 and 30, 2021, the Commissioner and the representative of the Commissioner spoke for N1 and *Euronews Serbia*, in the show "Euronews evening", about the amendments to the Law on Free Access to Information of Public Importance (LFAIPI), and also announced the Forum on Free Access to Information of public importance "Information on environmental protection- how much is difficult to reach them?", organized by the Commissioner in cooperation with the *USAID* Project for responsible government;
- On July 1, 2021, the Commissioner spoke for the weekly newspaper "Vreme" about the amendments to the Law on Free Access to Information of Public Importance (LFAIPI);
- On July 2, 2021, the Commissioner spoke for RTV Vojvodina, in the show "Good Morning Vojvodina" about the amendments to the Law on Free Access to Information of Public Importance (LFAIPI);
- On July 6, 2021, the representative of the Commissioner spoke for Blic and Politika about whether licensed security can legitimize passengers in public transport;
- On July 12, 2021, the representative of the Commissioner for Radio Free Europe answered the questions of free Europe, they were interested in whether the Commissioner will control the data that Serbia shares with China, as well as whether he shares the data collected in the laboratory "Vatreno oko/Fire Eye" on the presence of coronavirus in Serbia;
- On July 7, 2021, the representative of the Commissioner spoke for Politika about how many complaints we have had so far from users of banking services regarding the issue of the disclosure of personal data;
- On July 20 and 25, 2021, the Commissioner spoke for RTS1 and RTV Vojvodina in the shows "Jutarnji program/Morning Program" and "Dnevnik/Daily News" about the Forum on free access to information of public importance "Information on environmental protection - how much is difficult to reach them?", on the topic of ecology and free access to information of public importance;
- On July 27, 2021, the representative of the Commissioner spoke for Istinomer about the protection of privacy and protection of personal data of victims of violence and human trafficking;
- On August 27, 2021, the Commissioner spoke for Blic.rs on the topic of introducing covid passes in Serbia and whether this would jeopardize basic human rights;
- On September 10, 2021, the Commissioner spoke for RTS in the show "Jutarnji program/Morning Program" on the topic of the new Rulebook on patterns/forms in the health care system, ie whether the disease code represents an invasion of an individual's privacy on the basis of the Law on Personal Data Protection (LPDP), as well as whether that Rulebook is in accordance with the law;

- On September 13, 2021, the Commissioner spoke for *TV Pink Vesti* in the show "Vesti/News" on the topic of the new Rulebook on patterns/forms in the health care system, by which the Ministry of Health orders the health institutions, to no longer write the disease code in remittances about the patient's illness;
- On September 14, 2021, the Commissioner for N1 portal answered the question whether the introduction of covid passes constitutes a violation of the rights guaranteed by the Constitution, how to prevent the misuse of data and who will and in what way check the accuracy of the data;
- On September 15, 2021, the Commissioner for *Telegraf.rs* answered a question regarding the new Rulebook on patterns/forms in the health care system, by which the Ministry of Health orders the health care institutions, to no longer write the disease code in remittances about the patient's illness;
- On September 16, 2021, the Commissioner spoke for Nova S in the show "Review of the Day" on the topic of the new Rulebook on patterns/forms in the health care system, ie whether the disease code constitutes an invasion of an individual's privacy on the basis of the Law on Personal Data Protection (LPDP), as well as whether that Rulebook is in accordance with the law;
- On September 23, 2021, the Commissioner spoke for *Radio Novi Sad* and *Blic.rs* about the adoption of the new Law on Internal Affairs;
- On September 23, 2021, the Commissioner spoke for weekly news magazine *NIN* about the amendments to the Law on Free Access to Information of Public Importance (LFAIPI);
- On September 23, 2021, the representative of the Commissioner spoke for *Radio Belgrade 202* about who, when and how can record us, when we can record others, what information we should not share and how easily we can "lose" the confidential information;
- On the eve of the International Day of the Public's Right to Know, the Commissioner was a guest in the following media for the purpose of promotion and in anticipation of the adoption of the Draft Law on Amendments to the Law on Free Access to Information of Public Importance: *RTS1, TV Pink News; TV Happy, Nova S, TV Studio B, Tanjug, Radio Belgrade, Politika, Telegraph, Ilustrovana Politika (Illustrated Politics), E-kanuja*;
- On September 29, 2021, the Commissioner spoke in TV show "150 minutes" on the topic of the new Rulebook on patterns/forms in the health care system, by which the Ministry of Health orders the health institutions not to write anymore the disease code in remittances about patients' illness, and on the topic of protection of patients' and employees' personal data;
- On September 30, 2021, the Commissioner for TV K1, in the show "Uranak", announced the holding of an online Forum on Free Access to Information of Public Importance entitled "Availability of Information from Public Prosecutor's and Court Proceedings", in cooperation with USAID;
- On October 2 and 7, 2021, the Commissioner gave statements regarding the current news about the takeover of "*Pošta Net*" by Telekom, whether in this particular case there was

misuse of personal data according to the Law on Personal Data Protection (LPDP), as well as whether the Commissioner's Office was contacted with a request for an opinion on the occasion of the takeover in question, for the following media: *today.rs* and *nova.rs*;

