



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

**REPORT**  
**ON THE ACTIVITIES OF THE COMMISSIONER FOR INFORMATION OF**  
**PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION**  
**FOR 2024**

**B e l g r a d e**  
**March 2025**

## CONTENT

<b>INTRODUCTION BY THE COMMISSIONER.....</b>	<b>5</b>
<b>1. SUMMARY OF THE 2024 ANNUAL REPORT OF THE COMMISSIONER FOR INFORMATION OF PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION.....</b>	<b>12</b>
<b>2 CURRENT STATUS AND IMPEDIMENTS TO EXERCISING THE RIGHT TO FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE AND THE RIGHT TO PERSONAL DATA PROTECTION.....</b>	<b>23</b>
<b>2.A. THE RIGHT TO FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE.....</b>	<b>23</b>
2.A.1. Legal framework.....	23
2.A.2. About Exercising the Right to Know in 2024 and the Impediments .....	24
2.A.3. Basic Impediments to Exercising the Right to Access Information .....	28
2.A.3.1. Abuse of the right to access information .....	28
2.A.3.2. The journalists' difficulty in exercising the right to access information .....	30
2.A.3.3. Difficulties in Exercising the Right to Access Information in Public Enterprises .....	30
2.A.3.4. Unenforced Decisions of the Commissioner .....	31
2.A.4. Typical Cases of Inadequate Actions by Public Authorities in Response to Requests for Access to Information in 2024.....	32
<b>2.B. THE RIGHT TO PERSONAL DATA PROTECTION .....</b>	<b>35</b>
2.B.1. Legal framework.....	35
2.B.1.1. International Legal Framework.....	35
2.B.1.2. National Legal Framework.....	36
2.B.2. Main Impediments to Exercising the Right to Personal Data Protection.....	38
2.B.2.1. Deficiencies of the LPDP .....	38
2.B.2.2. Lack of Harmonisation of Other Laws with the LPDP.....	39
2.B.3. Development of a Personal Data Protection Strategy.....	39
2.B.4. Illustrative Cases Re the Right to Personal Data Protection .....	40
2.B.4.1. Illustrative Cases of Preventive Action by the Commissioner .....	40
2.B.4.2. Illustrative Cases concerning the Exercise of Data Subjects' Rights in Complaint Procedures.....	45
2.B.4.3. Illustrative Cases of Breaches of the Right to Personal Data Protection Found through Supervision .....	62
<b>3. COMMISSIONER'S ACTIVITIES.....</b>	<b>71</b>
<b>3.1 SUMMARY OF OVERALL ACTIVITIES .....</b>	<b>71</b>
3.1.1. Commissioner's Opinions.....	76
3.1.2. Reporting .....	78
<b>3.2 COMMISSIONER'S ACTIVITIES RELATED TO PROTECTING AND FORWARDING THE RIGHTS TO ACCESS INFORMATION OF PUBLIC IMPORTANCE .....</b>	<b>82</b>
3.2.1. Protection of the right to free access to information by the Commissioner .....	82
3.2.1.1. Handling of complaints.....	82
3.2.1.2. Administrative enforcement of the Commissioner's decisions.....	93
3.2.1.3. Misdemeanour liability .....	94
3.2.1.3.1. Misdemeanour notice.....	94
3.2.1.3.2. Petitions for Institution of Misdemeanour proceedings .....	95
3.2.2. Protection of Rights before the Administrative Court.....	97
3.2.3. Public Authorities' Compliance with Their Legal Obligations, Supervision, and Accountability.....	102
3.2.4. Commissioner's Activities Related to Publishing of Information Directories.....	104
<b>3.3 COMMISSIONER'S ACTIVITIES IN CONNECTION WITH PERSONAL DATA PROTECTION.....</b>	<b>106</b>
3.3.1. Commissioner's Supervisory Activity .....	106



3.3.1.1. Checklists.....	108
3.3.1.2. Notifications to Commissioner of Data Breaches.....	109
3.3.1.3. Information on Personal Data Protection Officers.....	110
3.3.1.4. Appointment of Representatives of Foreign Companies.....	111
3.3.2. Commissioner's Processing of Complaints.....	114
3.3.2.1. Causes for Lodging Complaints with the Commissioner.....	115
3.3.2.2. Violated Rights Which Resulted in Lodging Complaints with the Commissioner .....	115
3.3.2.3. Structure of Data Controllers against Which Complaints Were Lodged with the Commissioner .	116
3.3.2.4. Complaints Resolved by the Commissioner.....	117
3.3.3. Transfer of data to other countries or international organizations and binding corporate rules .....	119
3.3.4. Protection of Rights before the Administrative Court and Other Courts.....	119
3.3.5. Misdemeanour liability .....	120
3.3.5.1. Petitions for Institution of Misdemeanour proceedings .....	120
3.3.5.2. Misdemeanour notice.....	121
3.3.6. Actions of Prosecutor's Offices on Criminal Reports Filed by the Commissioner and Misdemeanour Courts Regarding Petitions for Institution of Misdemeanour proceedings Filed by the Commissioner .....	121
<b>3.4. COMMISSIONER'S ACTIVITIES AIMED AT AFFIRMATION OF RIGHTS OF ACCESS TO INFORMATION OF PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION.....</b>	<b>122</b>
<b>4. COMMISSIONER'S COOPERATION.....</b>	<b>132</b>
<b>4.1. COOPERATION WITH PUBLIC AUTHORITIES, CIVIL SOCIETY ORGANISATIONS AND BUSINESS ASSOCIATIONS .....</b>	<b>132</b>
4.1.1. Conferences.....	132
4.1.2. Meetings.....	133
4.1.3. Events .....	137
<b>4.2 INTERNATIONAL AND REGIONAL COOPERATION.....</b>	<b>141</b>
<b>4.3. COOPERATION WITH THE MEDIA AND OVERVIEW OF COMMISSIONER'S ACTIVITIES IN THE MEDIA .....</b>	<b>144</b>
<b>5. COMMISSIONER'S OFFICE AND ASSETS.....</b>	<b>145</b>
<b>5.1 NUMBER OF EMPLOYEES IN COMMISSIONER'S OFFICE .....</b>	<b>145</b>
<b>5.2 DEVELOPMENT OF COMMISSIONER'S OFFICE .....</b>	<b>146</b>
<b>5.3 ALLOCATED FUNDS AND INCURRED EXPENSES FOR THE WORK OF THE COMMISSIONER'S OFFICE.....</b>	<b>147</b>
<b>6 COMMISSIONER'S PROPOSALS .....</b>	<b>150</b>
<b>6.1. COMMISSIONER'S PROPOSALS TO THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA .....</b>	<b>150</b>
<b>6.2 COMMISSIONER'S PROPOSALS TO THE GOVERNMENT OF THE REPUBLIC OF SERBIA</b>	<b>151</b>

# COMMISSIONER FOR INFORMATION OF PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION

## 2024 IN NUMBERS

 <b>121 EMPLOYEES</b>		<b>BUDGET</b>	
		ALLOCATED	: 422.054.000,00
		REALIZED	: 414.128.957,95

### ACCESS TO INFORMATION OF PUBLIC IMPORTANCE

 <b>7.691</b> complaints	 <b>628</b> measures to improve the right to transparency of work
 <b>802</b> misdemeanor warrants	 <b>292</b> opinions
 <b>100</b> requests for initiation of misdemeanor proceedings	 <b>1.089</b> referred requests
 <b>4.111</b> responses to appeals	 <b>60</b> responses to submissions
 <b>5.271</b> public authorities' annual reports to the Commissioner	 <b>76</b> requests for information on the activity of other authorities

### PERSONAL DATA PROTECTION

 <b>864</b> completed inspection supervisions	 <b>267</b> complaints
 <b>314</b> opinions	 <b>65</b> responses to appeals
 <b>45</b> personal data breach notifications	 <b>403</b> responses to submissions
 <b>59</b> corrective measures	 <b>1.216</b> control checklists
<b>547</b> Data Protection Officers / <b>14</b> Foreign companies Data Protection Representatives	 <b>2</b> misdemeanor warrants <b>7</b> requests for initiation of misdemeanor proceedings

### BOTH FIELDS OF ACTIVITY

 <b>22.053</b> phone queries answered	 <b>238</b> international/domestic cooperation	 <b>37</b> opinions on draft laws and other general legal acts
 <b>96</b> public announcements	 <b>1.923</b> requests for information from the Commissioner	 <b>400</b> objections to administrative actions
 <b>874</b> requests for information on the case	 <b>192</b> reports and information	 <b>177</b> submissions

## INTRODUCTION BY THE COMMISSIONER

The present report of the Commissioner for Information of Public Importance and Personal Data Protection (hereinafter referred to as the “Commissioner”) for 2024 is the twentieth anniversary annual report on the Commissioner’s activities with regard to implementing the Law on Free Access to Information of Public Importance (LFAIPI) and the sixteenth annual report on his activities relative to implementing the Law on Personal Data Protection (LPDP) that the Commissioner submits to the National Assembly of the Republic of Serbia.

The Commissioner’s work in 2024 was characterised by the continued influx of an extraordinarily increased number of cases. This was particularly true of the cases in the field of free access to information of public importance and the number of complaints against actions taken by public authorities in response to requests for free access to information of public importance and, in particular, the exceptionally increased number of lawsuits filed with the Administrative Court against the Commissioner’s decisions in this area of human rights.

By way of illustration, in 2024 the Commissioner opened a total of 29,005 cases, of which 21,449 cases in the field of free access to information of public importance, 3,372 cases in the field of personal data protection, and 4,184 cases in both fields.

The above data show that the trend of a large influx of cases in the area of access to information of public importance continued in 2024, as a result of the systemic abuse of the right to access such information. This has led to the right itself becoming seriously jeopardised and its protection significantly hindered.

This situation is practically the result of two facts:

1. the deletion of Article 13 of the Law on Free Access to Information of Public Importance, which regulated situations involving abuse of the right to access information of public importance, and
2. revised position of the Administrative Court on the issue of the obligation to bear the costs of filing a complaint by a lawyer.

As a result of the foregoing, similarly to the 2023 Report, the present Report is specific and prepared for a year in which there was not a regular, usual situation in the field of access to information of public importance, as it used to be the case in all previous years.

For this problem to be solved as soon as possible, it is necessary to amend the Law on Free Access to Information of Public Importance. To this end, a working group established by the Ministry of Public Administration and Local Self-Government at the Commissioner’s initiative has drafted amendments to the Law, on the basis of which the Government of the Republic of Serbia has prepared a proposal for amendments to the Law. To prevent further serious harmful consequences of the current situation,

it is essential that the proposed amendments to the law, which are intended to resolve the existing problem, be submitted to the National Assembly for adoption as soon as possible.

Regarding the status in the field of personal data protection, the most important activity in 2024 was the completion of work on adopting the Action Plan for the Implementation of the Personal Data Protection Strategy for the period up to 2030, which was adopted by the Government of the Republic of Serbia in 2023. The Government of the Republic of Serbia adopted the aforementioned Action Plan in early March 2025, which will enable the implementation of the measures and activities prescribed by the Strategy. Among these, particular emphasis is placed on the amendment to the Law on Personal Data Protection or the enactment of a new Law on Personal Data Protection, which will contribute to improved and more efficient protection of personal data in the context of new challenges arising from the development of modern technologies, widespread digitalisation, and the use of artificial intelligence. We especially emphasise that in 2024, in the field of personal data protection, the Commissioner's Office conducted a record number of inspection supervisions over the processing of personal data by controllers from various sectors of life.

Overall, despite the enormous efforts made by the Commissioner's Office in 2024 to resolve as many received cases as possible, the status in the areas of human rights protected by the Commissioner remains such that the Commissioner's work and the protection of the rights under his mandate are significantly hindered due to the aforementioned abuse of rights.

I am pleased to highlight the continuation of the very successful practice of opening Commissioner's offices outside the headquarters in Belgrade, with the third office commencing operations in Kragujevac in December 2024.

I am hopeful that the problem with the abuse of the right to access information of public importance will be solved in the shortest possible time in a systemic and adequate way, that the competent authorities will recognise the importance and urgency of promptly amending the Law on Free Access to Information of Public Importance, and thus enable progress in improving the exercising of the rights protected by the Commissioner,

COMMISSIONER

Milan Marinović

## General Information

- **Name of the authority:** Commissioner for information of public importance and personal data protection (the Commissioner)
- **Status:** An autonomous public authority, independent in the exercise of its powers
- **Seat address:** 15 Kralja Aleksandra Boulevard, 11000 Belgrade
- **Field office outside of the Commissioner's seat:** 21 Vojvode Šupljikca St., 21101 Novi Sad, 26 Generala Milojka Lejšjanina St., 18000 Niš, 1 Liceja Kneževine Srbije St., 34000 Kragujevac
- **Registration number:** 17600524
- **Tax Identification Number:** 103832055
- **Address for receiving the submissions:** 15 Kralja Aleksandra Boulevard, 11000 Belgrade
- **E-mail address for receiving electronic submissions:** [office@poverenik.rs](mailto:office@poverenik.rs)
- **Founding:** The Commissioner was established as an autonomous public authority, independent in the exercise of his powers, under the Law on Free Access to Information of Public Importance (LFAIPI)<sup>1</sup> of 2004. The Law on Personal Data Protection (LPDP)<sup>2</sup> of 2008 expanded the Commissioner's mandate to the area of personal data protection.

## Commissioner's Mandate

The Commissioner is entrusted with a twofold mandate: to protect the right of free access to information of public importance under the LFAIPI and to protect personal data and supervise compliance with the LPDP.

### **1 Under the Law on Free Access to Information of Public Importance, the Commissioner<sup>3</sup>:**

- monitors the compliance of public authorities with their obligations laid down in this Law and reports to the public and the National Assembly thereof;
- submits initiatives to adopt or amend legislation to implement and forward the right to access information of public importance;
- proposes the measures that public authorities need to take in order to improve their actions in compliance with this Law;
- undertakes the necessary measures to train the staff of public authorities and introduce them to their obligations with regard to the right to access information of public importance, to ensure effective application of this Law;
- decides on complaints against decisions of public authorities which violate the rights governed by this Law;
- informs the public about the substance of this Law and the rights governed by this Law;
- gives opinions on draft laws and proposals of other regulations, as well as public policy documents, if these govern issues relevant for exercising the right to access information of public importance;

---

<sup>1</sup> "Official Gazette of the Republic of Serbia" Nos. 120/2004, 54/2007, 104/2009, 36/2010 and 105/2021

<sup>2</sup> "Official Gazette of the Republic of Serbia" Nos. 97/2008, 104/ 2009 - new law, 68/2012 - Constitutional Court decision, 107/ 2012, Article 1, paragraph 3.

<sup>3</sup> Law amending the LFAIPI ("Official Gazette of the Republic of Serbia" No. 105/21)

- initiates constitutional and legal reviews of laws and other general legal documents governing issues relevant for exercising the right to access information of public importance;
- issues and updates a guidebook with practical instructions for the effective exercising of rights governed by this Law, in the Serbian language and in other languages which are officially used under the law, and introduces the public to the substance of this guidebook on implementation of the law through the press, electronic media, the internet, public debates and in other ways;
- issues instructions for compiling and publishing directories on the activities of public authorities and, at their request, provides advice to ensure proper, complete and timely compliance with the obligation to publish the directories;
- keeps and maintains a single information system on the directories;
- files petitions for institution of misdemeanour proceedings if public authorities fail to update and produce directories on their activities;
- lays down in detail the form and manner for the submission of annual reports by public authorities about their activities undertaken to comply with the Law and files petitions for institution of misdemeanour proceedings against the responsible person if a public authority fails to submit an annual report to the Commissioner;
- Submits an annual report to the National Assembly on the activities undertaken by public authorities to comply with the LFAIPI, as well as on his activities and expenses, in accordance with Article 36 paragraph 1 of the LFAIPI;
- orders public authorities to declassify requested data and takes decisions upholding the complaints and ordering the public authorities to grant the requester access to such data, in the procedure in response to complaints against decisions to deny requests concerning classified data referred to in Article 9, item 5, of the Law, if he finds that the reasons for classification are no longer applicable or that the data was not classified in accordance with the law governing data classification and protection of classified data, after reviewing the case file that the complaint pertains to in order to establish all relevant facts for deciding on the complaint;
- issues misdemeanour notices, in accordance with the law governing misdemeanour proceedings, after determining that a complaint lodged on the grounds of failure of a public authority to process the request (“administrative silence”) is founded;
- administratively enforces his decisions by imposing enforcement measures and/or by fining the offending public authorities for failure to comply with the obligations set out in the Commissioner’s decision;
- files petitions for institution of misdemeanour proceedings for the misdemeanours under the Law on Free Access to Information of Public Importance, when in processing a complaint, it is established that a misdemeanour has occurred;
- performs other duties provided for in this Law.

## **2 Under the Law on Personal Data Protection, the Commissioner:**

- supervises and enforces the LPDP within his powers;
- raises public awareness on the risks, rules, safeguards, and rights concerning data processing, especially where the data subjects are minors;
- gives opinions to the National Assembly, the Government, and other public authorities and organizations, in accordance with the regulations governing statutory and other measures relating to the protection of natural persons’ rights and freedoms concerning data processing
- raises the awareness of data controllers and processors of their obligations under this Law;

- at the request of data subjects, provides information on their rights under this Law;
- processes complaints of data subjects, determines whether the LPDP was breached and notifies the complainant on the course and outcome of the procedure he conducts in accordance with Article 82, of the LPDP;
- cooperates with the oversight authorities of other countries in connection with personal data protection, including in particular information exchange and provision of mutual legal assistance;
- performs inspection of compliance with the LPDP, in accordance with the LPDP and, correspondingly, the law governing inspection;
- files petitions for institution of misdemeanour proceedings if he establishes breaches of the LPDP, in accordance with the law governing misdemeanours;
- keeps current with the development of information and communication technologies, as well as commercial and other practices relevant for personal data protection;
- develop the standard contractual clauses referred to in Article 45, paragraph 11, of the LPDP;
- compiles and publishes the lists (referred to in Article 54, paragraph 5 of the LPDP);
- issues the opinions in writing (referred to in Article 55 paragraph 4 of the LPDP) when he considers that intended processing actions could give rise to risks unless risk mitigation measures are implemented;
- keeps records on personal data protection officers (referred to in Article 56, paragraph 11, of the LPDP);
- promotes the development of codes of conduct (in accordance with Article 59, paragraph 1, of the LPDP and gives opinions on and approves codes of conduct (in accordance with Article 59, paragraph 1, of the LPDP);
- obtains evidence of independence and expertise of legal entities and of absence of conflict of interest in the process of accrediting the legal entities tasked with supervising compliance with the codes of conduct (in accordance with Article 60, of the LPDP);
- promotes the issuing of personal data protection certificates and relevant trademarks and labels (in accordance with Article 61, paragraph 1), and lays down certification criteria (in accordance with Article 61, paragraph 5, of the LPDP);
- conducts periodic reviews of the certificates (in accordance with Article 61 paragraph 8 of the LPDP);
- lays down and publishes accreditation criteria for the certification body and obtains evidence of independence and expertise of legal entities and of absence of conflict of interest in the process of accrediting the certification body (in accordance with Article 62, of the LPDP);
- approves provisions of the contracts or agreements (referred to in Article 65, paragraph 3, of the LPDP), which provide for personal data protection measures when such data are transferred in accordance with the law;
- approves binding corporate rules (in accordance with Article 67, of the LPDP);
- keeps internal records on breaches of this Law and measures undertaken in the course of inspections (in accordance with Article 79, paragraph 2, of the LPDP);
- compiles annual reports on his activities (in accordance with Article 81, of the LPDP, and submits it to the National Assembly);
- performs other duties provided for in the Law.

### *Inspection and other powers*

The Commissioner is authorized to:

- order the controller and the processor, and where necessary also their representatives, to provide him with any information he may request in the exercise of his powers;
- verify and assess the compliance with the provisions of the law and otherwise supervise personal data protection using his inspection powers;
- verify compliance with the certification requirements (in accordance with Article 61, paragraph 8, of the LPDP);
- notify the controller or processor of any potential breaches of the LPDP;
- request from the controller and the processor and subsequently gain access to all personal data and information necessary for the exercise of his powers;
- request and gain access to all premises of the controller and the processor, including access to all devices and equipment.

The Commissioner is authorized to undertake the following corrective actions:

- to warn the controller and the processor by providing an opinion in writing that the intended processing activities may breach the provisions of the LPDP (in accordance with Article 55, paragraph 4, of the LPDP);
- to issue a warning to the controller and/or the processor, if processing breaches the provisions of the LPDP;
- to order the controller and the processor to take action on the request of the data subject concerning the exercise of his/her rights, in accordance with the LPDP;
- to order the controller and the processor to bring processing activities in compliance with the provisions of the LPDP in a precisely specified manner and within a precisely specified time period;
- to order the controller to inform the data subject of the personal data breach;
- to impose a temporary or permanent restriction on processing activities, including a ban on processing;
- to order personal data to be corrected or deleted or restrict processing activities (in accordance with Articles 29 through 32, of the LPDP), and order the controller to inform thereof other controllers, the data subject, and the recipients to whom personal data have been disclosed or transferred (in accordance with Article 30, paragraph 3, and Articles 29 and 32, of the LPDP);
- to revoke a certificate or order the certification body to revoke a certificate (issued in accordance with Articles 61 and 62 of this Law), and to order the certification body to refuse to issue a certificate if the requirements for its issuance are not met;
- to impose a fine on the basis of a misdemeanour notice if it is found in the course of an inspection that a misdemeanour occurred, which is punishable by a fixed fine under this Law, in lieu of or in addition to other measures provided for therein, depending on the facts of each individual case;
- to terminate the transfer of personal data to a recipient in a foreign country or an international organization.

The Commissioner is also authorized to:

- develop the standard contractual clauses (referred to in Article 45, paragraph 11, of the LPDP);

- issue opinions to controllers in the process of obtaining the Commissioner's prior opinion (in accordance with Article 55, of the LPDP);
- issue opinions to the National Assembly, the Government, and other authorities and organizations, on own initiative or at their request, as well as to the public, on all issues concerning personal data protection;
- register and publish previously approved codes of conduct (in accordance with Article 59 paragraph 5 of the LPDP);
- issue certificates and lay down the criteria for the issuing of certificates (in accordance with Article 61 paragraph 5 of the LPDP);
- lay down the accreditation criteria (in accordance with Article 62, of the LPDP);
- approve contractual provisions and provisions of agreements (in accordance with Article 65, paragraph 3, of the LPDP);
- approves binding corporate rules (in accordance with Article 67, of the LPDP).

# 1. SUMMARY OF THE 2024 ANNUAL REPORT OF THE COMMISSIONER FOR INFORMATION OF PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION

This summary of the Commissioner's 2024 Annual Report presents the state of play regarding the application of the LFAIPI and the LPDP, measures and activities undertaken by the Commissioner, as well as obstacles and challenges in the exercise of the rights to access information of public importance and personal data protection. **In 2024, the Commissioner opened 29,005 cases, including 21,449 cases in the field of access to information of public importance, 3,372 cases in the field of personal data protection, and 4,184 cases in both fields of activities of the Commissioner.**

**The Commissioner concluded the procedure in 23,598 cases in total, including 15,282 cases in the field of access to information of public importance, 4,110 cases in the field of personal data protection, and 4,206 cases in both fields.**

The majority of the cases pertained to: handling of complaints against breaches of the right to free access to information of public importance (**7,691**); supervision of personal data processing (**864**); processing of checklists sent to controllers (**1,216**); implementing measures to improve transparency of the activities of the authorities in connection with the determination of status of public authority bodies, comments and suggestions concerning registration with the Single Information System of Directories, as well as compiling the directories and the submission of annual reports to the Commissioner (**628**); misdemeanours prosecution due to breaching the provisions of the LFAIPI (**1,192**), responses to the lawsuits filed with the Administrative Court (**4,176**). A considerable part of the activities pertained to: trainings on application of the LPDP and the LFAIPI; cooperation with relevant Serbian, international, and regional authorities and contribution to reporting activities in connection with Serbia's EU association process.

Full visibility of the role and the activities of the Commissioner, both in the field of free access to information of public importance and in the field of personal data protection, is an ongoing task for the Commissioner that he continued to perform in 2024 through the media, on websites, on the Open Data Portal, on social networks, etc. The media have attached much attention to the Commissioner's statements concerning the application of the LPDP and the passing of the Personal Data Protection Strategy, as well as the application of the Law on Free Access to Information of Public Importance, including in particular the issue of abuse of the right to access information of public importance, as well as individual cases of violation of the rights, the exercising of which is protected by the Commissioner.

In the course of 2024, the Commissioner issued **26 opinions** on draft laws from the viewpoint of the Commissioner's mandate pursuant to requests submitted by public authorities and **11 opinions** on other general legal documents. The Commissioner also issued **292 opinions** on correct application of the LFAIPI and **314 opinions** on correct application of the LPDP, and **5 prior opinions** (Art. 55, LPDP), in the course of 2024.

The job positions classification for the Commissioner's Office identifies 110 posts, which are staffed by 156 incumbents in total. The job positions classification for the Commissioner's Office also includes an advisor post staffed by 3 employees, in accordance with Article 5, paragraph 5, of the Decision on Operation of the Office of the Commissioner for Information of Public Importance and Personal Data Protection, under which the Commissioner can have up to four advisors to the Commissioner, some of whom may be employed at this institution.

Under the Proposal of the Human Resources Plan for 2024 No. 119-05-3/2023-04/1 dated 26 December 2023, the Commissioner found that powers of the Commissioner require 3 elected officials, 9 senior civil servants and a total of 131 civil servants in executive roles, 3 employees, as well as 3 advisors to the Commissioner, and forwarded the request to the Ministry of Finance for approval. The Ministry of Finance approved the Commissioner's Human Resources Plan for 2024 by the document number 000504665 2023 10520 003 000 113 002 dated 29 January 2024, under which sets out the Commissioner's Office should employ by the end of the year 2024, in addition to 3 elected officials (the Commissioner and 2 Deputy Commissioners), 9 senior civil servants, and 2 Commissioner's Advisors, the total of 134 employees, including: 131 employees in executive roles and 3 employees. As of 31 December 2024, the Commissioner's Office had 121 persons employed on permanent contracts for an unlimited period, 10 persons hired on fixed-term contracts (of whom 6 in peak periods to handle increased workload, 3 as replacements for absent civil servants, 1 hired on fixed-term contract in the Office). In addition, one (1) person was hired based on temporary duty short-term contracts.

In the course of 2024, the Commissioner's Office had a total of 36 employees with security clearance to access classified information.

The activities of the Commissioner and his Office are funded under the law from the national budget of the Republic of Serbia. The Law on the Budget of the Republic of Serbia for 2024 allocates funding to the Commissioner for the funding source 1 – Budget Revenue in the amount of RSD 422,036,000.00.

On 23 September 2023, the recertification was successfully carried out according to the requirements of the standard SRPS ISO/IEC 27001:2013 and SRPS ISO/IEC 27701:2019.

In 2024, activities related to the maintenance and improvement of the Single Information System of Directories continued. In this system, the Directory is created in an electronic and machine-readable form, in accordance with the Guidebook for Publishing the Directory of Public Authority Bodies ("Official Gazette of the RS", No 10/22).

At the time of writing this Report, a total of 7,209 (seven thousand two hundred and nine) public authority bodies published the Directories on their activities, including 2,312 local communities, 1,666 schools, 414 public companies (republic and local), 158 courts, and all public prosecutor's offices. As regards the country's highest public authorities, the President of the Republic of Serbia, the Government of the RS, the Constitutional Court, the Supreme Court, the Prosecutor General's Office, and the National Bank of Serbia published their Directories. A total of 24 out of 25 ministries have prepared their directories.

The web portal "Commissioner's e-Government" has not yet been released into production for objective reasons.

In the course of 2024, the Commissioner continued to support the Open Data Portal at <https://data.poverenik.rs>, through which he makes the numerous data created in his work available to the general public, in a machine-readable format and in the form of visualizations.

In 2024, the Commissioner continued his successful cooperation with international organizations and forums, as well as with representative offices of numerous international or transnational organizations in Serbia. The Commissioner cooperated in particular with the competent institutions across the region and the territory of the former Yugoslavia in the fields of free access to information of public importance and of personal data protection.

Among the most common reports submitted by the Commissioner to the competent public authorities are the reports and contributions to reports pertaining to progress in Serbia's EU integration processes.

## **I Commissioner's Activities in the Field of Free Access to Information**

### **•The right to free access to information protected by the Commissioner**

In the field of free access to information of public importance, in 2024 the Commissioner **handled 31,792 cases** concerning the protection and promotion of rights. Of these, **10,343** cases are old cases from the previous year, while **21,449** cases were received in 2024. The Commissioner **completed 15,282 cases**, while **16,510** cases remained pending and have been carried forward to 2025.

The most common activities of the Commissioner in this field included **handling complaints filed by citizens, civil society organizations and other citizens' associations, journalists and other requesters of information of public importance for failure of public authorities to comply with requests for access to information or their refusal to provide information.**

In 2024, the Commissioner issued **802 misdemeanour notices and filed 100 petitions for institution of misdemeanour proceedings** due to breaching the provisions of the LFAIPI.

Other activities included: providing assistance to citizens in the exercise of this right through written opinions and clarifications for action, as well as provision of assistance to public authorities in complying with the law, in particular by issuing opinions and providing training; monitoring the compliance with the statutory obligation of public authorities pertaining to proactive publishing of information, specifically their information directories, in the Single Information System for Information Directories, and measures undertaken in this regard; issuing of opinions concerning the enactment of regulations and other legislative initiatives; measures relating to administrative enforcement of the decisions; preparation of publications and other means of publishing positions from the Commissioner's practice; participation in conferences and other expert events; communication concerning requests by information requesters filed with or referred to the Commissioner. The Commissioner was also processing the requests for access to information in which citizens and the media requested information of public importance created in the Commissioner's work.

**The main hindrances to the exercise of the right to access information in 2024 included: abuse of the right to access information, impeded exercising of the right to access information for journalists, obstructed exercise of the right to access information in public enterprises and non-enforcement of the Commissioner's decisions.**

#### ***-Handling of complaints***

The number of complaints formally lodged with the Commissioner on the grounds of violation of right to access information of public importance remains high continually, showing a year-over-year uptrend, while starting from 2022, the increase in the number of complaints has primarily been the result of the abuse of the right to access information. In 2024, this institution received 10,923 complaints, which was a decrease of **34.6%** compared to the previous year, while 9,089 complaints from the previous period, in which proceedings had not been completed, were carried over. The reason why, despite the abuse of the right to access information, there was a decrease in the number of complaints lies in the fact that the Commissioner directed significant resources toward addressing this issue in a systemic manner. This included advocating for appropriate amendments to the Law on Free Access to Information of Public Importance, issuing decisions rejecting complaints submitted by individuals who were clearly abusing the right in order to protect the public interest, providing training

to employees of public authorities on how to respond to requests promptly and correctly, and conducting a large number of media appearances to raise awareness of the problem.

The complainants/information requesters in 2024 were mostly **individual citizens and attorneys, civil society organizations and other citizens' associations, and the media.**

The Commissioner resolved **7,691 complaints** in 2024. The big number of resolved complaints, **3,894 or 50.63%**, were lodged due to public authorities completely ignoring the freedom of information requests ("administrative silence"). **1,072** complaints or **13.94%** of the total number of resolved complaints, were lodged against decisions of public authorities which rejected the applicant's requests as unfounded and provided a statement of reasons. In **2,065** cases, which is **26.85%** of total resolved complaints, the public authorities provided incomplete replies, while in **636** cases or **8.27%** of the total number of resolved complaints in 2024, public authorities responded to requests for information with a statement of reasons and elements of the decision. In **24** cases, or **0.31%**, complaints were lodged against the requesters' demand to be reimbursed for the expenses of the procedure

The complaints were mostly founded – **3,665** complaints or **47.65%** of the total resolved cases. In 2024, as in previous years, the trend of many procedures pursuant to founded complaints lodged with the Commissioner ending in **termination of the procedure** continued. In **1,154 cases (31.5%)** out of the total number of founded complaints (3,665) the procedure was terminated, because the public authorities had in the meantime complied with the information request, upon learning of the complaint and receiving a request for a reply from the Commissioner, but before a decision could be taken pursuant to the complaint, with the complainants formally withdrawing their complaints in **344** cases.

Out of the 554<sup>4</sup> rulings passed by the Commissioner pursuant to complaints filed by information requesters, in which he ordered public authorities to make information available, the authorities failed to comply in 122 cases or 22.02%, which means that the average rate of compliance with the Commissioner's decisions was 77.98%.

In the structure of complaints resolved in 2024, the majority were lodged against national government and other authorities and organizations, namely 2,796 complaints or 36.3% out of the total number of resolved complaints, of which 1,254 complaints were resolved against the ministries and bodies subordinated to them, which is 44.8% of the complaints resolved against the national government authorities.

Also, in 2024, the Commissioner resolved 1,004 complaints against local self-government authorities or 13.1% of the total number of resolved complaints, while the Commissioner resolved 3,437 complaints against public companies or 44.7% of the total number of resolved complaints. Also, the Commissioner resolved 416 complaints against judicial authorities or 5.4% of the total number of resolved complaints in 2024.

In 2024, in the procedure of resolving complaints regarding violations of the right to access information, the Commissioner exercised the authority under Article 26 of the Law on Free Access to Information of Public Importance in **44** cases and requested the public authorities to provide, for review, documents containing the information that was the subject of the complainant's request, in order to determine whether the information contained in the documents could be made available upon the complainant's request. In 4 cases, the public authorities failed to comply with the Commissioner's

---

<sup>4</sup> In a total of 862 complaints, the Commissioner ordered the first-instance authorities to provide information to the applicant, more precisely 554 decisions were taken in those cases, and 308 cases were joined during resolution.

request, prompting the Commissioner to submit two motions to the competent misdemeanour court to initiate misdemeanour proceedings, while in **40** cases the authorities provided the requested documents to the Commissioner.

The share of the Commissioner's decisions upheld by courts has remained consistently high at **91.84%** since this authority began operating, which is the best indicator of the quality of activities undertaken by this public authority.

### ***-Enforcement of the Commissioner's decisions***

The Commissioner received 53 motions for administrative enforcement of the Commissioner's decisions in 2024.

In 2024, the Commissioner issued 28 enforcement decisions and imposed two fines of 50,000.00 dinars each. Of these, one fine remains unpaid, while the other has been paid.

### **•Public Authorities' Compliance with Their Legal Obligations, Supervision, and Accountability**

The adoption of the Law on Amendments to the Law on Free Access to Information of Public Importance ("Official Gazette of the RS" No. 105/21) overhauled the manner in which information directories on the activities of public authorities are compiled, published and updated. It also increased the number of authorities required to produce such information directories. The most significant change concerns the manner in which such information directories are produced: they are now created on a platform kept and maintained by the Commissioner, namely the Single Information System of Information Directories (SIS). At the time of writing of this Report, **7,209<sup>5</sup>** information directories by public authorities are available in the SIS, while the total number of public authorities registered in the system is **7,459**.

All public authorities referred to in Article 3, of the LFAIPI, are obliged to submit an annual report to the Commissioner. Based on the Commissioner's records, it was determined that, at the moment of drafting the present Report, 12,310 public authorities have this obligation. The number of submitted reports for 2024 is **5,271**, while the number of registered public authorities for access to the Portal for submitting annual reports is 6,647.

According to the information provided in the reports submitted by public authorities for 2024 (**5,271** reports), 4,676 public authorities published their Directory in the Single Information System and thus fulfilled their legal obligation. Also, it would appear that compliance with the legal obligation to provide training for employees on proper application of the Law on Free Access to Information has improved compared to previous years, given that the number of authorities that submitted their reports is much higher than in the past years (with 3,318 authorities reporting they have complied with this obligation).

The number of reports submitted by authorities falling within the category of education institutions (schools, preschool facilities) is lower compared to 2023 (when this number was 1,666), while in 2024 this number is **1,355**, and there was also a slight decrease in the number of reports from local self-government bodies (**584** bodies). An increase has also been noted in the number of reports submitted by national-level authorities and organizations (agencies, directorates, institutes, funds, chambers, etc.). - **416 authorities** Hunters' associations have mostly complied with this statutory duty,

---

<sup>5</sup> Number of published information directories in the Single Information System on 14 February 2025.

with **179** of them submitting reports, which is approximately 11% more as compared to 2023. This year, it is also important to highlight that a large number of local communities fulfilled this legal obligation-no fewer than **1,142** local communities-representing an increase of approximately 6% compared to the previous year.

**The Administrative Inspectorate of the Ministry of Public Administration and Local Self-government**, responsible for inspecting compliance with the LFAIPI, notified the Commissioner **that the Administrative Inspectorate conducted 18 inspections** related to the enforcement of regulations on free access to information of public importance, **following which the execution of 3 measures was proposed.**

**In 2024, the Administrative Inspectorate did not file a single petition for institution of misdemeanour proceedings due to violation of rights or non-compliance with prescribed obligations of public authorities regarding the implementation of the Law on Free Access to Information.**

**According to the data provided by Serbian misdemeanour courts**, which delivered such data to the Commissioner, **in 2024 these courts received a total of 52 petitions for institution of misdemeanour proceedings for the violation of the right to access information (Articles 46-48) filed by injured parties.** Based on the requests to initiate misdemeanour proceedings submitted by injured parties as well as by the Commissioner, the misdemeanour courts **resolved a total of 68 cases during 2024.** **According to the data of the Misdemeanour Appellate Court in Belgrade, in 2024, that court received 432 cases of appeals against the decisions of misdemeanour courts in the matter of freedom of access to information** (with 97 pending cases carried forward from the previous period, so that there was a total of 529 cases handled) **concluding 448 cases.**

***Table No. 1 - Summary of the types and scope of the Commissioner's activities and measures in 2024 in the field of access to information of public importance***

No.	Types of activities and measures	Total
1.	Cases received	21.449
2.	Complaints received	10.914
3.	Complaints resolved	7.691
4.	Misdemeanour notices issued	802
5.	Lodged petitions to institute misdemeanour proceedings	100
6.	Notices to parties and public authorities on whether a misdemeanour notice issued was issued and a petition lodged to institute misdemeanour proceedings	18
7.	Motions for repeated proceedings (all upheld)	17
8.	Opinions concerning the application of the LFAIPI	292
9.	Replies to legal action lodged with the Administrative Court	4.111
10	Written communication with public authorities concerning application of the LFAIPI (advice and instructions provided to public authorities with a view to improving transparency in connection with the publishing of Information Directories in the Commissioner's Single Information System and submission of Annual Reports to the Commissioner, etc.)	628
11	Replies to applications concerning the compliance with the LFAIPI	60
12	Processing the requests for information on the activity of / held by other authorities - the Commissioner advised the requesters on the correct procedure	76

13	Referred requests (Article 19)	1.089
14	Motions for administrative enforcement of the Commissioner's decisions	126
14.1	Taken decisions to proceed with executing the decisions	28
14.2	Decisions terminating the enforcement of the decisions	124
14.3	Motions for administrative enforcement dismissed on formal grounds	2
14.4	Imposed penalties	2
14.5	Cases in which the Commissioner petitioned the Administrative Inspectorate to conduct inspections and institute misdemeanour proceedings	9

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

In 2024, the Commissioner had extensive activities in the field of personal data protection, due to the current situation in this field. This is supported by the number of opened cases (**3,372**), as well as the number of cases closed by the Commissioner (**4,110**).

### ***- Supervision***

In the course of 2024, the Commissioner **concluded 864 supervision procedures** in total. Out of the total number of concluded supervisions, 706 were scheduled and 158 were unscheduled supervisions.

Within the framework of the inspection supervision, 59 corrective measures were issued, including warnings imposed on controllers or processors, and in one case, a controller was temporarily or permanently restricted from performing data processing activities, including a processing ban. A total of 790 on-site inspections and 38 desk-based inspections were conducted.

The Commissioner initiated 864 inspection supervisions in the course of 2024. In terms of structure of the controllers in respect of which the Commissioner initiated inspection supervision procedures in the course of 2024, these supervisions largely pertained to the public enterprises (35.4%), and companies (21.5%).

The most frequent cause for initiation of unscheduled supervision procedures as in the previous years was safety of personal data (94.4%).

The Commissioner filed 7 petitions for institution of misdemeanour proceedings and issued 2 misdemeanour notices for violations of provisions of the LPDP in 2024.

The Commissioner handled 403 applications in the field of personal data protection, 49 of which were forwarded to another competent authority for further processing -48 to the Ministry of Interior, since they concerned video surveillance, which is governed by the provisions of the Law on Private Security, while 1 complaint was forwarded to the Higher Public Prosecutor's Office in Belgrade, Special Department for High-Tech Crime.

As part of his efforts to act preventively and to educate, the Commissioner has compiled **checklists**, which contain questions that must be answered accurately and comprehensively. This helps the authorities supervised by the Commissioner to get acquainted with their obligations in advance, more precisely, what they need to do to ensure their personal data processing activities comply with the applicable regulations, thus preventing harm, and also what authorized officers from the Commissioner's Office will check in the supervision procedure.

From the effective date of the new LPDP to 31 December 2024, the Commissioner sent checklists to the addresses of **5,893** data controllers, 5,434 of whom replied by the end of the reporting period, while 50 data controllers submitted checklists to the Commissioner of their own accord.

On the basis of the received checklists, the Commissioner conducted assessments of the level of risk for personal data processing in 5,484 cases.

Under the LPDP, the Commissioner has an obligation to keep accurate and up-to-date **records of personal data protection officers**. In the course of 2024, **535 controllers** submitted contact details of their personal data protection officers. Since the effective date of the LPDP, a total of **6,315** data controllers and/or processors submitted contact information on their personal data protection officer to the Commissioner, and 4,170 of those are public authorities.

Furthermore, since the effective date of the LPDP, the Commissioner has received **61 decisions on the appointment of representatives of foreign companies** in accordance with the LPDP, of which 14 in 2024.

#### - ***Complaints***

The new LPDP introduces the legal concept of **complaints filed with the Commissioner**, as a remedy available to the data subject if he/she believes his/her personal data were processed in breach of the provisions of the Law.

In the **procedure concerning a complaint filed for violation of the rights of data subjects** under Articles 26 to 40. of the LPDP, in procedures pursuant to complaints against violations of the rights of data subjects referred to in Articles 26 through 40, of the LPDP, the Commissioner determines whether the controller has breached the data subject's rights and, according to the established facts, takes a decision, which both the data subject and the respondent controller may challenge by filing legal action to initiate an administrative dispute within 30 days of receipt of the decision.

In the procedure of determining breaches of data subjects' rights, the Commissioner acts in compliance with the Law on General Administrative Procedure (hereinafter: LAP).

A person may exercise the right to lodge a complaint with the Commissioner simultaneously with exercising the right to initiate other procedures for administrative or judicial redress.

In 2024, the Commissioner received **228 complaints**.

The Commissioner processed 284 complaints including 56 carried over from the previous period and **resolved 267 complaints** (211 from 2024 and 56 carried forward from the previous year), while 17 complaints have been carried forward to 2025.

In the decisions passed pursuant to the lodged complaints, the Commissioner determined the complaints were founded in 133 cases and passed rulings ordering the controllers to take action on the requests. The Commissioner terminated the procedure by taking such decisions in 28 cases, because the controllers processed the requests before the Commissioner decided on the complaints (27), or because the complainant had withdrawn the complaint (1). The Commissioner dismissed 38 complaints on formal grounds and decided that 68 complaints were unfounded.

#### - ***Reasons for lodging complaints with the Commissioner***

The reasons for lodging of complaints with the Commissioner include **the rejection of a request to exercise rights by the controller (129), failure of the controller to act on the request (51), partial compliance by the controller (47), and failure to act even within the extended deadline (1).**

- *Violated rights on the grounds of which complaints were lodged with the Commissioner*

The requests which resulted in the lodging of complaints with the Commissioner due to inadequate actions of data controllers included the exercise of: **the right of access to data (66.1%), the right to deletion of personal data (32.2%), the right to correction and supplement (1.3%), and termination of data processing (0.4%).**

- *Structure of respondent controllers against whom complaints were lodged with the Commissioner*

As regards the structure of data controllers against whom complaints were lodged with the Commissioner, the largest number of the complaints, as many as **199**, were lodged against **non- or unsatisfactory processing on the part of public authorities across all levels** and authorities and organizations with delegated public powers. Most of these (93) were lodged against non- or unsatisfactory processing of the ministries, namely, against the Ministry of Interior 69, Ministry of Finance 18, and Ministry of Defence 6 complaints.

- *Transfer of data to other countries or international organizations and binding corporate rules*

In the course of 2024, the Commissioner dismissed the request submitted by the company MOL Serbia LLC Belgrade for the approval of binding corporate rules.

At the same time, in 2024, the Commissioner received a notification of data transfer to the United States of America in accordance with Article 69, paragraph 4, in conjunction with paragraph 2 of the Law on Personal Data Protection.