- On October 7, 2021, the Commissioner for Nova S, in the show "Between Us", commented the report of the European Commission recommending the ban on biometric surveillance as a method of violating democracy, as well as how this non-binding report will affect the decision to introduce biometric surveillance in Serbia;
- On October 8, 2021, the Commissioner spoke for the magazine *Ilustrovana Politika* about the amendments to the Law on Free Access to Information of Public Importance, the right to access information, the Commissioner's experiences and the goals of the Commissioner's institution;
- On October 12, 2021, in an interview for *Nova.rs*, the Commissioner spoke about how to protect personal data from party activists;
- On October 16, 2021, the Commissioner spoke for *Novi magazin* about the implementation of the Law on Personal Data Protection (LPDP) and the difficulties faced by the Commissioner's Office and thus the citizens, and on the occasion of the performed training of members of the Pharmaceutical Chamber, also the number of trainings held by the Commissioner's Office so far and the goals of the Commissioner's institution;
- On October 18, 20, 21 and 22, 2021, the Commissioner gave statements regarding the announced measures of the Crisis Staff for the Suppression of Infectious Diseases COVID-19, on the issuance of covid passes for stays indoors, whether this procedure is in accordance with the Law on Personal Data Protection (LPDP), for the following media: *Nova S*, *RTS*, *Euronews*, *daily newspaper Večernje novosti* and *TV Pink*;
- On October 18, 19, 20 and 21, 2021, the Commissioner answered the questions whether travel agencies are obliged to submit data to the Tax Administration, the questions asked by clients who paid more than 5 thousand euros during one year for the arrangement, and whether in that case the Tax Administration acts in accordance with the provisions of the Law on Personal Data Protection (LPDP) and the Law on the origin of property, for the following media: *RTS1*, *NI dnevnik*, *TV Kurir*, *daily newspaper Danas*, *Informer*, *portal nova.rs*, *portal biznisifinansije.rs*, *TV Prva*;
- On October 22, 2021, on the occasion of the Commissioner's statement that the request of the Tax Administration to collect personal data by travel agencies is not in accordance with the Law on Personal Data Protection (LPDP), the representative of the Commissioner gave a statement for *Rts.rs*, whether the Commissioner's Office will initiate a supervision procedure on that occasion;
- On October 22, 2021, on the occasion of the Commissioner's statement given to *Rts.rs*, the Commissioner's representative confirmed that the request of the Tax Administration to collect personal data by travel agencies is not in accordance with the LPDP;
- On November 6, 2021, the Commissioner spoke for TV K1 in the show "Uranak" about kovid passes, as a measure of the Crisis Staff for the Suppression of Infectious Disease

COVID-19, whether covid passes are in accordance with the Law on Personal Data Protection or are unconstitutional;

- On November 13, 2021, the Commissioner gave a statement for Danas and Nova S portal on the occasion of the inspection supervision performed in one private company;
- On November 18, 2021, the Commissioner gave an interview to the French magazine and portal *Usbek et Rica* on the occasion of the possible introduction of surveillance cameras in Belgrade by company *Huawei*;
- On November 25, 2021, the Commissioner gave an interview for Danas on the occasion of the International Children's Day on children's rights and the protection of young people in the digital world;
- On November 26, 2021, the Commissioner gave an interview to the French television TV ARTE on the topic of the possible introduction of surveillance cameras, in terms of personal data protection;
- On December 10, 2021, on the occasion of marking the International Anti-Corruption Day, the Commissioner gave an interview to the portal *Nova S*, in which he spoke about the right to free access to information as an important anti-corruption tool, the complaints regarding anti-corruption bodies and the work of the Commissioner's institution;
- On December 10, 2021, the representative of the Commissioner gave a statement to Kurir regarding video surveillance in the XIV Belgrade Gymnasium;
- On 20 December 2021, the Commissioner answered questions for the *BBC* in Serbian regarding doubts about publicly available citizens' data on the *eUprava* (eGovernment) website;
- On December 20, 2021, the Commissioner spoke as a guest on *Novosti YouTube* (YouTube News) in the *FTIP* show about the competencies and work of the Commissioner's institution;
- On December 22, 2021, the representative of the Commissioner spoke for BIRN about the "leakage" of information from the files of certain state bodies;
- On December 24, 2021, the Commissioner spoke for the BBC in Serbian about data protection on digital green certificates and the participation of the Commissioner's Office in the process of issuing certificates and establishing the covid pass system;
- On December 30, 2021, the Commissioner's representative spoke for BIRN on the topic of endangering the right to privacy and digital freedom.

A large number of media reported on the celebration of the Day of Personal Data Protection on January 28, 2021, and the International Day of the Right of the Public to Know on September 28, 2021. The Commissioner's cooperation with journalists' associations is also reflected in the fact that the representatives of UNS (Serbian Association of Journalists) and NUNS (Independent Association of Journalists of Serbia) are traditionally members of the Commission for awarding recognitions for the promotion of the right to free access to information, which are granted on September 28.

During the year, the commissioner published 70 press releases on his website. By the Open Data Portal and the official Twitter account of the Commissioner, the Commissioner himself has contributed to open and transparent work, and thus helped the media to get information about the work of the Commissioner faster and easier.

5. OFFICE OF THE COMMISSIONER AND FUNDS FOR WORK

5.1. THE NUMBER OF EMPLOYEES IN THE SERVICE OF THE COMMISSIONER

By Article 58 of the Rulebook on Internal Organization and Systematization of Workplaces in the Service of the Commissioner for Information of Public Importance and Personal Data Protection number: 110-00-3/2019-04 from July 31, 2019. year (hereinafter: the Rulebook), to which the Committee on Administrative-Budgetary and Mandate-Immunity Issues of the National Assembly gave its consent by Act 21 No. 02-2143/19 from March 2, 2020, in the Office of the Commissioner, 100 positions were systematized, with a total of 129 executors, of which: 8 civil servants in positions, 116 civil servants in executive positions, 3 state employees and 2 advisors to the Commissioner. Thereof, the positions consist of: one civil servant in the first group of positions and seven civil servants in the second group of positions. For performing the duties of civil servants in executive positions within the competence of the Commissioner, 57 positions were determined in the title of senior advisor with a total of 78 executors, 15 positions in the title of independent advisor with a total of 17 executors, 9 positions in the title of advisor with a total of 10 executors, 4 positions in the title of junior advisor with a total of 4 executors, 4 positions in the title of clerk/the officer with a total of 7 executors. For performing of accompanying auxiliary-technical tasks in the Service of the Commissioner, 2 jobs of state employees of the fourth type with a total of 3 executors have been determined.

By the proposed personnel plan for 2021, No.119-01-7/2020-04/1 from February 24, 2021, the Commissioner determined that in order to perform the Commissioner's competencies, 3 elected persons, 8 civil servants in position and 2 advisors to the Commissioner are needed, a total of 108 employees, as follows: 105 employees in executive positions and 3 state employees, and he sent this plan to the Ministry of Finance to obtain the consent. Also are planned 6 temporary employees.

By Act No.112-01-00355/2020-03 from February 24, 2021, the Ministry of Finance gave the consent to the Personnel Plan of the Commissioner for 2021, which stipulates that the Office of the Commissioner in 2021, in addition to 3 elected persons (the Commissioner and 2 Deputy Commissioners) by the end of the year engages 8 civil servants in position and 2 advisors to the Commissioner, a total of 108 employees, as follows: 105 employees in executive positions and 3 state employees, and the same plan the Commissioner sent to the Ministry of Finance for obtaining the consent. Also are planned 6 temporary employees.

The determined dynamics of filling vacancies (Form 1d submitted with the Proposal of the Personnel Plan for 2021) without providing the necessary financial resources (provided in October 2021).

Due to objective circumstances (provision of financial resources), the Commissioner in 2021 could not implement the set policy of dynamics of filling vacancies in the office of the Commissioner, and the required number of executors was not hired, according to the consent obtained from the Ministry of Finance from 2021.

During 2021, 6 (six) persons were hired for an indefinite period of time, by taking over them from other bodies. Five employees left the Office of the Commissioner, of which 2 (two) civil servants left the job due to an agreed termination of employment, and three (3) due to retirement.

During the year, a total of 10 people were engaged, in different periods, for a certain period of time, so that 3 persons replaced the temporarily absent and 7 people were hired due to the temporarily increased workload. As of December 31, 2021, 104 persons were employed in the Office of the Commissioner (98 indefinitely and 6 for a certain period of time). Also, four persons were hired on the basis of contracts on temporary and occasional jobs.

At the end of 2021, two public competitions were held to fill vacancies in the Office of the Commissioner, for a total of 13 (thirteen) jobs. The competition for one job failed, and for 12 jobs, decisions were made on hiring the persons for an indefinite period of time, with 10 employees starting work in January 2022, and 2 employees in February 2022, so that the service of the Commissioner from the beginning of 2022 year until February 28, 2022 year had 107 employees for an indefinite period of time, 3 persons for a definite period of time and two contracts for temporary and occasional jobs.

5.2. THE DEVELOPMENT OF THE COMMISSIONER'S SERVICE

Throughout 2021, the Commissioner organized numerous activities to improve the work of the service and the knowledge and skills of employees.

The activities in order to strengthen the management system for information security have been continued, which the Commissioner applies in his work according to the requirements of the standard SRPS ISO/IEC 27001: 2013, what is important not only from the aspect of information security which are available to the Commissioner, but also from the aspect of his supervisory function and inspection supervision in relation to operators who are certified for the specified standard.

In February 2021, the Commissioner passed the recertification procedure **SRPS ISO/IEC 27001: 2013** after the expiration of its three-year validity, when at the same time the certification for **SRPS ISO/IEC 27701: 2019 (PIMS)** was successfully completed, which represents a logical sequence in the process of raising to a qualitatively higher level of information security of the Commissioner and a response to the requirements of the new Law on Personal Data Protection (LPDP), ie the requirements of the General EU Regulation on Data Protection as an international act from which it originated. The performed recertification, ie certification SRPS ISO/ IEC 27701:2019 aimed at improving the existing information security management system (ISMS) with additional requirements, in order to establish, implement, maintain and continuously improve the information privacy management system (PIMS).

On April 8, 2021, the lead auditor, the company CIS - Certification & Information Security Services GmbH/Quality Austria Center d.o.o, Belgrade, solemnly handed over the certificates of these standard to the Commissioner for Information of Public Importance and Personal Data Protection, Milan Marinović.