Table No. 2 - Summary of the Commissioner's activities and measures in the field of personal data protection in 2024

No.	Types of activities and measures	Total
1.	Cases received	3,372
2.	Cases completed	4,110
3.	Inspections	864
3.1	Corrective measures ordered	59
4.	Misdemeanour notices issued	2
5	Lodged petitions to institute misdemeanour proceedings	7
6.	Processed checklists	1,216
7	Complaints	267
8.	Replies to legal action	65
9.	Motions for administrative enforcement	3
9.1	Motions for administrative enforcement rejected	2
9.2	Motions for administrative enforcement dismissed on formal grounds	1
10	Request for repeated procedures	1
11	Notices of personal data breaches	45
12	Applications	403
13	Request for data transfer	1
14	Request for approval of binding corporate rules	1
15	Opinions	314

16	Preliminary opinion (Article 55 of the LPDP)	5
17	Records of requests to access retained data	103
18	Processed records of personal data protection officers	547
19	Processed decisions on appointment of representatives of foreign companies in accordance with the LPDP	14
20	Consent issued to the Commission on Missing Babies	3
21	Improvement of protection and prevention	249

### III Protection of rights before the Administrative Court and other courts

Judicial protection of free access to information in administrative proceedings before the Administrative Court is available as a means of reviewing the legality of the Commissioner's decisions and the decisions of the seven authorities that the complaints may not be lodged against with the Commissioner and which are exempted 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 Serbia, the Constitutional Court, the Prosecutor General, and the National Bank of Serbia).

A party dissatisfied with a decision has the right to file a complaint with the Administrative Court, same as the Prosecutor General, in cases a decision harms a public interest. Against the final decision of the Administrative Court, the party concerned, and the Prosecutor General may file a petition with the Supreme Court to review a judicial decision, in cases where the Administrative Court ruled on a case with full jurisdiction.

According to the information available to the Commissioner, **in 2024, 7,795 lawsuits against the Commissioner in the area of free access to information were filed with the Administrative Court.**

In the course of 2024, the Administrative Court resolved a total of 426 lawsuits (of the resolved lawsuits, 193 were from 2024, while 233 were from the previous period). The lawsuits were resolved as follows: 78 legal actions were rejected, 130 were dismissed, 202 procedures were terminated and 14 legal actions were upheld, i.e. of the Commissioner's ruling was overturned and the case was returned for repeated procedure, and 2 legal actions were resolved by other means.

According to the information available to the Commissioner, during 2024, **34 lawsuits against the Commissioner in the field of personal data protection were filed to the Administrative Court.** Complaints were filed against decisions taken based on complaints, as well as by applicants who were dissatisfied with the Commissioner's handling of complaints within the framework of inspection.

In 2024, the Administrative Court **concluded 14 lawsuits** (all from the previous period), by rejecting 13 lawsuits as unfounded, while dismissing 1 lawsuit.

The party concerned and the competent Public Prosecutor may file a petition with the **Supreme Court of Serbia to review a judicial decision, in cases where the Administrative Court ruled on a case with full jurisdiction.** In 2024, according to the letter from the Supreme Court<sup>6</sup>, **13 requests for review of Administrative Court decisions** were filed in cases where the Commissioner was the respondent. Of these, the Supreme Court rejected 12 requests and dismissed 1.

---

<sup>6</sup> Letter of the Supreme Court Su II 17a 12/25 dated 19 February 2025

In 2024, the **Constitutional Court**<sup>7</sup> received **13 constitutional appeals** against the Commissioner's decisions, and the Administrative Court, as well as decisions issued in 2024 concerning the application of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection. In the course of 2024, the Constitutional Court issued: Three decisions on constitutional appeals in the area of access to information, all of which were dismissed (one constitutional appeal was filed against a decision of the Commissioner, one against a decision of the Administrative Court rendered in response to a lawsuit against a decision of the Commissioner, and one against a decision of the Supreme Court concerning a judgment of the Administrative Court issued on the basis of a lawsuit against a decision of the Commissioner). At the same time, the Constitutional Court dismissed 41 constitutional appeals submitted by the same complainant concerning the area of personal data protection, on the grounds of alleged violations of the right to a fair trial and the right to equal protection of rights and legal remedy under Articles 32 and 36 of the Constitution of the Republic of Serbia (off these, 5 appeals were filed against decisions of the Administrative Court rendered in response to lawsuits against decisions of the Commissioner, 5 were filed against acts of other authorities, all related to violations of the Law on Personal Data Protection, and 31 were filed against decisions of the Commissioner).

---

<sup>7</sup> Letter of the Constitutional Court Su No. 84/1 dated 27 February 2025.

## **2 CURRENT STATUS AND IMPEDIMENTS TO EXERCISING THE RIGHT TO FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE AND THE RIGHT TO PERSONAL DATA PROTECTION**

### **2.A. THE RIGHT TO FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE**

#### **2.A.1. Legal framework**

Exercise and protection of the constitutionally guaranteed right to free access to information of public importance in Serbia are governed by the Law on Free Access to Information of Public Importance (LFAIPI). This Law has been amended and supplemented on a number of occasions, initially in 2007, when the requirements for the Commissioner's appointment were made more stringent, then in 2009, when its procedural and penal provisions were supplemented, and also in 2010, to determine competence for enforcement of the Commissioner's decisions. The most recent amendments to this Law were made in 2021, when major changes were introduced to address the existing issues in the implementation of the LFAIPI and the Commissioner's powers were significantly expanded. Namely, the Law amending the LFAIPI<sup>8</sup> came into force on 16 November 2021 and became effective on 17 February 2022.

The new Law amending the LFAIPI of 2021, created normative conditions for eliminating some of the key issues in this field (unavailability of administrative enforcement for the Commissioner's decisions, inadequate liability of employees and responsible persons at public authorities for compliance with the obligations under the LFAIPI). Furthermore, arrangements have been adopted which will significantly improve the state of play in this field and ensure more effective exercise of right to free access to information (strong affirmation of the principle of proactive transparency, expansion of the scope of public authority bodies subject to the Law, increased powers of the Commissioner, opening of field offices of the Commissioner outside of Belgrade; so far, offices have been opened in Novi Sad and Niš, and Kragujevac). It is particularly significant that the Commissioner received new powers with this law, i.e. the authority to issue a misdemeanour notice, when, in connection with a complaint against not processing the request (administrative silence), it is determined that the complaint is founded (Art. 24, paragraph 6, of the Law), as well as the authority to submit a petition to institute of misdemeanour proceedings for misdemeanours prescribed by the Law, when in the complaint procedure it is judged that there is a misdemeanour.

When it comes to international documents, the Commissioner once again points out that the Government Minister of Justice signed the Council of Europe Convention on Access to Official Documents ("Tromsø Convention") dated 18 June 2009, but that convention has still not been ratified by the National Assembly, nor has the Government initiated the procedure for the ratification of that Convention by the National Assembly. The significance of that Convention, which entered into force on 1 December 2020, is that it represents the first general legally binding document of the Council of Europe pertaining to access to official documents, regardless of the fact that the LFAIPI itself in certain

---

<sup>8</sup> "Official Gazette of the Republic of Serbia" No. 105 dated 8 November 2021.

segments provides a higher level of rights than the minimum required by the Convention, and which the Convention itself allows.

## 2.A.2. About Exercising the Right to Know in 2024 and the Impediments

The right to free access to information of public importance has continually been exercised in the Republic of Serbia to a great extent. It is mainly exercised by private individuals, followed by citizens' associations, journalists and members of the media, public authorities themselves, political parties and their members, attorneys, economic operators and others. Requesters have faced greatest difficulties when attempting to access information on budget spending, information on procedures before public authorities, and information on threats to and protection of the public health and environmental protection.

It can be generally concluded that the situation regarding access to information worsened in 2024 compared to the previous year. The number of founded complaints increased significantly (rising from 30.95% in 2023 to 47.65% in 2024). This data is particularly concerning because, despite the fact that one of the greatest obstacles to the public's right to know in 2024 was the widespread abuse of the right to access information,<sup>9</sup> the percentage of founded complaints increased to such an extent. The percentage of the unenforced decisions of the Commissioner decreased. The fact that the high percentage of complaints against the administrative silence of the public authorities pertaining to requests for access to information is lodged by journalists is of particular concern. Furthermore, the Commissioner has issued a significantly higher number of misdemeanour notices to authorized and responsible persons in public authorities because of administrative silence in response to requests to access to information of public importance compared to the previous year, and also filed a significantly higher number of petitions for institution of misdemeanour proceedings, which indicates that it is a good legal solution that, with the latest amendments to the LFAIPI, the Commissioner received new powers in connection with misdemeanour proceedings, on the one hand, but because of which the state of play in the field of access to information of public importance cannot be regarded as satisfactory to the required extent, on the other hand.

Certain improvements have been observed with regard to publishing information directories in the Single Information System of Information Directories, kept and maintained by the Commissioner, and submission to the Commissioner of annual reports on the actions undertaken to comply with the LFAIPI, albeit to an insufficient extent as well.

In essence, the overall state of play in the field of access to information is such that it may not be regarded as satisfactory to the required extent. At the same time, obtaining information from public authorities is still challenging, and even more so when these requests are made by the journalists, without lodging a complaint with the Commissioner or bringing legal action before the Administrative Court in situations where such complaints are not allowed.

Access to information is most commonly denied by claiming that the disclosure of the information would be a breach of someone's privacy (even when the persons concerned are public office holders and officials and the information concerns their work), often without proper reasoning or justification. There has also been a significant increase in the percentage of cases citing data confidentiality, namely business or professional secrecy, often without adequate justification from

---

<sup>9</sup> In 2024, the Commissioner rejected 3,102 complaints on the grounds of protecting the public interest, as the complaints were filed solely in personal and private interest to recover procedural costs, rather than in the public's interest to know.

public authorities explaining why, in a specific case, the protection of confidential data or business or professional secrecy outweighs the public's right to know. This significantly hampers access to information of public importance and unnecessarily delays the process of exercising this right.

Although there is an improvement compared to last year, the degree of the Commissioner's decisions that are not complied with (cases when public authorities do not provide information to requesters even after the Commissioner has ordered them to) is still high, however, when it comes to journalists' complaints, there is a higher percentage of the Commissioner's decisions that have not been enforced. Although the journalists use the LFAIPI as a basic tool in their professional activity, it is increasingly difficult for them to obtain information on the work of public authorities, which, among other things, is confirmed by the high percentage of decisions that are not complied with (**31.94%**) that the Commissioner has taken based on their complaints, ordering the authorities concerned to make the information available to them. The number of the Commissioner decisions taken upon processing the complaints by the journalists and the media representatives that are not complied with is higher than the general trend (**22.02%**) when it comes to other complainants. It is particularly concerning that journalists, who by the nature of their work write about and report on topics of exceptional public importance, have been denied access to very sensitive information such as environmental data, information on major projects, the management of public funds and resources, co-financing of media projects, legalisation of illegally constructed buildings, and similar matters. Adding to this is the fact that as many as **40.98%** of journalists' complaints submitted to the Commissioner in 2024 were due to the "silence" of public authorities (75 complaints out of a total of 183 complaints filed by journalists). This clearly shows that journalists face significant difficulties in obtaining information and, in other words, struggle to exercise their right to access information of public importance without intervention by the Commissioner.

Following last year's marked improvement in compliance with the obligations prescribed by Article 26 of the Law on Free Access to Information of Public Importance (the obligation to provide all data, information, and documents necessary for issuing a decision on a complaint)-which resulted from the Commissioner being granted the authority to initiate misdemeanour proceedings against heads of authorities who fail to grant access to any information carrier in accordance with Article 26 of the Law-the number of authorities failing to comply with the Commissioner's requests increased in 2024. Namely, when resolving complaints for breaches of freedom of information in the course of 2024, the Commissioner used the power granted to him under Article 26 of the LFAIPI in 44 cases and requested the respondent public authority to grant him, for consultation, access to documents containing the information requested by the requesters, so he could determine whether the information contained in such documents can be made available pursuant to the freedom of information requests or not. In 40 cases, the authorities submitted the requested files and documents to the Commissioner for inspection, and in 4 cases they did not do so (2 petitions for institution of misdemeanour proceedings were filed, after which the requested data were still not submitted, so finally the total number of complying with the Commissioner's orders pursuant to Article 26, of the LFAIPI, turned out to be 40 out of total 44 cases).

What made the work of the Commissioner's Office particularly difficult and burdensome in 2024 was the big number of cases of abuse of the right to access information of public importance (situations in which lawyers find and hire collaborators to send requests for access to information of public importance and complaints solely for the purpose of collecting the costs of the procedure). However, the situation in this regard has slightly improved compared to the previous year, as the measures the Commissioner has taken and continues to take-including consistently insisting on

appropriate amendments to the Law on Free Access to Information of Public Importance (LFAIPI); issuing decisions dismissing complaints filed by individuals clearly abusing the right to access information in order to protect the public interest; filing criminal charges against certain lawyers suspected of abusing the right to access information to commit criminal offences; notifying relevant bar associations about violations by individual lawyers; and numerous media appearances highlighting this problem to help resolve it-have yielded certain results, leading to a reduction in the number of complaints filed compared to the previous year. It is still concerning that there has been an increase in the number of subsequent requests within the meaning of Article 19 of the Law on Administrative Disputes, as well as in the number of lawsuits filed with the Administrative Court against the Commissioner.

The year 2024 confirmed the conclusion drawn in the previous year regarding the undesirable consequences caused by the revised position of the Administrative Court, taken at the 105th Full Judicial Panel held on 21 June 2022, regarding the justifiability of reimbursement of legal representation expenses to information requesters represented by lawyers in the complaint procedure before the Commissioner<sup>10</sup>. This resulted in the fact that in 2024, as many as 69.95% of complaints were lodged through lawyers, compared to the previous 9.7% of complaints filed through lawyers annually, which was the average before the court's revised position. Expressed in figures, in 2024 the Commissioner received 10,923 complaints, while 9,089 complaints were carried over from the previous period in which proceedings had not been completed. This means that the Commissioner handled a total of 20,012 complaints during 2024-the highest number of active complaints in progress since the establishment of the Commissioner's Office. In the area of freedom of access to information, a total of 21,449 cases were received, which in addition to the transferred 10,343 cases from the previous year meant handling a total of 31,792 cases in the field of access to information. Although a record 15,282 cases in the area of freedom of access to information were resolved in 2024 (of which 7,691 were complaints), it was not possible to resolve all cases within the deadline prescribed in the law, despite the fact that the Commissioner streamlined the activities of his office and issued orders to employees in almost all sectors in the Office to assist the Complaints and Enforcement Sector in the area of access to information in the activity carried out in that sector.

In 2024, the Commissioner received a significantly higher number of subsequent requests under Article 19 of the Law on Administrative Disputes, requesting the Commissioner to act as a second-instance authority and issue a decision within an additional seven-day period (7,608 subsequent requests in 2024 compared to 5,455 in 2023). Although the Commissioner was able to resolve a significant part of these requests within the deadline prescribed by law, there was a big number of them he did not manage to resolve. As a result of this, according to the information available to the Commissioner, the Administrative Court received **7,795 legal actions** against the Commissioner last year.

In addition, while writing this report, it was identified that by 31 January 2025 the Commissioner obliged the first-instance authorities to pay the amount of 66,275,500.00 dinars<sup>11</sup>

---

<sup>10</sup> Namely, on that occasion, the Administrative Court, after more than 13 years, revised its position, finding that the public authority bodies are now obliged to reimburse the costs of legal representation to the complainants in case that the Commissioner determines that the complaint is well-founded. See more about this in The Commissioner's Annual Report for 2022, under 2.A.3.1.

<sup>11</sup> Observed from the date the Commissioner became aware of the change in the Administrative Court's position, 3 November 2022.

(565,977.39 euros at the average exchange rate of the National Bank of Serbia on 18 February 2025) for the costs of the complaint procedure.

Unfortunately, the issue of the massive abuse of the right to access information was not resolved in a systemic manner in 2024 either, despite the Commissioner's great efforts and repeated appeals for urgent action. Namely, as soon as the new Government was formed in 2024, the Commissioner sent letters to the Government of the Republic of Serbia (letter no. 073-17-4202/2024-03 of 24 June 2024), the Ministry of Public Administration and Local Self-Government (letter no. 073-17-4200/2024-03 of 24 June 2024), the Ministry of Finance (letter no. 073-17-4201/2024-03 of 24 June 2024), and all members of parliament (letter no. 073-17-4320/2024-03 of 2 July 2024), pointing out this problem and insisting on urgent legislative amendments to the Law on Free Access to Information of Public Importance (LFAIPI) to address the issue.

The Minister of Public Administration and Local Self-Government immediately recognised the issue and responded by establishing a working group to draft the Law on Amendments to the LFAIPI, in which the Commissioner personally participated as a member. The working group prepared the draft text of this law, it underwent a public consultation process, and at the time of the preparation of this report, it had entered the legislative procedure. Namely, by act 05 no. 011-1155/2025 of 14 February 2025, the Government of the Republic of Serbia submitted to the National Assembly the Draft Law on Amendments to the Law on Free Access to Information of Public Importance. However, that draft law was withdrawn from the parliamentary procedure by the Government's letter 05 no. 011-2063/2025 of 5 March 2025.

The Commissioner expresses regret over the withdrawal of the aforementioned draft law from the parliamentary procedure and at the same time warns that the figures mentioned above will increase many times over, so tens and hundreds of millions of dinars will flow from the public budget into the "private pockets" of lawyers, who engaged with their associates to submit requests for access to information to first-instance authorities and they file complaints to the Commissioner solely for the purpose of collecting the costs of the procedure, and not for the purpose of exercising the right of public to know.

Furthermore, the Commissioner regrets to note that the rising trend in the number of cases in 2024 confirms the accuracy of the forecasts made in the previous annual report, and that-considering the trend that began in 2022 and has continued to date-the Commissioner's Office will, by 2028, have between 50,000 and 80,000<sup>12</sup> active and unresolved cases carried forward from previous years, unless an appropriate solution is found for the problem of abuse of the right. The Commissioner once again warns that this will hamper the functioning of the institution of the Commissioner, it will threaten the exercise and the protection of not only the right to access information, but also the right to protection of personal data. Subsequently, this will make the work of the Administrative Court cumbersome, which is also in a very difficult situation due to the drastic increase in the number of lawsuits, which will ultimately result in a very difficult access to justice with all the consequences that this entails, including the position of the Republic of Serbia in the pre-accession negotiations for association with the European Union, especially regarding Chapter 23 (judiciary and fundamental rights).

---

<sup>12</sup>The assessment is based on the trend followed since the moment the Administrative Court revised its position, and it concerns the total number of cases received in the field of free access in 2022, 2023, and 2024, the number of resolved cases in these years, the trend expressed in the receiving of new cases in the first two months of 2025, the complexity of the cases that need to be resolved, the number of employees at the moment in the Commissioner's Office, and the projection of hiring new employees (which depends on whether and to what extent the Commissioner will be granted funds for hiring new employees, but also the possibility of finding qualified personnel to handle these exceptionally complex legal tasks).

Furthermore, it should be recalled once again that due to this problem now the access to the requested information is very difficult for the journalists, associations dealing with the protection of human rights, persons seeking information on the protection of public health and endangering the environment, as well as all citizens seeking information in accordance with the purpose and the essence of the law, and which is a direct consequence of the massive abuse of the right to access information, because the capacity of the Commissioner, as the protector of the right to access information, is still overwhelmed by handling the cases of persons who blatantly abuse the right to access information.

This year, the Commissioner will also take all measures within his powers to solve the problem of abuse of rights in a systemic way and will continue to insist on amending the LFAIPI for the purpose of finding systemic ways to prevent abuse of rights.

### 2.A.3. Basic Impediments to Exercising the Right to Access Information

The impediments to exercising the right to free access to information in 2024 included the following:

- 1) abuse of the right to access information,
- 2) the journalists' difficulty in exercising the right to access information,
- 3) the public enterprises' difficulty in exercising the right to access information, and
- 4) non-compliance with the Commissioner's decisions.

It is crucial to understand that the abuse of the right to access to information, which stands out as the main impediments to exercising this right this year, same as in the previous years, has a direct impact on the proportions of the existence of the other three key hindrances (difficult exercise of the right to access information for journalists, difficult exercise of the right to access information in public enterprises, and non-compliance with the Commissioner's decisions), because the Commissioner also in 2024 had to divert a significant and the largest part of his capacities to solving the cases of persons who abuse the right to access information and file complaints solely with the aim of collecting the costs of the procedure, at the expense of solving journalistic complaints and undertaking measures and using the powers vested in him within his competence for the administrative enforcement of the decisions.

The essential impediments to exercising the right to free access to information is reflected in the following:

#### *2.A.3.1. Abuse of the right to access information*

Deletion of the legal concept of abuse of the rights from the LFAIPI <sup>13</sup> and revising the long-standing position of the Administrative Court regarding the reimbursement of representation costs in the complaint procedure at the 105th Full Judicial Panel 21 June 2021 are the reasons that led to a massive abuse of the right to access information as we are seeing today, on which the Commissioner reported to the National Assembly and to the public in his annual report for 2022 and 2023, so that part will not be repeated in this report. Hence, in this report the consequences of these reasons for exercising the right to access information in 2024 will be presented.

---

<sup>13</sup> Law amending the LFAIPI ("Official Gazette of the Republic of Serbia" No. 105/21)

Namely, in the Commissioner's Annual Report for 2023, under section 2.A.3.1., a detailed explanation was given regarding the average number of newly received complaints and cases per year in the field of free access to information before the change of stance by the Administrative Court in June 2022. Namely, before that, the average number of complaints received by the Commissioner on an annual level by all complainants from the Republic of Serbia, was 3,627 complaints, while the total number of all cases received under freedom of access on an annual level averaged 5,244 cases.

The massive abuse of this right has led to the Commissioner having a total of 20,012 complaints under review in 2024, which is the highest number of active complaints in progress since the establishment of the Commissioner's institution. The total number of cases in the field of free access to information amounted to 31,792, which is also the highest number of active cases in progress in this area since the establishment of the Commissioner's institution. A record total of 15,282 cases were resolved in the field of free access to information (of which 7,691 were complaints). Better results could not have been achieved, despite the fact that the Commissioner streamlined the activities of his office and issued orders to employees in almost all sectors in the Office to assist the Complaints and Enforcement Sector in the area of access to information, in the activity carried out in that sector. This is because the problem must primarily be resolved at a systemic level, which primarily entails appropriate amendments to the Law on Free Access to Information of Public Importance.

In this regard, it should be noted that in 2023 the Commissioner paid out 587,064.00 dinars from the Commissioner's budget for administrative dispute costs, and in 2024, more than five times that amount, specifically 3,156,627.00 dinars. Considering the number of unresolved cases before the Administrative Court in administrative disputes against the Commissioner, it is realistic to expect that the latter figure will multiply several times in 2025, which, if additional budgetary funds are not provided, could lead to the freezing of the Commissioner's accounts and consequently completely paralyse and jeopardise the work of this institution, which protects two important human rights guaranteed by the Constitution, namely the right to personal data protection (Article 42 of the Constitution) and the right to information (Article 51 of the Constitution).

For these reasons, **the Commissioner appeals and warns that it is absolutely necessary to urgently amend the Law on Free Access to Information of Public Importance.**

In order to reduce the extent of the existing abuse within its jurisdiction, the Commissioner, in 2024 as well, rejected complaints from complainants, i.e. information requesters, on the grounds of protecting the rights and legal interests of third parties, as well as protecting the public interest- the interest of the public to know in situations where it is undoubtedly established that the requests and complaints were submitted exclusively in private interest, in order to collect the costs of the procedure. This approach was applied in 3,102 cases (1,997 decisions were issued, while 1,105 cases were consolidated during the resolution process). For more details on this type of decision, see the Annual Report for 2023, under 2.A.3.1.

The Commissioner also reminds once again that, in addition to the enormous financial consequences of the abuse of the right to access information, there are also very serious non-material consequences for the realisation of rights, including, among others, the fact that in 2024 the Commissioner had to redirect the majority of its resources towards resolving cases involving individuals who abuse this right. Considering that the Commissioner, like any public authority, is responsible for spending public money, it is his duty to mitigate as much as possible the material consequences of the abuse of the right to access to information and the costs, that is, the costs of the lost administrative dispute due to the so-called silence regarding the lodged complaints. The direct

consequence of this is that the Commissioner cannot deal in a satisfactory manner with the problems of silence of the authorities regarding the requests of journalists for access to information and the non-compliance with the Commissioner's decisions, especially regarding complaints from journalists., as well as filing the petitions for institution of misdemeanour proceedings against the responsible persons in the public authorities who did not prepare and submit information directories and annual reports to the Commissioner, as he would otherwise be able to.

#### *2.A.3.2. The journalists' difficulty in exercising the right to access information*

The silence of public authority bodies with regard to requests for access to information is unacceptable and is a particularly serious form of violation of the citizens' rights to access information of public importance. Such behaviour is especially undesirable and impermissible when it comes to requests for access to information submitted by journalists, since by the nature of their profession they are *par excellence* representatives of the public, who seek information in the public interest in order to report on topics of special interest to the public. Therefore, the fact that as many as 40.98% of journalist complaints lodged with the Commissioner in 2024 were due to the "silence" of public authority bodies is of particular concern.

The percentage of the Commissioner decisions taken upon processing the complaints by the journalists and the media representatives that are not complied with is 31.94% and is higher than the general trend of 22.02% when it comes to other complainants. Not only is the percentage of the Commissioner's unenforced decisions on journalists' complaints significantly higher compared to the general trend of unenforced decisions concerning other complainants, but this also carries particular additional weight because journalists-who by the nature of their work report on topics of exceptional public importance and act in the public interest-are being denied very sensitive information, such as environmental data, information about major projects, management of public funds and resources, co-financing of media projects, legalisation of illegally constructed buildings, and the like.

All of the foregoing indicates that in 2024, the right of journalists to access information was significantly hindered.

#### *2.A.3.3. Difficulties in Exercising the Right to Access Information in Public Enterprises*

Among public authorities, the highest levels of non-compliance and breaches of the Law on Free Access to Information of Public Importance observed in 2024 were found in public enterprises, both at the national and local levels.

Of the 3,387 complaints received against public enterprises in 2024, as many as 1,689-or 49.86%-were filed due to so-called administrative silence. It is also indicative that, in 2024, there was approximately one complaint filed for every 1.1 requests submitted to public enterprises.

Of the 3,347 complaints resolved against public enterprises (including complaints from previous years carried forward into 2024), 1,636, or 47.5%, were founded.

What is particularly concerning is the attitude of public enterprises towards the Commissioner's binding, final, and enforceable decisions. Of the total 122 unenforced decisions of the Commissioner, as many as 64-or 52.5%-concern public enterprises (42 at the national level and 22 at the local level), which also indicates an exceptionally high degree of indiscipline and negligence in public enterprises regarding compliance with the obligations prescribed by the Law on Free Access to Information of Public Importance.

Additionally, of the 802 misdemeanour notices issued in 2024, as many as 423 or 52.74% were issued to responsible persons in public enterprises (60 responsible persons in local-level public enterprises and 363 in national public enterprises). Furthermore, of the 100 requests filed to initiate misdemeanour proceedings in the same year, 35 were filed against responsible persons in public enterprises (15 concerning local-level public enterprises and 20 concerning national public enterprises).

#### *2.A.3.4. Unenforced Decisions of the Commissioner*

The Law on Amendments to the Law on Free Access to Information of Public Importance, which entered into force on 17 February 2022, unblocked the mechanisms for enforcing the Commissioner's decisions (for the background on the issue of unenforced decisions in cases where the request for access to information of public importance was submitted before 17 February 2022, see the Commissioner's Annual Report for 2017). It also created the conditions for addressing two key problems related to the enforcement of the Commissioner's decisions: determining the amount of fines and establishing the authority responsible for enforcing imposed monetary penalties. Fines will range between RSD 20,000 and RSD 100,000 and may be imposed multiple times. Imposed fines will be enforced by a court, in accordance with the law governing execution and security. Proceeds from the fines will constitute revenue for the national budget.

Nevertheless, considering that the largest part of the Commissioner's capacities also in 2024 was mobilized to solve the problems related to the abuse of rights, the percentage of the decisions not complied with is still high at 22.02%. This percentage is still better compared to 2023, when the percentage of decisions not complied with was 25.17%, which indicates that the new powers of the Commissioner, primarily the option of filing a petition for the institution of misdemeanour proceedings, have yielded the results. However, in order for the Commissioner to direct his capacities to the desired extent to the administrative enforcement of his decisions, it is necessary to urgently solve the problem of abuse of rights in a systemic way, primarily through the amendments to the Law on Free Access to Information of Public Importance.

In 2024, the Commissioner imposed the first monetary fines for non-compliance with his decisions, in accordance with the Law on Amendments to the Law on Free Access to Information of Public Importance.

Two decisions were issued imposing fines in the amount of 50,000 dinars each. For one of the decisions imposing a fine, there is no information on whether the fine was paid, while the other fine was paid by the enforcement debtor, i.e. the first-instance authority. This is an extremely concerning fact, as the public authority chose to pay the fine rather than comply with the Commissioner's order to make the requested information available to the public.

## 2.A.4. Typical Cases of Inadequate Actions by Public Authorities in Response to Requests for Access to Information in 2024

### 1. Unfounded Invocation of Business Secrecy

There has also been a significant increase in the percentage of cases citing data confidentiality, namely business or professional secrecy, all that without adequate justification from public authorities explaining why, in a specific case, the protection of confidential data or business or professional secrecy outweighs the public's right to know. This significantly hampers access to information of public importance and unnecessarily delays the process of exercising this right. Authorities make a particularly large number of errors in applying the Law on Free Access to Information of Public Importance by invoking business secrecy as a reason for denying access to information, often without even providing an explanation as to why they believe access should be withheld. Such errors are made even in situations involving information that should be proactively disclosed.

The following case can be used to illustrate this.

The complainant requested information from the company "Telekom Srbija" JSC regarding how much money "Telekom Srbija" JSC in Belgrade allocated to the Serbian national football team for its participation in the World Cup in Qatar, as its general sponsor, as well as the sponsorship agreement signed between "Telekom Srbija" and the Football Association of Serbia. "Telekom Srbija" JSC denied access to this information on two occasions, explaining that, under Article 8, paragraph 1, item 6 of the Rulebook on the Protection of Business Secrets ("Official Gazette of Telekom Srbija," no. 156/2021 of 21 October 2021), an internal act adopted in accordance with the Law on Business Secrecy, information contained in contracts with business partners that are marked as business secrets- or information related to such contracts-is considered a business secret. By decision of the Commissioner<sup>14</sup>, the Telecommunications Company "Telekom Srbija" JSC was ordered to provide the requested information to the complainant. In the reasoning of its decision, the Commissioner stated, among other things, that the first-instance authority-on which the burden of proof lies-had failed, even in the repeated procedure, to demonstrate, in accordance with Articles 8 and 9, item 5 of the Law on Free Access to Information of Public Importance, that denying access to the information requested in the subject request was necessary in a democratic society for the protection of one of the overriding interests prescribed by the said law, outweighing the public interest to know. Moreover, the information in question concerns the funds provided by the general sponsor-i.e. the company "Telekom Srbija" JSC-to the recipient of the sponsorship, the Football Association of Serbia, under a sponsorship agreement intended to promote that company. These funds were allocated from the resources of that company, which is majority-owned by the Republic of Serbia, meaning they are effectively the funds of all citizens of the Republic of Serbia, as shareholders of the company. Therefore, there is an undeniable public interest-shared by the complainant as a representative of the public-in knowing this information, which relates to the spending of public money, and for which there is always an elevated public interest to know. This decision was not complied with.

---

<sup>14</sup> Decision No. 071-11-2829/2023-03 dated 19 January 2024.

## 2. Unfounded Invocation of Privacy and Personal Data Protection

Public authorities most frequently deny access to requested information on the grounds that providing such information would violate someone's privacy, often without adequate justification or evidence. The right to access information and the right to personal data protection are often in conflict, and careful balancing is required to determine which interest prevails in a given case-whether it is the public's right to know or the interest in protecting privacy and personal data rights. Public authorities most often automatically refuse access to information of public importance that also constitutes personal data, even though such information should be made available because it relates to the expenditure of public funds, the work of public office holders and officials, and not to their private lives, etc.

The following three cases can be used to illustrate this:

In the first case, the Commissioner, by his decision,<sup>15</sup> annulled the Ministry of Economy of the Republic of Serbia's refusal of the complainant's request and ordered the Ministry to provide the requested information, namely copies of documents/lists containing the names and years of service of shareholders who acquired the right to free shares of JSC "C Market." However, before providing the information, personal data such as the names and surnames of other shareholders, parents' names, personal identification numbers (JMBG), dates of birth, places and countries of birth, total length of service, and other personal details must be protected and made inaccessible. This is because the requested information constitutes a condition for obtaining free shares pursuant to Article 23 of the Law on the Right to Free Shares and Pecuniary Compensation that citizens are entitled to in the privatisation process ("Official Gazette of RS," Nos. 123/2007 ... 112/2015). This law stipulates that employees and former employees of the enterprise prior to privatisation have the right to the gratuitous transfer of shares of that enterprise proportionate to their years of service in that enterprise and its legal predecessors. Therefore, the conditions of Article 14, paragraph 1, item 2 of the Law on Free Access to Information of Public Importance are met, meaning the public-in this case, the complainant-has the right to access the requested information because one of the exceptions to the right to privacy applies. This decision has not been complied with.

In the second case, the Commissioner ordered<sup>16</sup> the first-instance authority to grant the complainant access to information containing the names and surnames of individuals who received jubilee awards. The Commissioner reasoned that the authority erred in its contested decisions denying access to this information, because when personal data simultaneously constitute information of public importance and the public authority processes personal data to realise the justified public interest in being informed, the provisions of Article 14 of the Law on Free Access to Information of Public Importance apply-specifically paragraph 1, item 2 of that Article. This is due to the fact that the requested information concerns individuals employed in a public enterprise and their exercising the right to jubilee awards, which were paid with public funds, and is not related to their private lives. Therefore, in this particular case, the condition for the exception to the right to privacy pursuant to Article 14, paragraph 1, item 2 of the Law on Free Access to Information of Public Importance, in connection with Article 8, paragraph 1 of the same law, is met, meaning the requested information should be made available to the public, given that the scope of privacy of these individuals is narrower compared to that of so-called "ordinary citizens." Furthermore, the information in question pertains to

---

<sup>15</sup> Decision No. 071-11-3481/2024-03 dated 23 May 2024.

<sup>16</sup> Decision No. 071-11-18889/2023-03 dated 19 March 2024

the lawfulness of the public authority's work and compliance with the established procedures for the payment of jubilee awards. This ruling has been complied with.

In the third case, the Commissioner ordered<sup>17</sup> the Ministry of Information and Telecommunications to provide the complainant with the professional biographies of individuals who applied to be members of the commission for evaluating media projects but were not selected in the competition. The Commissioner reasoned that the first-instance authority erred in its contested decision denying the complainant's request because there is an undeniable strong public interest in being informed about the process of fund allocation in project co-financing, the criteria by which the candidates' biographies were evaluated for commission membership, as well as the biographies of all candidates-both those who decided on the distribution of budget funds and those who were not given such an opportunity because, after the evaluation of their biographies, they received fewer points than the selected candidates, i.e., those assessed as more qualified to decide on the allocation of budget funds. Therefore, in the Commissioner's assessment, information relating to all candidates who applied to be members of the commission and whose qualifications were scored during the selection process should be made available to the public. This is to ensure transparency in the project co-financing procedure and to inform the public about the qualifications (such as work experience, education, courses, training, awards, etc.) that distinguished the selected commission members from the other applicants, resulting in their higher ranking on the scoring list after the evaluation of their biographies. This ruling has been complied with.

### **3. Failure to Respond Within 48 Hours to Requests for Access to Information Concerning Public Health and Environmental Hazards**

The legislator prescribed in Article 16, paragraph 2 of the Law on Free Access to Information of Public Importance a deadline of 48 hours from receipt of the request for action, if the request concerns information that can be presumed to be significant for the protection of a person's life or freedom, or for the threat to or protection of public health and the environment. By prescribing such a privileged, short deadline for responding to these requests-deviating from the usual general deadline of 15 days-the legislator's intention is to oblige public authorities to promptly and efficiently provide citizens with necessary information in situations related to threats to or protection of public health or the environment. These situations can be characterised as extremely urgent and/or alarming, involving sudden and unforeseen hazards to public health or the environment, enabling citizens to make informed decisions regarding their health and to adjust their behaviour accordingly to the current situation. Unfortunately, first-instance authorities almost never recognise such situations and fail to act on requests within the prescribed 48-hour deadline from the moment the request is received.

The following two cases can be used to illustrate this.

In the first case, the Commissioner's decision<sup>18</sup> established that the Mother and Child Healthcare Institute of Serbia "Dr Vukan Čupić" was obligated to respond to the request within 48 hours of its receipt. This was in a situation where the requested information concerned "whooping cough," at a time when the number of whooping cough cases was increasing day by day. Given that it is a highly contagious condition, and numerous media outlets reported that the number of cases

---

<sup>17</sup> Decision No. 071-11-1288/2024-03 dated 20 May 2024

<sup>18</sup> By Decision No. 071-11-1852/2024-03 dated 18 March 2024, the Commissioner ordered the first-instance public authority to act on the request for access to information.

registered was higher than in the previous three years, with infants aged two, three, or four months at risk of developing a very severe clinical condition, the disease potentially having a serious clinical course, and being life-threatening for newborns and infants, the Institute was required to act promptly.

In the second case, the Commissioner's decision established that information regarding the emissions of harmful particles dangerous to human health in the territory of the city of Novi Sad, following a fire that broke out in Novi Sad on 21 May 2024, constitutes information about emissions into the environment. According to Article 3, item 33(d) of the Law on Environmental Protection, such information relates to the threat to or protection of the environment. Consequently, requests for such information must be handled in accordance with Article 16, paragraph 2 of the Law on Free Access to Information of Public Importance, meaning the request must be processed within 48 hours of receipt<sup>19</sup>.

## 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 by Articles 7 and 8, of the Charter. The Charter is incorporated in the Lisbon Treaty and is 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 of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC<sup>20</sup> is a key document in this field that has been directly applicable in the EU Member States since May 2018.

**3. “Law Enforcement Directive”**- Directive (EU) 2016/680 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, detection, investigation, or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977, took effect in May 2018. The “Law Enforcement Directive” protects personal data of victims, witnesses, and suspects in criminal trials and facilitates cross-border cooperation in the fight against crime and terrorism.

---

<sup>19</sup> Decision No. 071-11-7610/2024-03 dated 22 July 2024.

<sup>20</sup> [www.poverenik.rs/sr/meђunarodni-dokumenti6/meђunarodni-dokumenti-arhiva/3447-direktiva-95-46-e3.html](http://www.poverenik.rs/sr/meђunarodni-dokumenti6/meђunarodni-dokumenti-arhiva/3447-direktiva-95-46-e3.html)

*Acquis Communautaire* in the field of personal data protection includes also other regulations, as well as judgments of the Court of Justice of the European Union and decisions of the European Data Protection Board<sup>21</sup>. A strong impetus to further improvement of relevant protection of personal data is provided by the European Data Protection Supervisor<sup>22</sup>, as well as dedicated data protection units and high officials at Europol and Eurojust.

Serbia's willingness to embark on the path of European integration, especially after 1 September 2013, the effective date of the Stabilization and Association Agreement<sup>23</sup> between the European Communities and their Member States of the one part, and the Republic of Serbia, of the other part, commits the country to harmonize its personal data protection legislation with *acquis Communautaire* and other European and international privacy regulations (Article 81 of the SAA). In terms of international law, harmonisation of national personal data legislation with *acquis Communautaire* is Serbia's international law commitment under the Stabilization and Association Agreement.

- **Council of Europe**

1. **European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**<sup>24</sup> – Article 8 guarantees the right to privacy.
2. **Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108)**<sup>25</sup> – the first legally binding international document in the field of personal data protection.
3. **Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**<sup>26</sup>;
4. **Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108+)**<sup>27</sup>;

#### *2.B.1.2. National Legal Framework*

---

<sup>21</sup> The European Data Protection Board, formerly Article 29 Working Party, has the status of an EU body. It is comprised of representatives of national data protection bodies and the European Data Protection Supervisor. The EDPB has broad decision-making powers in disputes between national data protection bodies and provides advice and guidance on the key concepts of the GDPR and the Law Enforcement Directive.

<sup>22</sup> The European Data Protection Supervisor is an independent supervisory body which guarantees compliance of EU institutions and bodies with their data protection obligations. The main duties of the EDPS include supervision, counselling and cooperation.

<sup>23</sup> Law on Ratification of the Stabilisation and Association Agreement between the European Communities and their Member States of the one part, and the Republic of Serbia, of the other part ("Official Gazette of the Republic of Serbia - International Treaties" No. 83/2008).

<sup>24</sup> The ECHR came into force on 3 September 1953 and has 47 parties. The Republic of Serbia became a party on 3 March 2004

<sup>25</sup> The Convention 108 came into force on 1 October 1985 and has 55 parties. The Republic of Serbia became a party on 1 January 2006

<sup>26</sup> The Additional Protocol came into force on 1 July 2004 and has 44 parties. The Republic of Serbia became a party to the Additional Protocol on 8 December 2008

<sup>27</sup> "Official Gazette of the Republic of Serbia - International Treaties", No. 98/2008

The legal framework for personal data protection in the Republic of Serbia is comprised of the following legislation:

- 1. Constitution of the Republic of Serbia** – The provisions of Article 42 guarantee the right to personal data protection<sup>28</sup>;
- 2. Law on Ratification of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**<sup>29</sup>;
- 3. Law on Ratification of the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**<sup>30</sup>;
- 4. Law on Ratification of the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**<sup>31</sup>;
- 5. Law on Personal Data Protection – LPDP.**

The LPDP is the key piece of legislation in the field of personal data protection. It was enacted in November 2018, but its effectiveness was delayed by nine months, until 22 August 2019.

In accordance with the need to complete the national legal framework, the Commissioner passed certain secondary legislation<sup>32</sup> on the basis of his obligations and power under the LPDP to regulate the field of personal data protection in more detail, including:

1. Bylaw on the Form and Manner of Keeping Records of Personal Data Protection Officers<sup>33</sup>;
2. Bylaw on the Form and Manner of Keeping Internal Records of Breaches of the Law on Personal Data Protection and Measures undertaken in the Course of Inspections<sup>34</sup>;
3. Bylaw on the Form of Notice of Personal Data Breach and Notifying the Commissioner for Information of Public Importance and Personal Data Protection of Personal Data Breaches<sup>35</sup>;
4. Bylaw on the Form of the Complaint<sup>36</sup>;
5. Decision on the List of Types of Personal Data Processing Activities that require a Data Protection Impact Assessment and an Opinion of the Commissioner for Information of Public Importance and Personal Data Protection<sup>37</sup>;

---

<sup>28</sup> Constitution of the Republic of Serbia, Article 42 - Protection of personal data shall be guaranteed. Collecting, keeping, processing and using of personal data shall be regulated by the law. Use of personal data for any purpose other than the one they were collected for shall be prohibited and punishable in accordance with the law, unless this is necessary to conduct criminal proceedings or protect safety of the Republic of Serbia, in a manner stipulated by the law. Everyone shall have the right to be informed about personal data collected about him, in accordance with the law, and the right to court protection in case of their abuse.

<sup>29</sup> “Official Gazette of the SRJ - International Agreement”, No. 1/92, “Official Gazette of the SCG – International Agreement”, No. 11/2005 and other laws and “Official Gazette of the Republic of Serbia- International Agreement”, No. 98/2008 and other laws and No. 12/2010

<sup>30</sup> “Official Gazette of the Republic of Serbia- International Agreement”, No. 98/2008

<sup>31</sup> “Official Gazette of the Republic of Serbia- International Agreement”, No. 4/2020.

<sup>32</sup> All by-laws have been published in the Official Gazette of the Republic of Serbia and on the Commissioner's website at [www.poverenik.rs/sr/подзаконски-акти4.html](http://www.poverenik.rs/sr/подзаконски-акти4.html).

<sup>33</sup> “Official Gazette of the Republic of Serbia” No. 40/2019

<sup>34</sup> “Official Gazette of the Republic of Serbia” No. 40/2019

<sup>35</sup> “Official Gazette of the Republic of Serbia” No. 40/2019

<sup>36</sup> “Official Gazette of the Republic of Serbia” No. 40/2019

<sup>37</sup> “Official Gazette of the Republic of Serbia” No. 45/2019 and 112/2020

6. Bylaw on the Form of the Official Identity Document of Persons Authorized to conduct Inspections under the Law on Personal Data Protection<sup>38</sup>;
7. Decision on Endorsement of Standard Contractual Clauses<sup>39</sup>.

In addition to the secondary legislation passed by the Commissioner, there is one piece of secondary legislation passed and published by the Government:

1. Decision on the List of Countries, Parts of Their Territory or One or More Sectors within Specific Industries in Those Countries and International Organizations which are considered to provide an Adequate Level of Personal Data Protection.<sup>40</sup>

## 2.B.2. Main Impediments to Exercising the Right to Personal Data Protection

### 2.B.2.1. *Deficiencies of the LPDP*

The LPDP provides improved protection for the right to personal data protection and increases the scope of obligations and responsibilities for those who process data. Nevertheless, the main impediments to exercising the right to personal data protection are the numerous deficiencies of the LPDP, including in particular vague provisions and translated mechanisms which do not exist in the national legal system, which means its applicability remains questionable. The wording of the LPDP is largely an adapted translation of the GDPR (although the Recitals, as an integral part of the GDPR which provides the necessary background for interpreting the regulation, are not included in the LPDP), as well as the so-called Law Enforcement Directive, which governs personal data processing by the competent authorities in connection with criminal proceedings and threats to national safety. As a result of inadequate transposition of the Law Enforcement Directive, the LPDP establishes two parallel data protection regimes: a general one and a special regime, the latter being applicable to “competent authorities”.

The LPDP does not properly elaborate the procedural provisions governing the Commissioner’s processing of complaints. The LPDP includes a provision under which the data subject has the right to file a complaint with the Commissioner, which does not affect the data subject’s right to apply for other administrative or judicial remedies. And since the authorities before which such procedures may be conducted (the Commissioner, the Administrative Court, higher courts) have no obligation to notify one another or check whether such procedure is pending before another authority, this gives rise to the issue of compliance with the principle “*ne bis in idem*” (no double prosecution or punishment). This means that any procedure where multiple remedies are applied to protect data subjects’ rights threaten to undermine legal certainty.

Considering that many issues are not regulated at all or are not properly regulated in the LPDP and certain provisions are not specific enough, that certain articles include an unacceptably high number of paragraphs, and that cases of exemption from application of the LPDP are extremely numerous, its effective application is certainly hampered, and it is therefore necessary to amend it.

---

<sup>38</sup> “Official Gazette of the Republic of Serbia” No. 61/2019

<sup>39</sup> Official Gazette of the Republic of Serbia” No. 5/2020

<sup>40</sup> “Official Gazette of the Republic of Serbia” No. 55/2019

#### *2.B.2.2. Lack of Harmonisation of Other Laws with the LPDP*

The obligation imposed by Article 100, of the LPDP, under which the provisions of other laws pertaining to personal data processing were to be harmonized with the provisions of the LPDP by the end of 2020, has not yet been fulfilled.

Since the LPDP regulates the subject matter of data protection far more comprehensively than the previously applicable regime, including by prescribing the quality and content of the provisions of other regulations, and many regulations had been passed before the effective date of the LPDP, while in certain cases the Commissioner's opinions on draft laws have not been incorporated in the final provisions of the enacted laws, it is necessary to either amend the relevant regulations or consider passing new ones.

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

On 25 August 2023, the Government of the Republic of Serbia adopted the Personal Data Protection Strategy for the period 2023-2030 ("Official Gazette of the RS" No. 72/2023). At the time of preparing this Annual Report, the Action Plan for the period 2025 to 2027 for the implementation of the Personal Data Protection Strategy for the period 2023 to 2030 was adopted ("Official Gazette of RS," No. 20/2025). The adoption of this Action Plan will significantly contribute to the improved and more efficient protection of the personal data of all citizens of the Republic of Serbia. It will enable the necessary normative changes in this direction, as well as the implementation of activities and measures prescribed by the Strategy, which will greatly advance the realisation of this important human right.

Bearing in mind the importance of the right to the protection of personal data as a right guaranteed by the Constitution and a human right recognized in numerous international legal instruments (including Convention 108 of the Council of Europe and the European Charter of Fundamental Rights of the EU), in the era of universal digitization and advanced information technologies, it is necessary to additionally strengthen the data protection mechanisms, while ensuring the smooth flow of data on the open (digital) European and world market.

Recognizing the importance of this issue, the Strategy establishes goals and measures for consistently harmonizing the legal framework of the Republic of Serbia with the EU rules and standards for the protection of personal data in order to ensure the improvement of citizens' rights in connection with the processing of their personal data, as well as greater productivity and competitiveness of the market, which is in the interest of both citizens and business entities as well as democratic society as a whole. Since information, including personal data, is the foundation of modern economic development on which many products and services are based, and data protection and security have become a truly global phenomenon, the vision pursued by this strategy is: Protected data - safer citizens!

A fair, clear, practical and harmonized legal framework governing data processing with full compliance with European rules and values, especially the rules governing the protection of personal data and the position of the Commissioner as an independent and independent body, requires to ensure appropriate financial, organizational, personnel and technical resources. Strengthening the capacity of this authority would lead to a strengthening of the Commissioner's role in raising public awareness of the risks, rules, protection measures and rights related to the processing of personal data, which would mean an additional contribution to the measures taken so that the Republic of Serbia respects and

promotes the basic values of the family of the European countries to which it undoubtedly belongs, as well as to additionally strengthen the existing personal data protection mechanisms, which, along with strengthening the individual rights of entities, also imply a better understanding and more efficient performance of the obligations of data controllers and processors, with clear and effective measures for the exercising of those rights. The establishment of a functional personal data protection system enables the European Commission to make a decision with effect throughout the EU that the Republic of Serbia provides an appropriate level of data protection, which will create the condition that the transfer of personal data from the EU countries to the Republic of Serbia can be carried out without additional administrative obligations.

## 2.B.4. Illustrative Cases Re the Right to Personal Data Protection

### *2.B.4.1. Illustrative Cases of Preventive Action by the Commissioner*

**1. The Commissioner received a request for an opinion on whether, for the sake of streamlining the process, it is acceptable to have only one designated signature block for the standard contractual clauses at the end of the document (after all annexes), without this being deemed contrary to Article 5 of the Decision on the Establishment of Standard Contractual Clauses.**

The reply given by the Commissioner to the requester states the following:

The application of the Standard Contractual Clauses adopted by the Commissioner (Decision on the Establishment of Standard Contractual Clauses – “Official Gazette of RS,” No. 5/2020) to regulate the legal relationship between the controller and the processor is provided as an option in Articles 45 and 65 of the Law on Personal Data Protection (“Official Gazette of RS,” No. 87/2018). They may be applied either as a standalone contract or as part of a contract between the controller and the processor, in the form prescribed by the Decision on the Establishment of Standard Contractual Clauses (item 4 of the Decision).

If the contracting parties choose to apply them, the clauses cannot be altered, which includes signing them in a manner different from that prescribed; otherwise, they will not be considered Standard Contractual Clauses within the meaning of Articles 45 and 65 of the Law (item 5 of the Decision).

**2. The Commissioner received a request for an opinion on the retention period for “written communication” of former employees.**

The reply given by the Commissioner to the requester states the following:

Assuming that the term refers to electronic communication, such as via email, we hereby, from the standpoint of the application of the Law on Personal Data Protection (“Official Gazette of RS,” No. 87/2018), generally note the following.

An email address, if structured in such a way that a person’s identity can be determined from it, certainly constitutes personal data. This typically includes email addresses composed of the person’s first and last name along with the name of the organisation they work for but also applies in all other cases where a person can be identified either directly or indirectly through the email address, in

combination with other information. On the other hand, the email correspondence itself-through which employees communicate with one another or with parties outside the organisation (such as clients, etc.)-as well as any potential private email communication of employees, may contain personal data relating both to employees and to other individuals. Such data may often include sensitive personal data and/or special categories of personal data

Special categories of personal data include, for example, data concerning health, political opinions, religious beliefs, trade union membership, and other data listed in Article 17 of the Law on Personal Data Protection. The processing of such data is subject to a stricter regime, under which processing is generally prohibited and permitted only exceptionally, provided that one of the conditions set out in paragraph 2 of the same article is met. On the other hand, certain types of personal data, although not formally classified as special categories of personal data, may by their nature be considered sensitive, as their misuse could lead to more serious consequences for the rights and freedoms of individuals. Such data include, for example, financial information-such as a person's current account number, card number, etc.-and their processing requires additional caution.

Therefore, employee email communication may contain various types of personal data. To ensure proper handling of such communication, the employer must first timely identify all relevant data, determine their sources, types, and nature, define the categories of individuals concerned, the purpose and legal basis for processing, and assess whether the employer is authorised to process such data at all. It is important to note that "processing" does not refer solely to storage, but also includes access to the data, their use, disclosure to third parties, and any other action taken with the data, in accordance with Article 4, item 3) of the Law.

As for processing in the field of employment relations, pursuant to Article 91 of the Law, the regulations governing labour and employment shall primarily apply in such cases of processing, along with the application of the processing principles set out in Article 5 of the Law on Personal Data Protection and other general rules and corresponding obligations established by that Law.

One of the principles of processing established by the Law on Personal Data Protection is the principle of "storage limitation", according to which personal data must be kept in a form which permits identification of the data subject only for as long as is necessary to fulfil the purpose of processing (Article 5, paragraph 1, item 5 of the Law).

Therefore, when determining an appropriate retention period for personal data, one must first consider the purpose of the processing-that is, the reason why certain data are being processed-bearing in mind that once the purpose has been fulfilled, the need to retain the data ceases to exist. Of course, the very purpose of the processing must first be clearly defined, explicit, justified, and lawful, with an appropriate legal basis for the processing in accordance with Article 12 of the Law, taking into account all other relevant aspects of the processing in each specific case. Retention periods for personal data may also be determined by specific regulations governing processing in a particular activity or sector, and in such cases, the data controller is obliged to comply with the prescribed statutory deadlines.

**3. The Commissioner received a request for an opinion regarding Article 42 of the Law on Personal Data Protection, which pertains to protective measures, specifically the provisions of this article that define the obligations of the controller (paragraph 1, items 1) and 2)). The request states that the company has developed software for "transcribing conversations, meetings, inspections, and similar activities", and asks whether it is possible to obtain some form of Certificate or Recommendation from the competent authorities confirming that this software**

**constitutes a protective measure in accordance with Article 42 of the Law on Personal Data Protection.**

The reply given by the Commissioner to the requester states the following:

Pursuant to the obligation under Article 41 of the Law on Personal Data Protection ("Official Gazette of RS", No. 87/2018), the controller is required to implement appropriate technical, organisational, and personnel measures to ensure that the processing is carried out in accordance with this law and to be able to demonstrate such compliance, taking into account the nature, scope, context and purpose of processing, as well as the likelihood and severity of the risk to the rights and freedoms of natural persons. Personal data protection measures shall be reviewed and updated if necessary, and, where proportionate to the data processing, such measures shall include the implementation of appropriate internal acts of the controller regarding personal data protection.

It is important to note that already at the stage of determining the method of processing, as well as during the processing itself, the controller is obliged to implement appropriate technical, organisational and human resources measures (e.g. pseudonymisation), aimed at ensuring the effective application of the principles of personal data protection (e.g. data minimisation), and is also obliged to ensure the implementation of necessary protection mechanisms during the processing, in order to meet the conditions for processing prescribed by this Law and to protect the rights and freedoms of the data subjects.

Appropriate personal data protection measures must be implemented at the earliest stage-the stage of planning, integration, and establishment of a given system-that is, at the point when the means and method of processing are being determined. However, adequate protection must also be ensured continuously-throughout the entire duration of the personal data processing. The effectiveness of a given data protection measure must be monitored and reviewed throughout the entire lifecycle of the system.

The Law prescribes what personal data protection measures may include; such measures may, in particular, encompass the following: 1) pseudonymisation and encryption of personal data; 2) the ability to ensure ongoing confidentiality, integrity, availability, and resilience of processing systems and services; 3) the ability to restore the availability of and access to personal data in a timely manner in the event of physical or technical incidents; 4) a process for regularly testing, assessing, and evaluating the effectiveness of technical, organisational, and personnel-related measures for ensuring the security of processing.

When assessing the appropriate level of security for personal data, controllers are required to take into particular account the risks related to the processing, especially the risks of accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed (Article 50, paragraph 3).

When it comes to the security of personal data and the implementation of appropriate protection measures, all relevant circumstances in which the processing will take place must be thoroughly considered - i.e. the nature of the processing itself, including the manner in which it is carried out, the types of personal data (for example, whether special categories of data such as health data are being processed), the categories of individuals whose data are being processed (e.g. sensitive categories such as children, the elderly, employees), the purpose and legal basis for the processing and whether it is aligned with special regulations applicable to the specific field, who the participants in the processing are and the nature of their mutual relationships, etc.

As already emphasised, particular attention must be given to identifying all potential risks associated with the processing (as well as the sources of those risks) and their impact on the rights and freedoms of the individuals whose data are being processed. This is because the very concept of data protection and security established in the Law on Personal Data Protection (modelled after the European General Data Protection Regulation) is a concept based on risk assessment.

Therefore, the answer to the question of whether, for example, a particular software solution would constitute an adequate personal data protection measure will depend on all of the above-mentioned aspects in which the processing is to be carried out. Accordingly, it must be assessed in each specific case whether such a solution would represent an appropriate and sufficient personal data protection measure-either on its own or in conjunction with other protective measures applied by the controller in that particular case.

We emphasize that ensuring an adequate level of data security involves not only the implementation of technical measures but also organizational and personnel measures, such as continuous training of employees who perform processing activities. In practice, it may happen that a technical solution alone is insufficient to guarantee an appropriate level of personal data protection because, for example, employees within the organization may lack any or possess an inadequate level of knowledge regarding their obligations concerning personal data protection, etc.

Therefore, the responsibility for compliance always rests with the data controller, who must be able to demonstrate and prove that the processing is in accordance with the Law, including the application of adequate personal data protection measures (the principle of “accountability” from Article 5, paragraph 2 of the Law). The Commissioner, on the other hand, can express an opinion on a specific processing only within the framework of the appropriate procedure under their jurisdiction as defined by Articles 77 to 79 of the Law, and only after establishing all essential facts and circumstances necessary for making a decision.

**4. The Commissioner received a request for an opinion regarding the obligation to appoint a Data Protection Officer, specifically related to Article 56, paragraph 2, item 2) of the Law on Personal Data Protection. The request asked whether the “obligations of intermediaries, as entities under the Law on Prevention of Money Laundering and Terrorism Financing (ZPMLTF), in terms of implementing the prescribed actions and measures to prevent money laundering and terrorism financing, might be considered the primary activity of the intermediary (beyond the activity prescribed by the Law on Mediation in Real Estate Sales and Leasing), which would thereby necessarily imply the intermediary’s obligation to appoint a Data Protection Officer.”**

The reply given by the Commissioner to the requester states the following:

In this regard, we first point out that the provisions of the Law on Personal Data Protection (“Official Gazette of RS”, No. 87/18), as well as the provisions of other regulations governing the processing of personal data, are applied independently by data controllers and other data processing entities, taking into account all relevant circumstances within which they undertake specific personal data processing.

We point this out because the Commissioner takes a position on specific cases of personal data processing only within the framework of the appropriate procedure within its jurisdiction, in which this authority establishes the relevant circumstances and facts of that case (such as proceedings following a complaint by an individual, inspection procedures, etc.).

Therefore, on this occasion, we generally point out that the obligation to designate a Data Protection Officer is established by the provisions of Article 56, paragraph 2 of the Law, so the data controller and the processor are required to appoint a Data Protection Officer if: 1) the processing is carried out by public authorities, except for processing by a court for the purpose of exercising its judicial powers; 2) the core activities of the controller or the processor comprise processing activities the nature, scope or purposes of which are such that they require regular and systematic supervision of a large number of data subjects; 3) the core activities of the controller or the processor comprise large-scale processing of the special types of personal data referred to in Article 17 paragraph 1 or of personal data concerning criminal convictions and punishable offences referred to in Article 19 of this Law.

In all other cases, the controller or the processor has no obligation to designate a personal data protection officer but can opt to do so of their own accord.

Since the Law on Personal Data Protection does not further define the terms contained in Article 56, paragraph 2, item 2 of the Law - which establishes one of the cases in which the controller and processor are obliged to appoint a Data Protection Officer - we hereby point out that the Commissioner holds the view that the term "core activities of the controller or processor" refers to the main business processes of the controller or processor within their primary activity, where the processing of personal data is performed as an essential part of those activities. Furthermore, processing activities that require "regular and systematic monitoring" refer to continuous, organized, and ongoing actions or processes carried out according to a planned schedule, which enable continuous processing and updating of data. The term "systematic monitoring" should be understood as processing that involves all forms of observation, tracking, or surveillance of individuals, whether in a physical or digital environment. There is no precise definition of "a large number of individuals," however, we consider that it includes situations where the processing concerns a significant portion of a specific population. In such cases, it is important to also consider the proportion relative to the total population or the target group of individuals, within the scope of the activities carried out by the controller or processor.

**5. The Commissioner received a request for an opinion regarding whether the valid Standard Contractual Clauses developed by the Commissioner can be applied as protective measures for the transfer of personal data, not only in the situation where the controller is in Serbia and the processor is in a third country, but also for the transfer of data when the processor is in Serbia and the controller is in a third country.**

The reply given by the Commissioner to the requester states the following:

According to the Law on Personal Data Protection, the mutual relations between the controller and the processor are regulated in accordance with the provisions of Articles 45 and 46 of this law. In particular, Article 45, paragraph 3, stipulates that processing by the processor must be governed by a contract or another legally binding act concluded in writing, which binds the processor to the controller. Furthermore, paragraph 4, item 1) of the same article states that the processor is obliged to process personal data only on the basis of the controller's written instructions, including instructions regarding the transfer of personal data to other countries or international organizations.

Also, the legal relationship between the controller and the processor, in accordance with Article 45, paragraph 10 of the Law on Personal Data Protection, may be based entirely or partially on standard contractual clauses, and the Commissioner is authorized to draft such standard contractual clauses. The Decision on the

Establishment of Standard Contractual Clauses adopted by the Commissioner was published in the “Official Gazette of the Republic of Serbia,” No. 5/2020.

The mentioned Standard Contractual Clauses exclusively regulate the relationship between the controller and the processor in accordance with the Commissioner’s authority under Article 45, paragraph 11 of the Law on Personal Data Protection. Among other things, these clauses establish that the controller and the processor are obliged to carry out the processing in accordance with the Law on Personal Data Protection, as well as other applicable regulations of the Republic of Serbia (Articles 2-5, 7, 9, 10, and 11 of the Standard Contractual Clauses).

According to the Law on Personal Data Protection, if personal data is transferred to other countries or international organizations, the conditions prescribed in Articles 63 to 72 of the Act must be met.

When transferring personal data to another country, to part of its territory, or to one or more sectors of specific activities in that country, or to an international organization for which the list under Article 64, paragraph 7 of the Law on Personal Data Protection (LPDP) has not established an adequate level of protection, according to Article 65, paragraph 2 of the LPDP, appropriate safeguards for these data may be provided without the Commissioner’s special approval by using the standard contractual clauses developed by the Commissioner in accordance with Article 45 of this law, which fully regulate the legal relationship between the controller and the processor.

Therefore, taking the above into account, we point out that the Standard Contractual Clauses adopted by the Commissioner regulate the relationship between the controller and the processor in cases where the controller is obliged to carry out the processing of personal data, including the transfer of personal data to another country, part of its territory, one or more sectors of specific activities in that country, or to an international organization, in accordance with the Law on Personal Data Protection (LPDP) and other applicable regulations of the Republic of Serbia.

Accordingly, the Standard Contractual Clauses adopted by the Commissioner may be applied as a means of ensuring appropriate data protection measures in the context of the transfer of personal data to another country, part of its territory, one or more sectors of specific activities in that country, or to an international organization for which no adequate level of protection has been established pursuant to the list referred to in Article 64, paragraph 7 of the Law on Personal Data Protection, only when the transfer is made from the controller to the processor, and not vice versa.

#### *2.B.4.2. Illustrative Cases concerning the Exercise of Data Subjects’ Rights in Complaint Procedures*

### **1. Balancing test between the right to freedom of expression and the right to personal data protection**

AA and BB, on their own behalf and as legal representatives of their minor child, filed a complaint regarding the violation of the right to erasure and cessation of personal data processing by a business entity acting as the Controller, which refused their request to exercise rights related to the processing of personal data - specifically, a request for the erasure of personal data and an objection, by which they demanded from the Controller the cessation of processing as well as the deletion of all collected personal data of the applicants, citing the provision of Article 30, paragraph 2, item 4) of the Law on Personal Data Protection, on the grounds that the personal data were processed unlawfully. The complaint states that the Controller is a business entity which, as part of its activity, produces a broadcast in which it follows other individuals, including the complainants, and records them without

their knowledge or consent; that no notification regarding the processing was given, making such collection and processing of personal data unlawful; and that the Controller uses the recordings to generate profit by broadcasting them on its YouTube channel and licensing them to a television station for a fee.

In its response to the complaint, the Controller stated that in this specific case, the processing of personal data is subject to the provisions of Article 88 of the Law on Personal Data Protection. The Controller asserted that it qualifies as an independent producer under Article 4, Paragraph 1, Item 16 of the Law on Electronic Media (“Official Gazette of RS”, No. 92/2023), as it is engaged in the production of audiovisual content for the purpose of providing audiovisual media services by the media. Furthermore, the Controller explained that its employees hold the status of journalists, and that the relevant broadcast is produced in accordance with the Law on Public Information and Media (“Official Gazette of RS”, No. 92/2023) and the Law on Electronic Media. It is further stated that, for the application of Article 88 of the Law on Personal Data Protection, it is not necessary for the Controller to be registered in the Media Register maintained by the Business Registers Agency, but only that the processing is carried out for the purposes of journalistic investigation and publishing information in the media, as well as for the purposes of artistic expression of its author, as indicated at the beginning of the broadcast. It is further stated that even if the Commissioner takes the position that there is no basis for applying Article 88 of the Law on Personal Data Protection, the Controller is not obliged to delete the data pursuant to Article 30, paragraph 5 of the same law, because the processing of the relevant data is necessary for the exercise of the right to freedom of expression and information, as the data are processed exclusively for the purposes of producing the TV show.

Article 42, paragraph 1 of the Constitution of the Republic of Serbia (“Official Gazette of RS”, No. 98/2006) stipulates that the protection of personal data is guaranteed.

Article 46 of the Constitution of the Republic of Serbia guarantees freedom of thought and expression, as well as the freedom to seek, receive, and disseminate information and ideas by speech, writing, image, or other means. It also provides that freedom of expression may be restricted by law when necessary to protect the rights and reputation of others, preserve the authority and impartiality of the judiciary, and safeguard public health, morals of democratic society, and national security of the Republic of Serbia.

Article 194, paragraph 4 of the Constitution provides that ratified international treaties and generally accepted rules of international law are part of the legal order of the Republic of Serbia.

The European Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by the Republic of Serbia through the Law on Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms (“Official Gazette of SCG – International Treaties”, Nos. 9/2003, 5/2005 and 7/2005 – consolidated, and “Official Gazette of RS – International Treaties”, Nos. 12/2010 and 10/2015), in Article 8, paragraph 1, stipulates that everyone has the right to respect for their private and family life, home, and correspondence; and in paragraph 2, that public authorities shall not interfere with the exercise of this right except as is in accordance with the law and necessary in a democratic society in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. Article 10 of the mentioned Convention, among other things, stipulates that everyone has the right to freedom of expression, and that this right includes the freedom to hold opinions, receive and impart information and ideas without interference by public authorities and regardless of frontiers. However, the exercise of these freedoms carries duties and responsibilities, and therefore may be subject to formalities, conditions, restrictions, or penalties

as prescribed by law and necessary in a democratic society in the interests of national security, territorial integrity, or public safety; for the prevention of disorder or crime; for the protection of health or morals; for the protection of the reputation or rights of others; for preventing the disclosure of information received in confidence; or for maintaining the authority and impartiality of the judiciary.

Having regard to the above, as well as based on the review of the relevant broadcasts and video recordings, it has been established that the processing in question cannot be considered as carried out for journalistic purposes, i.e., for the purpose of journalistic investigation and publishing information in the media, since these broadcasts do not disclose information, opinions, or ideas to the public. Consequently, the processing is not necessary for the protection of the freedom of information but rather pertains to an entertainment program aimed at entertaining and satisfying public interest in the private lives of celebrities. Therefore, it may only represent a form of artistic expression by the author, as the Controller also states in its response. This conclusion is further supported by data from the Business Registers Agency, which indicates that the Controller is engaged in artistic activities, i.e., entertainment, and in that sense, the processing of the data in question has been assessed.

However, although the right to freedom of expression is a constitutional and legally guaranteed right, like all other human rights in a democratic society, it is not absolute, but limited by other rights, including the right to the protection of personal data. This right is also not absolute; therefore, in each specific case, it is necessary to perform a balancing test between these rights, in accordance with the principle of "data minimisation" prescribed by the Law on Personal Data Protection.

Therefore, when deciding on the complaint and conducting the balancing test, the Commissioner, although the request was not submitted to an internet search engine, took into account, among other things, the guidelines of the Article 29 Working Party regarding the implementation of the Court of Justice of the European Union's judgment in case C-131/12 "Google Spain SL and Google Inc. v. Agencia Española de Protección de Datos, Mario Costeja González," as well as the guidelines of the European Data Protection Board No. 5/2019 on the criteria for applying the right to be forgotten by search engines under the General Data Protection Regulation. In doing so, the Commissioner considered the circumstances such as: whether the data subject plays a role in public life; whether the information is related to their professional life and the nature of that profession; whether the public interest in having access to the information outweighs the data subject's right to a certain degree of privacy; whether the data subject is a minor; whether the data includes special categories of personal data or relates to criminal offenses; whether the data is accurate; whether the content was published for journalistic purposes; whether the data subject is put at risk, among others. The Commissioner also took into account the case law of the European Court of Human Rights regarding violations of the right to respect for private and family life as guaranteed by Article 8 of the European Convention on Human Rights, as well as the case law of the Court of Justice of the European Union.

Namely, when it comes to the protection of privacy, there is no doubt that a distinction exists between individuals who are not known to the general public and those who participate in public life (in politics, economics, the arts, the social sphere, sports, or any other area of social life). Persons who play a role in public life are inevitably and knowingly exposed to scrutiny of their words and actions, partly due to public interest and partly because of the influence they have on others. This scrutiny comes both from journalists and the public at large, and therefore their right to the protection of personal data is narrower compared to that of other individuals. Also, when it comes to persons who play a role in public life, it is necessary to distinguish between the publication of data concerning aspects of their private life, on the one hand, and data relating to them in their public capacity, on the

other. Although such persons also enjoy protection of their private life, under certain circumstances the public's right to be informed may extend to aspects of their private life.

When performing the balancing test between the right to the protection of personal data and the right to freedom of expression, the Commissioner found that the personal data of a minor, in the form of video footage of their face included in the broadcasts, is not data for which the interest of freedom of expression outweighs the right to privacy. This conclusion is primarily based on the fact that the data subject is a minor, i.e. a child, that the legal guardians – the parents – did not give consent for the said processing, and therefore there is no legal basis for the processing of such data. Regarding the data about the preschool institution attended by the child, the Commissioner holds that there is no public interest in the disclosure of that information either. Likewise, data such as the house number and the appearance of the complainants' family home from the street side, based on which the exact location of the house can be determined, as well as data on the licence plates of vehicles used by the complainants, which are included in the broadcasts produced by the Controller, intrude upon the complainants' privacy to a greater extent than is appropriate. In other words, they are not necessary for the exercise of freedom of expression, and in this case, the rights and freedoms of the data subjects prevail. Namely, these personal data do not contribute to fulfilling the public's interest in the lives of these public figures in a democratic society; that is, the conditions under Article 30, paragraph 5, item 1) of the Law on Personal Data Protection have not been met, since, as previously stated, the processing is not necessary for the exercise of freedom of expression. Even if the processing were carried out for journalistic purposes, the said processing of personal data would not be necessary for the protection of the freedom of information.

Therefore, the Commissioner found the complaint to be partially founded, and ordered the Controller to delete from the video recordings it had produced and holds the following personal data of the complainants: the image of the minor, the view and number of the complainants' family house, the data on the vehicle licence plates used by the complainants, and the name of the preschool institution attended by the minor. The Commissioner found the complaint unfounded in the part requesting deletion of the images of complainants AA and BB, bearing in mind their role in public life, finding it undisputed that there is a high level of public interest in various aspects of their lives, including, to an appropriate extent, their private life. Furthermore, the complainants did not present reasons related to their specific situation nor provided evidence indicating that the processing of their personal data-their images in the broadcasts produced by the Controller-had caused harmful consequences or placed them in danger, other than a reduced level of privacy, which is a "discomfort" that does not exceed the extent borne by public figures as part of their vocation, to which they have consciously committed themselves, thereby accepting all that such a role entails and that may reasonably be expected in certain situations. The aforementioned certainly does not exempt the Controller from the obligation to comply with the principle of data minimisation, which requires that personal data must be proportionate, necessary, and limited to what is essential in relation to the purpose of the processing. The Commissioner also determined that the complaint is unfounded in the part where it requests that the Controller delete from the video footage the information about the bank where complainant BB holds an account, as this request was not included in the data subject's request submitted to the Controller.

Number: 072-16-1212/2024-06

## **2. The procedure for accessing a social media account cannot be equated with the procedure for exercising the rights of a data subject in relation to the processing of personal data**

AA filed a complaint with the Commissioner against the company Meta Platforms, Inc. USA, as the data controller, due to a violation of the right of access to and deletion of personal data, pursuant to Articles 26 and 30 of the Law on Personal Data Protection. The complaint states that the complainant has been unable to access their Facebook account since June 2024 in order to delete their profile on the platform, because an error message appears when attempting to log in. It also states that the complainant submitted requests to the Controller in both June and October, but both requests were denied.

A review of the case files revealed that the complainant contacted the Controller electronically and asked how they could exercise their rights without access to their account. The complainant further stated that they had been unable to access their account for more than a week in order to exercise their privacy rights, and even after following all the steps on the help page, they still received an error message-in English-with the following content: "Sorry, something went wrong. We are working to fix this as soon as possible." On the same day, the Controller responded to him electronically, in English, by providing instructions on how, from a technical standpoint, he could access his information on Facebook, download it, transfer it, and delete the information or the account, as well as suggesting that he could visit the Help Centre, providing several links to different pages on the Internet, and stating that he could ask additional questions if he had any. It was also established that the complainant contacted the Controller again electronically, stating that he wished to delete his user account, that since June 2024 Facebook had been showing an error and not allowing him to log in and delete the account himself, so he was forced to request the deletion through that channel, and therefore asked the Controller to delete his user account. The Controller responded to this on the same day, in the same manner as in the previous reply, by directing him to a dedicated support channel in order to recover access to his account.

Therefore, since the complaint was submitted due to a violation of the right to access and erasure of personal data on the grounds that the Controller failed to act upon the complainant's request in which he reported a problem accessing his social media account, the Commissioner finds that the complaint is unfounded.

The process of accessing a social media account cannot be equated with the exercise of an individual's rights regarding the processing of personal data under the Law on Personal Data Protection, which stipulates that a person has the right to information on whether the Controller is processing their personal data, access to that data and the right to obtain a copy of the data, as well as the right to rectification and amendment, erasure of data, data portability, etc., and that the Commissioner acts upon complaints submitted by data subjects and determines whether there has been a violation of this law.

Failure to act upon a request/report for the recovery of a Facebook account does not constitute a violation of the right of access to personal data. In the present case, access to the data contained in the complainant's account was not denied by the Controller, but it is evident that there is a technical issue which, as stated, prevents the complainant from exercising that access. This matter does not fall within the competence of the Commissioner, and the complainant can resolve it only through interaction with the Controller.

Number: 072-16-2484/2024-06

**3. Someone's claims that certain events related to the complainant have occurred, which the complainant states are untrue, do not constitute personal data within the meaning of the Law on Personal Data Protection.**

AA submitted a complaint to the Commissioner due to the controller's failure to act upon his objection dated 7 May 2024. A review of the case file revealed that the complainant, through his legal representative, sent a "Notice before lawsuit" to the controller on 7 May 2024, pursuant to Articles 199 and 200 of the Law on Contractual Relations, demanding the removal of a specific article from the website within eight days of receipt of the notice, on the grounds that false information (claims) related to him had been published, causing him non-pecuniary damage, reflected in intense emotional distress due to the violation of his reputation and honour. The remainder of the "Notice before lawsuit" states that inaccurate information was published in this way regarding the complainant's altered marital and family status, which constitutes personal data within the meaning of Article 4, item 1) of the Law on Personal Data Protection, and that his personal data were therefore processed contrary to the principles of the Law on Personal Data Protection, including, among others, not in accordance with Article 12, paragraph 1 of the same law. Consequently, the data are eligible for removal, and the controller is requested to delete the disputed article within eight days, otherwise legal action will be initiated before the competent court for compensation of non-pecuniary damage due to emotional distress caused by the violation of his reputation and honour, as well as proceedings before the Commissioner and the competent court for violation of the provisions of the Law on Personal Data Protection.

Article 2, paragraph 1 of the Law on Personal Data Protection stipulates that this law ensures the protection of the fundamental rights and freedoms of natural persons, especially their right to the personal data protection.

The provision of Article 4 of the same law, item 1) sets out that "personal data" is any data that refers to a natural person whose identity is determined or determinable, directly or indirectly, especially on the basis of personal identity data, such as name and identification number, location data, identifiers in electronic communication networks or one or more characteristics of his physical, physiological, genetic, mental, economic, cultural, and social identity.

Taking into account all the above, the Commissioner is of the opinion that the information contained in the mentioned text concerning the complainant, whose falsity he disputes, does not constitute personal data within the meaning of Article 4, item 1) of the Law on Personal Data Protection. This is because they do not represent personal data in the form of factual information - data, nor are they part of any specific data sets; rather, in this particular case, they consist of someone's claims - assertions about an event related to the complainant, which he states are untrue. Therefore, such information cannot be considered personal data within the meaning of the Law on Personal Data Protection, as it lacks the necessary attributes-given that their accuracy, completeness, and currency cannot be verified in this procedure. Instead, the truthfulness of statements made by someone in public concerning a natural person may be subject to dispute or proof in specific proceedings before a court or other competent authority. Therefore, since this does not concern the exercise of a data subject's rights regarding the processing of personal data, the Commissioner found that, in this specific case, there was no violation of the complainant's rights related to the processing of personal data and consequently determined that the complaint is unfounded.

Number: 072-16-1908/2024-06

**4. The procedure regarding the complaint was discontinued because the data controller doubted the authenticity of the power of attorney and informed the complainant's legal representatives accordingly.**

AA, through his attorneys BB and VV, lawyers from Kragujevac, filed a complaint due to UniCredit Bank Serbia JSC, as the Data Controller, failing to act within the legally prescribed deadline on the request submitted on 6 September 2023 for exercising the rights related to personal data processing, by which he requested, pursuant to Article 21 of the Law on Personal Data Protection, to receive the cash loan agreement dated 6 April 2015. Along with the complaint, the request dated 6 September 2023 was submitted, as well as a delivery receipt from the customer service system "index.aspx" confirming that the shipment RE...RS was delivered to the Data Controller on 8 September 2023, and a power of attorney for representation.

In the response to the complaint dated 31 October 2023, the Data Controller stated that due to an operational oversight, it did not act on the request within the deadline. However, after receiving the complaint, in accordance with internal procedures, it verified the submitted power of attorney and, suspecting its authenticity, contacted the client by phone, who stated that they were not aware of the "highlighted request by the lawyer." The Data Controller also stated that the submitted power of attorney does not contain all the elements prescribed by the Code of Professional Ethics for Lawyers, specifically the date of signing by the grantor of the power of attorney. Furthermore, on 30 October 2023, the Data Controller informed lawyers BB and VV that it was unable to provide the requested data concerning the complainant.

In a subsequent statement dated 16 November 2023, the Data Controller indicated that, by letter dated 15 November 2023, they further informed lawyers BB and VV that they could submit a new request for exercising rights based on an adequate power of attorney, and that the possibility of acting on such a request would be assessed in accordance with internal procedures. On 4 December 2023, the Data Controller provided a delivery receipt/report confirming that the registered shipment RE...RS dated 15 November 2023 was delivered to the joint law office on 27 December 2023.

Article 21, paragraph 3 of the Law on Personal Data Protection prescribes that the controller is obliged to provide the data subject with information on the action taken in response to the request without delay, and at the latest within 30 days from the date of receipt of the request. Paragraph 4 prescribes that if the controller does not act on the data subject's request, they must inform the data subject of the reasons for non-action without delay, and at the latest within 30 days from the date of receipt of the request, as well as about the right to file a complaint with the Commissioner or to initiate legal proceedings before the court.

Article 101, paragraph 1 of the Law on General Administrative Procedure prescribes that the procedure shall be discontinued if the authority finds that there are no conditions for it to continue, and the law does not require the procedure to be continued.

Taking into account the fact that the complaint was filed due to the Controller's failure to act within the statutory 30-day period following the request for exercising the right of access to personal data dated 6 September 2023, as well as the fact that the Controller, after the complaint was submitted, by letters dated 30 October and 27 December 2023, informed the complainant's authorised representatives of the reasons why it was unable to comply with the request and the conditions under which the requested right could be exercised - that is, it acted in accordance with the cited Article 21 of the Law on Personal Data Protection - there are no grounds for further proceedings on the complaint

filed due to the Controller's failure to act, i.e., the Controller's "silence" regarding the request to exercise the right.

Number: 072-16-2705/2023-06

**5. The complaint is well-founded because the Controller did not provide the complainant with a copy of the requested personal data**

Extract from the statement of reasons:

AA filed a complaint due to a violation of the right of access to personal data by the Higher Education Institution from Belgrade as the Data Controller, because, with letter no. 699 dated 8 December 2023, by which the Controller responded to his request, he received three documents that he had prepared himself. Therefore, by delivering these documents, it cannot be considered that the Controller complied with the request in which he sought official documents prepared by the authority and employees of the Controller, used in external and internal communication with state bodies and institutions, and in which his name and data concerning both private and professional aspects of his personality are stated. He further stated that his request pertained to all official correspondence prepared by the acting director and forwarded via email.

In its response to the complaint, the Data Controller fully maintained the statements from its earlier reply, by which it informed the Commissioner under decision number 072-16-2154/2023-06 dated 26 October 2023 that it had provided the complainant with copies of the requested documents.

Under Article 4 paragraph 1 item 1) of the Law on Personal Data Protection, personal data means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person, and item 2) that the data subject is a natural person whose data is processed, and item 3), that the processing of personal data is, among other things, any action or set of actions performed either automated or non-automated with personal data.

Article 21, paragraph 1 of the Law on Personal Data Protection prescribes, among other things, that the controller must take appropriate measures to provide the data subject with all information regarding the exercise of rights prescribed by this law, in a concise, transparent, comprehensible, and easily accessible manner, using clear and simple language. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means; paragraph 2 provides inter alia that the controller shall facilitate the exercising of data subject rights; paragraph 3 provides inter alia that the controller shall provide information on the processing of the request to the data subject without undue delay and in any event within 30 days of receipt of the request; paragraph 4 provides that, if the controller does not process the request of the data subject, the controller shall inform the data subject without delay and at the latest within 30 days of receipt of the request about the reasons for not processing it and on the possibility of lodging a complaint with the Commissioner and seeking a judicial remedy.

Article 26 paragraph 1 of the Law provides, inter alia, that the data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, access to the personal data, while paragraph 3 provides that the controller shall provide a copy of the personal data related to that data subject undergoing processing.

Under Article 79, paragraph 2, point 3, of the same Law, the Commissioner may order the controller and the processor to process the request concerning the exercise of data subject rights, in accordance with this Law.

Having considered the content of the request by which the complainant sought, pursuant to the Law on Personal Data Protection, to obtain information and a copy of the data relating to him contained in the official documents of the Controller regarding the assessment of his professional and private life, the content of the response to the request in which the Controller provided copies of letters that the complainant himself prepared based on contractual engagement with the Security-Information Agency and submitted to the acting director of the Controller, the allegations in the complaint, the statement on the complaint, as well as the cited legal provisions, the Commissioner finds that the complaint is justified because the Controller did not provide the complainant with the information he requested, i.e., did not deliver a copy of the data relating to him, if such data are in its possession, nor did it inform him of the reasons for not acting on the request.

Namely, it cannot be accepted that the Controller complied with the complainant's request and the Commissioner's order from decision number 072-16-2154/2023-06 dated 26 October 2023, in the manner prescribed by Article 21 of the Law on Personal Data Protection, by providing the complainant with copies of letters that the complainant himself prepared. In this specific case, the subject of the request concerned data processed for the purpose of assessing the professional and private life of the complainant, and not the data that was provided to him. Under the quoted provision of Article 21 of the Law on Personal Data Protection, the Controller is required to inform the data subject whether their personal data is being processed, and if the answer is affirmative, to provide certain information about the processing of the data relating to them and to issue a copy of the data; otherwise, the Controller must inform the requester of the reasons for not taking action. Since the Controller, in this specific case, failed to act accordingly-that is, failed to comply with the request to exercise the right which, in the Commissioner's assessment, was sufficiently clear so as not to leave any doubt as to which data was concerned-the Commissioner finds that there has been a violation of the complainant's rights regarding the processing of personal data. Therefore, the decision as stated in the operative part of this ruling has been made.

Number: 072-16-3269/2023-06

## **6. The complaint is partially founded**

Extract from the statement of reasons:

AA, residing in Belgrade, filed a complaint through his attorney, BB from Belgrade, due to a violation of the right of access to personal data by the company VV from Belgrade, represented by the law office GG from Belgrade, claiming that the Controller, contrary to the provisions of Article 21 of the Law on Personal Data Protection, did not fully comply with his request for access to personal data under Article 26 of the same Law, and that he was not provided with the information referred to in Article 23 of the Law on Personal Data Protection, which the Controller was obliged to provide at the time the data were collected.

The complainant further states that the Controller terminated his employment contract on the grounds of inappropriate use of work resources and violation of the provisions of general acts, and that he learned from the content of the termination decision that the Controller had obtained the information that he had downloaded a large number of documents from Google Drive from the internal

system Google Log Monitoring. He believes that the Controller processed a large amount of his personal data without his knowledge for the purpose of monitoring his behaviour, and that the decision to terminate his employment contract was made based on automated processing of personal data, without any human involvement, even though the Controller had informed him that the processing of his data was not based on automated decision-making. Moreover, the Controller failed to conduct a risk assessment in accordance with the law. He also states that in its response and supplementary response to his request dated 2 October and 1 December 2023, the Controller did not provide all the answers, nor did it supply the requested information, and in certain instances gave unclear and untrue responses. In support of this, he points out that the Controller stated that his data was being processed on the basis of legitimate interest, but failed to specify what that interest entailed and whether it outweighed his own interest and right to personal data protection; that the Controller did not inform him which software was used to determine that he was the one who had downloaded a large amount of data, whether the entity in question is a controller or a processor and whether a contract has been concluded with it, whether it is located domestically or abroad, and who the recipients or categories of recipients of his data are-without naming a single one; that the Controller's response regarding the types of data being processed about him was also incomplete, as neither of the two responses provided included data relating to his phone number, email address, IP address, device serial number, or video surveillance data, and that he was not informed of the specific personal data protection measures taken. He proposes that the Commissioner order the Controller to act upon the request for the exercise of rights, and additionally determine whether the Controller failed to fulfil the obligation under Article 23 of the Law on Personal Data Protection, whether the processing of his personal data was lawful, and whether the Controller unlawfully monitored his behaviour as an employee, thereby infringing on his privacy. In the complaint, he also stated a request for the Controller to reimburse the costs of the proceedings in the amount of RSD 76,500.00 for the drafting of the complaint. The complaint was accompanied by the request dated 1 September 2024, the power of attorney for representation dated 16 August 2023, the decision on termination of the employment contract dated 6 June 2023, the response to the request and its supplement dated 2 October and 1 December 2023.

In the response to the complaint, the Controller stated that the complainant had been employed under an employment contract; that his employment was terminated by a decision on dismissal due to a breach of work duties and failure to comply with work discipline, namely the rules regarding the storage and retrieval of data from the company database stored on Google Drive; and that, in response to the request for the exercise of rights dated 1 September 2023, the complainant was first provided with a partial response on 2 October 2023, followed by a supplementary response on 1 December 2023. It is argued that the complaint is unfounded; that the complainant, in the complaint, failed to provide any explanation as to what was unclear in the response and the supplement that were delivered to him; that there was no obligation to respond to questions which the complainant had not even raised in his request, such as the issue of data processing based on legitimate interest, the software used to determine that it was he who downloaded a large amount of data, the controller or processor of the software, and the contract concluded with them. Additionally, by the supplementary response, the complainant was explicitly informed that his personal data were not subject to profiling, given that profiling is any form of automated processing used to evaluate certain personal characteristics, particularly for the purpose of analysing or predicting an individual's work performance, economic situation, health condition, personal preferences, interests, reliability, behaviour, location, or movement. Therefore, monitoring traffic on the cloud system used (Google Disk) does not constitute profiling or monitoring employee behaviour within the meaning of the Law on Personal Data

Protection, but rather represents measures implemented to detect unauthorized storage and retrieval of documents, which was the reason for the complainant's termination of employment. He also states that the decision to terminate the employment contract was not made in an automated manner and that no rights of the complainant were suspended, restricted, or revoked based on a report generated by the Google Log Monitoring system without human involvement. As evidence, he attached decisions on the complainant's suspension from work dated 10 March and 6 April 2023, as well as the decision on the termination of the employment contract dated 6 June 2023, which show that these decisions were not based on automated processing of personal data, as the employer (the Data Controller) considered all circumstances of the case, including the complainant's culpability for breaching work obligations. Since he informed the complainant about the types of recipients of his data and the types of personal data processed about him, he considers the complainant's claim unfounded that his data related to phone number, email address, IP address, device serial number, and video surveillance are being processed, as these are not processed by him, and that the device serial number is not personal data. Furthermore, information about technical, organizational, and personnel measures does not constitute information to which the data subject is entitled under the provisions of Article 26 of the Law on Personal Data Protection. He requests that the complainant reimburse him for the costs of preparing the response to the complaint in the amount of 76,500.00 dinars, in accordance with the attorney's tariff. Along with the response, he submitted copies of all the attachments that were provided to the complainant with the reply and the supplementary reply to the request.