Having in mind the requirements set before the state authorities by the new regulation concerning electronic business and the process of digitalization of public administration (Law on Electronic Administration, Law on Electronic Document, Electronic Identification and Trust Services in Electronic Business, as well as other numerous bylaws), the Commissioner during 2021 continued his activities to strengthen the infrastructure of his computer network, both by performing works on arranging, installing and replacing obsolete network devices, and by ensuring the redundancy of the entire information system, by providing additional capacities for electronic data storage.

A great contribution to the affirmation of the right to free access to information of public importance and to the protection of personal data has been achieved by maintaining and improving the existing softwares.

During 2021, the Commissioner continued to maintain the Open Data Portal, at the address <https://data.poverenik.rs>, through which numerous data derived from his work, in a machine-readable format and through visualizations, made available to the entire public through the Internet.

Also, the Commissioner continued to maintain the Portal for submission of annual reports of government bodies with the aim of facilitating the submission of annual reports of government bodies which were submitted in paper form in the period prior to the procurement of this software. ([Портал за достављање годишњих извештаја органа власти](#))

During 2021 were extended the licenses for the use of software, which aims to adapt the use and utilization of the official website of the Commissioner, ie make it accessible to blind and partially sighted people.

Despite the successfully completed testing of the web portal "еУправа Повереника" (eGovernment of the Commissioner), for objective reasons, it did not enter the production phase in 2021, which is expected to be done in the first quarter of 2022.

The new Law on Personal Data Protection (LPDP) also prescribes to the Commissioner the obligation to keep accurate and up-to-date records on persons for the protection of personal data kept in the scope of work of the Information Technology Sector. Employees in this Sector on a daily basis enter in the module of the Commissioner's Document Management System the submitted data of the person for personal data protection in more detail prescribed by the Rulebook according to the form and manner of keeping records of persons for personal data protection.

5.3. PROVIDED FUNDS AND EXPENSES FOR THE WORK OF THE COMMISSIONER'S OFFICE

The work of the Commissioner and his office is financed by law from the budget of the Republic of Serbia. The Law on the Budget of the Republic of Serbia for 2021 **approved funds to the Commissioner for the source of financing 01 - budget revenues in the amount of 263,572,000.00 dinars, which is 17.16% less than the Draft Financial Plan of the Commissioner for 2021.**

By the Budget of the Republic of Serbia for 2021, the funds allocated to the Commissioner for salaries were not sufficient to enable the Commissioner that at the end of 2021 have 118 executors for an indefinite period and 3 elected persons (the Commissioner and two Deputy Commissioners), according to act No.112-01-00355/ 2020-03 from February 24, 2021, by which the Ministry of Finance declared on the Personnel Plan of the Commissioner for 2021.

In December 2021, the Commissioner's Office had 98 civil servants and employees for an indefinite period of time, which is about 77% of the number of executors provided by the Rulebook on Internal Organization and Systematization of Jobs in the Commissioner's Office. In addition to the above, the Commissioner also had two elected officials and six temporary civil servants. The Commissioner, respecting the approved Personnel Plan for 2021 and the determined dynamics from the form 1d of Annex 1 - Planned funds for the Commissioner's salaries in 2021, undertook all necessary activities for the employment of a certain number of executors. In December 2021,

¹ Law on the Budget of the Republic of Serbia for 2021 ("Official Gazette of the Republic of Serbia", No. 149/2020, 40/2021 and 100/2021)

all activities related to the implementation of activities in public competitions for the employment of 13 new executors were completed, and the appeal deadlines began to run.

By the Rulebook on internal organization and systematization of jobs in the Commissioner's Office No. 110-00-3/2019-04 from July 31, 2019 (hereinafter: the Rulebook), which was approved by the Committee on Administrative-Budgetary and Mandate-Immunity Issues of the National Assembly of the Republic of Serbia by the Act 21 No. 02-2143/19 from March 2, 2020, 100 jobs were systematized, with a total of 129 executors (127 civil servants and state employees and two advisors to the Commissioner), without a person elected by the National Assembly (the Commissioner and two Deputy Commissioners). The Rulebook entered into force on March 11, 2020, and was adopted due to the beginning of the application of the new Law on Personal Data Protection (LPDP), which has been in force since August 22, 2019, which envisages significant new powers of the Commissioner and the need to strengthen the capacity of the Commissioner, as a necessary condition for consistent and full implementation of the said law.

During planning financial resources for 2021, the Commissioner had in mind the scope of work of the Commissioner, assumed international obligations of the Republic of Serbia, provisions of the National Assembly conclusions, certain strategic documents which envisage strengthening the Commissioner's capacity, increased inflow of cases in the field of free access to information and in the field of personal data protection, as well as the fact that the new Law on Personal Data Protection (LPDP) has expanded the scope of work of the Commissioner in the part of international exchange of personal data, supervision over the application of the Law on Personal Data Protection and in the part of giving opinions on regulations of other state bodies.

The beginning of the implementation of the Law on Determining the Facts on the Status of Newborn Children Suspected of Missing from Maternity Hospitals in the Republic of Serbia, which entered into force on March 11, 2020 and came into force on June 12, 2020, was also taken into account. By Article 29, paragraph 4 of the said Law was determined a new competence of the Commissioner, that the Commission for collecting facts on the status of newborn children suspected of missing from maternity hospitals in the Republic of Serbia may process personal data only with the consent of the Commissioner for Information of Public Importance and protection of personal data, who is obliged to decide upon the request of the Commission within five days from the day of receipt of the request. Having in mind the content of the Law, there can be expected the extensive actions of the Commissioner upon the requests of the Government Commission with a short deadline for action, and as this is a very sensitive and complex matter, it is necessary to engage civil servants with the most experience or in the highest rank. On July 10, 2020, the Government of the Republic of Serbia passed the Decision on the formation of a commission for collecting facts on the status of newborn children suspected of missing from maternity hospitals in the Republic of Serbia, by which were created the conditions for the application of this Law.