In the supplementary statement dated 10 June 2024, the Controller stated that a subsequent check established that he is in possession of documents containing the complainant's mobile phone number (a work number that was transferred to private use at the complainant's request); that the complainant's email address is contained in the evidence material in the dispute initiated by the complainant against him, and that the complainant's work email address is no longer active, as it has not been in use since the termination of his employment. He further stated that the data on multiple IP addresses used by the complainant form part of the IT report, but that the complainant was not identified via IP address when accessing the data, but rather through the user account; that he is in possession of data about the device the complainant used for business purposes (a laptop), but that the data about the computer do not constitute personal data within the meaning of Article 4 of the Law on Personal Data Protection. He requests that the complainant reimburse him for the costs of preparing the supplementary response to the complaint in the amount of 76,500.00 dinars, in accordance with the attorney's tariff.

Under Article 4 paragraph 1 item 1) of the Law on Personal Data Protection, personal data means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person, and item 2) that the data subject is a natural person whose data is processed, and item 3) that the processing of personal data is, among other things, any action or set of actions performed either automated or non-automated with personal data or the sets of data.

Article 21, paragraph 3 of the Law on Personal Data Protection stipulates, among other things, that the controller is obliged to provide the data subject with information on the actions taken on the request referred to in Article 26, Articles 29 to 31, Article 33, and Articles 36 to 38 of this Law without delay and no later than 30 days from the date of receipt of the request. This period may be extended by an additional 60 days if necessary, taking into account the complexity and number of requests. Paragraph 4 further stipulates that if the controller fails to act upon the data subject's request, they

must inform the data subject without delay, and no later than 30 days from the date of receipt of the request, of the reasons for not acting and of the right to file a complaint with the Commissioner or to initiate legal proceedings before the court.

The provision of Article 26, paragraph 1, of the same law, among other things, prescribes that the data subject has the right to request from the controller the information on whether it is processing his data and access to that data, as well as the following information: 1) the purposes of the processing; 2) the categories of personal data concerned; 3) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations; 4) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period; 5) the existence of the right to request from the controller rectification or erasure of personal data concerning the data subject; 6) the right to lodge a complaint with the Commissioner; 7) where the personal data are not collected from the data subject, any available information as to their source; 8) the existence of automated decision-making, including profiling, referred to in Article 38 paragraph 1 and 4 of this Law, and, at the very least in such cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject. Paragraph 2 of the same Article stipulates that if personal data are transferred to another country or an international organisation, the data subject has the right to be informed about the appropriate safeguards relating to the transfer, in accordance with Article 65 of this Law. Paragraph 3 stipulates that the controller is obliged, at the request of the data subject, to provide a copy of the personal data being processed.

Under Article 79, paragraph 2, point 3, of the Law on Personal Data Protection, the Commissioner may order the controller and the processor to process the request concerning the exercise of data subject rights, in accordance with this Law.

Taking into account the content of the request by which the complainant asked the Controller to inform him of all the data about him being processed and to provide a copy thereof, the allegations in the complaint that, in neither of the two responses received from the Controller, he was provided with information regarding the processing of his phone number, email address, IP address, device serial number, and data related to surveillance processing, the statement and supplementary statement in response to the complaint, as well as the cited legal provisions, the Commissioner finds that the complaint is partially well-founded. Namely, pursuant to the cited provisions of Articles 21 and 26 of the Law on Personal Data Protection, the Controller is obliged to take appropriate measures to provide the data subject with information regarding the exercise of their rights, that is, to provide the data subject with a copy of the data being processed about them, or, alternatively, to inform the requester of the reasons for not acting upon the request, taking into account the provisions of Article 4, paragraph 1, items 1), 2), and 3) of the Law on Personal Data Protection. Since the Controller failed to do so in this particular case, the Commissioner holds that the complainant's data subject rights were breached.

The information on the processing of the mentioned data that the Controller provided to the Commissioner in the statement and supplementary statement in response to the complaint had no bearing on the Commissioner's decision, as the Controller is obliged, pursuant to Article 21 of the Law on Personal Data Protection, to provide information on the processing to the complainant, not to the Commissioner, as was done by the Controller in this particular case.

Therefore, pursuant to Article 78, paragraph 1, item 6), and Article 79, paragraph 2, item 3) of the Law on Personal Data Protection, as well as Article 136, paragraph 1 of the Law on General Administrative Procedure, the Commissioner found the complaint to be partially founded and ordered the Controller to provide the complainant with information on the processing of his personal data

relating to his phone number, email address, computer IP address, and computer serial number, and, if such data are being processed, to provide a copy thereof.

Taking into account the allegations of the complaint in the remaining part, namely that the complainant received unclear and, in certain cases, untrue responses from the Controller; that he was not provided with complete information on whether the legitimate interest for processing data about him outweighs his interests and rights to personal data protection; that he was not informed on the basis of which software it was determined that he specifically downloaded a large amount of data; whether the entity is a controller or processor and whether there is a contract concluded with it; whether the entity is located domestically or abroad; and about the recipients and types of recipients of his data, without specifying any of the recipients, the Commissioner finds that the complaint in this part is unfounded and that the Controller did not violate the complainant's rights. This is because the Controller, in accordance with the provision of Article 21 of the Law on Personal Data Protection, shall provide the data subject with information about the data processed about them as prescribed by the provision of Article 26, paragraph 1 of the same law, which the Controller indisputably fulfilled when acting upon the complainant's request. The fact that, among other things, the Controller informed the complainant about the categories, but not the specific recipients of his data, in the Commissioner's opinion does not constitute a violation of the right to access personal data, as the Controller in this particular case acted in accordance with the request in which the complainant specifically requested information solely about the categories of recipients of his data. Furthermore, the Controller is not obliged, based on the data subject's right under Article 26 of the Law on Personal Data Protection, to respond to requests concerning the legitimate interest for processing personal data; the software, the controller, or processor of the software, or the contract concluded in relation to the software-not because these matters were not the subject of the complainant's request dated 1 September 2023, but because they go beyond the scope of the right to be provided with information as exhaustively listed in Article 26, paragraph 1 of the Law on Personal Data Protection, based on which the data subject is able to exercise control over the processing of their data.

Consequently, the indication of the Controller's failure to fulfil the obligation under Article 23 of the Law on Personal Data Protection, as well as any interference with the complainant's privacy by the Controller, cannot be examined in these proceedings, as their subject matter is limited to determining a violation of the right of access to personal data under Article 26 of the Law on Personal Data Protection. However, if the complainant possesses evidence that the Controller has violated the lawfulness of processing, i.e. has carried out processing without a legal basis, violated privacy, or infringed the rights under Article 23 of this Law, they may initiate inspection oversight proceedings before the Commissioner.

With regard to the allegation in the complaint that the decision to terminate the employment contract was made by the Controller on the basis of automated processing of data within the meaning of Article 38(1) of the Law on Personal Data Protection, the Commissioner finds that this allegation is unfounded, as the submitted evidence clearly shows that the decision was not made solely by technological means, but with the involvement of a human factor. Namely, the fact that the termination of the employment contract was based on a Google Log Monitoring report indicating that the complainant had downloaded a large number of documents from Google Drive, some of which were of a confidential nature, cannot be considered a decision made solely on the basis of automated processing, as the complainant erroneously interprets. This is not a decision assessing personal aspects of the data subject (e.g. automatic rejection of an online loan application or online recruitment practices without human involvement), but rather a decision made within a legally regulated procedure, the outcome of which the complainant had the opportunity to influence, including by challenging the evidence of the breach of work duties.

Therefore, based on Article 78, paragraph 1, item 6) of the Law on Personal Data Protection and Article 136, paragraph 1 of the Law on General Administrative Procedure, the Commissioner found that the remaining part of the complaint is unfounded.

Number: 072-16-1128/2024-06

**7. Although it was submitted as a “appeal against the controller’s decision,” the Commissioner acted upon it as a data subject’s complaint, taking into account its content**

Extract from the statement of reasons:

AA submitted a complaint due to a violation of the right of access to personal data by the public utility company BB from Belgrade, as the data controller, based on a request to exercise rights related to the processing of personal data dated 17 November 2023. The complaint was submitted in the form of an “appeal”, with reference to the provisions of Article 38 of the Law on Personal Data Protection. In the complaint, he stated that he is filing it against the decision of the Controller, which rejected/dismissed his request dated 17 November 2023, thereby denying him the exercise of his constitutional and legal rights regarding the processing of personal data related to the period from 1 to 19 April 2022, when data about him were collected via GPS tracking devices. He alleges that the collected data were misused against him and proposes that the Commissioner annul the Controller’s decision and enable him to exercise his rights related to personal data protection.

In the response to the complaint, the Controller stated that the complaint is unfounded because it timely responded to the complainant’s request for exercising rights related to the processing of personal data by providing answers to each individual question along with supporting evidence for each claim, in the Response No. ... dated 7 December 2023. The Controller noted that the complainant has been employed by the Controller since 10 May 2001 as a Driver 1 in the Technical Affairs Sector. The complainant received and signed the Notice on Personal Data Processing of Users No. ... dated 11 October 2019 and the Consent Statement on Personal Data Processing No. ... dated 6 November 2019. The Controller emphasized that the complainant’s claim that he was not informed about the installation of the GPS device is incorrect, given that the GPS device had been installed in the vehicle he drives since 2019 and was replaced with a new GPS device on 26 November 2020. Furthermore, the Notice for Drivers of the Department ... dated 22 June 2022 was posted on the bulletin board at the Directorate and the Transport and Repair Service, in a visible place, informing all employees in the positions Driver 1, Driver 2, and Driver 3 that GPS devices are installed in the Controller’s vehicles.

The provisions in Article 21, paragraph 1, of the Law on Personal Data Protection set forth, among other things, that the controller is obliged to take appropriate measures to provide the data subject with all information related to exercising the of the rights prescribed by this law, in concise, transparent, intelligible, and easily accessible form; paragraph 3 sets forth that the controller is obliged to provide the data subject with information about the handling of the request without delay, and no later than within 30 days from the date of receipt of the request; paragraph 4 sets forth that if the controller fails to act on the data subject’s request, they must inform the data subject without delay, and no later than within 30 days from the date of receipt of the request, about the reasons for not acting, as well as about the right to file a complaint with the Commissioner or to initiate legal proceedings before a court.

Taking into account the content of the request, the complaints, the statement on the complaint, as well as the cited legal provisions, the Commissioner finds that the complaint is unfounded. Namely, although the complainant filed a “complaint against the decision” of the Controller with the

Commissioner and requested that the Commissioner “annul the decision of the first-instance body” based on the provisions of Article 38 of the Law on Personal Data Protection (“Official Gazette of RS,” nos. 97/08, 104/09, 68/2012 – Constitutional Court decision, and 107/2012), this legal remedy was submitted under the law that ceased to apply on 21 August 2019. Ever since, according to the current Law on Personal Data Protection, the Commissioner does not act as a second-instance authority nor decides on complaints against controllers’ decisions, the submitted complaint, based on its content and attached documentation, was treated as a complaint against the Controller, and its merits were assessed in accordance with the provisions of the applicable law. Considering that the Controller, in response to the complainant's request to exercise rights regarding the processing of personal data dated 17 November 2023, acted in full compliance with the obligation under Article 26 of the Law on Personal Data Protection by its reply dated 7 December 2023 and informed the complainant about the data processed concerning him, the Commissioner found that the complaint is unfounded.

Number: 072-16-3810/2023-06

## **8. Personal data relating to a third party**

Extract from the statement of reasons:

AA submitted a complaint due to a violation of the right to erasure of personal data by BB from Belgrade, as the data controller (hereinafter: the Controller). In the complaint, she stated that the signatory of the contract with the Controller, whose contact details included her address, had never resided at her address, and that the Controller had refused her request to erase the data concerning her residential address from the contract concluded between the third party and the Controller.

In its response to the complaint, the Controller stated that it processes the complainant’s address data on the basis of a contractual relationship with another customer, and that, for the purpose of concluding a subscriber contract with that customer, and in accordance with the General Terms and Conditions for the Provision and Use of Services in the Public Mobile Telecommunication Network of BB Belgrade, it had carried out prior identification of the customer based on their passport, as an official document used to verify identity. It further stated that passports are issued by the Ministry of the Interior of the Republic of Serbia on the basis of official documents proving the data provided in the application, and that the Ministry keeps records in which the place of residence is also processed, and therefore the complainant's claim that the said person never resided at the stated address is unfounded. It also stated that the complainant’s address constitutes personal data of the other customer as well, which the Controller processes for the purpose of and on the basis of the execution of the subscriber agreement with that customer. Therefore, the Controller rejected the complainant’s request for erasure of this data, noting that the right to erasure is not an absolute right, but is subject to limitations in the form of the rights and freedoms of others, in accordance with Article 40 of the Law on Personal Data Protection. The Controller further noted that the request for erasure was not submitted by the data subject, and even if it had been, it would not have been obliged to erase the address data, as it is necessary for the intended purpose (performance of the subscriber contract). Finally, it stated that the complainant was informed that the address data could be changed upon request of the number owner, thereby acting in accordance with good business practice.

Article 21, paragraph 1 of this law prescribes, among other things, that the controller must take appropriate measures to provide the data subject with all information regarding the exercise of rights

referred to in Article 30 of this law, in a concise, transparent, comprehensible, and easily accessible manner, using clear and simple language.

Pursuant to Article 30, paragraph 1 of the Law on Personal Data Protection, the data subject has the right to have their personal data erased by the controller, and paragraph 2 stipulates that the controller is obliged to erase the data referred to in paragraph 1 without undue delay in the following cases: the personal data are no longer necessary for the purpose for which they were collected or otherwise processed; the data subject has withdrawn the consent on which the processing was based and there is no other legal basis for the processing; the data subject has objected to the processing in accordance with Article 37, paragraphs 1 and 2 of this Law; the personal data have been unlawfully processed; the personal data must be erased in order to comply with the legal obligations of the controller; and when the personal data were collected in relation to the use of information society services referred to in Article 16, paragraph 1 of the Law.

Article 40 of the same Law stipulates that the rights and obligations referred to in Articles 21, 23, 24, 26, Articles 29 to 31, Article 33, Articles 36 to 39, and Article 53, as well as Article 5 of this Law-if these provisions relate to the exercise of rights and obligations under Articles 21, 23, 24, 26, 29 to 31, 33, and 36 to 39-may be restricted provided that such restrictions do not infringe upon the essence of fundamental rights and freedoms, and if they constitute a necessary and proportionate measure in a democratic society for the protection, among other things, of the data subject or the rights and freedoms of others; or for the enforcement of civil law claims. Furthermore, when applying the restrictions of rights and obligations referred to in paragraph 1 of this Article, the following must be taken into account as necessary: the purposes or types of processing; the types of personal data; the scope of the restriction; protective measures to prevent misuse, unauthorised access, or transfer of personal data; the specific nature of the controller or the type of controller; the data retention period and protective measures that may be applied to the personal data, considering the nature, scope, and purpose of processing or the types of processing; the risks to the rights and freedoms of the data subject; and the right of the data subject to be informed about the restriction, unless such notification would compromise the purpose of the restriction.

Article 37 of the Law on Travel Documents ("Official Gazette of the RS", Nos. 90/2007, 116/2008, 104/2009, 76/2010, 62/2014 and 81/2019) stipulates, among other things, that travel documents are issued upon request, and that the request for the issuance of a travel document must contain accurate and truthful information. Article 30 of the same law stipulates, among other things, that a valid identity card of the Republic of Serbia must be presented for inspection along with the request for the issuance of a travel document. When the request is submitted to a diplomatic or consular mission of the Republic of Serbia, a valid public document that can reliably establish the applicant's identity must be presented for inspection. Furthermore, the travel document is issued on the basis of a certificate of citizenship of the Republic of Serbia, an extract from the birth register, as well as other public documents that serve as proof of the information stated in the request, which the authority shall obtain ex officio, except in cases where the applicant wishes to obtain the required documents personally.

Considering the content of the complainant's request, the response to the complaint, and the cited legal provisions, the Commissioner finds that the complaint is unfounded. Namely, under Article 4, paragraph 1, point 1) of the Law on Personal Data Protection, personal data is defined as any information relating to a natural person whose identity is determined or determinable. In this specific case, it is not disputed that the address of residence constitutes personal data relating also to the complainant. However, since these are data that the Controller collects and processes for the purpose of concluding and performing a subscription contract with a third party, and given that these personal

data also relate to the third party whose identity the Controller verified during the conclusion of the contract on the basis of a public document that is legally presumed to contain accurate and truthful information, the Commissioner finds that the data on the address from the subscription contract between the Controller and the third party were lawfully collected and processed for specifically defined and prescribed purposes. These data relate to a third party and are necessary for the protection of that party's rights and freedoms, and essential for the realisation of the purpose for which they were collected and processed, i.e. the performance of the subscription contract. Therefore, they are not subject to deletion, as the conditions stipulated by the cited provision of Article 30 of the Law on Personal Data Protection have not been met, of which the Controller duly informed the complainant.

Number: 072-16-1034/2024-06

**9. The Law on Personal Data Protection does not recognise a violation of rights in connection with the "deactivation" of personal data.**

Extract from the statement of reasons:

AA filed a complaint against the City of BB, City Administration for City Authorities, General Administration and Social Affairs (hereinafter: the Controller), for violation of the right to rectification and supplementation of personal data, stating that she was born in Montenegro where she was assigned a unique master citizen number (JMBG), and was granted Macedonian citizenship based on her father's citizenship, with that JMBG recorded in her Macedonian documents. She later acquired Serbian citizenship as a child of a Serbian citizen born abroad, at which point she was assigned a new JMBG in Serbia, although the existing JMBG from the former SFRY should have been recorded. She claims to have suffered significant harm because she is unable to obtain any Serbian documents or register her residence in the Republic of Serbia, since her identity cannot be established when presenting her Macedonian ID or passport. For this reason, she contacted the City of BB, which rejected her request for deactivation of the JMBG, citing that a new JMBG had already been assigned to her in the Republic of Serbia.

Under Article 77, paragraph 2 of the Law on Personal Data Protection, it is stipulated that in exercising its powers, the Commissioner shall act in accordance with the law governing general administrative procedure, as well as with the corresponding application of the law regulating inspection oversight, unless otherwise provided by this Law.

Under Article 92, paragraph 1, item 2) of the Law on General Administrative Procedure, it is stipulated that the authority shall dismiss by decision the request initiating the procedure if it is not competent to decide on the administrative matter and cannot determine which authority is competent.

The Law on Personal Data Protection provides that a complaint may be submitted to the Commissioner for a violation of a person's rights related to the processing of personal data, namely: violation of the right to access personal data, to rectification and supplementation, erasure, restriction of processing, the right to data portability, the right to object to processing, as well as the right to a decision based solely on automated processing, in connection with a request previously submitted to the controller in accordance with the Law on Personal Data Protection.

In view of the foregoing, and weighing the substance of the complaint within the meaning of the Law on Personal Data Protection, the Commissioner holds that, in this particular case, the submission is not a complaint over a breach of the right to rectification and supplementation of personal data referred to in Article 29 of the Law on Personal Data Protection, which includes the data

subject's right to have their inaccurate personal data rectified without undue delay. The complaint was dismissed because it concerned a request for the deactivation ("passivation") of the Unique Master Citizen Number (JMBG), which is regulated by the Law on the Unique Master Citizen Number, and not a violation of the right to rectification and supplementation of personal data under the Law on Personal Data Protection. Since the Law on Personal Data Protection does not recognize a right related to the "deactivation" of data, the Commissioner is not competent to act on such a complaint in this specific case.

Number: 072-16-2280/2024-06

#### *2.B.4.3. Illustrative Cases of Breaches of the Right to Personal Data Protection Found through Supervision*

##### **1.Failure to take appropriate technical, organizational, and personnel measures – the controller did not carry out anonymisation of personal data**

Acting upon a request for access to information of public importance, the controller provided the requester with a copy of the diploma of completed higher education and a copy of the employment record book of an employee with the controller, without anonymising the personal data.

Extract from the statement of reasons:

The Controller is WARNED because, in responding to a request for access to information of public importance, it provided the requester with a copy of the diploma of completed higher education and a copy of the employment record book of an employee of the Controller, without anonymizing personal data, specifically: year of enrolment, overall grade (average mark), grade on the diploma exam, name of one parent, and place of birth, thereby violating:

- the provision of Article 5 paragraph 1 item 3 of the Law on Personal Data Protection, as the collection of data is not adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ("data minimisation");
- the provision of Article 42, paragraph 2 of the Law on Personal Data Protection, because by failing to consistently apply appropriate technical, organizational, and personnel measures, it did not ensure that only those personal data necessary for achieving each specific purpose of processing are processed.

Part of the established factual status:

In the supervisory procedure, it was established that the Controller, when providing documentation to the requester based on the request for access to public information, inadequately anonymised the personal data contained in the copy of the diploma of higher education obtained and the copy of the employment record book at the Controller (year of enrolment, overall grade average, grade on the diploma exam, name of one parent, and place of birth), thereby making this data available to the public as information of public interest.

The Controller's representative explained this action by stating that it was an unintentional mistake due to the excessive number of requests for access to public information submitted to the Controller within a short period of time. Accordingly, the Controller failed to take appropriate technical, organizational, and personnel measures to ensure that the personal data contained in the copy of the

diploma of higher education and the employment record book were protected and processed in accordance with the purpose for which those data are processed.

Taking into account the provisions of Article 89 of the Law on Personal Data Protection, when a public authority acts upon a request for access to information of public importance, it is necessary to proceed in a manner that ensures both rights-the public's right to know and the right to personal data protection-can be exercised simultaneously. By providing the requester with a copy of the diploma as proof of higher education and a copy of the employment record book as proof of work experience prior to the establishment of employment with the Controller, the Controller did not act in accordance with the requirements prescribed by the provisions of the Law on Personal Data Protection when applying the Law on Free Access to Information of Public Importance; specifically, the Controller failed to protect personal data that the public has no legitimate interest to know.

Having regard to the provisions of the Law on Personal Data Protection, as well as the provisions of other regulations cited in this warning, and given the fact that the Controller failed to adequately anonymise (protect) the personal data of the individual whose data were contained in the documents provided to the requester based on the request for access to information of public importance (year of enrolment, overall performance (average grade), and final exam grade in the diploma copy, and the name of one parent and place of birth in the employment record book copy), it was established that the Controller violated:

- the principle of “data minimisation” from Article 5, paragraph 1, item 3) of the Law on Personal Data Protection (LPDP), as the said personal data were not adequate, relevant, and limited to what is necessary in relation to the purpose of the processing, and
- the provisions of Article 42, paragraphs 1 and 2 of the LPDP, regarding the availability of personal data, as a result of which a warning was issued as a corrective measure, as stated in the operative part, with the reasoning provided above.

Action taken by the Controller:

Following the issuance of the Warning, the Controller documented and stated that, in order to remedy the established violations of the provisions of the Law on Personal Data Protection, a notice was sent to all employees and engaged personnel, emphasising the necessity of applying the Law on Personal Data Protection when performing their assigned or contracted duties, with the aim of raising awareness about the importance of personal rights and their protection.

Number: 072-04-1191/2024-07

## **2. Unauthorised disclosure of personal data from the file of a social welfare service beneficiary**

Extract from the statement of reasons:

The controller is WARNED for having disclosed personal data from the file of a social welfare service beneficiary - specifically, data concerning statements given in relation to reports of domestic violence - to an unauthorised person, thereby violating the provisions of:

- Article 5, paragraph 1, point 1) of the Law on Personal Data Protection, as the processing of personal data was not carried out lawfully, fairly, and transparently in relation to the data subject ("lawfulness, fairness, and transparency"), whereby processing is considered lawful

only if it is carried out in accordance with the Law on Personal Data Protection or another law governing data processing;

- Article 5, paragraph 1, point 2) of the Law on Personal Data Protection, as the processing was carried out in a manner that is not in accordance with the purpose for which the data were collected (“purpose limitation”);
- Article 5, paragraph 1, point 6) of the Law on Personal Data Protection and Article 42, paragraph 1, point 2) of the same Law, as the Controller failed to ensure appropriate personal data protection through the implementation of adequate technical, organisational and personnel measures, including protection against unauthorised or unlawful processing (“integrity and confidentiality”), and failed to ensure the application of necessary safeguards during processing in order to meet the legal requirements for processing and to protect the rights and freedoms of the data subjects.

Part of the established factual status:

The data controller maintains records and documentation on persons against whom domestic violence has been committed and on persons against whom protective measures have been ordered, based on Article 289 of the Family Law ("Official Gazette of RS", Nos. 18/05, 72/11 – other law, and 6/15). The manner of keeping these records and documentation is regulated by the Rulebook on Records and Documentation of Persons Against Whom Domestic Violence Has Been Committed and Persons Against Whom Protective Measures Against Domestic Violence Have Been Ordered ("Official Gazette of RS", No. 88/23). Article 9 of the mentioned Rulebook stipulates that the data in the records and documentation concerning persons against whom domestic violence has been committed, as well as persons against whom protective measures against domestic violence have been ordered, are confidential in accordance with the Law.

Article 23 of the Law on Social Protection (“Official Gazette of RS”, No. 24/11 and 117/22 – Constitutional Court decision) stipulates that records are kept on beneficiaries, the rights they have exercised, and the services provided to them, and that social protection institutions and other social service providers are obliged to preserve beneficiaries’ documentation in the original form, and if possible, also in electronic form, as well as to protect it from unauthorized access, copying, and misuse, regardless of the form in which the data from the documentation is stored.

Article 37 of this Law stipulates that a beneficiary of social protection services has the right to the confidentiality of all private data contained in the documentation processed for the purposes of reports or records, including those related to their personality, behaviour, family circumstances, and the manner in which social protection services are used, and that confidentiality may be waived only in cases prescribed by law.

Paragraphs 1 and 4 of Article 14 of the Rulebook on the Organisation, Norms, and Standards of Work of the Centre for Social Welfare (“Official Gazette of the RS”, Nos. 59/08, 37/10, 39/11 – other rulebook, 1/12 – other rulebook, 51/19, 12/20, and 83/22) stipulate that information and data on the personal and family circumstances of beneficiaries, which employees of the centre become aware of, shall be considered official secrets, and that access to beneficiary data, in addition to employees of the centre, shall also be provided to the competent supervisory authority, judicial bodies and the police, the beneficiary to whom the data refer, as well as their legal representative or proxy. Certain data from the beneficiary’s record, pursuant to paragraph 6 of the aforementioned Article of the Rulebook, may be shared with other services such as healthcare or educational institutions, the employment service,

and others, only if the consent of the beneficiary to whom the data pertain is obtained, unless otherwise provided by law.

Considering that the Controller submitted data from the file of a social welfare service beneficiary by official correspondence for a purpose other than that for which the personal data were collected, and that none of the conditions for lawful processing prescribed by Article 12 of the Law on Personal Data Protection (LPDP) were met, the inspection oversight established that the Controller violated the provisions of Article 5, paragraph 1, items 1) and 2) of the LPDP, namely the principles of “lawfulness, fairness and transparency” and “purpose limitation.” For the reasons stated above, it was established that the Controller failed to ensure adequate protection of personal data relating to beneficiaries of social welfare services, including protection against unauthorised or unlawful processing, by implementing appropriate technical, organisational and personnel measures. This constitutes a violation of the principle of “integrity and confidentiality” referred to in Article 5, paragraph 1, item 6) of the Law on Personal Data Protection (LPDP), as well as a breach of Article 42, paragraph 1, item 2) of the LPDP, as the necessary safeguards during processing were not implemented to meet the legal requirements for processing and to protect the rights and freedoms of the data subjects.

Action taken by the Controller:

The Controller informed the Commissioner’s Office that a Personal Data Protection Procedure had been adopted, and that employees had been made aware of their obligation to process personal data in accordance with the Law on Personal Data Protection. Employees are also required to store beneficiary documentation securely and protect it from unauthorised access, copying and misuse. Furthermore, employees who come into contact with beneficiaries’ personal data must not disclose such data or make it accessible to unauthorised persons, both during the term of their employment or other contractual engagement and after its termination. All beneficiary documentation is deemed confidential, and data relating to personal and family circumstances is considered an official secret. By the Decision on the Appointment of a Data Protection Officer, it was stipulated that the Data Protection Officer shall be responsible for monitoring the implementation of the provisions of the Law on Personal Data Protection and for training employees involved in personal data processing activities.

Number: 072-21-1618/2024-07

**3. The public utility company distributed, along with the utility bills, a promotional flyer for a legal entity offering parents a child-minding/after-school care service for children aged six to ten.**

Extract from the statement of reasons:

The Commissioner issued a Warning to the Controller for delivering, along with utility bills, advertising material of a legal entity to the addresses of its users, thereby processing their address data in violation of Article 5, paragraph 1, points 1) and 2), and paragraph 2 of the same Article of the Law on Personal Data Protection, namely the principles of “lawfulness, fairness and transparency,” “purpose limitation,” and “accountability,” as well as Article 12, paragraph 1 of the Law, since none of the conditions for lawful processing of personal data were met during the processing.

Extract from the statement of reasons:

The Controller justified the delivery of advertising material along with utility bills by invoking a “legitimate interest” under Article 12, paragraph 1, point 6) of the Law on Personal Data Protection, arguing that the Statute stipulates that the Supervisory Board of the Controller determines the pricing of advertising services within the activity of consolidated billing. In the same manner, the Controller had previously informed its users about humanitarian campaigns, offers of services by local private companies, provided free advertising for local cultural and artistic events, and educated citizens on issues of household energy efficiency and waste recycling. Having learnt about this event, the Commissioner carried out supervision, after which he issued a Warning to the Controller.

**Conclusion:**

Within the given deadline, the Controller complied with the Warning by repealing the Decision on Determining the Prices of Advertising Services, which had served as the legal basis for the Controller’s advertising activities.

Number: 072-21-2580/2023-07

**4. The primary health centre was entering patients’ diagnoses in the report on temporary work incapacity.**

**Extract from the statement of reasons:**

The Commissioner issued a Warning to the Controller for entering patients’ diagnoses in the report on temporary work incapacity, whereby the Controller violated the provisions of Article 17 of the Law on Personal Data Protection (LPDP), as they were processing data concerning the health status of patients contrary to the provisions governing the processing of special categories of personal data. The Controller also violated Article 5(1)(1) of the LPDP, namely the principle of “lawfulness, fairness and transparency”, by carrying out processing that is not in accordance with the LPDP or any other law regulating such processing.

**Extract from the statement of reasons:**

The report form on temporary work incapacity (Form OZ-6), in accordance with the Rulebook on forms in the healthcare system, contains only the causes of temporary work incapacity, which are exhaustively listed in Article 9, item 6), and does not include diagnoses from the International Classification of Diseases, issued by the World Health Organization and publicly available. In accordance with the cited provisions of the Law on Personal Data Protection and other regulations, including diagnoses in the report on temporary work incapacity (Form OZ-6) is contrary to the provisions of Article 17 of the Law on Personal Data Protection, which regulate the permissibility of processing special categories of data, as well as the principle of “lawfulness, fairness, and transparency” from Article 5, paragraph 1, item 1 of the Law, because patients’ health data were not processed in compliance with this law or other regulations governing such processing.

**Conclusion:**

Within the prescribed deadline, the Controller informed the Commissioner that the Primary Health Centre no longer records diagnosis codes in the Report on Temporary Work Incapacity. The Director of the Primary Health Centre also issued Instructions on the manner of implementing the Law on Health Documentation and Records in the field of healthcare, specifically regarding the method of

filling out the Report on Temporary Work Incapacity and distributed these instructions to all healthcare workers.

Number: 072-21-1900/2024-07

**5.The Controller installed a satellite vehicle tracking system (GPS) without properly informing the employees, which was reported to the Commissioner by the representative trade union of the Controller.**

Extract from the statement of reasons:

The Commissioner issued a Warning to the Controller because it failed to provide employees who used official vehicles equipped with a satellite vehicle tracking system (GPS) with appropriate and transparent information regarding the processing of personal data through the GPS devices, thereby violating the provisions of Article 5, paragraph 1, item 1, and Article 23, paragraphs 1 and 2 of the Law on Personal Data Protection.

Extract from the statement of reasons:

...equipment that reveals employees' locations should be introduced only if it proves necessary for achieving a legitimate purpose pursued by employers, and its use should not lead to continuous surveillance of employees. Namely, surveillance should not be the primary purpose, but only an indirect consequence of an action necessary to protect production, health, and safety, or to ensure the efficient management of an organization. Employers must provide all necessary safeguards for employees' rights to privacy and personal data protection, pay special attention to the purpose for which such devices are used, and adhere to the principles of minimization and proportionality. They should also implement appropriate internal procedures regarding the processing of these data and inform the affected individuals, i.e., the employees, in advance.

Conclusion:

Since the GPS was installed, among other reasons, for monitoring vehicle movement, fuel consumption, and average driving speed, and because the Controller provided the Commissioner with photocopies of notices to employees regarding the use of GPS devices in official vehicles as well as a revised official travel order-where a sentence was added in the document header informing employees about the GPS installation in the vehicles-the Commissioner has concluded the proceedings in this case.

Number: 072-21-889/2024-07

**6.Consent of the data subject for the purposes of direct marketing**

Extract from the statement of reasons:

The Controller is WARNED because the processing of personal data of participants in games of chance who created an account with the Controller is carried out contrary to the principle of "lawfulness, fairness, and transparency" from Article 5, paragraph 1, item 1) of the Law on Personal Data Protection (LPDP) and in connection with Article 5, paragraph 2 of the LPDP, since the processing of personal data for the purpose of direct marketing is conducted without the prior consent

of the data subjects, i.e., without an appropriate legal basis, thereby violating the provisions of Article 15 of the LPDP and Article 12, paragraph 1, item 1) of the LPDP.

Part of the established factual status:

The Commissioner received a complaint stating that the complainant had received a call on their mobile phone from a certain phone number, from a person identifying themselves as an employee of the Controller. During the call, they said that the purpose was to inform the complainant that, according to their records, they had not used their services for an extended period and wished to find out the reason for that. It was further stated that the complainant is not a user of their services and has not given consent for them to use their data to offer products and services, especially not their phone number, due to which they believe their right to personal data protection has been violated.

Article 12, paragraph 1 of the Law on Personal Data Protection (LPDP) stipulates that processing is lawful only if one of the conditions set forth in that article of the Law is met.

As for giving consent for processing, Article 15, paragraph 1 of the Law on Personal Data Protection (LPDP) prescribes that if the processing is based on consent, the controller must be able to demonstrate that the individual has consented to the processing of their personal data. The following two paragraphs of the previously mentioned article of the Law on Personal Data Protection (LPDP) prescribe:

“If the consent of the data subject is given within a written statement that also relates to other matters, the request for consent must be presented in a way that distinguishes it from those other matters, in a clear and easily accessible form, using clear and simple language. The part of the written statement that is contrary to this law shall have no legal effect.

The data subject has the right to withdraw their consent at any time. The data subject has the right to withdraw consent at any time. Before giving consent, the data subject must be informed about the right to withdraw consent, as well as the effects of withdrawal. Withdrawal of consent must be as easy as giving consent.

When assessing whether consent for the processing of personal data has been freely given, particular attention must be paid to whether the performance of a contract, including the provision of services, is made conditional on giving consent that is not necessary for its performance, as stipulated in Article 15, paragraph 4 of the Law on Personal Data Protection.

In this regard, the Law on Advertising (“Official Gazette of the RS”, nos. 6/16 and 52/19 – other law), Article 62, paragraph 1, stipulates that direct advertising means the sending of an advertising message to a named or otherwise individually identified person. Article 63 of that Law stipulates that prior consent of natural persons is required for direct advertising (sending of an advertising message), which may be withdrawn at any time, and the advertiser or the transmitter of the advertising message must enable such withdrawal. It is also stipulated that direct advertising to natural persons shall be carried out in accordance with the rules on advertising through means of distance communication, in line with the regulation governing consumer protection.

Article 37, paragraph 1 of the Law on Consumer Protection (“Official Gazette of the RS”, No. 88/2021) stipulates that direct advertising by telephone, fax, e-mail, or other means of distance communication is prohibited without the prior consent of the consumer.

According to the established facts, in the course of the subject inspection oversight procedure, the controller did not demonstrate that the participants in games of chance who created an account with the controller had consented to the processing of their personal data for the purpose of direct advertising, as there is no adequate written proof of the given consent. Accordingly, the controller

processes personal data in violation of Article 15 of the Law on Personal Data Protection (LPDP), i.e. without an appropriate legal basis, contrary to Article 12(1)(1) of the LPDP, thereby also acting in breach of the principle of "lawfulness, fairness and transparency" under Article 5(1)(1) of the LPDP, and in connection with Article 5(2) of the LPDP, as the application of this principle was not demonstrated.

Action taken by the Controller:

In response to the aforementioned Warning, the Controller informed the Commissioner that measures had been taken to comply with the Warning, stating in the submitted written statement that the data of participants in games of chance who had created an account with the Controller for the purpose of direct advertising had been deleted. Also, attached to the e-mail was the Report of the three-member commission, which states, among other things, that the commission confirms the Controller has acted in accordance with the Warning issued by the Commissioner, and that the data of players who had no activity on their accounts have been deleted.

Number: 072-21-1190/2024-07

**7. The residential community published on its official website a list of residents containing personal data of the residents, installed cameras in the building's elevators, and through a mobile application enabled all residents of the building to monitor the video surveillance footage in real time**

Extract from the statement of reasons:

The Residential Community is WARNED because it published on its official website a list of residents with their full names, floor numbers, and apartment numbers of each apartment owner, thereby making the said personal data accessible without legal basis to an indefinite number of persons; because it enabled, via a mobile application, real-time monitoring of video footage from security cameras installed in the building lobbies on the ground floor as well as on the upper floors, accessible to all residents who have the access code, which data relates to residents and other persons who stay or move within those areas; and because, through cameras installed in the building's elevators, it processes personal data of residents and other persons using the elevators. In this way, the Data Controller violated:

- Article 5, paragraph 1, item 1) of the Law on Personal Data Protection (LPDP), and the provision of Article 5, paragraph 1, item 3) of the Law on Personal Data Protection, because the processing was carried out contrary to the principle of "lawfulness, fairness, and transparency."
- Article 5, paragraph 1, item 3) of the Law on Personal Data Protection (LPDP), because the processing was carried out contrary to the principle of "data minimisation".

Part of the established factual status:

During the supervision procedure, based on statements from representatives of the Controller, review of relevant documentation and the video surveillance system, as well as direct observation within the premises of the residential community, it was established, among other things, that: the Controller published on its official website, accessible via the link [...](#), a list of tenants containing their

full names, floor numbers, and apartment numbers for each apartment owner. The housing community manager removed this list from the website before the start of the supervision; Access to the video surveillance system can be made in real-time via a mobile application by all owners/tenants who have an access code; Both elevators are equipped with cameras whose field of view covers the interior of the elevator, and access to these cameras is exclusively available to the housing community manager.

Taking into account the provisions of the Law on Personal Data Protection, and given that neither any provision of the Law on Housing and Residential Building Maintenance nor the Decision of the City of Belgrade prescribes the obligation of the residential community to publish the list of tenants, the Controller, by publishing the list of tenants with their full names, floor numbers, and apartment numbers of each apartment owner on its official website in the described manner, without a legal basis, made personal data available to an indefinite number of third parties, thereby violating the principle of “lawfulness, fairness, and transparency” of processing from Article 5, paragraph 1, item 1) of the Law on Personal Data Protection.

Allowing tenants to access the video surveillance system by monitoring the live feed from cameras at the time of recording, or later by viewing the recorded material, enables a wide circle of users to intrude unlimitedly, without actual need or justification, into the privacy of citizens, i.e., other tenants and their visitors. This is contrary to the principle of “data minimization” from Article 5, paragraph 1, item 3) of the Law on Personal Data Protection. In connection with the above, the Controller was advised that the integrity and confidentiality of data must be ensured, which means that technical, organisational, and personnel measures should be implemented so that the system used for video surveillance and the recordings from that system are protected against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, or access to personal data. This also implies that access to the recordings from the video surveillance system, including real-time monitoring of camera footage, should be available only to those individuals for whom such access is necessary to fulfil the purpose of the processing. The mentioned restriction on access to real-time camera footage does not apply to access to the intercom camera image, provided that the technical setup allows the resident to view the image only at the moment when someone rings their intercom. The controller is specifically reminded that the coverage of the video surveillance system (camera angle) must be proportionate to the purpose of the processing, meaning the camera should capture only what is necessary for the purpose of the processing. In this specific case, the cameras installed on the floors of the building must not cover the entrance doors to the apartments, because in this way, without a real need or justification, the privacy of the residents, as well as the persons visiting them, is infringed upon.

The Controller has been advised that the use of video surveillance inside the elevator is not permitted, as it contravenes the principle of "data minimisation" from Article 5, paragraph 1, item 3 of the Law on Personal Data Protection (LPDP), except in cases where existing, real risks, dangers, and threats to certain goods and values indicate that such processing of personal data is necessary and justified. In such a case, a prior data protection impact assessment must be conducted regarding the effects of the processing on the protection of personal data and the rights and freedoms of individuals subject to video surveillance, all in accordance with Article 54 of the LPDP. This also entails the obligation of the residential community, as the Controller, to request the opinion of the Commissioner before starting such processing, depending on the results of the impact assessment.

Number: 072-21-1696/2024-07

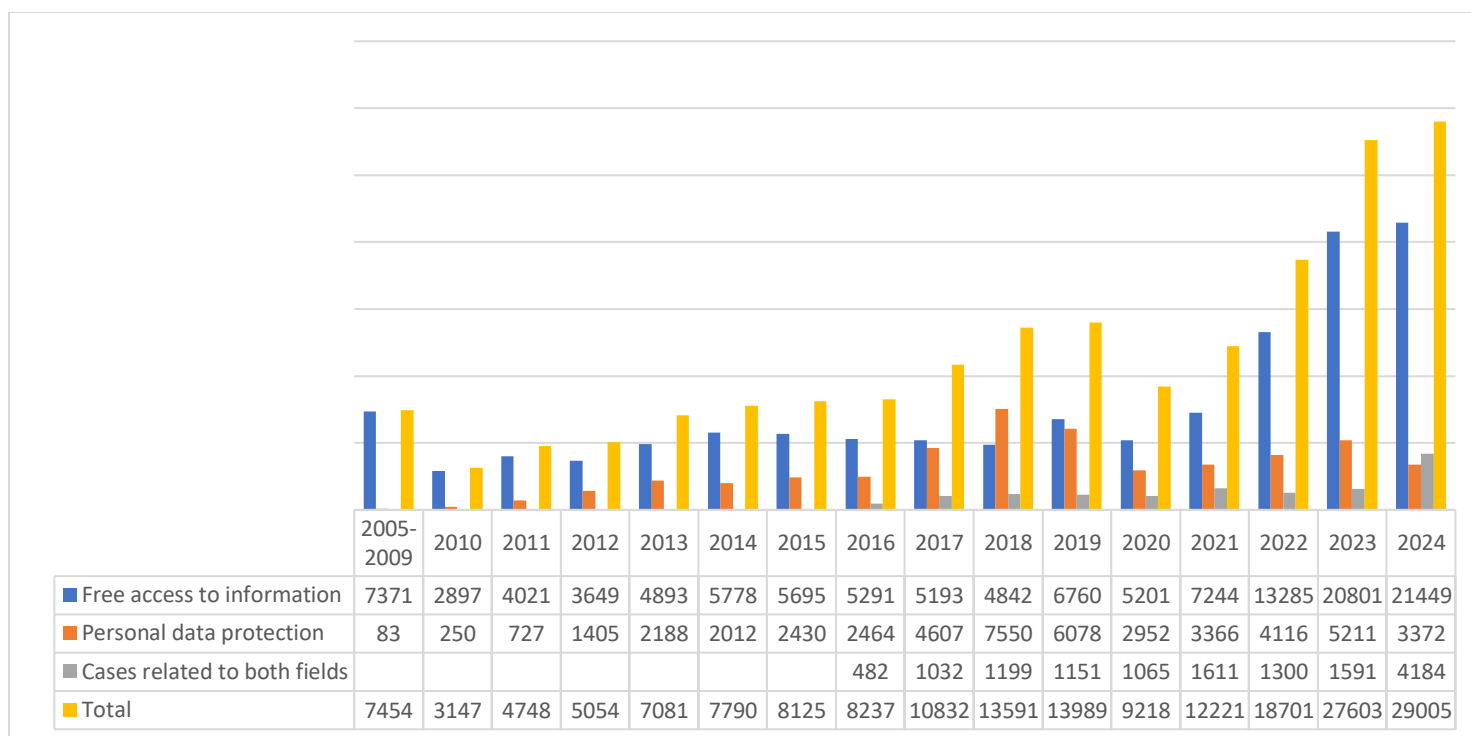
### 3. COMMISSIONER'S ACTIVITIES

#### 3.1 SUMMARY OF OVERALL ACTIVITIES

**In 2024, the Commissioner opened 29,005 cases, including 21,449 cases in the field of free access to information, 3,372 cases in the field of personal data protection, and 4,184 cases in both fields of the Commissioner's activity.**

**In 2024, the Commissioner handled a total of 40,556 cases, since 11,551 pending cases had been carried forward from the previous years. Out of that number, over 71.5%, or 29,005 cases were opened by the Commissioner in 2024.**

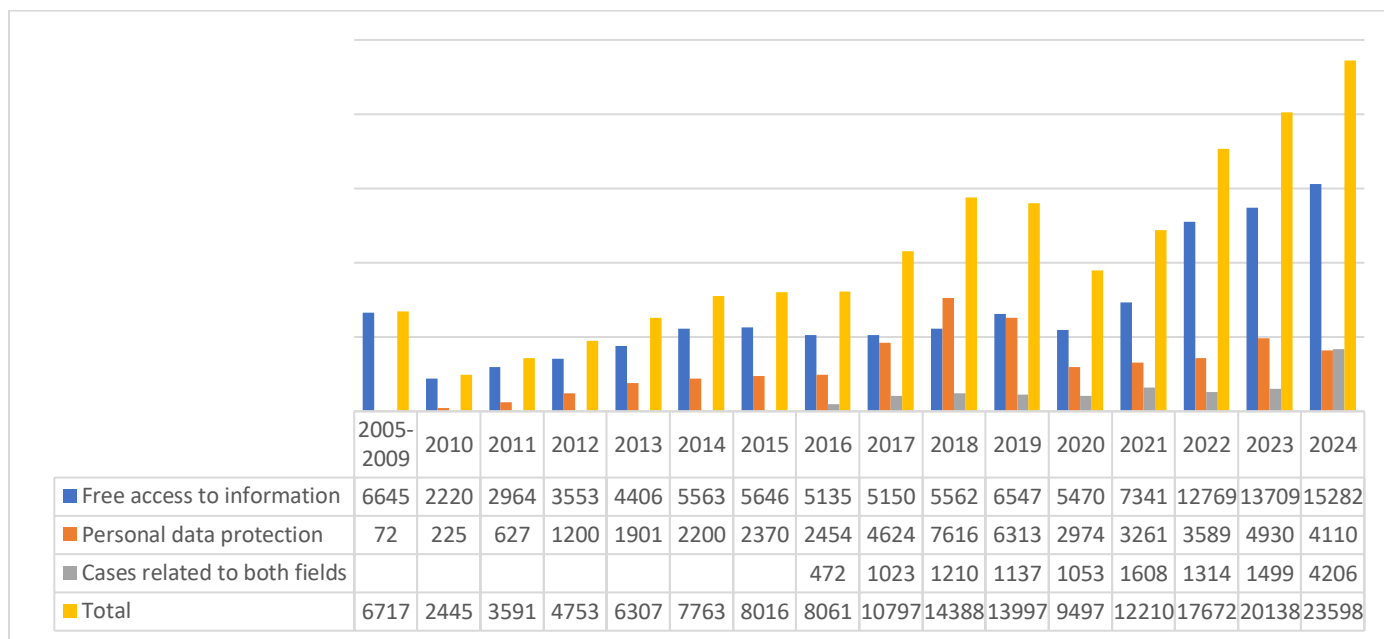
*Graph No. 1 - Number of received cases by years*



**In the course of 2024, the Commissioner concluded the procedure in 23,598 cases, including 15,282 cases in the field of access to information, 4,110 cases in the field of personal data protection, and 4,206 cases in both fields.**

**There were 16,958 pending cases carried forward to 2025. (16,510 – freedom of access, 341 - personal data protection, and 107 - in both fields).**

**Graph No. 2 - Number of resolved cases by years**



**Table No. 3 - Commissioner's activities in 2024**

<b><i>The Commissioner's activities in 2024 included mainly:</i></b>		
1.	Resolving cases pursuant to complaints against breaches of free access to information and the right to personal data protection.	In total, <b>7,958</b> complaints were resolved (7,691 complaints - free access to information; 267 complaints - personal data protection).
2.	Initiation of inspections of compliance with and implementation of the LPDP.	The Commissioner initiated <b>864</b> inspections of compliance with and implementation of the LPDP, including 727 scheduled and 137 unscheduled inspections.
3.	Completion of inspections of compliance with and implementation of the LPDP.	The Commissioner closed a total of <b>864</b> cases in the field of inspection.
4.	Opinions on draft laws and other general legal instruments.	The Commissioner issued <b>37</b> opinions on draft laws, bills and other regulations to public authorities, upon request of these public authorities. Of those, 26 opinions concerned draft laws, while 11 concerned other general legal instruments.
5.	Provision of assistance to natural persons and legal entities and public authorities or data controllers in exercising the rights or in proper application of the LFAIPI and the LPDP by clarifying vague issues and procedures.	The Commissioner issued <b>611</b> opinions and replies on correct application of both laws, including 314 on correct application of the LPDP, 5 preliminary opinions of the Commissioner (Article 55, of the LPDP), and 292 opinions on correct application of the LFAIPI.
6.	Misdemeanours prosecution.	The Commissioner issued <b>804</b> misdemeanour notices (802 for breaches of the LFAIPI and 2 for breaches of the LPDP) and filed <b>107</b> petitions for institution of misdemeanour proceedings (100 for breaches of the LFAIPI and 7 petitions for institution of misdemeanour proceedings for breaches of the LPDP.).
7.	Provision of assistance to citizens in connection with their free access to information requests or personal data protection requests referred to the Commissioner by authorities which to not hold the requested information so the requests could be forwarded to the relevant authorities that will be able to provide the information, or have been submitted to the Commissioner instead of the competent authority.	<b>1,165</b> cases (1,089 forwarded requests and 76 requests for information on the work of other authorities)
8.	Other communication of an advisory and instructional nature with public authorities concerning the compliance with the LFAIPI, in connection with compliance with the regulations on promoting transparency, in connection with the submission of annual reports to the Commissioner and compiling and publishing information directories in the Commissioner's Single	<b>628</b> cases.

	Information System, which contribute to continual improvements in the proactive publishing of information, an increase in the volume of information on the public authorities activities published on their websites and the active role of public authorities in facilitating the exercising of rights.	
9.	Activities concerning Serbia's EU accession process.	The Commissioner submitted <b>24</b> contributions and reports, including those submitted to: the Ministry of Justice, the Ministry of Public Administration and Local Self-Government, the Ministry of European Integration, and the Anti-Corruption Agency.
10.	Public announcements by the Commissioner addressing the general public.	<b>96</b> times.
11.	Activities concerning submission of notifications on the contact details of the data protection officer and the appointment of representatives of foreign companies in accordance with the Law on Personal Data Protection.	<b>535</b> controllers submitted notifications on the contact details on data protection officers, while <b>14</b> decisions on the appointment of representatives of foreign companies in accordance with the LPDP were submitted to the Commissioner in 2024.
12.	Issuing of checklists.	A checklist was sent to the addresses of <b>538</b> controllers, while 1 controller submitted it on their own initiative. In the course of 2024, a risk assessment was conducted in 1,140 cases (1,139 controllers submitted the completed checklist at the request of the Commissioner, while 1 controller did so on their own initiative). the total of 76 data controllers failed to submit the completed checklists to the Commissioner. On the basis of received completed checklists the Commissioner assessed the level of data processing risks.)
13.	Processing the requests for free access to information of public importance.	<b>1.923</b> Requests for free access to information of public importance addressed to the Commissioner were processed.
14.	Activities concerning the enforcement of the Commissioner's decisions.	<b>126</b> Cases were terminated and total <b>156</b> acts were brought.
15.	Replies to the Administrative Court to legal action brought in administrative disputes against the Commissioner's decisions and failure to resolve complaints within the statutory period, the so-called "administrative silence".	<b>4.176</b> replies.
16.	Replies to citizens' applications concerning issues of exercise of rights in the fields of personal data protection and free access to information, as well as issues that are outside of the Commissioner's mandate.	<b>640</b> replies.

17.	Acting upon complaints submitted against the administrative actions of the Commissioner	<b>400</b> complaints resolved.
18.	Telephone calls by citizens, journalists, and representatives of the media, as well as employees of public authorities, to consult on matters concerning the exercising of the rights within the Commissioner's mandate.	The Commissioner answered <b>22,053</b> telephone calls.

**Table No. 4 - Structure of resolved cases**

No.	Freedom of access - 15,282 cases resolved	Number of resolved cases
1.	Complaints	7.691
2.	Processing the cases involving misdemeanours for breaches of the LFAIPI	1.192
3.	Motions for administrative enforcement	126
4.	Motions for repeated procedures	17
5.	Opinions	292
6.	Measures to improve transparency	628
7.	Applications	60
8.	Replies to legal action	4.111
9.	Requests for information on the work of other authorities	76
10.	Referred requests	1.089

**Table No. 5 - Structure of resolved cases**

No.	Personal Data Protection - 4,110 cases resolved	Number of resolved cases
1.	Inspections	864
2.	Processing misdemeanours for breaches of the LFAIPI	9
3.	Complaints	267
4.	Replies to legal action	65
5.	Notices of personal data breaches	45
6.	Applications	403
7.	Requests for data transfer	1
8.	Request for approval of binding corporate rules	1
9.	Opinions	314
10.	Preliminary opinions (Article 55)	5
11.	Request for repeated procedures	1
12.	Records of requests to access retained data	103
13.	Checklists	1,216
14.	Processed records of personal data protection officers	547

15.	Decisions on appointment of representatives of foreign companies in accordance with the LPDP	14
16.	Improvement of protection and prevention	249
17.	Motions for administrative enforcement	3
18.	Consent issued to the Commission on Missing Babies	3

*Table No. 6 - Structure of resolved cases*

No.	Both fields - 4,206 cases resolved	Number of resolved cases
1.	Public announcements	96
2.	Requests for information submitted to the Commissioner	1,923
3.	Request for exercise of data subject rights	4
4.	Requests concerning case information	874
5.	Claims for expense reimbursement	7
6.	Cases in the field of European integration	24
7.	National cooperation	184
8.	International cooperation	54
9.	Opinions on draft laws and other general legal instruments	37
10.	Initiatives and proposals	9
11.	Reports and information	192
12.	Applications that do not concern the Commissioner's mandate	177
13.	Other communication with public authorities, controllers, and the public	152
14.	Trainings	73
15.	Objections to administrative actions	400

### 3.1.1. Commissioner's Opinions

#### 1) Opinions on draft laws

In the course of 2024, the Commissioner issued **26 opinions on draft laws** upon request from the relevant public authorities. All opinions were given from the viewpoint of the Commissioner's mandate.

- The Ministry of Interior was given an opinion on Draft Law on Amendments to the Law on National DNA Register;
- The Ministry of the Interior was given opinions on: Draft Law on Military Education on two occasions; Draft Law on Healthcare and Health Insurance of Military Insured Persons on two occasions;

- The Ministry of Sport was given an opinion on the Draft Law on the Ratification of the Council of Europe Convention on the Manipulation of Sports Competitions;
- The Ministry of Family Welfare and Demography was given an opinion on the Draft Law on Amendments to the Law on Financial Support for Families with Children;
- The Ministry of Finance was given opinion on: Draft Law on Amendments to the Law on the Budget of the Republic of Serbia for 2024; Draft Law on the Deposit Insurance Agency; Draft Law on Amendments to the Law on Tax Procedure and Tax Administration; Draft Law on Amendments to the Law on Games of Chance; Draft Law on the Budget of the Republic of Serbia for 2025;
- An opinion was provided to the Ministry of Information and Telecommunications on: A draft law on Information Security in two rounds; a draft law on Postal Services in two rounds;
- The Ministry of Public Administration and Local Self-Government was given opinions on the Draft Law on Amendments to the Law on e-Government;
- An opinion was given to the Games of Chance Administration of the Ministry of Finance regarding the planning of amendments and supplements to the Law on Games of Chance;
- An opinion was given to the Tax Administration of the Ministry of Finance on the Draft Amendments to the Law on Tax Procedure and Tax Documentation - regulating the authority of the Tax Administration of the Republic of Serbia (PURS) for maintaining the register of natural persons in two rounds, and on the Draft Amendments to the Law on Tax Procedure and Tax Documentation - regulating the authority of PURS for maintaining the register of natural persons in six rounds.

## *2) Opinions on drafts and proposals of other legal instruments*

In the course of 2024, the Commissioner issued **11 opinions on drafts and proposals of other legal instruments** upon request from the relevant public authorities. All opinions were given from the viewpoint of the Commissioner's mandate.

- An opinion was provided to the Ministry of Information and Telecommunications on: Draft Rulebook on Technical Conditions for Registration of End Users of Prepaid Services; Draft Action Plan for the Implementation of the Strategy for the Development of the Information Society and Information Security in the Republic of Serbia from 2021 to 2026 for the period 2024 to 2026, with explanation and report from the public discussion; Draft Action Plan for the Implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020–2025, for the period 2024–2025;
- Ministry of Justice was given opinion on: Draft National Strategy for the Fight Against Corruption for the period 2024–2028; Draft Action Plan for the period 2025 to 2027 for the Implementation of the Data Protection Strategy for the period 2023 to 2030; Draft Action Plan 2024–2025 for the Implementation of the National Strategy for the Fight Against Corruption 2024–2028;
- Ministry of Labour, Employment, Veterans and Social Affairs was given opinion on: Draft Agreement between the Republic of Serbia and the Republic of Portugal on Social Security;

Draft Strategy for Occupational Safety and Health in the Republic of Serbia for the period from 2023 to 2027;

- Ministry of Environmental Protection was given opinion on the Draft Strategy for the Implementation of the Aarhus Convention;
- Ministry of Human and Minority Rights and Social Dialogue was given an opinion on the Draft Action Plan for 2024–2026 for the implementation of the Strategy for Creating a Supportive Environment for the Development of Civil Society in the Republic of Serbia for the period 2022 to 2030;
- Commission for State Aid Control was given opinion on the Rulebook on the manner of omitting protected data in the acts of the Commission for State Aid Control.

### *3) Opinions concerning the Application of the LPDP*

In the course of 2024, the Commissioner issued a total of **314 substantiated opinions** concerning the application of the LPDP, including: 203 opinions issued to citizens, attorneys and the media, 3 opinions issued to NGOs and other associations and trade unions, 25 opinions issued to legal entities (companies and banks), 78 opinions issued to government authorities, local self-government authorities, health care and social welfare institutions, education institutions, and public enterprises, and 5 opinions issued to residential community managers).

In 2024, the Commissioner also issued **5 preliminary opinions** in accordance with Article 55 of the LPDP concerning data protection impact assessment. Opinions were given to four companies (4) and one law firm (1).

### *4) Initiatives and proposals*

An initiative to amend the Law on Free Access to Information of Public Importance („Official Gazette of RS“, Nos. 120/04, 54/07, 104/09, 36/10, and 105/2021) was submitted to the National Assembly and all MPs, the Government of the Republic of Serbia, the Ministry of Public Administration and Local Self-Government, and the Ministry of Finance.

### *5) Working Groups*

A Working Group was formed to prepare the Draft Law on Amendments to the Law on Personal Data Protection, as well as a Special Working Group to prepare the Draft Law on Amendments to the Law on Free Access to Information of Public Importance.

## **3.1.2. Reporting**

As part of compliance with the obligations under the law, the Commissioner receives reports and contributions to reports by public reports and submits to public authorities his reports and contributions to reports.

In accordance with Article 130a), of the Law on Electronic Communications<sup>41</sup>, the Commissioner receives reports and records of access to retained data from operators of electronic communications. As of the time of writing of this report, the Commissioner has received such reports in respect of the preceding year from **103 operators** of electronic communications, on the basis of which it was determined that the operators received a total of 134,676 requests for access to retained data and that they processed 134,564 such requests.

In compliance with his legal obligation, the Commissioner submitted an annual report on his activities for 2023 to the National Assembly of the Republic of Serbia, which the National Assembly did not consider. The Commissioner published the annual report on his activities for 2023 on his website <http://www.poverenik.rs/sr/o-nama/godisnji-izvestaji/4173-izvestaj-poverenika-za-2023-godinu.html>.

In accordance with the provision of Article 43 of the Law on Free Access to Information of Public Importance, public authorities are obliged to submit annual reports to the Commissioner on the actions taken to implement the LFAIPI. Out of the 12,000 public authorities in total, only 5,271 have submitted such reports to the Commissioner in respect of the preceding year.

The submitted annual reports have shown the following:

- A total of 43,006 requests regarding free access to information were registered; out of that, 32,639 were accepted and processed, 698 were dismissed, and 4,648 were rejected;
- 5,958 Complaints were registered: 1,474 for rejection of requests, 2,095 for non-compliance with requests, and 1,501 other complaints;
- 3,318 public authorities reported to have conducted trainings, while 5,156 regularly maintain data storage media;
- 4,676 of the public authorities that submitted their reports have published their Information Directories in the SIS;
- 92 public authorities charged the expenses of issuing copies containing information of public importance. The amount of charged expenses according to the reports is RSD 377,632.00;
- As regards categories of requested information, according to the reports submitted by public authorities these concerned;

1. Budget (salaries, donations, sponsorships, contracts...) – 8,617 requests,
2. Environment protection – 1456 requests,
3. Public health – 629 requests,
4. Issues within the mandate of public authorities – 28,698 requests.

Out of the **43,006** requests for free access to information, **26,755** or **62.21%** of the total number were filed by citizens, while members of the media submitted **3,490** requests, or **8.12%**. Representatives of political parties submitted **1.002** requests or **2.33%**, while non-governmental organizations and other citizens' associations submitted **6,784** requests or **15.78%**.

---

<sup>41</sup>“Official Gazette of the Republic of Serbia” Nos. 44/2010, 60/2013 – Constitutional Court Decision and 62/2014 and 95/2018 - new law.

According to the data the Commissioner obtained from the Treasury Administration of the Ministry of Finance<sup>42</sup>, and had the chance to review, a total of RSD 202,114.00 was credited to the account used for the payment of necessary expenses of issuing copies of documents containing information of public importance (840-742328843-30). However, according to the data presented in the reports submitted by public authorities, the amount of expenses charged in 2024 was RSD 377,632.00. This likely means that public authorities charged the expenses through their own accounts.

In accordance with Article 18, of the Law on Records and Data Processing in Law Enforcement, the Ministry of Interior (MoI) submitted to the Commissioner its Annual Report on Implementation of the LPDP at the MoI for 2024<sup>43</sup>, informing the Commissioner of the following:

- that in the course of 2024, they recorded a total of 284 requests from citizens for the exercising of rights related to the processing of personal data with regard to which they sent 45 notifications about the processing of personal data, per requests for the exercising of the right to erase data, he sent 201 notifications to the applicants on the limitation of rights, while according to the remaining requests, he enabled correction and/or updating of data, inspection, delivery of a copy and erasing of data;

- that during 2024 the Ministry of the Interior acted upon 24 decisions issued by the Commissioner following citizens' complaints concerning violations of the right to erasure of data from records, and that in doing so it deleted data from a total of 44 submitted criminal charges, while in other cases where the Commissioner found the complaints to be well-founded, the Ministry enabled the right of access, inspection, and provided copies of data to the applicants;

- in the course of 2024, no personal data breaches were recorded within the Ministry of Interior.

Other reports and contributions to reports submitted by the Commissioner to public authorities concern primarily Serbia's EU integration processes. Such reports were submitted to the following recipients in 2024:

- **Ministry of Justice:** Updated report on the implementation of activities from the revised Action Plan for Chapter 23 for Q4 2023; Updated report on the early warning mechanism for Chapter 23 for Q4 2023; Report on the implementation of the National Programme for the Adoption of the Acquis of the European Union (NPAA) for the 2022–2025 period – Q1 2024; Contribution to the European Commission's Annual Progress Report for 2023; Opinion of the Commissioner, from the perspective of the institution's competences, on the Draft Rule of Law Report of the European Commission; Report on the implementation of activities from the revised Action Plan for Chapter 23 for Q1 and Q2 2024; Report on the implementation of the National Programme for the Adoption of the Acquis (NPAA) for the 2022–2025 period – Q2 2024; Report on the fulfilment of interim benchmarks from the Action Plan for Chapter 23 regarding the implementation of the Law on Free Access to Information of Public Importance for the period from 1 January to 30 June 2024; Commissioner's contribution to the European Commission's Annual Progress Report on the Republic of Serbia for 2024, covering the period from 1 January to 31 July 2024; Contribution to the Report on the implementation of the National Programme for the Adoption of the Acquis (NPAA) for the 2022–2025 period – Q2 2024; Report on self-assessment of the fulfilment of interim benchmarks under Chapter 23 for the reporting period from 1 November 2023 to 31 October 2024; Supplement to the

---

<sup>42</sup> Letter number 003618431 2024 10523 007 000 000 001 dated 3 January 2025.

<sup>43</sup> Letter 02/8 number 07-7-441/24-56 dated 11 February 2025

contribution for the Report on self-assessment of the fulfilment of interim benchmarks under Chapter 23 (interim benchmark 29), submitted on two occasions.

- **Anti-Corruption Agency:** Consolidated report on the implementation of activities from the Revised Action Plan for Chapter 23 – Subchapter Fight against Corruption, including aggregated data from previous quarterly reports in 2023, as well as data from the last, fourth quarter; Report on the implementation of activities from the Revised Action Plan for Chapter 23 – Fight against Corruption for Q1 and Q2 of 2024.
- **Ministry of European Integration:** Report on the implementation of the National Programme for the Adoption of the Acquis (NPAA) 2022–2025 for Q4 2023; Report on the fulfilment of interim benchmarks for Chapter 23 for the period July – December 2023; Contribution to the European Commission’s Annual Report on Serbia’s progress for the period 15 June 2023 – 31 March 2024 – area: Democracy; Report on the implementation of the revision of the National Programme for the Adoption of the Acquis (NPAA) for the period 2022–2025, covering Q3 2024 to Q4 2027; Commissioner’s contribution to the European Commission’s Annual Report on the progress of the Republic of Serbia for 2024, covering the period 1 January – 31 July 2024; Application prepared by the Ministry of European Integration for the drafting of a new National Programme for the Adoption of the Acquis (NPAA) for the period 2024–2027.
- **Ministry of Public Administration and Local Self-Government:** Serbia’s Progress Report to the European Commission for Chapter 23 for 2023 – Public Administration Reform; Contribution to the European Commission’s Annual Report on the progress of the Republic of Serbia for 2024 – Public Administration Reform; Contribution for the 10th meeting of the Special Group on Public Administration Reform;
- **Council of Europe** received an attachment for the 18th edition of the Data Protection Day, which is celebrated on each 28 January - information on the Commissioner's activities on the Data Protection Day (completed form);
- Responses to the list of questions and the agenda with topics for the upcoming meeting of the **Subcommittee on Justice, Freedom and Security**, held in Belgrade on 12–13 March 2024;
- **UNODOC Secretariat** was provided with a response by the Ministry of Justice to an additional question from the competence of the Commissioner regarding the review of compliance with the UN Convention against Corruption;
- A written contribution was submitted to the **Commissioner for the Protection of Equality**, who represented the independent state authorities of the Republic of Serbia at the OSCE Human Dimension Conference.

## 3.2 COMMISSIONER'S ACTIVITIES RELATED TO PROTECTING AND FORWARDING THE RIGHTS 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. Handling of complaints

The number of complaints formally lodged with the Commissioner on the grounds of violation of right to access information of public importance remains high continually, with the fact that since 2022 there has been a significant rise in the number of complaints compared to the period before it, as presented *in the graph* below. **In 2024 the Commissioner received 10,923 complaints, while 9,089 complaints were carried over from the previous period in which proceedings had not been completed.** This means that the Commissioner handled a total of 20,012 complaints during 2024.

**Graph No. 3 - Number of received and resolved complaints by years, from 2005 to 2024**



The cause of this extremely significant increase in the number of complaints ever since 2022 lies in the change of the position of the Administrative Court, determined at the 105th Full Judicial Panel held on 21 June 2022, regarding justifiability of reimbursement of legal expenses incurred by information requesters when hiring attorneys to represent them in procedures pursuant to complaints filed with the Commissioner. Namely, after more than 13 years, the Administrative Court changed its position, finding that the public authorities are now obliged

to reimburse the costs of representation by lawyers to the complainants, in the event that the Commissioner determines that the complaint is founded. The Commissioner reported on this in detail in his annual reports for 2022 and 2023. In order to understand how the change in the court's position affected the increase in the number of complaints and the current situation in this area, the following should be taken into account:

In the period from 1 January 2022 through 30 June 2022, 1,771 complaints were lodged with the Commissioner, and in the period from 1 July 2022 through 31 December 2022, a total of 7,440 complaints were lodged. Consequently, during 2023, the number of complaints increased to 16,711 complaints, which, along with 2,983 complaints carried forward from the previous year, meant 19,694 pending complaints to handle. In 2024, a total of 10,923 complaints were received, while 9,089 complaints were carried over from the previous period, in which the proceedings had not been completed. This means that the Commissioner handled as many as 20,012 complaints in 2024, representing the highest number of active complaints ever recorded. For these reasons, all the data in this report, which refer to the field of access to information, should be taken with caution, in the sense that the general overview may indicate a significant improvement in the status in the field of access to information (fewer number of founded complaints, etc.), although trends, without data on complaints by persons who lodged complaints through a lawyer, with the sole and basic goal of collecting the costs of the procedure, are quite similar compared to previous years. For that reason, the actual situation regarding access to information should be assessed in relation to other important indicators, such as, for example, the actions of public authorities in response to journalists' requests and their attitude towards journalists, the compliance of public enterprises with the obligations prescribed by the Law on Free Access to Information of Public Importance (LFAIPI), the percentage of unenforced decisions of the Commissioner ordering the provision of information, as well as the significance and sensitivity of the withheld information.

The Commissioner resolved 7,691 complaints in 2024. 3,894 or 50.63% complaints were lodged due to public authorities completely ignoring the freedom of information requests ("administrative silence"). 1,072 complaints or 13.94% of the total number of resolved complaints, were lodged against decisions of public authorities which rejected the applicant's requests as unfounded and provided a statement of reasons. In 2,065 cases, which is 26.85% of total resolved complaints, the public authorities provided incomplete replies, while in 636 cases or 8.27% of the total number of resolved complaints in 2024, public authorities responded to requests for information with a statement of reasons and elements of the decision. In 24 cases, or 0.31%, complaints were lodged against the requesters' demand to be reimbursed for the expenses of the procedure

The complaints were mostly **founded** – 3,665 complaints or 47.65% of the total resolved cases.

Nevertheless, if we review these figures in the light of the fact that out of 7,691 resolved complaints in 3,102 cases (1,997 decisions were made, while 1,105 cases were joined during resolution) complaint was rejected due to the protection of the public interest, because the complaints were filed solely in personal and private interest to collect the costs of the proceedings, and not in the public interest to know, it is clear that the actual percentage of well-founded complaints lodged with the Commissioner is very high.

In 2024, as in previous years, the trend of many procedures pursuant to founded complaints lodged with the Commissioner ending in **termination of the procedure** continued. In 1,154 cases (31.5%) out of the total number of founded complaints (3,665) the procedure was terminated, because

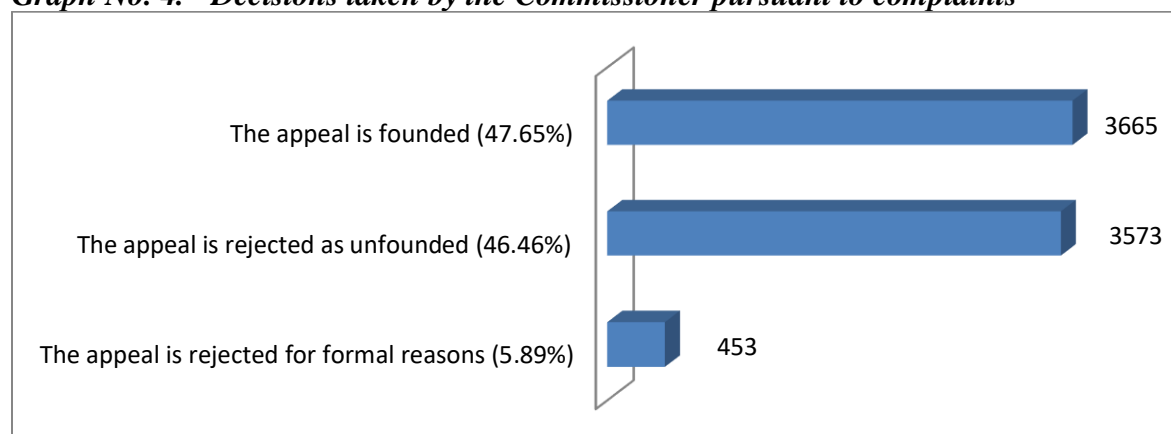
the public authorities complied with the information request, upon learning of the complaint and receiving a request for a reply from the Commissioner, but before a decision could be taken pursuant to the complaint, with the complainants formally withdrawing their complaints in **344** cases. This shows that in many cases the right to access information is exercised only after the Commissioner's intervention, which entails wasteful or unnecessary involvement of employees and spending of public money, since there was no actual reason for denial of information before complaints were lodged.

According to the data from those authorities that submitted an annual report to the Commissioner (Article 43 of the Law on Free Access to Information of Public Importance), it was established that these authorities had received a total of **43,006** requests to exercise the right to free access to information of public importance in 2024.

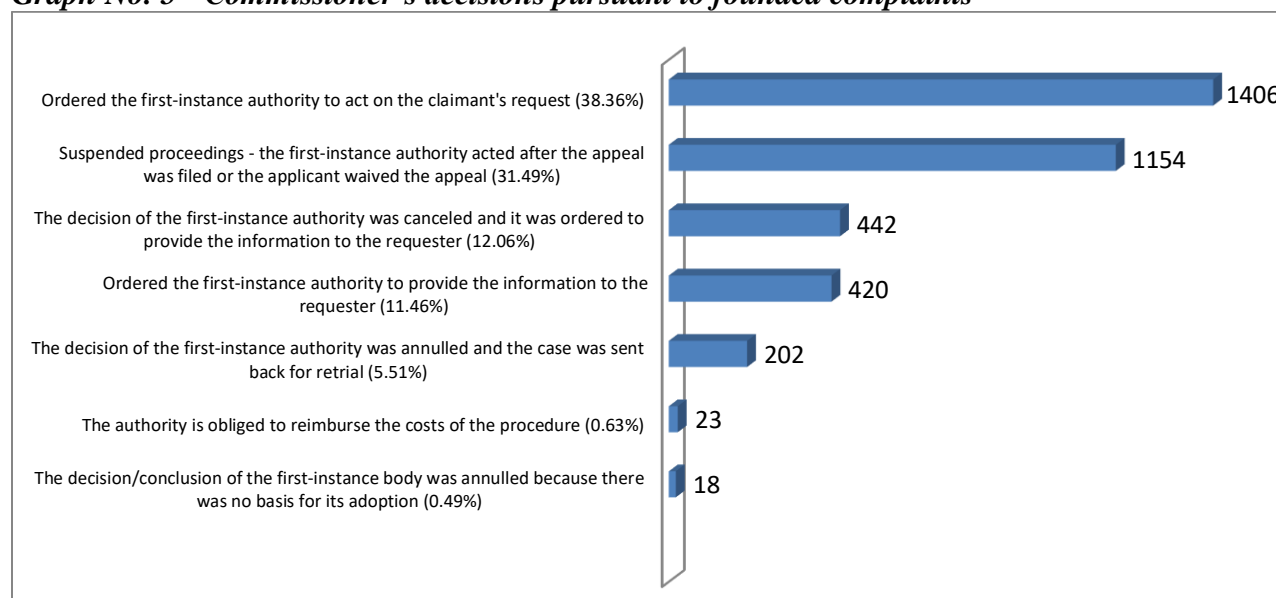
Almost one half of the authorities having the legal obligation to submit annual reports to the Commissioner complied with this duty in 2024, namely **5,271** or **42.8%** out of the total of **12,310** of the authorities that unmistakably have a statutory obligation to submit the reports. This was the highest number of reports submitted so far, which was probably due to amendments to the Law on Free Access to Information of Public Importance and misdemeanour liability for failure to submit information directories to the Commissioner. Nevertheless, this number is still far from satisfactory and indicates that the public authorities continue to be negligent regarding their obligations prescribed by the Law on Free Access to Information. Since amendments to this Law specified ten categories of public authorities, including various categories of companies and other legal entities, it is impossible to identify the exact number of these entities. Criteria to determine whether a legal entity is included in the category of public authorities include whether it is vested with public powers, whether it performs an activity of general interest, and also the manner of its establishment, ownership stakes, composition of managerial bodies and the manner of financing, which is why the scope of public authorities is very wide and variable.

The graphs below show to which information the requests and complaints filed by requesters pertained in 2024, who requested the information, against which authorities the complaints were lodged, what reasons public authorities invoked when they passed decisions rejecting information requests, decisions taken by the Commissioner in handling the complaints and how public authorities complied with the Commissioner's decisions.

***Graph No. 4. - Decisions taken by the Commissioner pursuant to complaints***



**Graph No. 5 - Commissioner's decisions pursuant to founded complaints<sup>44</sup>**



As in 2023, the majority of complainants, or information requesters, in 2024 were individual citizens and citizens' associations.

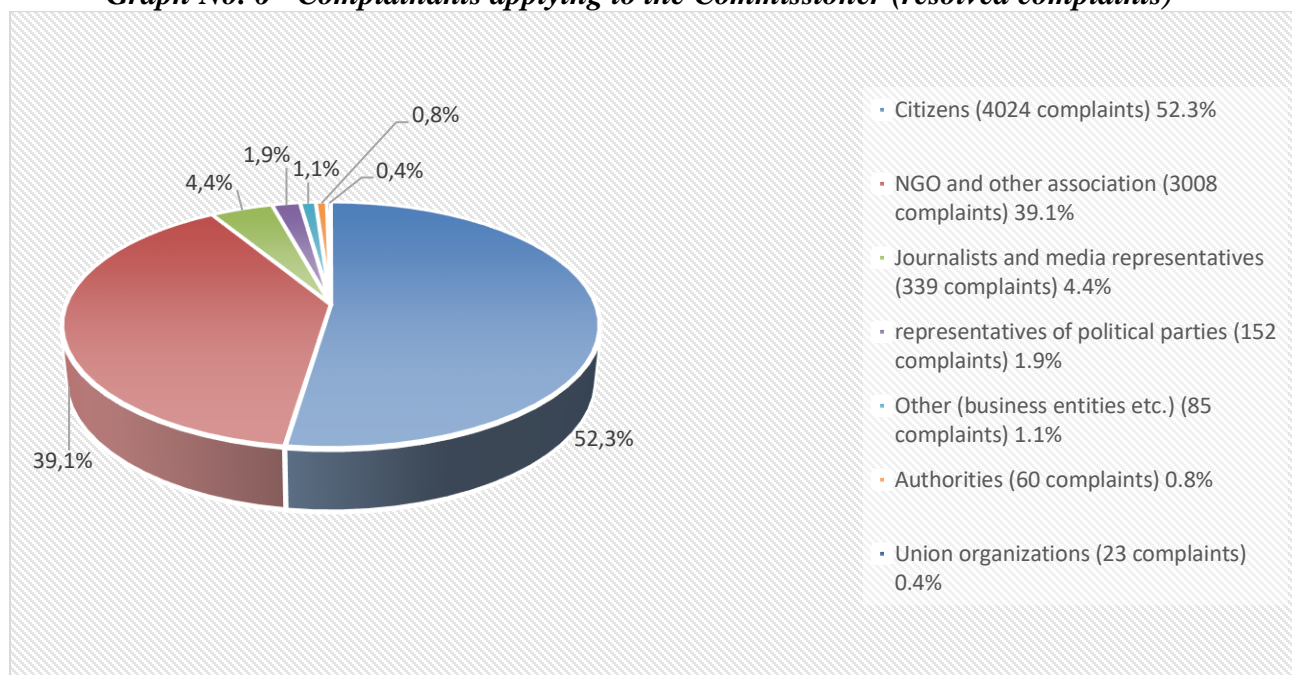
Journalists and media outlets lodged 183 complaints with the Commissioner in 2024 (or 1.68% of the total number of complaints lodged in 2024). The majority of these complaints, namely 75 (40.98%) were lodged against the so-called "administrative silence". **In 2024, 339 complaints by journalists and media outlets were resolved (pending complaints carried forward from 2023 were also resolved).** After a notably serious and drastic increase in the number of complaints due to abuse of rights in 2023, which resulted in the Commissioner resolving fewer journalist complaints than the number received that year, the Commissioner in 2024 paid special attention to journalist complaints and developed a plan for their resolution. This led to a significantly higher number of resolved journalist complaints- including those carried over from 2023-compared to the number of complaints received. Priority was also given to speeding up the resolution of journalist complaints, considering that journalists are, par excellence, representatives of the public and, by their very nature, seek information in the public interest to report on significant social issues.

Out of **339** resolved complaints of media representatives, **72** ended with an order to provide the information to the requester, on which the authorities failed to act in **23** cases or in 31.94%. Not only is the percentage of the Commissioner's unenforced decisions on journalists' complaints (31.94%) significantly higher compared to the general trend of unenforced decisions concerning other complainants (22.02%), but this also carries particular additional weight because journalists-who by the nature of their work report on topics of exceptional public importance and act in the public interest-are being denied very sensitive information, such as environmental data, information about major projects, management of public funds and resources, co-financing of media projects, legalisation of illegally constructed buildings, information on the financing, operations, and resources of political parties, etc. When this fact is viewed together in the light of the fact that as many as 40.98% of journalists' complaints (75 out of a total of 183) lodged to the Commissioner in 2024 were lodged due

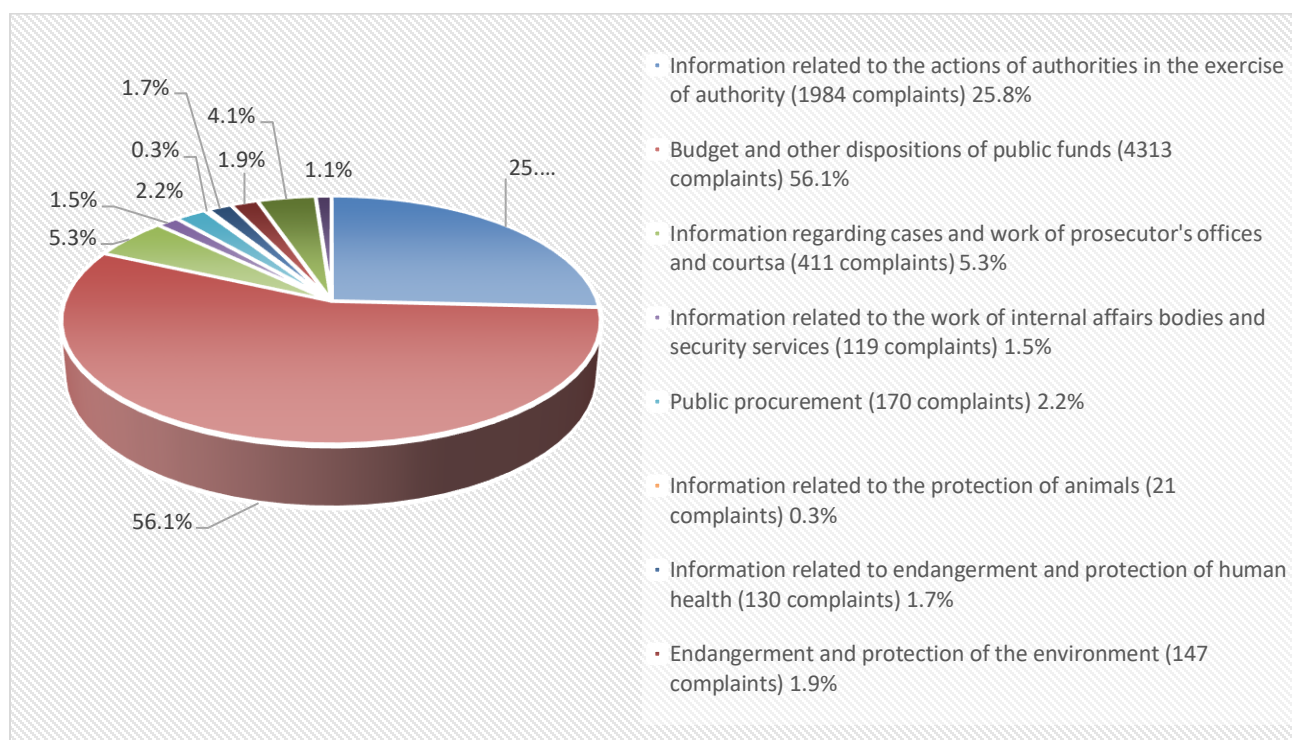
<sup>44</sup> In a total of 862 complaints, the Commissioner ordered the first-instance authorities to provide information to the applicant, more precisely 554 decisions were taken in those cases, and 308 cases were joined during resolution.

to the "silence" of public authorities, it is clear that journalists have a very difficult time getting information, i.e. they find it difficult to exercise their right to access information of public importance.

**Graph No. 6 - Complainants applying to the Commissioner (resolved complaints)**



**Graph No. 7 - Types of requested information in resolved complaints**



In the structure of complaints resolved in 2024, the majority were lodged against national government and other authorities and organizations, namely 2,796 complaints or 36.3% out of the total number of resolved complaints, of which 1,254 complaints were resolved against the ministries and bodies subordinated to them, which is 44.8% of the complaints resolved against the national government authorities.

Also, in 2024, the Commissioner resolved 1,004 complaints against local self-government authorities or 13.1% of the total number of resolved complaints, while the Commissioner resolved 3,437 complaints against public companies or 44.7% of the total number of resolved complaints. Also, the Commissioner resolved 416 complaints against judicial authorities or 5.4% of the total number of resolved complaints in 2024.

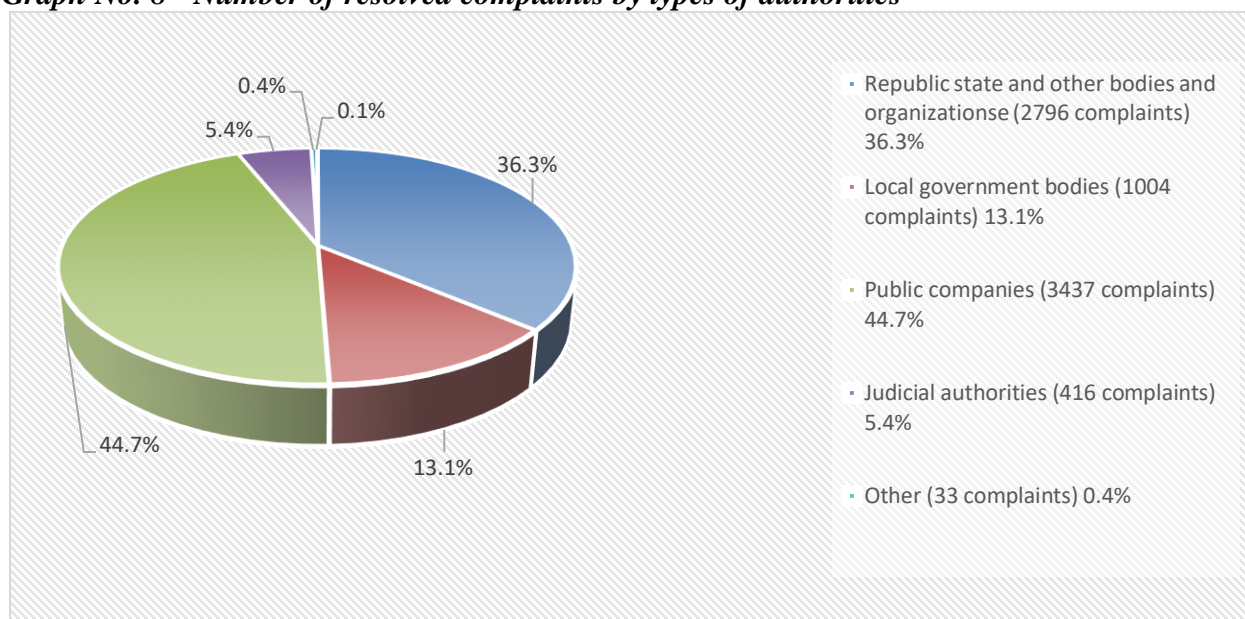
Based on the analysis of the mentioned data, it is concluded that compared to 2023, the number of resolved complaints filed against public enterprises has significantly increased (in 2023, 1,300 complaints were resolved, representing 12.27% of the total number of complaints). This is primarily a consequence of the negligent and irresponsible attitude of public enterprises towards the obligations prescribed by the Law on Free Access to Information of Public Importance (LFAIPI). For more details, see section 2.A.3 of the report. Also, the number of complaints against judicial authorities has also significantly increased (in 2023, 189 complaints were resolved, accounting for 1.76% of the total number of complaints). The reason for this is the increased public interest in court proceedings.

On the other hand, in 2024, the largest number of annual reports of public authorities on acting in accordance with the Law on Free Access to Information of Public Importance was ever submitted to the Commissioner, namely 5,271. According to data from these reports, a total of 43,006 requests for free access to information of public importance were submitted. When this is compared with the 10,923 lodged complaints in 2024, the conclusion is that one complaint was lodged for every 3.94 requests for access to information.

The ratio of the number of submitted requests and reported complaints varies depending on the category of authority.

For the sake of comparison, it can be seen from the submitted reports that 14,131 requests were submitted to local self-government bodies in 2024, or 32.85% of the total number of requests. As an illustration, in 2024, the Commissioner received 1,883 complaints about violations of the right to free access to information against local self-government bodies, which means that one complaint was lodged for every 7.5 requests. Also, according to the data from the submitted reports, 8,538 requests, or 19.85% of the total number of requests, were submitted to the judicial authorities, while 824 complaints against these authorities were lodged to the Commissioner, which indicates that one complaint was lodged for every 10.3 requests. In 2024, the Commissioner received 3,387 complaints against public companies, while according to the data from the report, 2,981 requests were recorded against these bodies, or 6.93% of the total number of requests, which indicates that in 2024, one complaint was lodged for every 1.1 requests sent to public companies in 2024. Regardless of existing abuses, the ratio of one complaint to 1.1 submitted requests to public companies indicates an unsatisfactory level of transparency in public companies.