The fact that the Ministry of Finance did not accept the Commissioner's Financial Plan Proposal for 2021 is also shown by the fact that in January 2021 the Commissioner submitted to the Ministry of Finance a request for redirection of appropriations determined by Article 8 of the Law on Budget of the Republic of Serbia for 2021 ("Official Gazette of the Republic of Serbia" No. 149/2020), in order to provide the missing funds needed for the payment of jubilee cash prizes to employees, in accordance with Article 46 of the Special Collective Agreement for State Bodies, to the detriment of funds intended for travel expenses. Based on the stated request of the Commissioner, and in accordance with Article 61, paragraph 7 of the Law on Budget System, the Ministry of Finance approved the value redirection of the appropriation by Decision 03 No. 401-00-279/2021 from March 16, 2021.

In April 2021, the National Assembly of the Republic of Serbia adopted the Law on Amendments to the Law on the Budget of the Republic of Serbia for 2021 - The First Rebalance of the Budget for 2021, published in the Official Gazette of the Republic of Serbia, No. 40/2021, **which provided funds for the third package of economic measures to help citizens and the economy in order to mitigate the economic consequences caused by the COVID-19 virus pandemic. With this rebalance of the budget for 2021**, the total approved funds in section 11 - the Commissioner for Information of Public Importance and Personal Data Protection, program 1001, function 160, program activity 0011, source of funding 01, remained at the same level, only redistribution of funds was made, by increasing the funds in the class of economic classifications 41 - expenses for employees, and reducing the funds in the class of economic classifications 42 - use of services and goods and 51 - fixed assets.

In April 2021, the Government of the Republic of Serbia adopted the Public Administration Reform Strategy in the Republic of Serbia for the period from 2021 to 2030, with the Action Plan for its implementation for the period from 2021-2025. By the Strategy, within the specific objective 6, the level of accountability and transparency of the Commissioner has been improved at all levels of government responsible for the implementation of measure 6.5. Improving reactive transparency, acting according to regulations from the scope of work of independent state bodies, ie according to the recommendations of independent state bodies, for activity 3 - Strengthening the capacity of the Commissioner through the employment of additional staff for the implementation of the Law on Free Access to Information of Public Importance (LFAIPI) in the part performed by the Commissioner, as well as providing financial resources for the necessary training for other bodies supervising the implementation of the Law.

The fact that the funds for the salaries of the employees were not enough is shown by the fact that the Commissioner submitted a request to the Ministry of Finance in July 2021 to use the funds from the current budget reserve in order to provide funds for salaries for the current number of employees in the Office of Commissioner and another number of executors planned to be employed in the Office of the Commissioner, respecting the act No. 112-01-00355/2020-03 from February 2, 2021, by which the Ministry of Finance gave the consent for the Personnel Plan of the Commissioner for 2021.

At the end of October 2021, the National Assembly of the Republic of Serbia adopted the Law on Amendments to the Law on the Budget of the Republic of Serbia for 2021 - the Second Rebalance of the Budget for 2021, published in the Official Gazette of the Republic of Serbia, No. 100/2021, taking into account the request of the Commissioner for the use of funds from the current budget reserve.

In Conclusion No. 72 from December 26, 2020, the National Assembly of the Republic of Serbia, on the occasion of considering the Report on the Implementation of the Law on Free Access to Information of Public Importance (LFAIPI) and the Law on Personal Data Protection (LPDP) for 2019, inter alia, supported the Government of the Republic of Serbia to intensify activities for appropriate normative changes, especially amendments to the Law on Free Access to Information of Public Importance (LFAIPI), as well as regarding the improvement of the strategic framework in the field of personal data protection.

On November 3, 2021, the National Assembly adopted the Law on Amendments to the Law on Free Access to Information of Public Importance (LFAIPI), which entered into force on November 16, 2021.

By Amendments to the Law on Free Access to Information of Public Importance (LFAIPI), the Commissioner's competencies in the field of access to information of public importance have significantly increased: the Commissioner may establish offices outside his / her head office; a single information system is being established, which would be managed and maintained by the Commissioner and through which would be published all the Information Booklets on the work. The establishment of this information system should lead to greater transparency and easier monitoring of the implementation of the legal obligation of public authorities to make Information Booklets on their work, but also should lead to strengthening of the human resources of the Commissioner.

With the beginning of the implementation of the Law on Amendments to the Law on Free Access to Information of Public Importance (LFAIPI), the Commissioner will pass a new act on internal organization and systematization of jobs in the Commissioner's office, by which will be organized and systematized new jobs. The Commissioner will inform the Ministry of Finance about the above in the prescribed form.

Regarding the financial resources needed to implement the competencies determined by the Law on Free Access to Information of Public Importance (LFAIPI) and the Law on Personal Data Protection (LPDP), by the Law on Determining the Facts on the Status of Newborn Children Suspected of Missing from Maternity Hospitals in the Republic of Serbia, as well as at the international level due to the assumed international legal obligations, it will be necessary to provide additional funds in the Budget of the Republic of Serbia in the coming years.