**Graph No. 8 - Number of resolved complaints by types of authorities**



**Table No. 7 - Overview of requests filed and complaints lodged with the Commissioner in 2024 against ministries, with bodies subordinated to them**

No.	Ministry	No. of requests	No. of complaints
1.	Ministry of Interior	1790	383
2.	Ministry of Finance	197	97
3.	Ministry of Agriculture, Forestry, and Water Management	74	63
4.	Ministry of Justice	242	317
5.	Ministry of Construction, Transport, and Infrastructure	310	47
6.	Ministry of Education	334	17
7.	Ministry of Defence	77	23
8.	Ministry of Health <sup>45</sup>	/	43
9.	Ministry of Economy <sup>46</sup>	/	12
10.	Ministry of Public Administration and Local Self-Government <sup>47</sup>	/	32
11.	Ministry of Labour, Employment, Veterans and Social Affairs	118	33
12.	Ministry of Internal and Foreign Trade	75	10
13.	Ministry of Culture	54	4
14.	Ministry of Sport	33	4
15.	Ministry of Mining and Energy	253	52
16.	Ministry of Foreign Affairs	45	17
17.	Ministry of Environmental Protection	290	62
18.	Ministry of European Integration	17	4

<sup>45</sup> This Ministry failed to submit its annual report for 2024 to the Commissioner;

<sup>46</sup> This Ministry failed to submit its annual report for 2024 to the Commissioner;

<sup>47</sup> This Ministry failed to submit its annual report for 2024 to the Commissioner;

19	Ministry for Human and Minority Rights and Social Dialogue	25	3
20.	Ministry of Family Welfare and Demography <sup>48</sup>	/	12
21.	Ministry of Rural Welfare	11	2
22.	Ministry of Information and Telecommunications	35	9
23.	Ministry of Public Investments <sup>49</sup>	/	4
24.	Ministry of Science, Technological Development, and Innovation	33	2
25.	Ministry of Tourism and Youth	34	2
TOTAL		4047	1254

**The Ministry of Public Administration and Local Self-Government, the Ministry of Health, the Ministry of Economy, the Ministry of Rural Welfare, the Ministry of Family Welfare and Demography, and the Ministry for Public Investment** failed to submit their annual report to the Commissioner. At the same time, the report was submitted by the Administrative Inspectorate within the Ministry of Public Administration and Local Self-Government, to which 94 requests for free access to information were sent in 2024 and 8 complaints were lodged with the Commissioner against this authority. The Directorate for Measures and Precious Metals within the Ministry of Economy also submitted a report, stating that in 2024 it received 22 requests for access to information of public importance and that one complaint was filed with the Commissioner.

The following administrative authorities within ministries also failed to submit their reports:

- Occupational Health and Safety Department (an administrative body within the Ministry of the Interior);
- Rapid Response Directorate (an administrative body within the Ministry of the Economy);
- Department for Waterways "Plovput" (an administrative body within the Ministry of Construction, Transport and Infrastructure);
- Directorate for the Administration of Seized Assets (an administrative body within the Ministry of Justice);
- Treasury Administration (an administrative body within the Ministry of the Finance);
- Administration for Occupational Safety and Health (an administrative body within the Ministry of Labour, Employment, Veterans and Social Affairs);
- Office for Cooperation with the Diaspora and Serbs in the Region (an administrative body within the Ministry of Foreign Affairs);
- Directorate for Energy Reserves and Administration for Financing and Encouraging Energy Efficiency (administrative bodies within the Ministry of Mining and Energy).

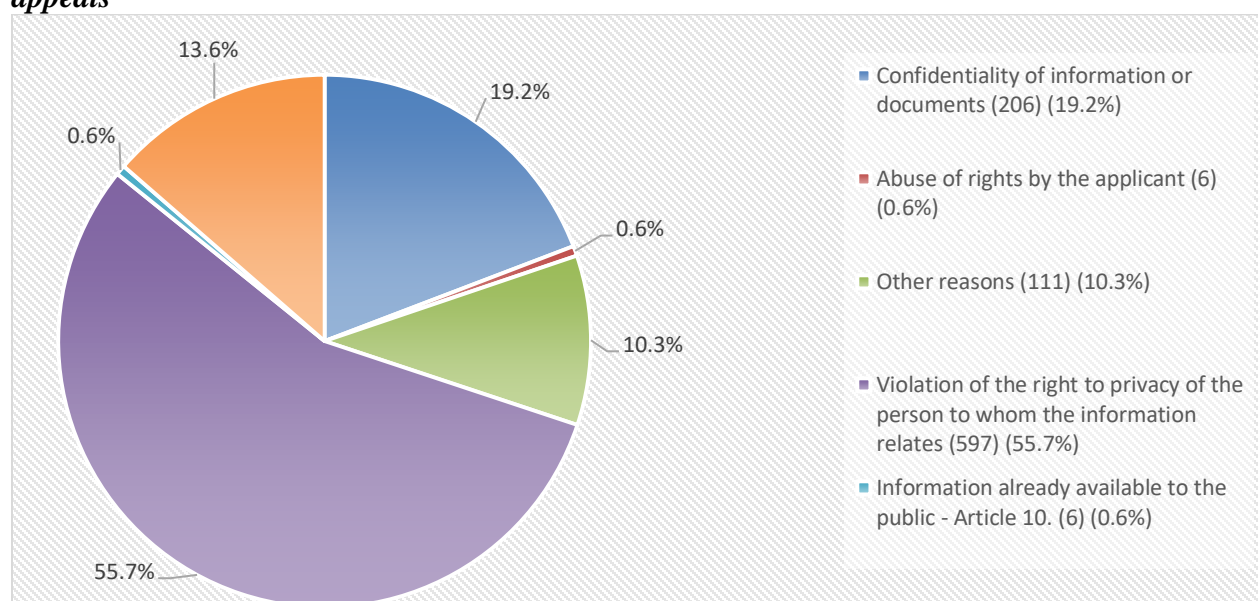
Data in the corresponding table show that in 2024, for every 3.2 requests submitted to ministries, the information requester lodged one complaint with the Commissioner against denial of information, which is worse than in 2023, when this ratio was 4.2. This indicates a decline in transparency within the ministries and a deterioration in compliance with the proper implementation of the Law on Free Access to Information of Public Importance (LFAIPI). Namely, such ratio was better in previous years. As an example, in 2016, one complaint was lodged for every 9.5 requests, in 2017, there was one complaint lodged for every 7.7 requests, while in 2018 there was one complaint for every 5.35 requests.

<sup>48</sup> This Ministry failed to submit its annual report for 2024 to the Commissioner;

<sup>49</sup> This Ministry failed to submit its annual report for 2024 to the Commissioner;

According to data from the submitted reports of government bodies, the highest number of requests for access to information was submitted to the Commissioner for Information of Public Importance and Personal Data Protection (1,919)<sup>50</sup>, the Ministry of Interior(1,790), and “Telekom Srbija” JSC. (607), the Republic Geodetic Authority received 586 requests, the Higher Public Prosecutor’s Office in Niš 560, the City Administration of Belgrade 523, the Municipal Administration of the Municipality of Koceljeva 504, the National Employment Service 437, and so on. Meanwhile, the highest number of complaints filed with the Commissioner in 2024 were against Srbijagas (947), Telekom (493), the Ministry of Interior (383), the Ministry of Justice (317 – including its subordinate bodies), the National Health Insurance Fund (252), and others.

**Graph No. 9 - Reasons for dismissing applications from information requesters in resolved appeals<sup>51</sup>**



In 2024, in cases when public authorities rejected information requests as unfounded by their decisions (1,072 cases), they invoked abuse of the right by information requesters in 6 cases, or in 0.6% of complaints where decisions were passed rejecting the request. In 206 cases, or 19.2%, public authorities invoked confidentiality of information or documents (twice higher number than in 2023), while in 597 cases, or in 55.7% they invoked violation of data subject’s right to privacy (similar to 2023). Public authorities invoked Article 2, of the LFAIPI (is the information of public importance?) in 146 cases, or 13.6%, while they invoked Article 10 of the LFAIPI (information is already publicly available) in only 6 cases or 0.6%.

An analysis of the reasons for rejection of information seekers’ requests reveals that abuse of the right to privacy of data subjects is the most frequent reason for rejection. This is a consequence of

<sup>50</sup> The reason why the Commissioner was the authority that received the highest number of requests in 2024 is that a single individual, clearly abusing the right, submitted 1,730 requests in a single day. The Commissioner consolidated all those requests by Decision No. 073-06-1522/2024-08 of 20 May 2024 and rejected them.

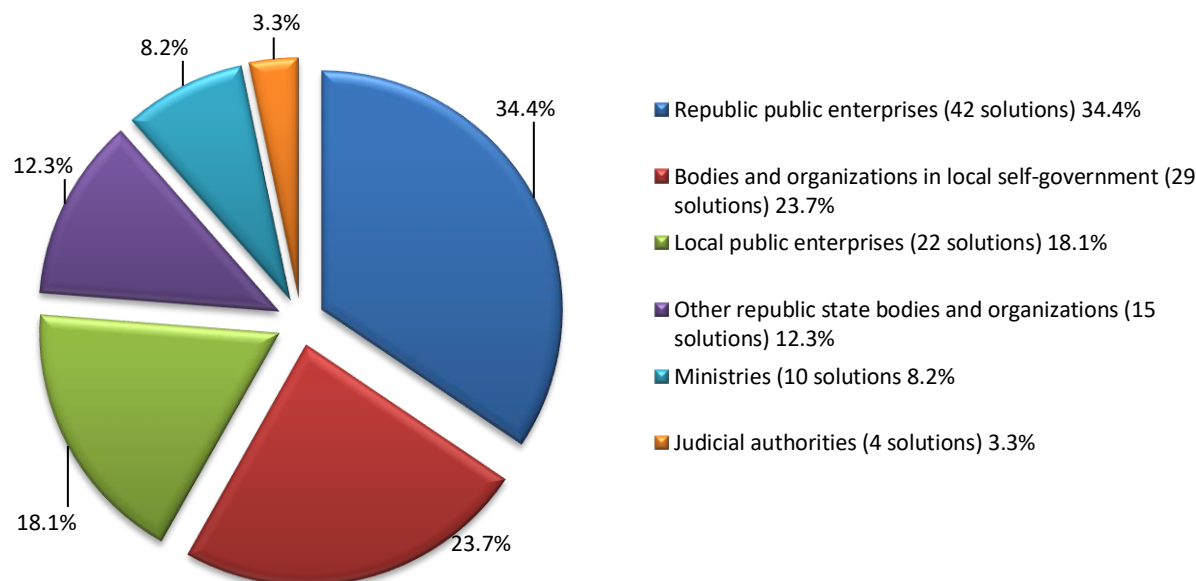
<sup>51</sup> Percentages as compared to the number of resolved complaints against the decision/conclusion (1,072 complaints against the decision/conclusion)

the fact that employees in public authorities are not aware of the fact that the scope of privacy of persons employed in public authorities is narrowed as compared to the scope of privacy of the so-called ordinary citizens, which results in very frequent unjustified appeals to privacy and protection of personal data and unjustified refusal of requests for access to information. Information about the education of a person employed in a public authority and the criteria that are a requirement for working in a certain workplace, as well as information about employees' earnings, payments from the budget for overtime work, transportation, etc. must be available to the public, because these benefits are paid from the budget, but even then data that is not important for the performance of work and is not related to payments from the budget, such as national identification number, home address, current account number, parents' names, deductions on grounds of alimony, administrative prohibitions, etc.

There is also a high percentage of invoking data confidentiality, that is, business or professional secrecy (19.2%). In the majority of cases, invoking data confidentiality, especially business secret, is unfounded. A particular problem is the fact that access to the requested information on this basis is, in almost all cases, granted without an adequate explanation of the reasons why, in a specific case, the protection of the confidential data, i.e. business or professional secret, outweighs the public's right to know. This significantly hampers access to information of public importance and unnecessarily delays the process of exercising this right.

In addition, both this year and the previous year, a significant number of rejections of requests from applicants with a statement of reasons invokes that the requested information is not information of public importance within the meaning of Art. 2, of the Law, although it fulfils all the elements prescribed by law in order to be considered information of public importance.

**Graph No. 10 - Number of Commissioner's decisions taken in 2024 that have not been complied with (122 of 554 decisions taken ordering to enable access to information)<sup>52</sup>**



<sup>52</sup> An Overview of the Commissioner's decisions taken in 2024 that have not been complied with by 25 February 2025, constitutes and integral part of the Report.

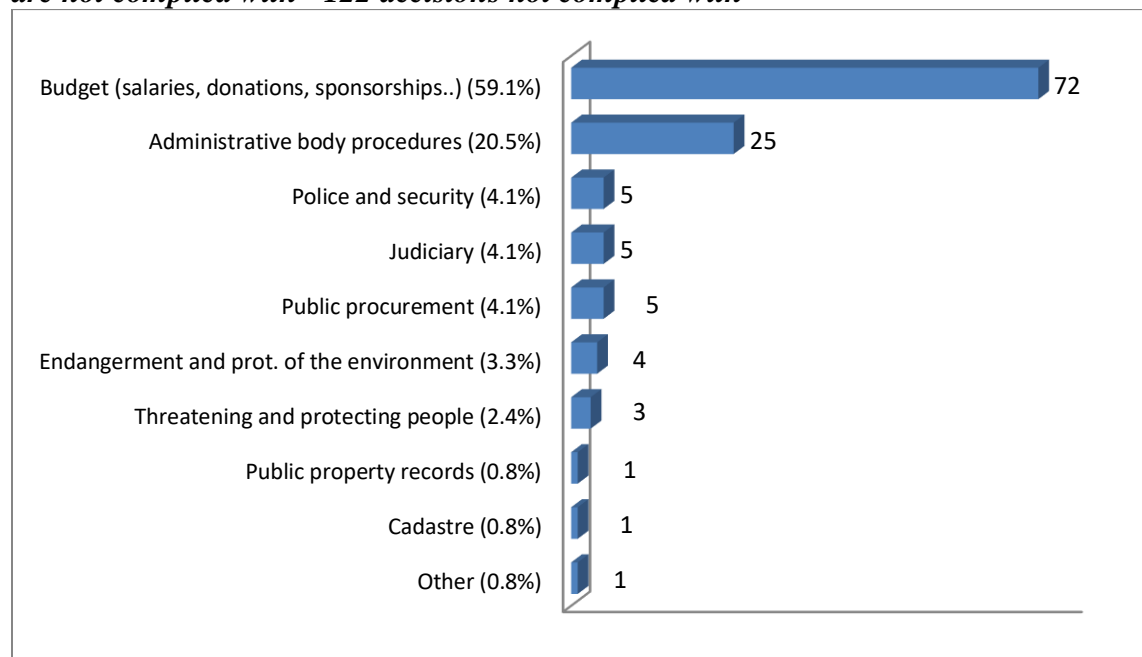
Out of the 554<sup>53</sup> rulings passed by the Commissioner pursuant to complaints filed by information requesters, in which he ordered public authorities to make information available, the authorities failed to comply in 122 cases or 22.02%, which means that the average rate of compliance with the Commissioner's decisions was 77.98%.

Of 122 unenforced decisions of the Commissioner, as many as 64-or 52.5%-concern public enterprises (42 at the national level and 22 at the local level), which also indicates an exceptionally high degree of indiscipline and negligence in public enterprises regarding compliance with the obligations prescribed by the Law on Free Access to Information of Public Importance.

The percentage of compliance with of the Commissioner's decisions taken pursuant to complaints lodged by journalists and media outlets, by which the Commissioner ordered submission of requested information, is still highly unsatisfactory. Thus, out of 339 resolved complaints by journalists and media outlets, 72 were completed by orders to provide information to requesters, which have not been complied with by public authorities in 23 cases, or 31.9%, which is particularly worrying, bearing in mind the content of information they requested, i.e. the fact that journalists always report on topics of relevance for general public.

In addition, the percentage of decisions taken on complaints lodged by journalists and media outlets that have not been complied with (31.9%) was higher than the percentage of non-compliance in cases of other complainants (22.02%), which is unacceptable, since members of this profession request information to write and report on topics of general public interest. This has a particular weight and is a reason for concern, because journalists, by the nature of their profession, act as representatives of the public *par excellence* and request information in the public interest.

**Graph No. 11 - Type of requested information in the Commissioner's decisions taken in 2024 that are not complied with - 122 decisions not complied with**



<sup>53</sup> In a total of 862 complaints, the Commissioner ordered the first-instance authorities to provide information to the applicant, more precisely 554 decisions were taken in those cases, and 308 cases were joined during resolution.

An analysis of the withheld information in the Commissioner's decisions that have not been complied with reveals that the following most common categories of withheld information were: 1) information on the budget (59.1%); 2) information on procedures before administrative authorities (20.5%) and 3) information on public procurement procedures (4.1%), as well as information on the work of the police (4.1%) and the judiciary (4.1%), information on endangerment and protection of people (2.4%), and information on environmental protection (3.3%). There is still a high percentage of denied information related to environmental threats and protection (3.3%), which is also worrisome, since this is also the so-called privileged information in terms of shorter and urgent deadlines for processing requests for access and for deciding on complaints, being of exceptional importance for people's health and their decisions on how they are going to behave with reference to the content of such information.

These figures are particularly worrisome, because the first two categories of information (budget and procedures before administrative authorities) constitute information of particular importance for transparency of the activities of public authorities, lawfulness of their work and the fight against corruption, and as such must always in principle be available to the public. In addition, an increased percentage of denied information regarding threats to people and protection of people is also quite worrisome, since information that was denied pertains to public health, and due to its significance it has the status of privileged information in terms of shorter and urgent deadlines for processing requests for access and for deciding on complaints, because people make decisions about their health with reference to the content of such information and align their behaviour with it. For illustration, a drastic example of withholding information relates to data on waste management during the demolition of the "Jugoslavija" hotel, air quality after the demolition, and its impact on health - information that should have been proactively published primarily because of its significance to public health.

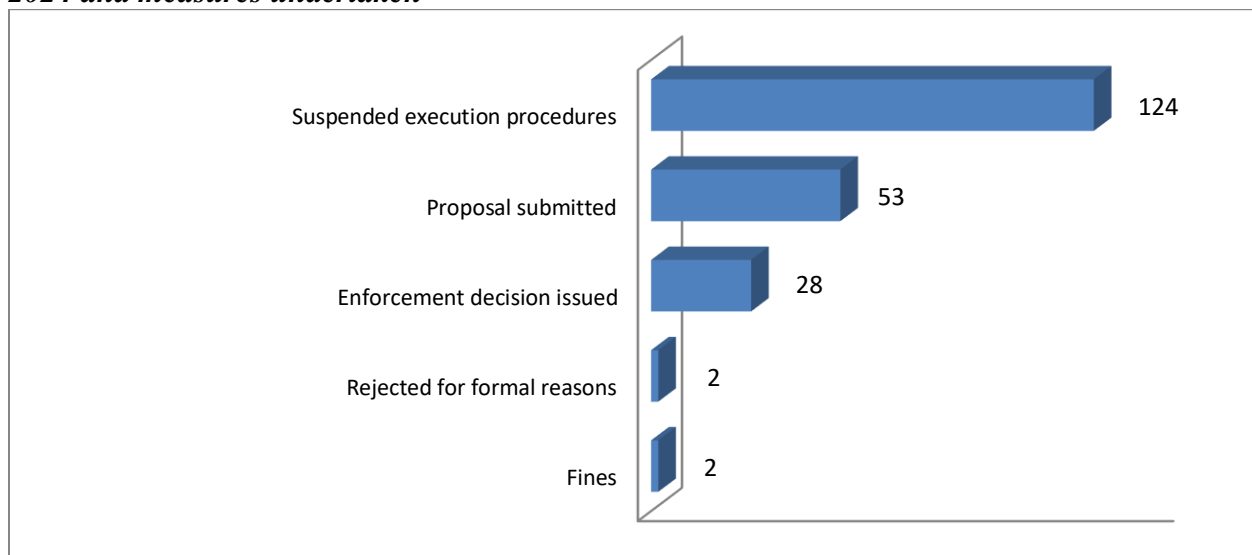
#### *3.2.1.2. Administrative enforcement of the Commissioner's decisions*

As previously indicated, the failure to implement the Commissioner's decisions in a significant percentage of 22.02% continues to represent one of the main obstacles in the process of exercising the right to access information. An additional problem is the fact that the Commissioner still directs significant resources toward addressing the issue of a large number of abuses of rights and therefore remains unable to allocate resources to a satisfactory extent to resolve this important issue. As regards motions for administrative enforcement of the Commissioner's decisions pursuant to the law in effect since 17 February 2022, as explained in the part of this Report on the state of play and obstacles to exercising the right, the mechanisms for administrative enforcement of the Commissioner's decisions were unblocked.

In 2024, the Commissioner issued 28 enforcement decisions and 2 decisions imposing monetary fines of 50,000 dinars each. For one of the decisions imposing a fine, there is no information on whether the fine was paid, while the other fine was paid by the enforcement debtor, i.e. the first-instance authority (Ministry of Economy). This is an extremely concerning fact, as the public authority chose to pay the fine rather than comply with the Commissioner's order to make the requested information available to the public.

Overview of measures undertaken is presented in the graph below.

**Graph No. 12 - Motions for administrative enforcement of the Commissioner's decisions filed in 2024 and measures undertaken**



#### *3.2.1.3. Misdemeanour liability*

In the amended LFAIPI, misdemeanour liability for violating the provisions of the LFAIPI has been tightened. Misdemeanour liability for failure to comply with the duties under this Law was also laid down not only for authorised persons and managers of the authorities, but also for all employees in public authorities.

##### *3.2.1.3.1. Misdemeanour notice*

When the Commissioner finds that a complaint against failure to process a request (“administrative silence”) was founded, he will take an appropriate decision ordering a public authority to process the request within a specified deadline (Article 24, paragraph 6, of the Law). In such situations, the Commissioner does not decide on the merits of the request. When the Commissioner passes such decision, he issues misdemeanour notice under Article 47 of the Law (Article 24 paragraph 10 of the Law) in accordance with the law providing for the misdemeanour proceedings, setting out that a fine in the amount of RSD 30.000 will be imposed for such misdemeanour on the person authorized to process requests (or the manager in an authority if an authorized person is not appointed), if he/she fails to process the request in accordance with the deadlines referred to in Article 16 of the Law (“administrative silence”).

Since the beginning of the application of the amendments to Law on Free Access to Information (17 February 2022) through 31 December 2024, the Commissioner issued **1.311** misdemeanour notices in accordance with Art. 47, of the Law (Art. 47, Paragraph 10, of the Law).

In 2024, the Commissioner issued **802 misdemeanour notices** in accordance with Article 47 of the Law (Article 24, paragraph 10 of the Law), including 217 notices to authorised persons

responsible for handling requests for access to information of public importance within public authorities, and 585 notices to heads of public authorities (in cases where no authorised person was designated to handle such requests). These were issued due to the failure of public authorities to respond to requests for access to information within the legally prescribed timeframe, which led the Commissioner to issue decisions ordering those authorities to act upon the requests (Article 24, paragraphs 6 and 10 of the Law).

According to information available to the Commissioner, with regard to misdemeanour notices issued in 2024, in 636 cases fines were paid pursuant to misdemeanour notices issued in 2024, of which 550 were paid within the deadline and 86 outside the deadline, while 60 notices were not acted upon, and in 28 cases the statute of limitations expired in the process of enforcing the misdemeanour notice. As regards 78 notices, the procedure is ongoing.

Pursuant to issued misdemeanour notices, the Commissioner received 52 decisions of first-instance courts in 2024, as well as 13 decisions of the Misdemeanour Appellate Court. Out of 52 first-instance judgments: 17 convictions, of which 9 resulted in a warning and 8 in fines (five fines of 50,000 dinars and three fines of 30,000 dinars); 8 acquittals; and 13 terminations of proceedings (in 8 cases due to the statute of limitations, in 2 cases because the reasons for further proceedings ceased to exist, and in 3 cases the objection of the penalised party was upheld and the proceedings were discontinued). In 2 cases, the court annulled the enforcement decision. In 6 cases it was determined that the misdemeanour notices were final and enforceable, in 3 cases the petition for a court decision was rejected, because the statute of limitations had expired, while in 2 cases the motion for the execution of a fine was rejected, while in one case the court declared lack of territorial jurisdiction.

By decisions of the second-instance court, in 9 cases the conviction was upheld, while in 2 cases the first-instance court's conviction was reversed due to the statute of limitations, and in 2 cases the Commissioner's appeal was upheld, and the case was remanded for a new trial.

#### 3.2.1.3.2. Petitions for Institution of Misdemeanour proceedings

In addition to issuing misdemeanour notices, the Commissioner is authorized to file petitions for institution of misdemeanour proceedings for misdemeanours under the Law, when in the procedure pursuant to a complaint he finds that misdemeanour occurred. The information requester cannot file a petition for institution of misdemeanour proceedings against a public authority before completion of the procedure pursuant to a complaint before the Commissioner, or before completion of administrative proceedings if the complaint to the Commissioner is inadmissible. In such case, the information requester must first contact the Commissioner with a request for the Commissioner to file a petition for institution of misdemeanour proceedings, or to the Administrative Inspectorate if the administrative proceedings were conducted. If the Commissioner, or the Administrative Inspectorate, fails to reply to the information requester to the petition for institution of proceedings within eight days, or replies that there are no grounds for filing petitions for institution of misdemeanour proceedings, the information requester can then himself file a petition for institution of misdemeanour proceedings. If the Commissioner, or the Administrative Inspectorate, files a petition for institution of misdemeanour proceedings, on request of the information requester or on own initiative, they must inform the information requester on the possible withdrawal of that petition, within eight days of the date of withdrawal of the petition, so that the information requester could continue the procedure (Article 28b).

Since the beginning of the application of the Law on Free Access to Information (17 February 2022) through 31 December 2024, the Commissioner filed **153** petitions for institution of misdemeanour proceedings.

In 2024, the Commissioner filed **100 petitions for institution of misdemeanour proceedings**, including:

1. 29 petitions for institution of misdemeanour proceedings against authorized persons in public authorities:
  - 28 against submission of incomplete or false information (Article 16);
  - 1 case due to conditioning access to information on payment of fees exceeding the prescribed amount (Article 17)
2. 71 petitions for institution of misdemeanour proceedings against managers in public authorities, including:
  - 2 against failure to prepare and update information directories (Article 39);
  - 54 against failure to comply with and the Commissioner's decisions (Article 28 paragraph 1);
  - 10 against submission of incomplete or false information (Article 16);
  - 2 cases due to preventing the Commissioner's access to the information carrier (Article 26, paragraph 2);
  - 3 against preventing the exercising of the right to free access to information of public importance in any other way (Article 22, paragraph 1, point 6).

In 2024, the Commissioner received 56 judgments from first-instance courts and 14 judgments from a second-instance court pursuant to the filed petitions for institution of misdemeanour proceedings. The first-instance courts issued 6 acquittals and 43 convictions (17 warnings, 1 fine of 5,000.00 dinars, 6 fines of 10,000.00 dinars, 14 fines of 20,000.00 dinars, of which one became final, 1 fine of 25,000 dinars, 2 fines of 30,000.00 dinars, 1 fine of 50,000.00 dinars, and 1 judgment imposing fines of 20,000.00 dinars each on the accused). In the remaining cases, in 2 instances the request to initiate misdemeanour proceedings was dismissed due to the statute of limitations expiring, and in 5 cases the proceedings were discontinued - 4 of those due to absolute statute of limitations, and 1 due to the cessation of reasons for further proceedings.

By rulings of the second-instance courts, in 9 cases the conviction was upheld, in 4 cases the case was returned for retrial, and in 1 case the conviction was overturned and the proceedings discontinued due to the expiration of the absolute statute of limitations.

**According to the data provided by Serbian misdemeanour courts<sup>54</sup>** which delivered such data to the Commissioner, **in 2024 these courts received a total of 52 petitions for institution of misdemeanour proceedings for the violation of the right to access information (Articles 46-48) filed by injured parties.** Based on requests to initiate misdemeanour proceedings filed by injured parties as well as by the Commissioner, misdemeanour courts resolved **a total of 68 cases** during 2024, with the following outcomes: 20 convictions resulting in 9 warnings and 11 fines (1 fine of RSD 5,000, 3 fines of RSD 10,000, 4 fines of RSD 20,000, 1 fine of RSD 25,000, and 2 fines of RSD

---

<sup>54</sup>The report was not submitted by the Misdemeanour Court of Sjenica, the Misdemeanour Court of Prijepolje, and the Misdemeanour Court of Lazarevac

30,000); proceedings were discontinued in 33 cases, of which 15 were discontinued due to statute of limitations; there were 4 acquittals, 10 requests were dismissed, and 1 case was resolved in another manner.

**According to the data of the Misdemeanour Appellate Court in Belgrade<sup>55</sup>, in 2024, that court received 432 cases of appeals against the decisions of misdemeanour courts in the matter of freedom of access to information** (with 97 pending cases carried forward from the previous period, so that there was a total of 529 cases handled) **concluding 448 cases**. The court decided on appeals as follows: **122 decisions were confirmed**, namely: 11 acquittals, 24 convictions, 33 dismissed requests, 2 cases in which the first-instance decision allowing reinstatement was upheld, and 52 cases of termination of proceedings, of which in 35 cases the first-instance decision on termination due to the statute of limitations was upheld, in 16 cases the first-instance decision on termination for other reasons was upheld, and in 1 case the termination decision was confirmed; **65 decisions were overturned**. 3 convictions were reversed to acquittals, 1 termination was reclassified in terms of legal grounds, in 1 conviction the penalty was increased, 2 dismissals of requests for initiating misdemeanour proceedings were reversed to terminations on other grounds, 5 terminations due to the statute of limitations were reversed on other grounds, 1 termination due to lack of subject-matter jurisdiction was reversed to termination on other grounds, 23 acquittals were reversed to terminations, 20 convictions were reversed to terminations due to the statute of limitations, 2 terminations on other grounds were reversed to terminations due to the statute of limitations, 7 terminations were reversed to terminations due to the statute of limitations; **37 decisions were annulled** upon appeals against the decisions of misdemeanour courts, namely: 1 dismissal, 2 acquittals, 24 convictions – 19 due to substantial violations of misdemeanour procedure provisions and 5 due to incorrectly established facts, 9 terminations – 8 of which were due to the statute of limitations and 1 due to other grounds for termination; **3 appeals were dismissed**.

**Analysing the submitted data, it is concluded that the Misdemeanour Appellate Court, same as in the last two years, and in more cases than in the preceding years, upheld the convictions of the misdemeanour courts.**

**The Administrative Inspectorate of the Ministry of Public Administration and Local Self-government**, responsible for inspecting compliance with the LFAIPI, notified <sup>56</sup>the Commissioner **that the Administrative Inspectorate conducted 18 inspections** related to the enforcement of regulations on free access to information of public importance, **following which the execution of 3 measures was proposed**.

**In 2024, the Administrative Inspectorate did not file a single petition for institution of misdemeanour proceedings due to violation of rights or non-compliance with prescribed obligations of public authorities regarding the implementation of the Law on Free Access to Information.**

### 3.2.2. Protection of Rights before the Administrative Court

Judicial protection of the free access to information in administrative proceedings **before the Administrative Court** is available as a means of reviewing the legality of the Commissioner's

---

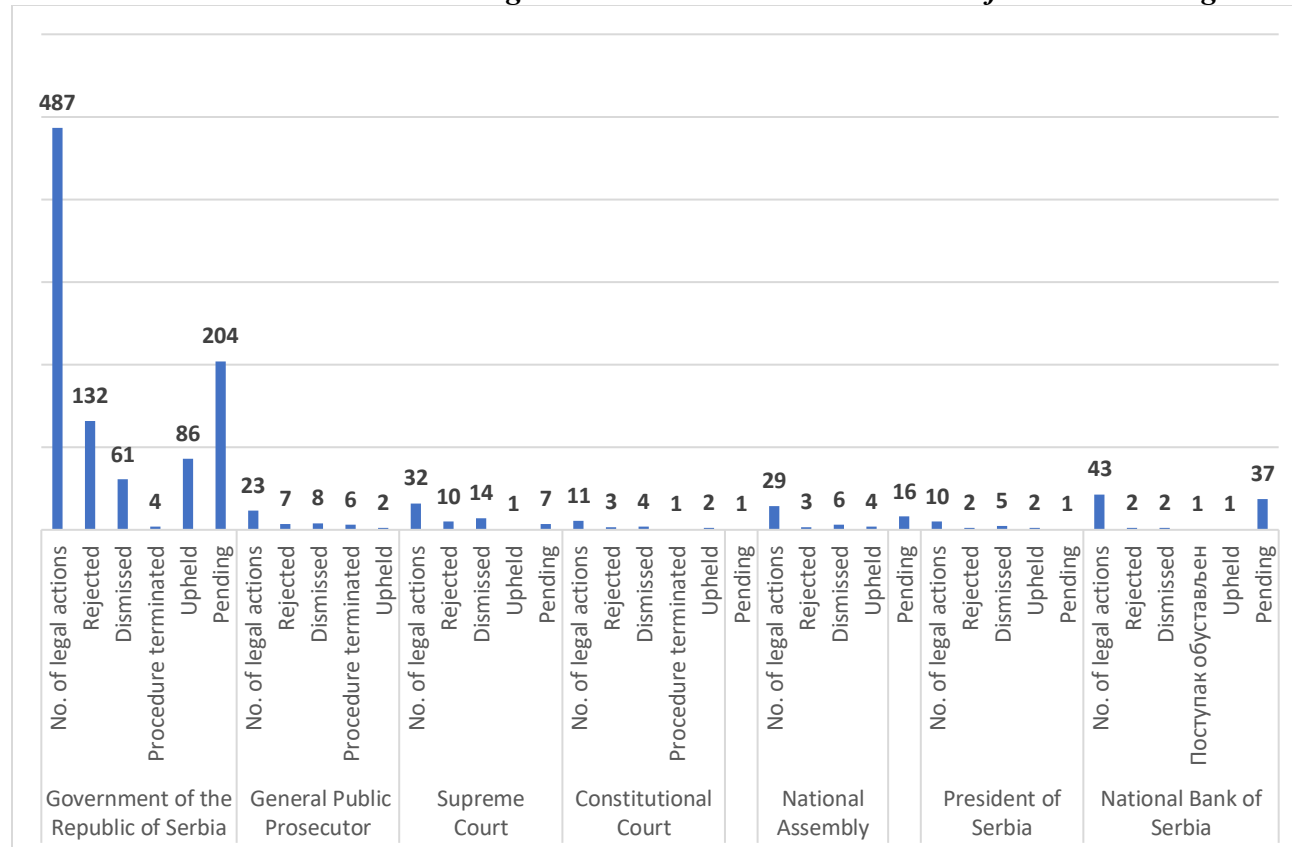
<sup>55</sup> Report of the Misdemeanour Appellate Court in Belgrade sent electronically on 23 January 2025.

<sup>56</sup> Letter from the Administrative Inspectorate of the Ministry of Public Administration and Local Self-Government No. 00365058 2024 14800 010 003 051 001 dated 29 January 2024.

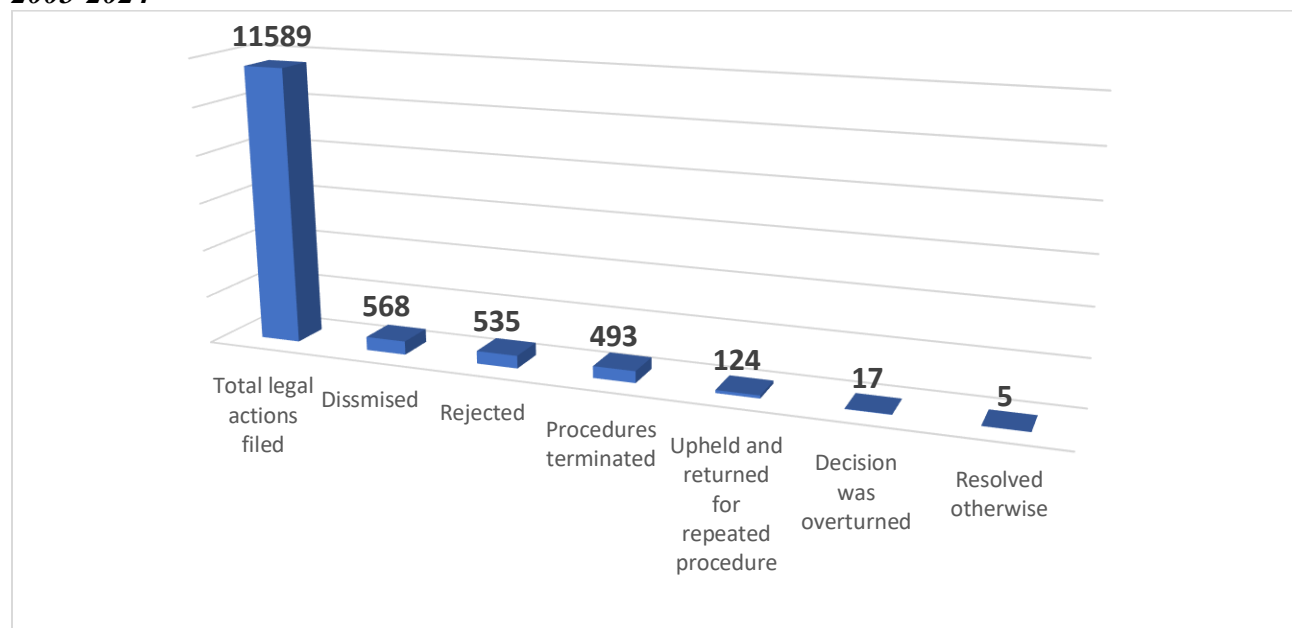
decisions and the decisions of the seven authorities against which complaints cannot be lodged with the Commissioner and which are exempted from protection before the Commissioner (the National Assembly, the President of the Republic of Serbia, the Government of the Republic of Serbia, the Supreme Court, the Constitutional Court, the Prosecutor General, and the National Bank of Serbia).

A party (complainant) dissatisfied with the Commissioner's decision has the right to file a complaint with the Administrative Court, as does the Prosecutor General, in cases where he believes the Commissioner's decision harms a public interest.

**Graph No. 13 - Overview of legal actions by complainants brought before the Supreme Court of Serbia and the Administrative Court against the Commissioner's decisions from 2005 through 2024**



**Graph No. 14 - Legal actions against the Commissioner in the field of freedom of information from 2005-2024**



The graph presents an overview of decisions made pursuant to legal actions.

These data show that since the Commissioner started his activities, in court proceedings to review the legality of his decisions, in 1,740 resolved cases out of the total of 11,589 filed legal actions, **91.84% or 1,598 of the Commissioner's decisions were upheld by courts. The percentage of upheld Commissioner's decisions would be significantly higher if the Administrative Court had not suddenly changed its position, established on the 105th Full Judicial Panel held on 21 June 2022, on whether reimbursement of costs for representation of information requesters by lawyers in the procedure pursuant to legal actions before the Commissioner is founded, according to which position the public authorities are now obliged to reimburse the costs of representation by lawyers to the complainants in cases when the Commissioner determines that the appeal is founded. A significant number of Commissioner's decisions rejecting the complainants' request for reimbursement of the costs of the complaint proceedings were taken before the court's position changed, and the decision on the lawsuit against such a Commissioner's decision was taken only after the court's position changed, which resulted in an increase in the number of court decisions that annulled the decision of the Commissioner and the case was sent back to be redecided, which consequently led to a decrease in the percentage of upheld decisions of the Commissioner.**

According to the information available to the Commissioner, **in 2024**, the Administrative Court<sup>57</sup> received **7,795 legal actions** against the Commissioner

<sup>57</sup>Communications by the Administrative Court Su III-19 5/24 dated 15 January 2025 and Su III-19 5/24-2 dated 18 February 2025

Plaintiffs in cases against the Commissioner in 2024 include: parties or information requesters (7.751) and first-instance authority<sup>58</sup> (44).

In the course of 2024, the Administrative Court resolved a total of 426 lawsuits (of the resolved lawsuits, 193 were from 2024, while 233 were from the previous period). The lawsuits were resolved as follows: 78 legal actions were rejected, 130 were dismissed, 202 procedures were terminated and 14 legal actions were upheld, i.e. of the Commissioner's ruling was overturned and the case was returned for repeated procedure, and 2 legal actions were resolved by other means. As regards upheld legal actions, those are mainly cases overturning the Commissioner's decisions by which he rejected requests for compensation of costs of representation pursuant to a complaint before the Commissioner or rejected complaints rejecting requests for reimbursement of these costs. This is a consequence of a sudden change of the position of the Administrative Court at the 105th Full Judicial Panel, which was already discussed in detail above.

***Graph No. 15 - Overview of decisions of the Administrative Court passed in 2024 pursuant to legal actions against the Commissioner's decisions***



The data show that from 2005 through 2024 the total of 633 legal actions were filed against seven<sup>59</sup> highest national authorities exempted from the protection before the Commissioner, of which 369 were ruled on, including 159 rejected legal actions, 100 dismissed, 98 upheld, and 12 terminated procedures.

<sup>58</sup> Eleven legal actions initiated by first-instance authorities were dismissed as inadmissible because the first-instance authority lacked legal standing to initiate legal actions, while 33 legal actions are still pending.

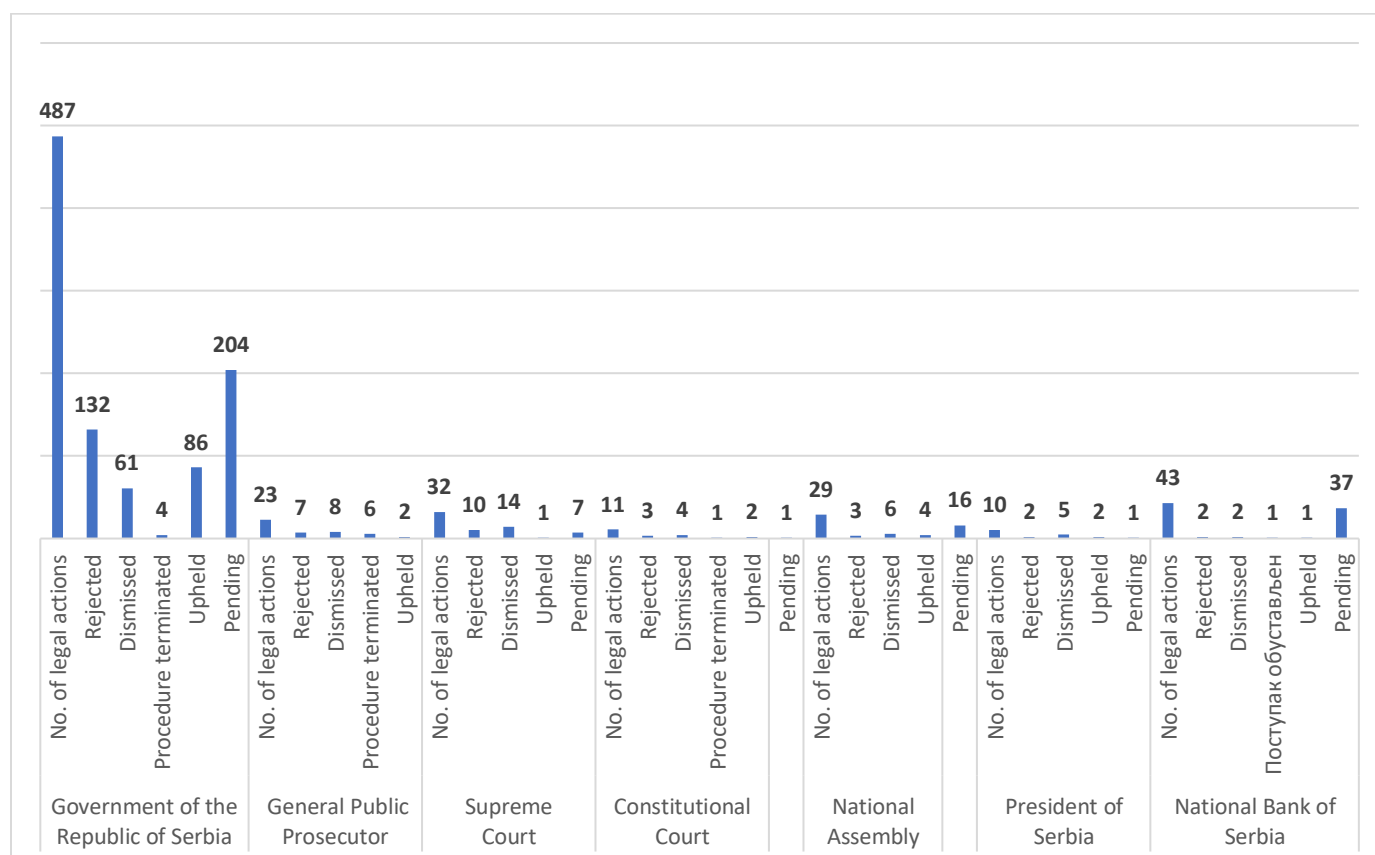
<sup>59</sup> In the Amendments to the Law on Free Access to Information of Public Importance ("Official Gazette" 105/21) the National Bank of Serbia was classified as public authorities against which complaints to the Commissioner are not allowed (Art. 22, paragraph 3).

The majority of legal actions were filed against the Government of the Republic of Serbia, namely 487 legal actions, of which 283 were ruled on, including 132 rejected, 86 upheld and 61 dismissed legal actions, while 4 procedures were terminated.

In 2024, the Administrative Court received 118 legal actions against the highest national authorities, of which only 2 were ruled on, namely 1 was upheld and 1 was rejected. Out of that number, 99 legal actions were filed against the Government of the Republic of Serbia (83 of which for administrative silence); 2 against the National Assembly of the Republic of Serbia, 1 against the Constitutional Court, 1 against the Supreme Court of Serbia, and 15 against the National Bank of Serbia (12 of which for administrative silence).

In 2024, the Administrative Court ruled on 7 legal actions filed against the highest state authorities (2 were filed in 2024, while the remaining 5 were carried forward from the previous period) by upholding 3 legal actions (2 against the Government of the Republic of Serbia and 1 against the National Assembly of the Republic of Serbia), and rejecting 4 legal actions (3 against the Government of the Republic of Serbia and 1 against the National Bank of Serbia).

**Graph No. 16 - Overview and outcome of legal actions brought before the Supreme Court and the Administrative Court against decisions or failure to act of seven highest state authorities against which complaints with the Commissioner are not admissible, in 2005 – 2024**



### 3.2.3. Public Authorities' Compliance with Their Legal Obligations, Supervision, and Accountability

The amendments to the Law on Free Access to Information of Public Importance overhauled the manner in which information directories on the activities of public authorities are compiled, published and updated. It also increased the number of authorities required to produce such information directories. The most significant change concerns the manner in which these directories are produced: they are now created on a platform kept and maintained by the Commissioner, namely the Single Information System of Information Directories (SIS). At the time of writing of this Report, 7,209<sup>60</sup> information directories by public authorities are available in the SIS, while the total number of public authorities registered in the system is 7,459. In addition, the Commissioner has prepared the Instructions on the Preparation and Publishing of Information Directories on the Activities of Public Authorities in accordance with the Law ("Official Gazette of the Republic of Serbia" No. 10/22).

Pursuant to Article 39 of the Law on Free Access to Information of Public Importance, the obligation to prepare information directories applies to the public authorities referred to in Article 3, items 1) to 7), whereas the public authorities referred to in items 8) to 10) are not subject to this obligation. 5,349 public authorities published their information directories within the statutory deadline by 17 November 2022, mainly local self-government authorities and local communities.

Also, the number of public authorities required to submit annual reports to the Commissioner has increased significantly. This obligation now applies to all public authorities referred to in Article 3 of the LFAIPI – 12,310 of them registered in the Catalogue of public authorities as of the time of writing of this report. The number of submitted reports for 2024 is 5,271, while the number of registered public authorities for access to the Portal for submitting annual reports is 6,647. More than half of all public authorities required under the Law to submit reports to the Commissioner have not done so.

According to the information provided in the reports submitted by public authorities for 2024 (5,271 reports), 4,676 public authorities published their Directory in the Single Information System and thus fulfilled their legal obligation. Also, it would appear that compliance with the legal obligation to provide training for employees on proper application of the Law on Free Access to Information has improved compared to previous years, given that the number of authorities that submitted their reports is much higher than in the past years (with 3,318 authorities reporting they have complied with this obligation).

Although the Commissioner facilitated this procedure by developing the special Portal for electronic submission of reports, and the deadline for submission of reports was extended until 31 January under amendments to the Law, a high number of public authorities still fail to comply with this legal duty. An analysis of data showed that many national authorities failed to submit their reports for 2024.

The number of reports submitted by authorities falling within the category of education institutions (schools, preschool facilities) is lower compared to 2023 (when this number was 1,666), while in 2024 this number is **1,355**, and there was also a slight decrease in the number of reports from local self-government bodies (**584** bodies). An increase has also been noted in the number of reports submitted by national-level authorities and organizations (agencies, directorates, institutes, funds, chambers, etc.). - **416 authorities** Hunters' associations have mostly complied with this statutory duty,

---

<sup>60</sup> Number of published information directories in the Single Information System on 14 February 2025.

with **179** of them submitting reports, which is approximately 11% more as compared to 2023. This year, it is also important to highlight that a large number of local communities fulfilled this legal obligation-no fewer than **1,142** local communities-representing an increase of approximately 6% compared to the previous year.

**Table 8 - Figures in annual reports of public authorities on actions taken to implement LFAIPI in 2024<sup>61</sup>**

Public authorities	No. of public authorities	Report submitted number and %	Information directory published in the Single Information System - number and %	Training implemented - number and %	Maintenance of data storage media - number and %
Authorities referred to in Article 22, of the Law (the National Assembly, the President, the Supreme Court, the Constitutional Court, Government, the Prosecutor General, and the National Bank of Serbia)	7	6 (85.7%)	6 (85.7%)	3 (42.9%)	6 (85.7%)
Ministries (without bodies subordinated to them)	25	20 (80%)	20 (80%)	16 (64%)	20 (80%)
National authorities and organizations (agencies, directorates, institutes, funds, chambers...)	638	416 (65.2%)	260 (40.7%)	302 (47.3%)	373 (58.5%)
Courts	158	141 (89.2%)	141 (89.2%)	107 (67.7%)	141 (89.2%)
Prosecutors' Offices	89	71 (79.8%)	71 (79.8%)	54 (60.7%)	71 (79.8%)
Other public authorities(Authorities of the Autonomous Province of Vojvodina, educational institutions, local self-government authorities, public enterprises, health care, cultural and information institutions etc.)	11.393	4617 (40.5%)	4178 (36.7%)	2836 (24.9%)	4545 (39.9%)
Total	12,310 <sup>62</sup>	5,271 (42.8%)	4,676 (38%)	3,318 (27%)	5,156 (41.9%)

<sup>61</sup> Percentages in the table are presented in relation to the number public authorities required to submit annual reports to the Commissioner;

<sup>62</sup> The number of public authorities subject to the duty to submit their report at the time of writing of this Report, because this number is variable, and the Catalogue of public authorities is only for reference.

The report of the Administrative Inspectorate<sup>63</sup> states that “in 2024, a total of 18 inspections were carried out concerning the implementation of regulations governing free access to information of public importance. In order to remedy the identified unlawful actions, irregularities and shortcomings in operations, three corrective measures were proposed to the inspected entities. There were no petitions for institution of misdemeanour proceedings”.

#### 3.2.4. Commissioner’s Activities Related to Publishing of Information Directories

The aim of publishing of information directories, together with the duty to regularly update the data (at least once monthly), is to make available to citizens, the media, public authorities, and other users the main information on the activities of authorities, human resources and other capacities of authorities, their organization, competences, work assets, public funds management, salaries, state aid, subsidies, donations, international and other projects and their implementation, public procurements, the types of services authorities provide and the procedures for exercising the rights, legal remedies in case of negative outcomes of procedures before the authorities, types of information held by authorities etc.

The Law amending the Law on Free Access to Information of Public Importance (“Official Gazette of the Republic of Serbia” No. 105 dated 8 November 2021) entered into force on 16 November 2021 and took effect on 17 February 2022. Under this Law, information directories are created in an electronic and machine-readable format, and published through the Single Information System of Information Directories, kept and maintained by the Commissioner, in accordance with the Instructions on the Preparation and Publishing of Information Directories on the Activities of Public Authorities brought by the Commissioner. . In that regard, the Commissioner undertook activities necessary for timely passing of these Instructions and introduction of the said information system. Publishing of information directories on the joint digital platform should result in improved transparency, comparability and improved data usefulness, as well as facilitated monitoring of compliance with this legal duty. The scope of public authorities subject to the obligation to prepare information directories was significantly expanded, while public authorities were given a deadline of one year since the Law entered into force to prepare their information directories in the information system.

In 2024, the Commissioner found the following main shortcomings of information directories of public authorities while he was controlling them:

- Data in the information directories **are not updated regularly, in accordance with the Instructions and therefore do not comply with the reliability requirement;**
- Most frequently, **an overview of data on provided services is missing;**
- **Data on revenues and expenses**, where data on the budget are either missing or are incomplete;
- **Data on conducted public procurements;**
- Data on paid **salaries, wages and other emoluments** are presented in only few cases;
- **Descriptions on acting within their spheres of competences, powers and duties** are missing;

---

<sup>63</sup> Letter of the Administrative Inspectorate No. 003650058 2024 14800 010 001 051 001 dated 29 January 2025.

**- Services provided by authorities to interested parties are also missing, as well as the procedure of provision of services.**

In accordance with the foregoing, the Commissioner sent a circular email to the e-mail addresses of over 7,000 public authorities, which have registered, i.e. published information directories on their activities in the Single Information System of Information Directories, the content of which was supposed to serve as a reminder to the authorities that they have an obligation to regularly update information directories, and for those who have not yet created a directory, but have registered in the Single Information System of Information Directories, to create an information directory on their activities as soon as possible and update it regularly. The effect of this action is that on a daily basis, the number of authorities that update information directories has increased, and at the same time, a number of authorities have subsequently fulfilled their legal obligation and prepared their information directories. Thus, on 14 February 2025, the number of those who published information directory in the Single Information System of Information Directories, was 7,209.

After the multilingual functionality was introduced in 2023-enabling the creation of information directories in the languages of national minorities-further improvements to the Unified Information System for Information Directories continued in 2024, including the introduction of a new “Information Directory Calendar” feature. Namely, the system now allows users to access every published version of information directories for a given public authority via a calendar visible within each published directory.

At the same time, authorized persons of the Commissioner provide assistance to public authorities on a daily basis in order to facilitate the fulfilment of this legal obligation. In this sense, a video instruction was also created that describes the registration process in the SIS in a simple way, as well as the filling and publication of information directory. This instruction can be found on the homepage of the Commissioner’s website, [www.poverenik.rs](http://www.poverenik.rs).

To mark the International Right to Know Day, celebrated every year on 28 September, the Commission for awards for the advancing of the right to free access to information in 2024, which the Commissioner is chairing, presented the following awards:

1. For the contribution to the affirmation of the public's right to know in the category of national-level authorities: To the Republic Secretariat for Public Policies;
2. For the contribution to the affirmation of the public's right to know in the category of judicial authorities: To the Higher Court in Pirot;
3. For the contribution to the affirmation of the public's right to know in the category of local public authorities: to the authorities of the Municipality of Kanjiža;
4. For the contribution to the affirmation of the public's right to know in the category of provincial authorities: To the Property Administration of the Autonomous Province of Vojvodina;
5. For the contribution to the affirmation of the public's right to know in the category of other authorities: To Primary School “Kralj Petar Prvi” from Niš.

The main award, for a special contribution to the affirmation of the right to access to information (statuette) was not awarded this year.

### 3.3 COMMISSIONER'S ACTIVITIES IN CONNECTION WITH PERSONAL DATA PROTECTION

#### 3.3.1. Commissioner's Supervisory Activity

In the course of 2024, the Commissioner **concluded 864 inspection procedures** in total, of which 706 were scheduled and 158 were unscheduled.

Inspection procedures (864) were concluded as follows: 839 cases were concluded by determining that the previous supervision had been acted upon, 14 cases were concluded with an official note or a response to the applicant because after the inspection it was established that there were no violations of the LPDP, 3 cases were forwarded to the competent authority for further action, while 8 case files were forwarded to the Sector for Misdemeanour Proceedings.

In cases where the Commissioner found violations of the LPDP (68), he:

Filed 7 petitions for institution of misdemeanour proceedings against violation of the LPDP,

- Issued 2 misdemeanour notices,

- Issued 59 corrective measures, issuing 58 warnings to data controllers and/or processors and 1 measure imposing a temporary or permanent restriction on processing activities, including a ban on processing.

The Commissioner **initiated 864 inspection supervisions** in the course of 2024, of which 727 scheduled and 137 unscheduled supervisions.

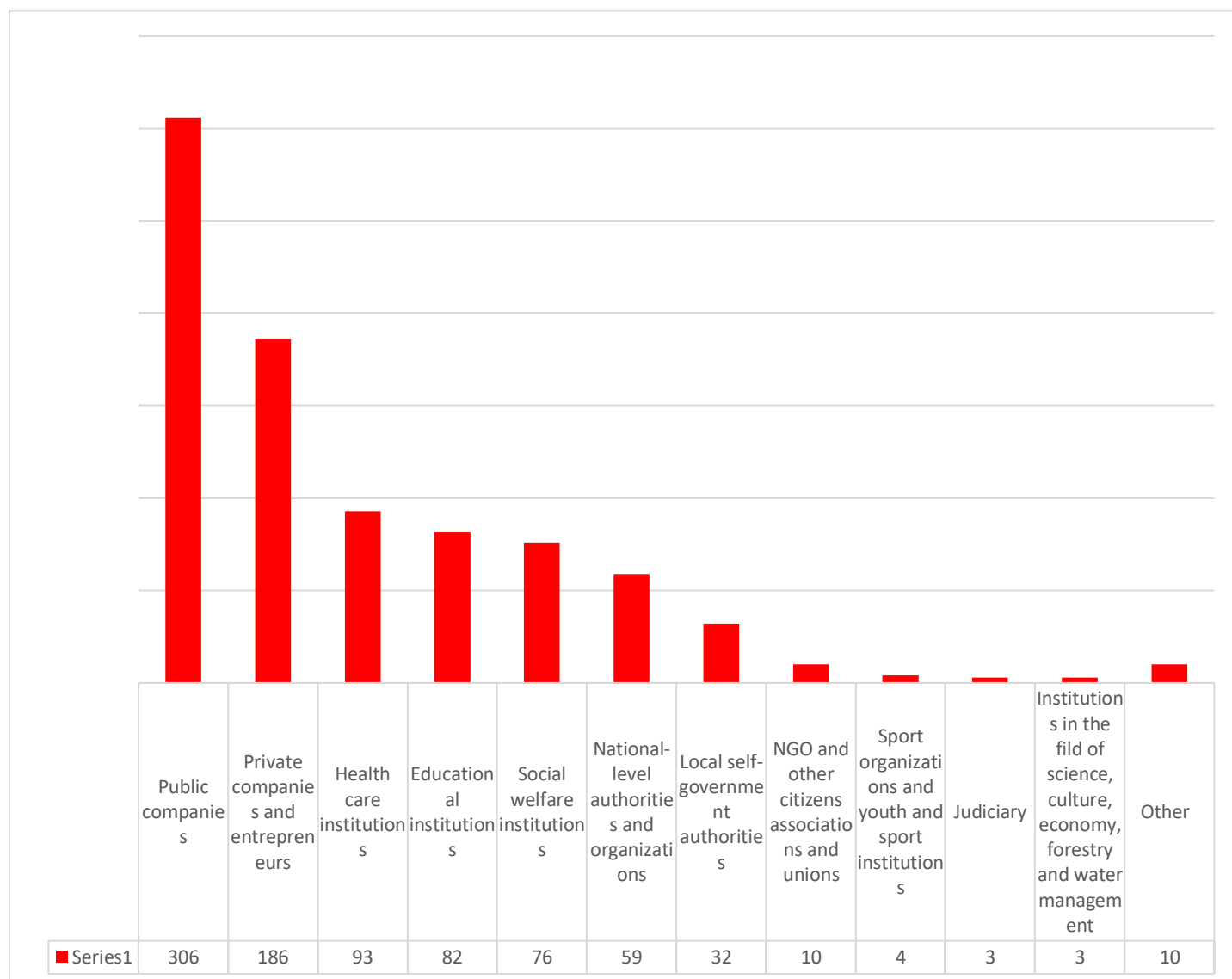
Out of 137 unscheduled supervisions, 121 were initiated pursuant to petitions, 11 pursuant to notifications to the Commissioner of violations of the right and 5 on other grounds.

In terms of the reasons for unscheduled supervision, the share of personal data safety increased (94.4%) as in the previous year. In 2024, the safety of personal data was at significant risk again, particularly because of introduction of new information systems, through which numerous delicate citizens' data are processed.

As regards the controllers subject to the Commissioner's inspection supervision in 2024, a significant number of supervision procedures were conducted in public enterprises, unlike in 2023 when the supervised institutions were elementary schools and high schools.

Thus, the controllers subject to the Commissioner's supervision in 864 procedures mainly included: public enterprises - 306 (35.4%), companies and entrepreneurs - 186 (21.5%), healthcare institutions - 93 (10.8%), educational institutions - 82 (9.5%), social welfare institutions - 76 (8.8%), ministries and national / provincial bodies and organisations - 59 (6.8%), local self-government authorities 32 (3.7%), civil society organizations and other citizens' associations and trade unions - 4 (0.5%), judicial institutions - 3 (0.3%), scientific and cultural institutions - 2 (0.2%), institutions in the area of economy, forestry and water management - 1 (0.1%) and other 10 - (1.2%).

**Graph No. 17 - Structure of data controllers subject to supervision procedure in 2024**



The most common reasons for initiating inspection oversight were personal data security (94.4%) and video surveillance (2.5%). Areas such as the unique master citizen number (JMBG), audio surveillance, utility services, education, data processing in the field of labour law, healthcare, and consumer protection were represented in a negligible percentage (less than 1%).

The Commissioner issued **59 corrective measures**, issuing 58 warnings to data controllers and 1 measure imposing a temporary or permanent restriction on processing activities, including a ban on processing. In 53 cases, data controllers complied with measures ordered by the Commissioner, while in 1 case the controller partially complied with the ordered measure, in 1 case the controller did not comply with the ordered measure, while in 4 cases the controllers have not yet informed the Commissioner on their action.

In cases where the Commissioner issued warnings (58), he found the following violations of the provisions of the LPDP:

- Data are not processed lawfully, fairly and transparently in relation to the data subject – Article 5, paragraph 1, point 1 (34);
- Data are not collected for specific, explicit, justified and lawful purposes and are further processed in the manner contrary to those purposes – Article 5, paragraph 1, point 2 (8);
- Data are not adequate, relevant and limited to what is necessary for the purpose of processing – Article 5 paragraph 1 point 3 (23);
- Data are not accurate and updated - Article 5, paragraph 1, point 4 (1);
- Data are not kept in the form that enables identification of data subjects only within the deadline necessary to achieve the purpose of processing – Article 5 paragraph 1 item 5 (1);
- Data are not processed in the manner which ensures appropriate personal data protection, including the protection against unauthorized or unlawful processing, as well as against unintentional loss, destruction or damage by applying appropriate technical, organizational and human resource measures – Article 5, paragraph 1, point 6 (6);
- The data controller processes personal data without the data subject's consent or is unable to demonstrate that the data subject gave his/her consent for data processing – Articles 15 and 16. (2);
- The data controller processes special types of personal data contrary to Articles 17 and 18 (1);
- The data controller fails to undertake relevant technical, organizational and human resource measures when determining the manner of processing and during the processing – Article 42 (33);
- The data controller or the processor failed to implement appropriate technical, organizational and human resource measures to achieve the appropriate safety level for the risk concerned – Article 50 (1);
- The data controller failed to notify the Commissioner of a data breach – Article 52(1).

### *3.3.1.1. Checklists*

In 2024, the Commissioner sent **checklists to the addresses of 538** data controllers, while one controller proactively submitted a completed checklist to the Commissioner.

In 2024, the Commissioner processed 1,216 checklists (531 from the reporting period and 685 from the previous period) and **carried out risk assessments in 1,140 cases. 76 Data controllers failed to submit** completed control lists even after of the Commissioner's intervention.

The structure of data controllers to whom checklists were sent in 2024 is as follows:

- public enterprises (327);
- economic operators - hotels (153);
- healthcare institutions (11);
- youth and sports institutions (1);
- national agency (1);

The structure of data controllers and the assessment of the risk level in 2024 is as follows:

- National-level and local public enterprises (447); Based on the checklists submitted the level of risk in these data controllers is estimated as high in 2 cases, medium in 28, low in 287, and

insignificant in 117, while 13 data controllers failed to submit completed checklists to the Commissioner;

- economic operators - hotels (298); Based on the checklists submitted the level of risk in these data controllers is estimated as medium in 20 cases, low in 166, and insignificant in 66, while 46 data controllers failed to submit completed checklists to the Commissioner;

- healthcare institutions (155). Based on the checklists submitted the level of risk in these data controllers is estimated as medium in 1 case, low in 110, and insignificant in 36, while 8 data controllers failed to submit completed checklists to the Commissioner;

- social welfare institutions (139); Based on the checklists submitted the level of risk in these data controllers is estimated as medium in 2 cases, low in 107, and insignificant in 28, while 2 data controllers failed to submit completed checklists to the Commissioner;

- higher education institutions (132); Based on the checklists submitted the level of risk in these data controllers is estimated as medium in 1 case, low in 75, and insignificant in 50, while 6 data controllers failed to submit completed checklists to the Commissioner;

- local self-government authorities (25); Based on the checklists submitted the level of risk in these data controllers is in 5 cases low and in 20 cases insignificant;

- ministries and other national-level authorities (20); Based on the checklists submitted the level of risk in these data controllers is estimated as medium in 1 case, low in 12, and insignificant in 6, while 1 data controllers failed to submit completed checklists to the Commissioner;

From the effective date of the new LPDP through the end of the reporting period, the Commissioner sent checklists to the addresses of **5,893 data controllers**, of these, 5,434 controllers submitted a completed checklist to the Commissioner based on which a risk assessment was carried out, while 445 controllers failed to submit a completed checklist, and 14 checklists are still being processed. Fifty controllers proactively submitted a completed checklist, based on which the Commissioner also assessed the level of risk related to personal data processing.

#### *3.3.1.2. Notifications to Commissioner of Data Breaches*

Since the Law took effect on 31 December 2024, the Commissioner received **205** notifications from data controllers on personal data breaches which may result in risk for rights and freedoms of natural persons (in the period of significantly increased threats for the safety of computer networks by the so-called “crypto lockers” and other types of ransomware), while the total number of these notifications was **44** in 2024, including the following categories of controllers:

- 27 companies, banks and insurance companies;
- 4 public authorities at the national and local level;
- 2 public enterprises;
- 3 educational institutions;
- 4 healthcare institutions;
- 1 social welfare institution;
- 2 scientific and cultural institutions;
- 2 citizens and NGO and other citizen associations.

The foregoing indicates that numerous controllers are still not aware of this legal duty, or more probably, they refrain from submitting notifications to the Commissioner to avoid being exposed to possible inspection and/or risk for their reputation which might affect their business and trust of clients or users of their products and/or services. This is the result of the fact that, according to the available reports, massive attacks on the ICT infrastructure of numerous data controllers occur daily in the so-called cyberspace, and the fact that 2024 will be remembered at the global level by numerous attacks by various types of ransomware that caused huge financial damage worldwide, as well as in the Republic of Serbia.

Based on the received notifications, in order to ensure possible further action in the form of inspection, case files are submitted to the Commissioner's authorized officers for further procedure. In 2024, a total of 45 received notifications were forwarded to the Sector for Supervision (all 44 received during 2024 and one notification carried over from the previous period).

### *3.3.1.3. Information on Personal Data Protection Officers*

In the course of 2024, contact details of the data protection officer were submitted by **535 controllers** (while a total of 547 notifications with contact details were processed during 2024 – 13 carried over from the previous period and 534 received during 2024).

Since the effective date of the LPDP, a total of **6,315 data controllers** submitted contact details on their personal data protection officers to the Commissioner, of which 4,170 are public authorities, although slightly over 12,000 are subject to this legal duty.

***Table No. 9. - Structure of data controllers that submitted contact details on personal data protection officers***

Companies, enterprises, banks, insurance companies	1,619
Public authorities at the national, provincial and local level	440
Educational institutions	1.801
Healthcare institutions	556
Scientific and cultural institutions	274
Institutions in the field of economy, forestry and agriculture	139
Social welfare institutions	209
Judicial authorities and institutions	456
Public enterprises	480
Civil society organizations and other citizens' associations, political parties and trade unions	237
Internet providers and mobile operators	23
Sport organizations and youth and sport institutions	65
The media	9
Lawyers	3
Others	4

Having in mind the assumed number of entities subject to the duty to appoint personal data protection officers, publish their contact data and submit them to the Commissioner, the above number of data controllers or processors who complied with this duty until 31 December 2024 undoubtedly

show the justifiability of the Commissioner's efforts to raise awareness of entities subject to LPDP by sending checklists to addresses of data controllers and through specialised trainings, and to regulate strategically the issue of personal data protection in the Republic of Serbia.

In order to facilitate the fulfilment of this obligation, which is the least demanding of all those prescribed by the new Law on Personal Data Protection, the Commissioner has published a very user-friendly and straightforward instruction on its website, at [www.poverenik.rs/sr/заштита-података/лице-за-заштиту-података-о-личности.html](http://www.poverenik.rs/sr/заштита-података/лице-за-заштиту-података-о-личности.html), explaining how this obligation can most easily be fulfilled. Despite this, no significant trend of increase in the number of submitted notifications on the contact details of designated data protection officers has been recorded.

#### *3.3.1.4. Appointment of Representatives of Foreign Companies*

In 2024, the Commissioner received written decisions on the appointment of representatives in accordance with the LPDP from the following companies:

***Table No. 10. - Representatives of controllers/processors headquartered outside the Republic of Serbia***

<b>Acadia Pharmaceuticals Inc.</b> San Diego, California, USA	The representative of this company for the Republic of Serbia is law firm "Karanović and Partners", having its head office in Resavska 23, Belgrade. In accordance with the law, this representative, together with the company Acadia Pharmaceuticals Inc., San Diego, California, USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
<b>Inversago Pharma Inc.</b> 1110-1100 Rene-Levesque W. Blvd Montreal, Quebec, Canada	The representative of this company for the Republic of Serbia is law firm "BDK Advokati a.o.d.", having its head office in Bulevar kralja Aleksandra 28, Belgrade. In accordance with the law, this representative, together with the company Inversago Pharma, Montreal, Quebec, Canada or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
<b>Shionogi B.V.</b> Herengracht 464 ,1017 CA, Amsterdam, the Netherlands	The representative of this company for the Republic of Serbia is law firm "BDK Advokati a.o.d.", having its head office in Bulevar kralja Aleksandra 28, Belgrade. In accordance with the law, this representative, together with the company Shionogi B.V., Amsterdam, the Netherlands, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
<b>Jaguar Land Rover Ltd.</b> Wales, UK	The representative of this company for the Republic of Serbia is lawyer Jelena Jovičić, with the head office at Emilijana Josimovića St. 4/I, Belgrade. In accordance with the law, the Commissioner or another

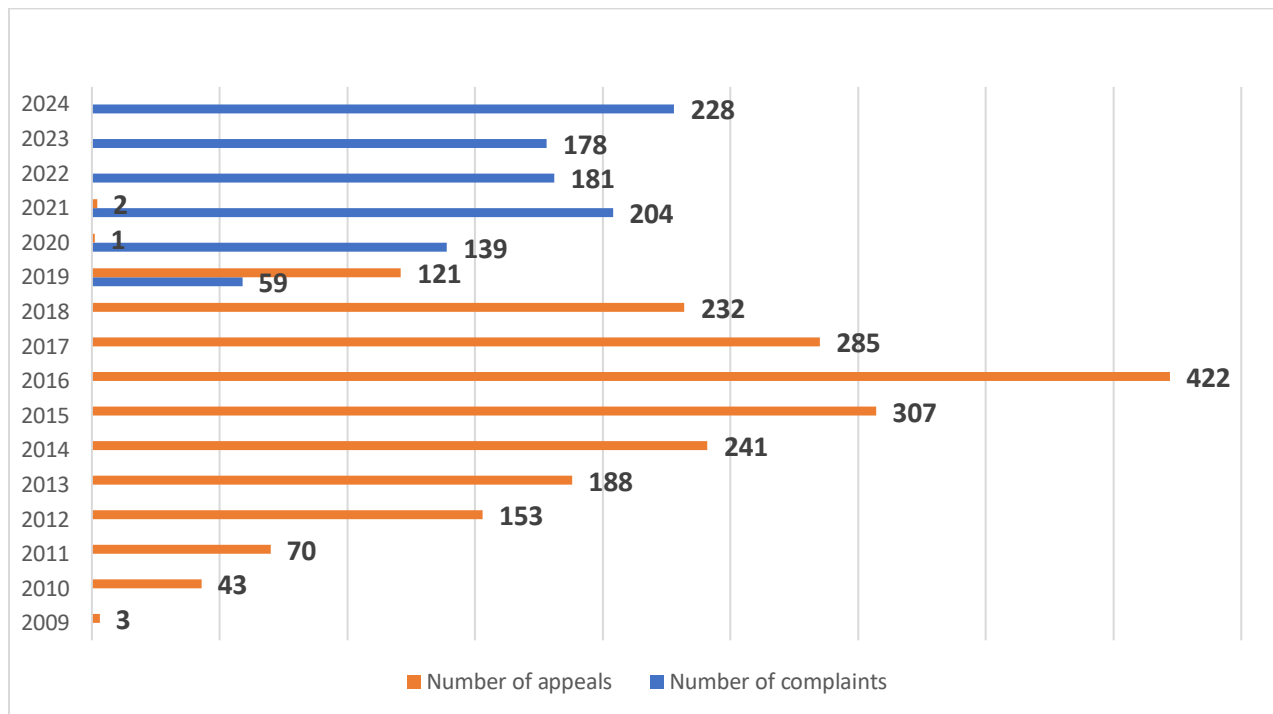
	person may contact this representative, alongside the company Jaguar Land Rover Ltd., Wales, UK, or instead of it, regarding all matters related to the processing of personal data, with the aim of ensuring compliance with the provisions of this law.
<b>SK Life Sciences Inc.</b> 461 From Road, 5th FL, Paramus, NJ07652, USA	The representative of this company for the Republic of Serbia is lawyer Jelena Todorović, with the head office at 3 Carice Milice St., Belgrade. In accordance with the law, this representative, together with the company SK Life Sciences Inc., USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
<b>Bitgeyser LLC.</b> 355 NW 41 ST, Miami-Dade Miami, Florida, 33166, USA	The representative of this company for the Republic of Serbia is the lawyer Nenad Cvjetićanin, with headquarters in 127 Jurija Gagarina St., Belgrade. In accordance with the law, this representative, together with the company Bitgeyser LLC. Miami, Florida, USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
<b>Dianthus Therapeutics Inc.</b> Delaware, USA	The representative of this company for the Republic of Serbia is law firm “BDK Advokati a.o.d.”, having its head office in Bulevar kralja Aleksandra 28, Belgrade. In accordance with the law, this representative, together with the company Dianthus Therapeutics Inc., Delaware, USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
<b>Argenx BV</b> Gent, Belgium	The representative of this company for the Republic of Serbia is law firm “JPM and Partners, a.o.d”, having its head office in 8a Vladimira Popovića St. Belgrade. In accordance with the law, this representative, together with the company Argenx BV, Gent, Belgium, , or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
<b>Apple Distribution International Ltd.</b> Cork, Republic of Ireland	The representative of this company for the Republic of Serbia is law firm “Karanović and Partners”, having its head office in Resavska 23, Belgrade. In accordance with the law, this representative, together with the company Apple Distribution International Ltd. Cork, Republic of Ireland, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
<b>Wizz Air Hungary Airlines Ltd.,</b> Budapest, Hungary	A new representative of this company has been appointed for the Republic of Serbia, namely the law office Petrikić & Partners AOD, with a head office in 73 Krunska Street, Belgrade. In accordance with the law, this representative, together with the company Wizz Air

	Hungary Airlines Ltd., Budapest, Hungary, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
<b>RTL Croatia, Ltd.</b> Zagreb, Republic of Croatia	The representative of this company for the Republic of Serbia is lawyer Tijana Žunić, with the head office at 7 Pozorišni trg (Theatre Square), Novi Sad. In accordance with the law, this representative, together with the company RTL Croatia, Ltd, Zagreb, Republic of Croatia, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
<b>Bristol-Myers Squibb Services Unlimited Company,</b> Dublin, Republic of Ireland	The representative of this company for the Republic of Serbia is lawyer Tijana Žunić, with the head office at 7 Pozorišni trg (Theatre Square), Novi Sad. In accordance with the law, this representative, together with the company Bristol-Myers Squibb Services Unlimited Company, Dublin, Republic of Ireland, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
<b>Denali Therapeutics Inc.,</b> San Francisco, USA	The representative of this company for the Republic of Serbia is AOD Živković Samardžić, with the head office at 30 Makedonska, Belgrade. In accordance with the law, this representative, together with the company Denali Therapeutics Inc., San Francisco, USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
<b>Zura Bio, Henderson,</b> Nevada, USA	The representative of this company for the Republic of Serbia is law firm “Karanović and Partners”, having its head office in Resavska 23, Belgrade. In accordance with the law, this representative, together with the company Zura Bio, Henderson, Nevada, USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.

### 3.3.2. Commissioner's Processing of Complaints

In the course of 2024, the Commissioner received **228 complaints**.  
In 2024, the Commissioner handled 284 complaints, of which 56 were carried forward from the previous period.

*Graph No. 18 - Complaints/appeals<sup>64</sup> lodged with the Commissioner by years*



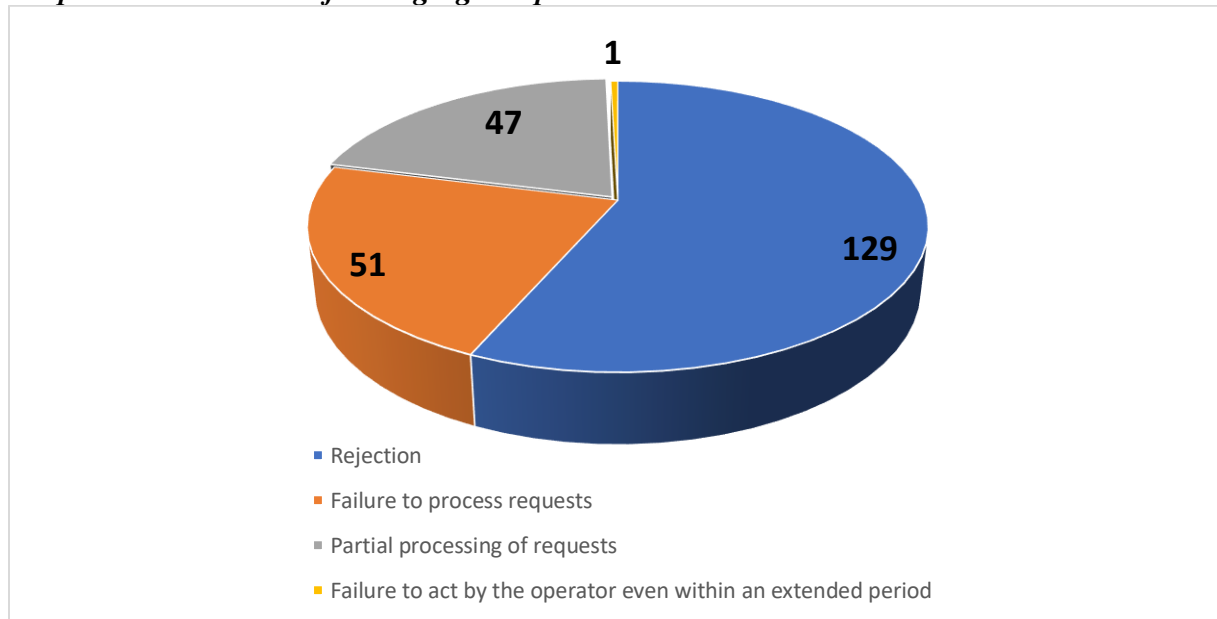
Complaints lodged with the Commissioner relate to personal data processed by public enterprises, the Ministry of the Interior, judicial authorities, national-level and local self-government authorities, economic operators, banks, healthcare institutions, mobile and Internet providers, educational institutions etc.

<sup>64</sup>Pursuant to the Law on Personal Data Protection ("Official Gazette of the RS", No. 87/18), the data subject may lodge a complaint with the Commissioner, unlike the previous Law on Personal Data Protection ("Official Gazette of the RS", Nos. 97/08, 104/09 – other law, 68/12 – decision of the Constitutional Court and 107/12), which prescribed the submission of an appeal to the Commissioner.

#### 3.3.2.1. Causes for Lodging Complaints with the Commissioner

The reasons for lodging of complaints with the Commissioner include the rejection of a request to exercise rights by the controller (129), failure of the controller to act on the request (51), partial compliance by the controller (47), and failure to act even within the extended deadline (1).

**Graph No. 19. - Causes for lodging complaints in 2024**



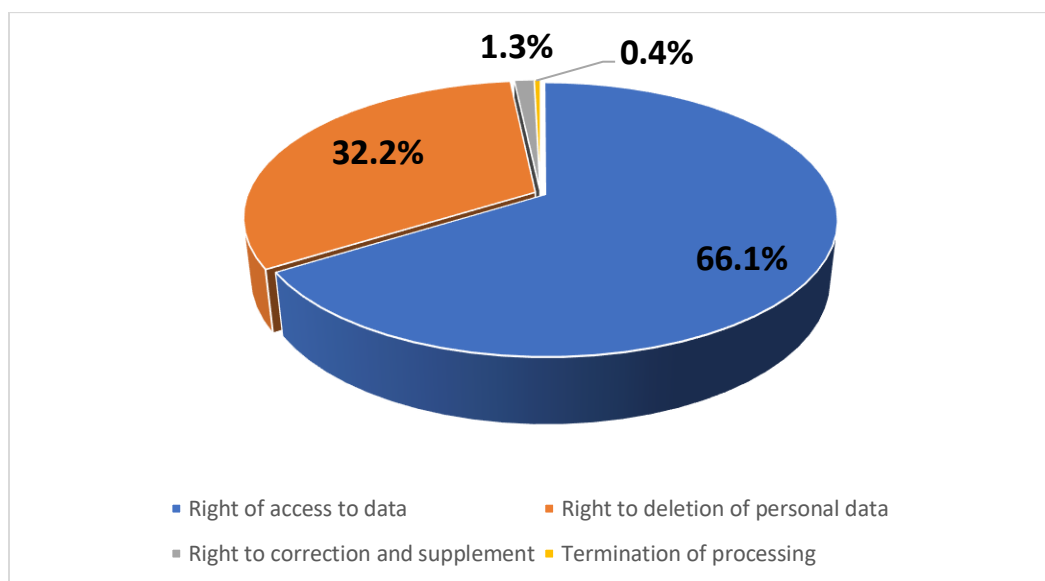
The most frequent reason for lodging of complaints with the Commissioner is the rejection of a request to exercise rights by the controller (129). Compared with 2023, when 48.9% of complaints were lodged on these grounds, this year the percentage is 56.6%.

In 2024, to the Commissioner received 51 complaints against data controllers' failure to process requests within the statutory deadline of 30 days. Compared with 2023, when the share of complaints lodged on these grounds was 28.7%, this year the percentage was 22.4% of the total number of complaints lodged with the Commissioner, which is still a high percentage of ignoring the requesters of information by the controllers.

#### 3.3.2.2. Violated Rights Which Resulted in Lodging Complaints with the Commissioner

The requests which resulted in the lodging of complaints with the Commissioner due to inadequate actions of data controllers included the exercise of: the right of access to data (66.1%), the right to deletion of personal data (32.2%), the right to correction and supplement (1.3%), and termination of data processing (0.4%).

**Graph No. 20 – Requests which resulted in the lodging of complaints with the Commissioner in 2024**



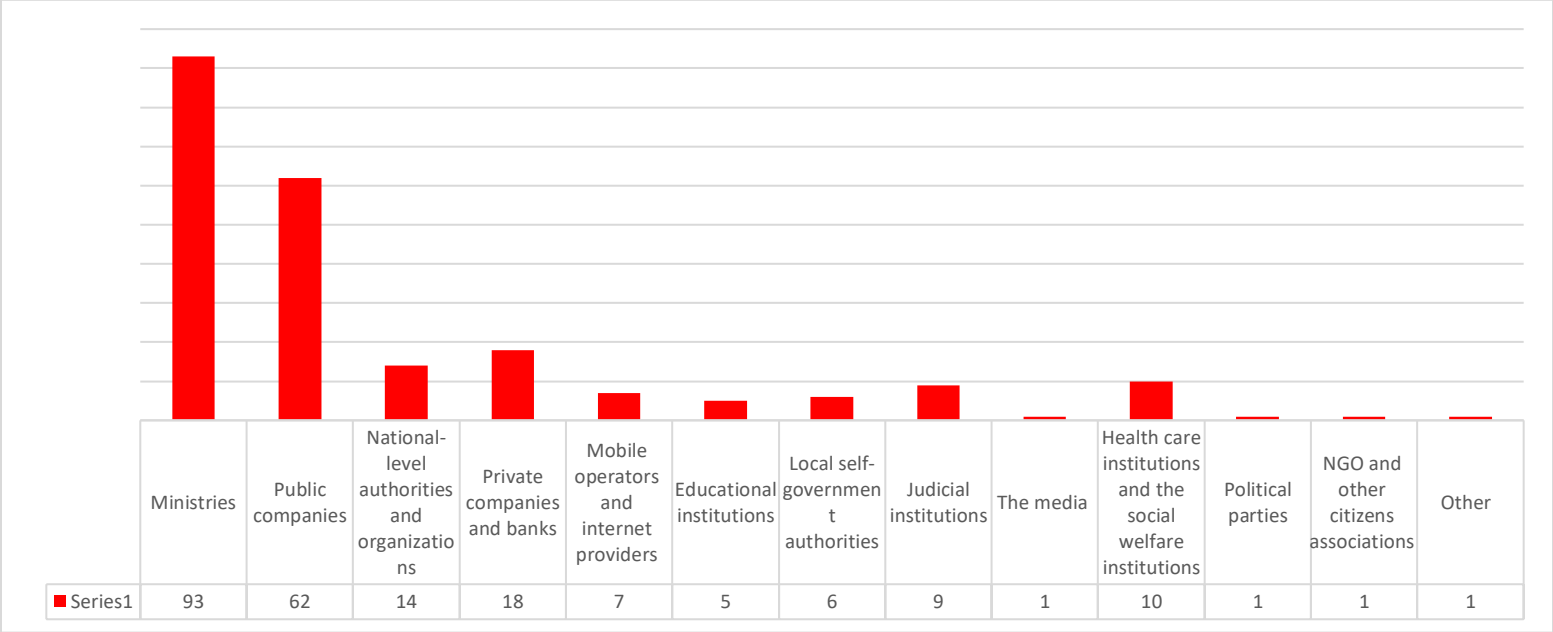
#### *3.3.2.3. Structure of Data Controllers against Which Complaints Were Lodged with the Commissioner*

As regards the structure of data controllers against whom complaints were lodged with the Commissioner, the largest number of the complaints, as many as **199**, were lodged against non- or unsatisfactory processing on the part of public authorities across all levels and authorities and organizations with delegated public powers. Most of these (93) were lodged against non- or unsatisfactory processing of the ministries, namely, against the Ministry of Interior 69, Ministry of Finance 18, and Ministry of Defence 6 complaints.

A large number of complaints were lodged against the Ministry of Interior. Citizens were mainly interested in deletion of data on registered criminal reports, which are kept by this Ministry permanently, regardless of how much time has passed and the outcome of the procedure, which is, according to the Commissioner's position expressed in some of his decisions, contrary to the LPDP and international standards.

In 2024, a large number of complaints were filed against public enterprises (62), the majority of which were against national public enterprises (57), including 54 complaints against the PE "Post of Serbia" alone, concerning the processing of personal data in the field of labour law.

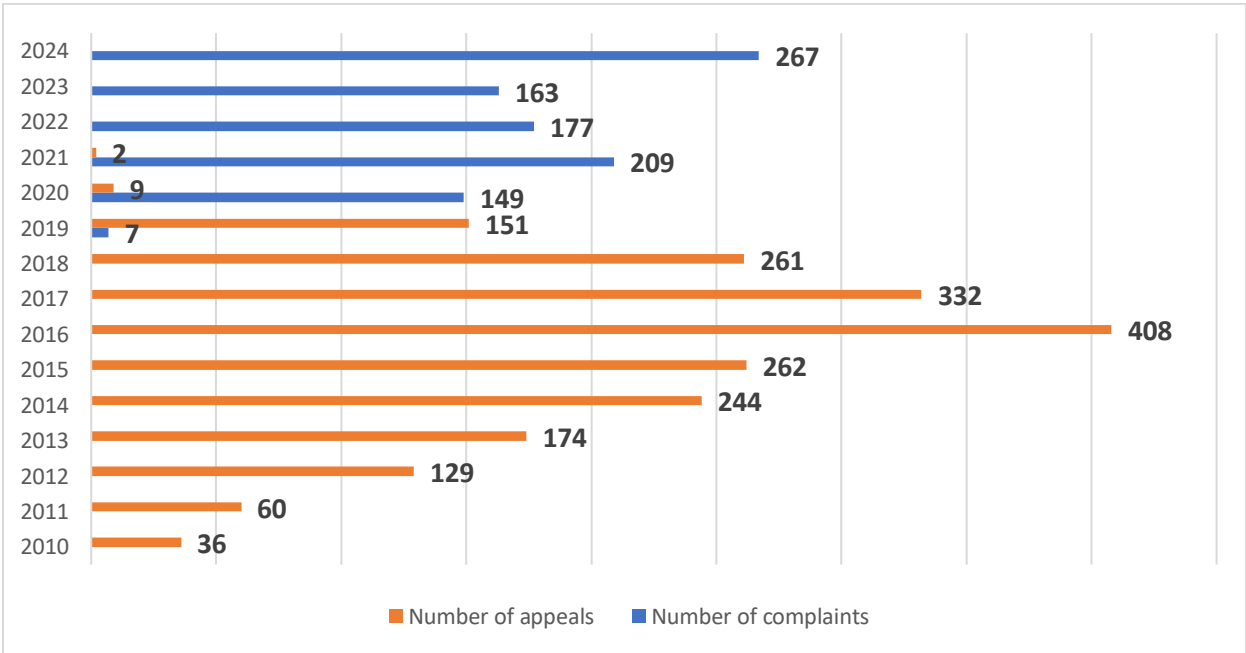
Graph No. 21 - Structure of data controllers against whose (non)compliance the complaints were submitted in 2024



3.3.2.4. Complaints Resolved by the Commissioner

Out of **284 complaints** which the Commissioner processed in 2024, **267 were resolved** (211 from 2024 and 56 carried forward from the previous year), while 17 complaints were carried forward to 2025.