Appropriations from the budget and current expenditures and expenses of the Commissioner are shown in the following tables:

Table 12 - Approved budget to the Commissioner for 2021.

Chapter	Programme	Function	Programme activity/Project	Economic classification	DESCRIPTION	Total funds
11					Commissioner for Information of Public importance and Personal Data Protection	263,572,000.00
				01	Source of financing for chapter 11	
	1001				Budget revenues	263,572,000.00
					Improvement of human and minority rights and freedoms	263,572,000.00
		160			General public services not classified elsewhere	263,572,000.00
			0011		Availability of information of public importance and personal data protection	263,572,000.00
				411	Salaries, allowances and fringe benefits (wages)	178,330,000.00
				412	Social contributions payable by employer	29,696,000.00
				413	Compensations in kind	400,000.00
				414	Social benefits to employees	2,200,000.00
				415	Compensation for employees	3,090,000.00
				416	Employee rewards and other special expenditure	1,460,000.00
				421	Recurrent expenses	5,200,000.00
				422	Travel expenses	1,940,000.00
				423	Contracted services	21,386,000.00
				425	Current repairs and maintenance	4,300,000.00
				426	Material	5,200,000.00
				482	Taxes, statutory charges and penalties	1,370,000.00
				512	Machines and equipment	5,400,000.00
				515	Intangible assets	3,600,000.00

The Law on the Budget of the Republic of Serbia for 2021 ("Official Gazette of the Republic of Serbia", No. 149/2020) approved funds to the Commissioner for the source of financing 01 - revenues from the budget in the amount of 249,019,000.00 dinars.

With the first rebalance of the budget of the Republic of Serbia for 2021 ("Official Gazette of the Republic of Serbia", No. 40/2021), the funds approved to the Commissioner remained at the same level, only the redistribution of funds was performed.

With the second rebalance of the budget of the Republic of Serbia for 2021 ("Official Gazette of the Republic of Serbia", No. 100/2021) increased the total funds approved to the Commissioner by the amount of 14,553,000.00 dinars, by increasing the funds for appropriations of economic classification: 411 - Salaries, allowances and compensations of employees (salaries) for the amount of 13,754,000.00 dinars, 412 - Social contributions at the expense of the employer for the amount of 1,969,000.00 dinars, and 415 - Compensation of expenses for employees for the amount of 90,000.00 dinars, and the funds for appropriations of the economic classification 422 - Travel expenses have been reduced by the amount of 1,260,000.00 dinars, so that the total approved budget of the Commissioner for 2021 was 263,572,000.00 dinars..

For the work of the Commissioner's office in 2021, year, 245,782,995.68 dinars or 93.25% of the approved budget funds were spent, guided by the principles of responsible fiscal management, rationality, functionality and efficiency.

Table 13.- Execution of the Commissioner's budget for 2021.

Function	Source of financing	Programme	Project	Economic classification	Account description	Funds approved under the Law on the Budget of RS (Official Gazette of RS Nos. 149/2020, 40/2021 and 100/2021)	Executed	% of execution
160	01	1001	0011	411	Salaries and fringe benefits	178,330,000.00	174,538,931.38	97.87
				412	Social contributions payable by employer	29,696,000.00	29,060,731.82	97.86
				413	Compensations in kind	400,000.00	400,000.00	100.00
				414	Social benefits	2,200,000.00	1,590,988.79	72.32
				415	Compensation for employees	3,090,000.00	2,969,652.19	96.11
				416	Rewards and bonuses	1,460,000.00	1,167,914.30	79.99
				421	Recurrent expenses	5,200,000.00	4,931,339.15	94.83
				422	Travel expenses	1,940,000.00	324,685.78	16.74
				423	Contracted services	21,386,000.00	20,125,153.58	94.10
				425	Repairs and maintenance	4,300,000.00	1,605,943.64	37.35
				426	Material	5,200,000.00	3,030,318.37	58.28
				482	Taxes, statutory charges and penalties	1,370,000.00	423,880.00	30.94
				512	Machines and equipment	5,400,000.00	4,136,226.98	76.60
				515	Intangible assets	3,600,000.00	1,477,229.70	41.03
TOTAL 01:						263,572,000.00	245,782,995.68	93.25
TOTAL FOR FUNCTION 160:						263,572,000.00	245,782,995.68	93.25

The largest part of current expenses and expenditures of the Commissioner in 2021 from the source of financing 01 - revenues from the budget, not counting personal incomes of employees, ie salaries, contributions and compensations based on work, relate to computer services (computer and software maintenance services), administrative services (temporary and occasional jobs and translation services), communication services (post, telephone and internet), then administrative equipment (computer and electronic equipment), professional services, traffic materials, current repairs and maintenance of equipment in the Commissioner's office, employees' education and training services, information services, as well as for the renewal of licenses necessary for the work of the Commissioner's office.

Table 14. - Overview of the largest expenditures and expenses

Description	Funds spent – source of financing 01
Recurrent expenses	
Communication services (post, phone and Internet costs)	4,193,607.09
Contracted services	
Administrative services (translation services, temporary and occasional work)	4,744,465.14
Computer services (computer and software maintenance services)	8,378,760.00
Employee education and advancement services	1,033,182.67
Information services	1,079,855.95
Expert services (recertification of the established information security system SRPS ISO/IEC 27001:2013, certification for SRPS ISO/IEC 27701:2019 standard, occupational safety and health services, a service contract-Commissioner's advisor)	3,977,350.86
Current repairs and maintenance	
Current repairs and maintenance of equipment (transport equipment and administrative equipment)	1,233,259.80
Material	
Transport material (fuel and other materials for vehicles)	1,333,231.95
Machines and equipment	
Administrative equipment (computer equipment, electronic equipment, installation, phones, furniture)	4,136,226.98
Intangible assets	
Intangible assets (licences)	1,477,229.70

In order to create optimal conditions for the work of employees in the implementation of both laws from the scope of work of the Commissioner, in 2021 the Commissioner's Office procured administrative equipment from the source of financing 01 - budget revenues, mainly computer equipment and printers, in the amount of 2,814,079, 20 dinars, electronic equipment in the amount of 621,267.20 dinars, while the rest of the funds were spent on the purchase of fixed telephones in the amount of 397,800.00 dinars, built-in equipment in the amount of 218,622.00 dinars and office furniture in the amount of 84,458.58 dinars, necessary for the work of the Commissioner's office.

Table 15. - Purchased equipment and intangible assets

Economic classification	Account	Account description	Source of financing	Executed
512	512211	Furniture	1	84,458.58
	512212	Embedded equipment	1	218,622.00
	512221	Computer equipment	1	2,760,571.20
	512222	Printers	1	53,508.00
	512232	Phones	1	397,800.00
	512241	Electronic equipment	1	621,267.20
Total 512:		Machines and equipment	1	4,136,226.98
515	515192	Licences	1	1,477,229.70
Total 515:		Intangible assets	1	1,477,229.70

Table 16. - Overview of purchased equipment

No.	Fixed assets	Source of financing	Quantity	Price per item, inclusive of VAT	Total
1	Sbox floor stand TB FS224	01	1	21,999.60	21,999.60
2	Office desk KARUP 40X100	01	1	3,500.00	3,500.00
3	Shelves	01	3	9,653.99	28,961.98
4	Chest of drawers HAUGA 70x84 grey	01	3	9,999.00	29,997.00
5	Ceiling camera mount CE-150	01	1	30,000.00	30,000.00
6	Air conditioner HOKKAIDO 263	01	3	14,928.00	44,784.00
7	External air conditioning unit HOKKAIDO 269	01	1	143,838.00	143,838.00
8	Desktop computer I5 WIN 10 PRO	01	18	46,968.00	845,424.00
9	Lenovo notebook ipad5	01	5	87,818.4	439,092.00
10	Monitor LG 21.5"	01	19	12,348.00	234,612.00
11	Scanner EPSON DS 1630 3 colour	01	1	36,592.80	36,592.80
12	Printer EPSON INKJET wf 100w	01	2	26,754.00	53,508.00
13	MICROTIKCUDY	01	2	42,084.00	84,168.00
14	S+85DLC03D MIKROTIK	01	2	7,014.00	14,028.00
15	X3+31LC10D MIKROTIK	01	3	17,361.6	52,084.80
16	TL SG3428X JETSTREAM TP LINK	01	2	26,344.80	52,689.60
17	22" VGA/HDMI PHILIPS MONITOR 21.5"	01	10	11,400.00	114,000.00
18	SSD A400240GB KINGSTON 240GB	01	10	3,660.00	36,600.00
19	RAM 4G DDR3 KINGSTON	01	10	2,700.00	27,000.00
20	STELLA TV+MOUNT	01	1	16,800.00	16,800.00
21	3TB SATA 6GB	01	6	14,280.00	85,680.00
22	SEAGATE SATA 6GB /10TB	01	12	59,400.00	712,800.00
23	NAS DOD RAIL B02 QNAP FOR MODEL TS 432XU	01	1	9,000.00	9,000.00
24	Phone YEALINK SIP T31G	01	39	10,200.00	397,800.00
25	NVR recorder NVR5216-4ks2	01	1	37,700.00	37,700.00
26	Image grabber HDMI on USB 4k	01	1	7,200.00	7,200.00
27	LIVE 802 mixer	01	1	28,200.00	28,200.00
28	TS-212W speaker	01	2	38,940.50	77,881.00
29	Microphone cables BMCXX - 10BK	01	2	1,550.00	3,100.00
30	Speaker stand SPST-SET80-BK	01	1	8,610.00	8,610.00
31	Microphone SV 200WA	01	1	4,950.00	4,950.00
32	Desk microphone stand ST-105 MIC	01	2	1,950.00	3,900.00
33	Microphone stand 210/2	01	2	6,000.00	12,000.00
34	Microphone WS - 100	01	2	11,680.00	23,360.00
35	Microphone holder WA - 371	01	2	1,230.00	2,460.00
36	Equipment case Hardcase CA2	01	1	7,080.00	7,080.00
37	Screen controller for multifunction printers and card readers	01	3	103,200.00	309,600.00
38	Air conditioner AER DOMUS	01	1	19,799.00	19,799.00
39	Shredder Fellowes	01	1	75,427.20	75,427.20
Total					4,136,226.98

Table 17. - Overview of procured intangible assets

No.	Fixed assets	Source of financing	Quantity	Price per item, inclusive of VAT	Total
1	Annual licence ZOOM	01	1	61,089.18	61,089.18
2	Developer express licence	01	1	101,277.72	101,277.72
3	Basic support VMware licence	01	1	124,653.60	124,653.60
4	MDeamon renewal licence	01	1	47,143.20	47,143.20
5	MDeamon antivirus licence	01	1	48,176.40	48,176.40
6	MDeamon connector for outlook licence	01	1	29,149.20	29,149.20
7	Archive svr for MDeamon licence	01	1	43,459.20	43,459.20
8	Endpoint protection standard licence for 250 users	01	1	246,000.00	246,000.00
9	Annual basic maintenance renewal backup licence for 3 users	01	1	181,371.60	181,371.60
10	Authorisation to use TTC server—licence	01	1	89,402.40	89,402.40
11	Authorisation to use— annual sound effects licence for websites — licence	01	1	89,402.40	89,402.40
12	Authorisation to use – annual sound effects licence for Word, PDF, html documents – licence	01	1	59,601.60	59,601.60
13	Authorisation to use the sound effects licence for websites—licence	01	1	119,203.20	119,203.20
14	Microsoft software licence Windows 10 pro	01	1	237,300.00	237,300.00
Total					1,477,229.70

The Commissioner's Office procured intangible assets in the total amount of 1,477,229.70 dinars, which mainly relates to the renewal of licenses to increase the security of the Commissioner's computer network in accordance with the standard ISO IEC 27001 and renewal of software licenses in order to adapt the Commissioner's web portal to blind and partially sighted people, as well as to the procurement of other softwares in order to improve the work of the Office.

6. THE PROPOSALS OF THE COMMISSIONER

•

In order to improve the current situation in the field of free access to information of public importance and protection of personal data in Serbia, all based on and in accordance with the statements in this report, the Commissioner sends the following proposals to the National Assembly and the Government of Serbia.

6.1. THE PROPOSALS OF THE COMMISSIONER TO THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA

- The competent committees of the National Assembly should consider the Report of the Commissioner for 2021 and, based on the recommendations contained in this report, determine the proposals of conclusions with recommendations and measures for improving the situation, and submit them to the National Assembly for consideration;
- The National Assembly should adopt amendments to the Law on Personal Data Protection(LPDP), in order to implement it more efficiently and achieve greater protection of personal data.

- The National Assembly should ensure the constant monitoring of the implementation of its conclusions by the available mechanisms of control over the work of the Government, insisting on responsibilities for omissions in the work of the authority bodies;
- The competent committees and expert services of the National Assembly should, in the process of adopting laws, with due care consider the opinions and positions of the Commissioner regarding the possible effects of these laws on exercising the right to free access to information of public importance and the right to personal data protection;
- By the end of 2022, the National Assembly should adopt the laws which provisions relating to the processing of personal data are harmonized with the Law on Personal Data Protection(LPDP);
- The National Assembly should provide timely and full support to the Commissioner, as an independent state body, in the exercise of his/ its competence;
- The National Assembly should adopt the Law on Ratification of the Council of Europe Convention on Access to Official Documents, which entered into force on December 1, 2020.

6.2. THE PROPOSALS OF THE COMMISSIONER TO THE GOVERNMENT OF THE REPUBLIC OF SERBIA

- The Government should adopt a new Strategy for Personal Data Protection, harmonized with the current situation in the field of personal data protection, as well as an Action Plan for its implementation, all in cooperation and in accordance with the suggestions of the Commissioner;
- The Government should prepare a proposal for amendments to the Law on Personal Data Protection (LPDP);
- The Government should timely determine the draft laws on amendments to the laws which provisions related to the processing of personal data are harmonized with the Law on Personal Data Protection (LPDP), so that the National Assembly can adopt these laws by the end of 2022;
- When determining draft laws and other regulations, the Government should consider with due care the opinions and attitudes of the Commissioner regarding the possible effects of these regulations on exercising the right to free access to information of public importance and the right to protection of personal data;
- In accordance with its own obligations prescribed by the Law on Free Access to Information of Public Importance (LFAIPI), the Government should establish an adequate mechanism for ensuring the performing of final, executive and binding decisions of the Commissioner;

- The Government should provide the adequate conditions and financial resources for the smooth operation of the Commissioner as an independent state body, independent in exercising its competence, especially in relation to the: extension of the competence of the Commissioner established by the new Law on Personal Data Protection and amendments to the Law on Free Access to Information of public importance (LFAIPI); performing a supervisory function; conducting second-instance proceedings, as well as growing volume of work which untimely execution produces the costs of litigation at the expense of the budget;
- The Government should take measures to determine the responsibility of the competent bodies, especially officials, who have not performed their duties in accordance with the law;
- The Government should cooperate with the Commissioner, to ensure that the competent ministries, as well as other authority bodies, improve knowledge in the areas of the right to access information of public importance and the right to protection of personal data, in order to improve the level of realization of these rights in the Republic of Serbia;
- The Government should prepare the Draft Law on Ratification of the Council of Europe Convention on Access to Official Documents, which entered into force on December 1, 2020.

THE COMMISSIONER

Milan Marinović

Belgrade, March 22, 2022.

No: 073-10-3176/2021-01