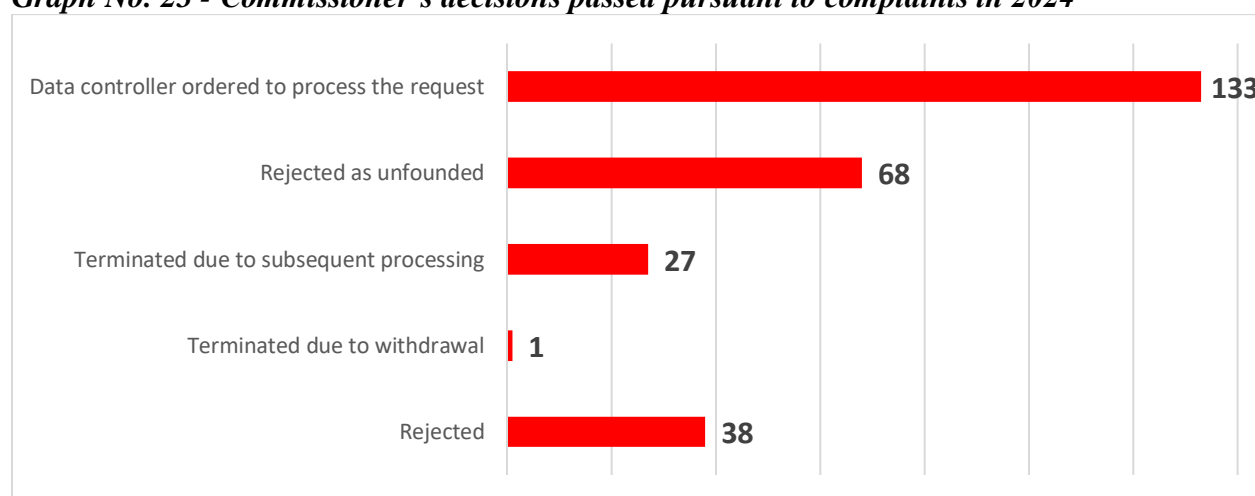
Graph No. 22 – Complaints/Appeals Resolved by the Commissioner by year



In the decisions passed pursuant to complaints lodged (267), the Commissioner found that complaints were founded in 133 cases, or 49.8%, and in all cases, decisions were passed ordering controllers to comply with requests. The Commissioner terminated the procedure by his decisions in 28 cases, or 10.5%, because controllers complied with requests before the Commissioner passed decisions pursuant to complaints (27), or complainants withdrew their complaints (1). The Commissioner dismissed 38 complaints, or 14.2%, for formal reasons, while he rejected 68 complaints, or 25.5%, by deciding it was unfounded.

An analysis of complaints the Commissioner found unfounded shows inter alia that citizens are still not fully aware of the content of their rights under the LPDP, because in their request they ask for data on other persons, issuing of certificates, data on deceased persons etc. They often recognize the Commissioner as an authority for the protection of rights in general, instead of the rights regarding personal data processing and the right to access information of public importance.

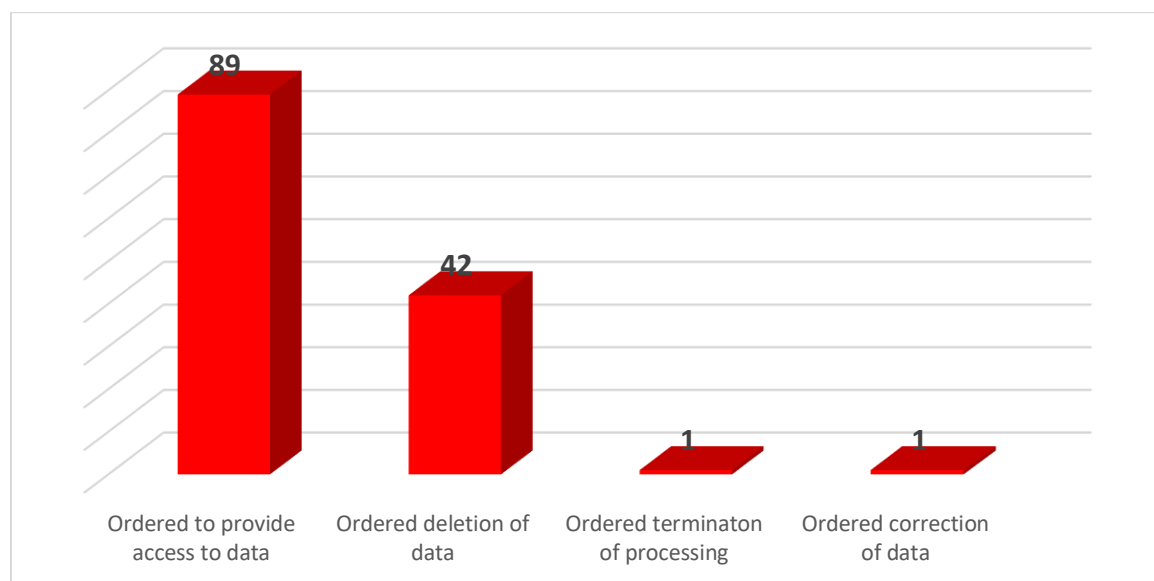
***Graph No. 23 - Commissioner's decisions passed pursuant to complaints in 2024***



**During the reporting period, the Commissioner issued a total of 133 binding and final decisions** ordering data controllers to process the requests or to provide access to data to requesters and ordering data controllers to inform him about compliance with these decisions. **124 Data controllers, or 93.2%, fully complied with the Commissioner's decisions, and notified the Commissioner accordingly, while 4 data controllers, or 3%, failed to comply with the Commissioner's order,** while the other decisions of the Commissioner are currently being processed

As regards decisions (133) the Commissioner passed in 2024 pursuant to complaints lodged, **in 89 cases, or 66.9%, the Commissioner ordered to provide access to data, while in 42 cases, or 31.6%, ordered deletion of data, whereas the suspension of processing and the rectification of data were ordered in one case each, or 0.75%.**

*Graph No. 24 – Measures imposed in the Commissioner’s decisions in 2024*



### 3.3.3. Transfer of data to other countries or international organizations and binding corporate rules

In accordance with the LPDP, the Commissioner approves **binding corporate rules and provisions of contracts or agreements** when data are transferred based on such mechanisms out of the Republic of Serbia to another country, a part of its territory, or in one or more sectors of certain business activities in that country or to an international organization listed by the Government of the Republic of Serbia among countries without appropriate protection level.

In the course of 2024, the Commissioner dismissed the request submitted by the company MOL Serbia LLC Belgrade for the approval of binding corporate rules.

At the same time, in 2024, the Commissioner received a notification of data transfer to the United States of America in accordance with Article 69, paragraph 4, in conjunction with paragraph 2 of the Law on Personal Data Protection.

### 3.3.4. Protection of Rights before the Administrative Court and Other Courts

According to the information available to the Commissioner, in 2024, the Administrative Court received **34 legal actions against the Commissioner**. Complaints were filed against decisions taken based on complaints, as well as by applicants who were dissatisfied with the Commissioner's handling of complaints within the framework of inspection.

In 2024, the Administrative Court **concluded 14 lawsuits** (all from the previous period), by rejecting 13 lawsuits as unfounded, while dismissing 1 lawsuit.

### 3.3.5. Misdemeanour liability

#### *3.3.5.1. Petitions for Institution of Misdemeanour proceedings*

**In 2024, the Commissioner filed 7 petitions for institution of misdemeanour proceedings for violations of the provisions of the Law on Personal Data Protection (LPDP),** namely 5 due to the controller processing personal data contrary to the principles set out in Article 5, paragraph 1 of the LPDP, and 2 due to the controller failing to designate a data protection officer in the cases referred to in Article 56, paragraph 2.

In the preceding period, from 2010 through the end of the reporting period, the Commissioner filed **247 petitions for institution of misdemeanour proceedings**, including:

**- 216 against violations of the previous LPDP, including:**

- Failure to compile or update records (50);
- Data processing without consent contrary to the requirements referred to in Article 12 (38);
- Data processing contrary to the requirements referred to in Article 13 (13);
- Personal data collecting from another person contrary to Article 14 (1);
- The data subject or other persons were not informed of the requirements referred to in Article 15, paragraph 1, before data collection (3);
- Processing of particularly sensitive data contrary to Articles 16-18 (18);
- Failure to provide the requested information, or access, or a copy of the data being processed—Article 26 paragraphs 1 and 2 and Article 27 (1);
- Failure to delete data from data collections in accordance with Article 36 (1);
- Failure to comply with the Commissioner’s ruling passed pursuant to the appeal—Article 41, paragraph 1 (4);
- Acting contrary to the duty to undertake measures referred to in Article 47 paragraph 2 (25);
- Failure to inform the Commissioner of the intention to establish a data collection within the statutory deadline – Article 49 paragraph 1 (20);
- Failure to submit to the Commissioner records or changes in a data collection within the statutory deadline – Article 51 paragraph 1 (62);
- Transborder transfer of data out of the Republic of Serbia contrary to Article 53 (2);
- Failure to ensure the Commissioner’s authorized officer to perform unobstructed supervision and failure to provide him/her access to necessary documentation and make such documentation available to him/her – Article 55 (46);
- Failure to comply with the Commissioner’s orders – Article 56 paragraph 2 (11);
- Misdemeanours referred to in Article 57 paragraph 1 item 14 in connection with paragraph 3 (11); and

**- 31 against violations of the provisions of the new LPDP, including:**

- Personal data processing contrary to the processing principles referred to in Article 5 paragraph 1 (18);

- Personal data processing for other purposes contrary to Articles 6 and 7 (1);
- Controller processes personal data without the consent of the data subject, and is not able to present evidence that the data subject in question has given consent for the processing of their data - Art. 15, para 1 (1);
- Failure to undertake appropriate technical, organizational and human resource measures in accordance with Article 42 (4) when determining the manner of processing and during processing; (4);
- Failure to regulate relations between joint data controllers in the manner specified in Article 43 paragraphs 2 through 4 (1);
- Controller has not designated a personal data protection officer in the cases referred to in Article 56, para 2 (5). 7

#### 3.3.5.2. *Misdemeanour notice*

**In 2024, the Commissioner issued 2 misdemeanour notices due to breaches of the LPDP**, namely because the controller does not keep the prescribed records on processing (Art. 47) or does not record processing (Art. 48). Misdemeanour notices have been filed against both the responsible person and the legal entity of the same data controller.

**So far, the Commissioner issued 7 misdemeanour notices due to breaches of the LPDP**, namely 5 because the controller does not keep the prescribed records on processing (Art. 47) or does not record processing activities (Art. 48), and 2 because the controller did not publish the data of the personal data protection officer and did not submit them to the Commissioner (Art. 56, paragraph 1).

#### 3.3.6. *Actions of Prosecutor's Offices on Criminal Reports Filed by the Commissioner and Misdemeanour Courts Regarding Petitions for Institution of Misdemeanour proceedings Filed by the Commissioner*

In the preceding period, from 2010 through the end of the reporting period, the Commissioner filed the total of **49 criminal reports** against criminal offences referred to in Articles 143 (unauthorized wiretapping and recording), 144 (unauthorized photographing), 145 (unauthorized publication and presentation of another's document, portrait, and recordings), 146 (unauthorized collection of personal data), 299 (computer sabotage), 302 (unauthorized access to computer, computer network or electronic data processing), 329 (impersonation), 355 (forging a document), and 359 (abuse of office) of the Criminal Code.

According to the data available to the Commissioner, based on criminal reports filed by the Commissioner so far, 2 indictments were brought. One final and enforceable judgment of conviction was passed pursuant to indictments (the person was sentenced to 6 months' probation) and 1 exonerating judgment. 23 Criminal reports were rejected in 15 cases by delaying criminal prosecution according to the principle of opportunity, in 3 cases the prosecutor's office found that the reported offence does not constitute a criminal offence prosecuted *ex officio*, while 5 investigations were terminated because the statute of limitations had expired.

Regarding the misdemeanour petitions he submitted, the Commissioner received **5 decisions of misdemeanour courts** in the first instance **in the course of 2024**. In one case, the courts of first instance rendered a conviction imposing a warning measure, while in four cases they discontinued the proceedings-two due to the statute of limitations and two because the conditions for continuing the misdemeanour proceedings were not met.

### **3.4. COMMISSIONER'S ACTIVITIES AIMED AT AFFIRMATION OF RIGHTS OF ACCESS TO INFORMATION OF PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION**

During 2024, the Commissioner organized and held a number of trainings in the field of free access to information and personal data protection. In addition to trainings organized and held by the Commissioner, whether independently or jointly with other institutions, trainings in the field of freedom of information and personal data protection are implemented continually by the National Academy of Public Administration for civil servants. Apart from other lecturers, representatives of the Commissioner also hold lectures on these trainings.

In addition to these trainings, as a form of continual education, in 2023/2024 the Commissioner organized a short study programme in the field of personal data protection and free access to information with the Faculty of Security Studies of the University in Belgrade, the Faculty of Law of the University of Novi Sad, and the Faculty of Law of the University in Kragujevac.

On 24 May 2024, the Commissioner and the Dean of the Faculty of Law of the University of Belgrade, Prof. Dr. Zoran Mirković, concluded a General Cooperation Agreement, as well as an Agreement on the Organisation of Studies for Knowledge Innovation. The University of Belgrade – Faculty of Law has launched a new study programme – Studies for Knowledge Innovation in the field of data protection law, in cooperation with the Commissioner for Information of Public Importance and Personal Data Protection. In addition to professors from the Faculty of Law, the teaching is conducted by the Commissioner, the Deputy Commissioner, and distinguished experts from the field.

From the second quarter of 2024, accredited trainers from the Commissioner's Office started conducting training sessions for three target groups - healthcare, higher education institutions, and internal affairs.

The training sessions intended for healthcare employees were organized in cooperation with, and with the logistical support of, the Chamber of Health Institutions of Serbia. Employees in this sector were acquainted with the provisions of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection. From April to December 23 training sessions were held for 213 health centres across 26 administrative districts, with over 400 employees from the healthcare sector participating. Additionally, some local government employees also took part, bringing the total number of trainees to approximately 500.

Under the auspices of the OSCE Mission to Serbia and in cooperation with the Cabinet and Secretariat of the Ministry of Interior, training sessions were held for employees in police departments across Serbia on the proper application of the Law on Personal Data Protection. The training sessions were held in 27 police departments, with over 1,550 police officers attending.

Invitations for training sessions under the Commissioner's jurisdiction were sent to the addresses of six rectors of state universities. The University of Belgrade, the University of Novi Sad,

the University of Kragujevac, and the University of Niš responded to the invitation. Employees from the Commissioner's regional offices in Novi Sad and Niš also participated in the trainings, while the session in Kragujevac was an opportunity to announce the opening of an office in that city.

The project "Strengthening the Rule of Law in Serbia" is a multi-donor project financed jointly by the European Union, German Federal Ministry of Economic Cooperation and Development (BMZ) and the Austrian Development Cooperation (ADC), and implemented by German Agency for International Cooperation (GIZ), the Austrian Development Agency (ADA), the Central Project Management Agency (CPMA), and the OSCE Mission to Serbia. The project is implemented from 1 January 2022 through 30 September 2025. The general objective of the project is support to compliance with the duties arising from Chapter 23 – Judiciary and Fundamental Rights in accordance with EU acquis.

As part of the project, and in accordance with the established methodology for implementing activities 3.9.1.1. – Training for the implementation of the Law on Personal Data Protection and 3.9.1.6. – Monitoring the implementation of the new Law on Personal Data Protection (Revised AP23), six panels were held in 2024 on personal data protection (in Novi Sad, Negotin, Požarevac, Vršac, Kragujevac, and Kruševac) and five trainings (in Užice, Kraljevo, Šabac, Negotin, and Požarevac). Additionally, three trainings on the area of free access to information of public importance were held (in Novi Sad, Novi Pazar, and Kragujevac).

The project "Protection of Freedom of Expression and Media in Serbia (PRO-FREX-S)" is implemented within the Horizontal Facility of Support to the Western Balkans and Turkey, the third phase of which began in January 2023 and will last for 48 months. The programme defines the activities that should be supported in the context of the accession process of the Republic of Serbia to the European Union. The programme is financed by the European Union and implemented by the Council of Europe. From October 28 to 30, 2024, consultants from the Council of Europe held a workshop titled "Standards of the European Court of Human Rights: The Right to Data Protection and Freedom of Expression." The workshop was attended by 20 employees from the Expert Service of the Commissioner.

The Project "EU for the Rule of Law in Serbia" is funded by the Delegation of the EC in Serbia, and implemented by the UNOPS in order to support the achievement of AP standards for Chapters 23 and 24. Within the Project, a new information system of the Commissioner for Information of Public Importance and Protection of Personal Data will be established. In 2024, seven licenses for the TRADOS Studio Professional translation software were procured. Activities are ongoing.

As part of the implementation of Phase V of the OSCE Mission to Serbia's project "Consolidation of the Democratisation Process in the Security Sector in the Republic of Serbia", the "Analysis of Sectoral Regulations from the Perspective of Personal Data Protection" was carried out and presented in 2024. A seminar titled "Enhancing Personal Data Protection: Legislative and Procedural Challenges in the Work of the Ministry of the Interior and the Police" was organised in Niš for employees of the Commissioner's Expert Service and the Ministry of the Interior.

#### *Trainings and Lectures:*

- On 26 January 2024, the Sector for Education and Certification within the Commissioner's Service organised a personal data protection training for twenty participants of the Privacy School, in cooperation with Partners for Democratic Change.

- On 30 January 2024, representatives of the Commissioner's Service from the Sector for Reporting and Analytical Affairs, in cooperation with the Standing Conference of Towns and Municipalities and the Ministry for Human and Minority Rights and Social Dialogue, held an online training for representatives of local self-government authorities. The topic of the training was the implementation of measures to improve the transparency of public authorities' work under the Law on Free Access to Information of Public Importance, specifically the preparation of information directories of public authorities and the submission of annual reports.
- On 7 February 2024, the Sector for Education and Certification within the Commissioner's Office organised a training course for employees of faculties and institutes of the University of Novi Sad on access to information of public importance and personal data protection.
- From 8 to 27 February 2024, a five-day training course for Data Protection Officers was held at the National Academy for Public Administration. The training was developed as part of the World Bank project "Training services for data protection officers and raising the awareness of civil servants in accordance with the GDPR, the Law on Personal Data Protection and Data Security, and the Law on Information Security of the Republic of Serbia". The project is implemented by a consortium led by Ernest&Young d.o.o. Belgrade, with the support of the Ministry of Information and Telecommunications, the Commissioner for Information of Public Importance and Protection of Personal Data, and the National Academy for Public Administration;
- On 14 January 2024, representatives of the Sector for Reporting and Analytical Affairs within the Commissioner's Office, in cooperation with the Ministry for Human and Minority Rights and Social Dialogue, held a training session at the Palace of Serbia for representatives of state authorities on the preparation of information directories of public authorities and the submission of annual reports, in accordance with the Law on Free Access to Information of Public Importance.
- On 23 February 2024, a representative of the Commissioner held a training session on free access to information of public importance for employees of the Ministry of Defence;
- On 4 March 2024, a training session on the application of the Law on Personal Data Protection was held for employees of telecommunications operator A1;
- On 5 March 2024, a lecture was given on the position and responsibilities of the Commissioner, for participants of the short study programme of the Faculty of Law in Kragujevac;
- On 6 March 2024, a lecture was given on the position and responsibilities of the Commissioner, for representatives of the Student Association for international cooperation of the Faculty of Law in Belgrade;
- On 11 - 22 March 2024, a two-week Professional internship was held for students of the Faculty of Law through the cooperation programme with the Environmental Law Clinic and the professional internship programme in public administration bodies;
- On 12 March 2024, a webinar was held on the application of the Law on Personal Data Protection for interested persons, as well as for new employees in the Commissioner's service;
- On 18 March 2024, representatives of the Sector for Reporting and Analytical Affairs within the service of the Commissioner, held training for representatives of the civil sector, on the subject of Free Access to Information - Directories on the work of public authorities and

submission of annual reports to the Commissioner, organized by the Ministry of Human and Minority Rights and Social Dialogue;

- On 19 March 2024, Deputy Commissioner gave an introductory lecture at the opening of the second cycle of the Training of Personal Data Protection Officers at the National Academy for Public Administration;
- On 20, 22, 23, 25, 29 March and 30 April 2024, professional training of personal data protection officers was held as part of the Short Study Programme, organized by the Commissioner;
- On 21 March 2024, as part of the second cycle of training for data protection officers, representatives of the Commissioner's Office held a lecture on inspection oversight in NAPA;
- On 27 March 2024, training was held on the application of Law on Personal Data Protection for employees of company PULSEC;
- On 28 March 2024, as part of the multisectoral project "Support to Strengthening the Rule of Law in the Republic of Serbia," aimed at contributing to the fulfilment of obligations stemming from the Action Plan for Chapter 23 – Judiciary and Fundamental Rights in line with the EU acquis, a training course entitled "Free Access to Information of Public Importance – Legislation and Practice" was held in Novi Sad, organised by the Commissioner for Information of Public Importance and Personal Data Protection and the Austrian Development Agency (ADA);
- On 2 April 2024, training was held on the application of Law on Personal Data Protection for employees of the State Lottery of Serbia;
- On 4 April 2024, with the support of the Ministry of the Interior and the OSCE Mission, a training session on the application of the Law on Personal Data Protection was held for employees of the Ministry of the Interior – Pančevo Police Administration;
- On 8 April 2024, with the support of the Chamber of Healthcare Institutions, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the Braničevo District;
- On 10 April 2024, with the support of the Ministry of the Interior and the OSCE Mission, a training session on the application of the Law on Personal Data Protection was held for employees of the Ministry of the Interior – Zrenjanin Police Administration;
- On 10 April 2024, with the support of the Chamber of Healthcare Institutions, a training session on the application of the Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the Bor District;
- On 10 and 11 April 2024, a training session was held for employees of the Commissioner's Office on the application of Article 3 of the Law on Free Access to Information of Public Importance, with the support of SIGMA;
- On 11 March 2024, the Commissioner delivered an introductory lecture at the opening of the third cycle of the Training of Personal Data Protection Officers at the National Academy for Public Administration;
- On 12 April 2024, with the support of the Chamber of Healthcare Institutions, a training session on the application of the Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the Zaječar District;

- On 15 April 2024, with the support of the Ministry of the Interior and the OSCE Mission, a training session on the application of the Law on Personal Data Protection was held for employees of the Ministry of the Interior – Novi Sad Police Administration;
- On 13 April 2024, a training session on the application of the Law on Personal Data Protection was held for students of the Faculty of Law enrolled in the “Compliance” study programme;
- On 16 April 2024, with the support of the Chamber of Healthcare Institutions, a training session on the application of the Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the Šumadija District;
- On 18 April 2024, with the support of the Chamber of Healthcare Institutions, a training session on the application of the Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the Pomoravlje District;
- On 22 April 2024, with the support of the Chamber of Healthcare Institutions, the first training session on the application of the Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the territory of the City of Belgrade;
- On 23 April 2024, with the support of the Ministry of the Interior and the OSCE Mission, a training session on the application of the Law on Personal Data Protection was held for employees of the Ministry of the Interior – Sremska Mitrovica Police Administration;
- On 24 April 2024, with the support of the Chamber of Healthcare Institutions, the second training session on the application of the Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the territory of the City of Belgrade;
- On 8 May 2024, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the territory of Novi Sad;
- On 9 May 2024, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the South Bačka District (in Novi Sad);
- On 10 May 2024, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the Srem District (in Novi Sad);
- On 13 May 2024, a training on the application of the Law on Personal Data Protection for Data Protection Officers (Užice, GIZ);
- On 14 May 2024, a training on the application of the Law on Personal Data Protection for Data Protection Officers (Kraljevo, GIZ);
- On 14 May 2024, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the West Bačka District (in Sombor);
- On 16 May 2024, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the West Banat District (in Vršac);

- On 17 May 2024, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the North Banat District (in Zrenjanin);
- On 20 May 2024, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the Raška District (in Kraljevo);
- On 21 May 2024, a training session entitled “Free Access to Information of Public Importance – Legislation and Practice” was held in Novi Pazar, organised by the Commissioner and the Austrian Development Agency (ADA);
- On 22 May 2024, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers from the Rasina District (in Kruševac);
- On 22 May 2024, a training session on the application of the Law on Personal Data Protection was held for employees of the Ministry of the Interior – Kraljevo Police Administration;
- On 23 May 2024, a training session on the application of the Law on Personal Data Protection was held for employees of the Ministry of the Interior – Novi Pazar Police Administration;
- On 5 June 2024, the representatives of the Commissioner held a training on the topic of Law on Personal Data Protection for employees in the public sector (Šabac, GIZ);
- On 6 June 2024, the representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection for employees of the Ministry of the Interior – Šabac Police Administration;
- On 12 June 2024, a representative of the Commissioner participated in a training session organised by the Ministry of European Integration as part of the PPF 10 project, intended for employees of all relevant institutions involved in the preparation of annual and multiannual IPA III programmes;
- On 25 June 2024, the representatives of the Commissioner held a training on the topic of Law on Personal Data Protection for employees in the Civil Aviation Directorate;
- On 2 June 2024, the representatives of the Commissioner held a training on the topic of the application of the Law on Personal Data Protection for employees in the University of Belgrade Rectorate;
- On 3 July 2024, the representatives of the Commissioner held a training on the topic of the application of the Law on Personal Data Protection for secretaries of faculties of the University of Belgrade;
- On 5 July 2024, a training session on the application of the Law on Personal Data Protection was held in Novi Sad for employees of the NTC Learning System;
- On 8 - 19 July 2024, law students at Union University Faculty of Law completed a professional internship on the application of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection;
- On 15 July 2024, a representative of the Commissioner, as an accredited lecturer, delivered a webinar entitled “Personal Data Protection for Employees of State Authorities and Local Self-Government Bodies”, organised by the National Academy for Public Administration;
- On 16 - 18 July 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Police Administrations of Zaječar, Bor and Pirot;

- On 19 June 2024, the representatives of the Commissioner held a webinar on the topic of the application of the Law on Personal Data Protection for employees of public utility companies;
- On 23 - 25 July 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Police Administrations of Užice, Prijepolje and Čačak;
- On 30 July - 9 August 2024, a multi-day training session was held for students of the Faculty of Law in Niš as part of their internship programme, on the topics of personal data protection and access to information of public importance (including the obligation to publish the Information Directories on the Work of Public Authorities);
- On 2 September 2024, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers in the Moravica District in Gornji Milanovac (through the Chamber of Healthcare Institutions of Serbia);
- On 4 September 2024, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers in the Zaltibor District in Užice (through the Chamber of Healthcare Institutions of Serbia);
- On 9 September 2024, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers in the Kolubara District in Valjevo (through the Chamber of Healthcare Institutions of Serbia);
- On 11 September 2024, a training session on the application of Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for healthcare workers in the Mačva District in Šabac (through the Chamber of Healthcare Institutions of Serbia);
- On 12 September 2024, a training session on the application of the Law on Personal Data Protection was held for employees of the Ministry of the Interior – Smederevo Police Administration;
- On 13 September 2024, a training session on the application of the Law on Personal Data Protection was held for employees of the Ministry of the Interior – Valjevo Police Administration;
- On 18 September 2024, a training session on the application of the Law on Personal Data Protection was held for employees of Mona, Belgrade;
- On 4 October 2024, representatives of the Commissioner held a training session on the application of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection (Chamber of Healthcare Institutions of Serbia) for healthcare workers in Pirot;
- On 4 October 2024, the representatives of the Commissioner held a training on the topic of the application of the Law on Personal Data Protection for employees in the Civil Aviation Directorate;
- On 8 - 10 July 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Police Administrations of Požarevac;

- On 14 October 2024, the Commissioner delivered a lecture entitled “Access to Information of Public Importance – Practical Challenges and How to Overcome Them” to a large number of legal professionals, economists and other public sector employees from various institutions in the Republic of Serbia, as part of the 26th Meeting of Institutions held by Obrazovni Informator in Zlatibor from 14 to 17 October 2024;
- On 15 October 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Kikinda Police Administration;
- On 17 October 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Niš Police Administration;
- On 17 October 2024, the Commissioner and the Deputy Commissioner held the first lecture in the Knowledge Innovation Studies programme in the field of personal data protection, organised by the Faculty of Law, University of Belgrade, in cooperation with the Commissioner for Information of Public Importance and Personal Data Protection;
- On 17 and 18 October 2024, representatives of the Commissioner held a round table on the implementation of the Law on Personal Data Protection(OSCE) with members of the Ministry of the Interior;
- On 18 October 2024, representatives of the Commissioner held a training session on the application of the Law on Free Access to Information of Public Importance for the Network of Inspectors of Serbia in Čačak;
- On 21 October 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for residential community managers;
- On 22 October 2024, as part of the multisectoral project “Support to Strengthening the Rule of Law in the Republic of Serbia,” aimed at contributing to the fulfilment of obligations stemming from the Action Plan for Chapter 23 – Judiciary and Fundamental Rights in line with the EU acquis, a training course entitled “Free Access to Information of Public Importance – Legislation and Practice” was held in Kragujevac by the Commissioner, Rosana Lemut-Strle (lecturer from Slovenia), and the acting Assistant Secretary General of the Sector for Complaints and Enforcement in the area of Access to Information of Public Importance, organised by the Commissioner for Information of Public Importance and Personal Data Protection, and Austrian Development Agency (ADA);
- On 23 October 2024, representatives of the Commissioner attended the “Cyber Security” training, organised by the company Ernst&Young;
- On 23 October 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection for residential community managers;
- On 24 and 25 October 2024, as part of the multi-sector project "Support to strengthening the rule of law in the Republic of Serbia", the goal of which is to contribute to the fulfilment of the obligations stemming from the AP for Chapter 23 - Judiciary and fundamental rights, in accordance with the EU acquis, a training session was held in Negotin and Požarevac on the application of the Law on Personal Data Protection, organized by the Commissioner for Information of Public Importance and Protection of Personal Data and the German Organization for International Cooperation (GIZ);

- On 25 October 2024, representatives of the Commissioner held a training session on the application of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection (Chamber of Healthcare Institutions of Serbia) for healthcare workers in the Jablanica District and the Toplica District in Leskovac;
- On 25 October 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Kragujevac Police Administration;
- On 1 November 2024, representatives of the Commissioner held a training session on the application of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection (Chamber of Healthcare Institutions of Serbia) for healthcare workers in the Niš District;
- On 5 November 2024, the Commissioner, Deputy Commissioner Sanja Unković, and the acting Assistant Secretary General of the Sector for Harmonisation of Regulations and Normative Affairs held introductory lectures at the training for the fourth generation of trainees in the short study programme jointly organised by the Faculty of Law, University of Kragujevac, and the Commissioner for Information of Public Importance and Personal Data Protection;
- On 12 and 13 November 2024, workshops were held for public authorities on measures to improve the transparency of public administration under the Law on Free Access to Information of Public Importance, specifically for representatives of state administration and judiciary authorities responsible for preparing guides on operations in the Unified Information System of Guides on Operations, organised by Partners Serbia and the Commissioner;
- On 13 November 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Prokuplje Police Administration;
- On 14 November 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Leskovac Police Administration;
- On 15 November 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Vranje Police Administration;
- On 15 November 2024, representatives of the Commissioner held a training session on the application of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection (Chamber of Healthcare Institutions of Serbia) for healthcare workers in the Pčinja District;
- On 25 November 2024, the Commissioner and the Deputy Commissioner Sanja Unković concluded their lecture series within the programme Knowledge Innovation Studies – Law on Personal Data Protection, implemented at the Faculty of Law, University of Belgrade;
- On 26 November 2024, representatives of the Commissioner held a training session on the application of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection for the employees of the University of Kragujevac;
- On 28 November 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Jagodina Police Administration;

- On 29 November 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Kruševac Police Administration;
- On 3 December 2024, representatives of the Commissioner held a training session on the application of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection for the employees of the University of Niš;
- On 4 December 2024, the Commissioner's Office gave a presentation at the Virtual Public Administration Student Internship Fair organised by the Ministry of Public Administration and Local Self-Government (MPALSG);
- On 5 December 2024, a representative of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Sombor Police Administration;
- On 6 December 2024, a representative of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Subotica Police Administration;
- On 6 December 2024, representatives of the Commissioner conducted training on access to information of public importance and personal data protection for employees of the company Dipos, Belgrade;
- On 12 December 2024, the Commissioner gave a lecture to students at the University of Criminal Investigation and Police Studies, and on 16 December 2024, delivered a lecture on the misuse of the right of access to information of public importance at the annual conference of the "Obrazovni Informator".
- On 16 December 2024, representatives of the Commissioner held a training session on the application of the Law on Personal Data Protection (OSCE) for members of the Ministry of the Interior – Belgrade Police Administration;
- On 16–17 December 2024, representatives of the Commissioner conducted a two-day training for employees of the Personal Data Protection Agency of Bosnia and Herzegovina;
- In December, the Commissioner, Deputy Commissioner, and Acting Assistant Secretary General of the Sector for Harmonisation of Regulations and Normative Affairs delivered a series of lectures and completed their work on the training of the fourth generation of participants within the short study programme jointly organised with the Faculty of Law, University of Kragujevac.

## 4. COMMISSIONER'S COOPERATION

### 4.1. COOPERATION WITH PUBLIC AUTHORITIES, CIVIL SOCIETY ORGANISATIONS AND BUSINESS ASSOCIATIONS

#### 4.1.1. Conferences

- On 29 January 2024, the Commissioner for Information of Public Importance and Personal Data Protection marked Personal Data Protection Day (28 January) at the Chamber of Commerce and Industry of Serbia, with the participation of numerous representatives of public authorities, the diplomatic corps, media, and civil society organisations. Publication IX – “Personal Data Protection: Positions, Opinions, and Practice of the Commissioner” was presented. For the first time, awards for outstanding contribution to personal data protection in the Republic of Serbia were presented;
- On 7 March 2024, a representative of the Commissioner attended the 16th annual conference on economic reforms in Serbia, on the occasion of the promotion of the jubilee edition of the publication, "GRAY BOOK 2024", organized by NALED;
- On 15 March 2024, a representative of the Office of the Commissioner participated in the conference "15 years of application of the Law on Prohibition of Discrimination - Practice and Challenges", organized by the Committee of Lawyers for Human Rights;
- On 19 March 2024, representatives of the Office of the Commissioner participated in the conference "Presentation of the Regional Network of the House of Human Rights";
- On 26 March 2024, a representative of the Commissioner attended the conference "Voices of Truth and Celebration" - on the occasion of 30 years of NUNS;
- On 24 April 2024, the Commissioner attended the Third Memorial Scientific-Professional Conference "Predrag Marić", dedicated to the late first chief and founder of the Sector for Emergency Management of the Ministry of Interior of Serbia.
- On 6 September 2024, the Acting Assistant Secretary-General participated together with an associate in the conference “The Future of Freedom of Information” organised by Partners for Democratic Change Serbia (Partners Serbia), in cooperation with the Bureau of International Narcotics and Law Enforcement Affairs (INL);
- From 9 to 13 September 2024, representatives of the Commissioner took part in the conference held within the framework of the Data Protection Academy, “Second Edition of the Personal Data Protection Week in the Western Balkans and Eastern Regional Partnership”, in Brussels, Belgium;
- On 27 September 2024, the Commissioner for Information of Public Importance and Personal Data Protection marked the International Day for Universal Access to Information (28 September) at the Chamber of Commerce and Industry of Serbia, with the participation of numerous representatives of public authorities, the diplomatic corps, media, and citizens associations;
- On 21 October 2024, a representative of the Commissioner attended the annual conference of the Lawyers’ Committee for Human Rights, entitled “The Impact of Amendments to the Criminal Code on the Judiciary and Human Rights”;

- On 25 November 2024, the Commissioner attended the conference entitled “Equal, Safe, Empowered” on the occasion of the International Day for the Elimination of Violence against Women;
- On 21 November 2024, a representative of the Commissioner participated in the conference entitled “A Sustainable Framework for Collecting Data on National Minorities”, organised by the Ministry for Human and Minority Rights and Social Dialogue and the Council of Europe;
- On 23 December 2024, representatives of the Commissioner took part in the conference “Business and Human Rights – Baseline Assessment of the Situation in Serbia”, organised by UNDP in Serbia and the non-governmental organisation Belgrade Centre for Human Rights.
- On 26–27 December 2024, a representative of the Commissioner attended the conference “Artificial Intelligence” held in the Grand Hall of the Serbian Academy of Sciences and Arts (SANU).

#### 4.1.2. Meetings

- On 31 January 2024, the Commissioner, the Deputy Commissioner, and the Acting Chief of the Commissioner’s Cabinet met with the Programme Director of DAI, Mrs Erika Bustinza, and her associates. The company DAI, together with the United States Agency for International Development (USAID), is implementing a programme for improving cybersecurity in the Western Balkans (CIDR). The Commissioner informed those present about the history and competencies of this independent state authority, after which possibilities for potential cooperation in the field of cybersecurity and raising awareness about personal data protection in the digital environment were discussed.
- On 5 February 2024, the Commissioner held a working meeting in Novi Sad with representatives of local governments from the territory of the South Bačka Administrative District and the City of Novi Sad, during which he was informed about the problems and challenges faced by public authorities in the field of access to information of public importance.
- On 6 February 2024, a representative of the Commissioner’s Office attended the first meeting of the Working Group for the preparation of the Draft Action Plan for the period 2024–2025 for the implementation of the Strategy for the Prevention and Protection against Domination for the period 2020–2030.
- On 27 February 2024, the Acting Assistant Secretary-General of the Sector for Complaints and Enforcement in the Field of Access to Information held a meeting with representatives of the Republic Secretariat for Public Policies on activities carried out by the Commissioner related to free access to information of public importance for the preparation of the semi-annual report on the business environment within the project “EU for Better Business Environment” (EU4BE).
- On 28 February 2024, representatives of the Commissioner participated in the regional meeting “A New Frontline: Joint Efforts to Improve Journalist Safety in Southeast Europe,” organised by the OSCE in Belgrade;

- On 13 March 2024, a representative of the Commissioner participated as a member in the meeting of the Working Group for drafting the Draft Law on Organizations of Persons with Disabilities;
- On 26 March 2024, a representative of the Commissioner attended the second meeting of the Special Working Group for developing a Draft Action Plan for the implementation of the Strategy for creating an enabling environment for the development of civil society in the Republic of Serbia for the period 2024-2025;
- On 12 March 2024, on the sidelines of the meeting of the Subcommittee on Justice, Fundamental Rights and Security, the Commissioner and Deputy Commissioner, together with associates, participated alongside representatives of the Directorate-General for Enlargement and Justice and the Secretariat-General of the European Commission;
- On 13 March 2024, the Commissioner and Deputy Commissioner, together with their associates, held a meeting with the coordinator of the project "Protection of Freedom of Expression and Media in Serbia" PROFREX. The project is implemented within the framework of the joint initiative of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkey" Phase III;
- On 14 May 2024, a representative of the Commissioner participated in the first meeting of the Steering Committee of the regional project "Protection of Freedom of Expression and Media in Southeast Europe," where the draft action plan for 2024 was presented.
- On 22 May 2024, a representative of the Commissioner participated in a coordination meeting within the project implemented by the OSCE Mission to Serbia, "Consolidating the Democratization Process in the Security Sector";
- On 23 May 2024, representatives of the Commissioner held a meeting with representatives of Amnesty International, during which the Amnesty International report on the "Social Card" Register was presented;
- On 7 June 2024, the Commissioner, the Deputy Commissioner, and the Acting Assistant Secretary-General of the Sector for Complaints and Enforcement in the Field of Access to Information met at the Ministry of Public Administration and Local Self-Government with the new Minister of Public Administration and Local Self-Government, Jelena Žarić Kovačević, and her associates to discuss amendments to the Law on Free Access to Information of Public Importance in order to address the current situation of abuse of the right to access information of public importance and to restore this right to its intended purpose.
- On 10 June 2024, an online meeting of the Working Group for the Draft Law on Artificial Intelligence was held;
- On 21 June 2024, the Commissioner and Deputy Commissioner held a working meeting with the President of the Association for Social Welfare Lawyers "Argument," Mrs Julija Popović, and members of the association, the Director of the Institute for Education of Children and Youth in Belgrade, Mrs Anita Buzejić Šubarić, and the Director of the Social Welfare Centre in Leskovac, Mr Predrag Momčilović, regarding current issues in the application of the right to access information of public importance and personal data protection;
- On 18 June 2024, the Acting Assistant Secretary-General of the Sector for Complaints and Enforcement in the Field of Access to Information attended a meeting of the Working Group for the Development of the Strategy for the Implementation of the Aarhus Convention, in her capacity as a member of the working group;

- On 4 July 2024, the Commissioner and his associates held an initial meeting with representatives of the EU Public Finance Reform Project: Mrs Marijana Trifunović-Stefanović, Project Manager; Dr Birger Nere, Tax Expert at the United Nations Development Programme (UNDP); and Mrs Teodora Krkotić, Project Associate;
- On 4 July 2024, the Commissioner and his associates held a meeting with representatives of UNDP on the topic of the European Union Public Finance Reform Project implemented by UNDP;
- On 8 July 2024, a representative of the Commissioner participated in an online meeting within the Working Group for the Draft Law on Artificial Intelligence;
- On 18 July 2024, the Commissioner met with Ambassador Mr Aleksandar Janković at the Embassy of the Republic of Serbia in Helsinki, with the aim of strengthening cooperation between the Republic of Finland and the Republic of Serbia;
- On 23 July 2024, a representative of the Commissioner attended the fourth meeting of the Special Working Group on the Draft Action Plan for the period 2024–2026 for the implementation of the Strategy for Creating an Enabling Environment for Civil Society Development in the Republic of Serbia for the period 2022–2030, organised by the Ministry for Human and Minority Rights and Social Dialogue;
- On 23 and 31 July 2024, a representative of the Commissioner attended meetings of the Working Group on the Draft Amendments to the Law on eGovernment;
- On 25 and 31 July 2024, a representative of the Commissioner attended meetings of the Working Group on the Draft Amendments to the Law on eGovernment;
- On 9 August 2024, the Commissioner and the Deputy Commissioner held a meeting with H.E. Christian Ebner, Austrian Ambassador to the Republic of Serbia, and Mr Georg Stav, Justice Attaché;
- On 28 August 2024, the Commissioner and Deputy Commissioner, together with their associates, held an initial meeting with the leadership of the Critical Infrastructure Digitalisation and Resilience Programme (CIDR);
- On 4 September 2024, representatives of independent supervisory authorities dealing with personal data protection in the Western Balkans region-including the Commissioner for Information of Public Importance and Personal Data Protection of the Republic of Serbia, Milan Marinović, and Deputy Commissioner Sanja Unković; the Director of the Agency for Personal Data Protection and Free Access to Information of Montenegro, Čedomir Mitrović, with Council members Muhamed Đokaj and Zoran Vujičić; and the Director of the Personal Data Protection Agency in Bosnia and Herzegovina, Dr Dragoljub Reljić, with his Deputy Ante Boras and Assistant Director Samira Čampara- held a meeting concerning changes to the privacy policies of Meta and the platform X regarding the processing of personal data for the purpose of artificial intelligence development;
- On 25 September 2024, Minister of Public Administration and Local Self-Government Jelena Žarić-Kovačević and Commissioner Milan Marinović held a working meeting, during which it was noted, among other things, that since the entry into force of the new Law on Free Access to Information of Public Importance, a huge number of appeals have been submitted through attorneys as authorised representatives. The Commissioner's Office has identified this as an attempt to abuse the right of access to public information, which primarily affects the budgets of small local self-governments and local communities. These abuses are attributed to the

removal of the concept of "abuse of rights" from the previous Law and changes in the long-standing position of the Administrative Court regarding reimbursement of representation costs in appeal proceedings;

- On 25 September 2024, the Commissioner and the Acting Assistant Secretary-General of the Sector for Complaints and Enforcement in the Field of Access to Information took part in the initial meeting of the Special Working Group for the preparation of the Draft Law on Amendments to the Law on Free Access to Information of Public Importance.
- On 2 and 19 September 2024, a representative of the Commissioner attended meetings of the Working Group on the Draft Amendments to the Law on eGovernment;
- On 6 September 2024, a representative of the Commissioner participated in a meeting organised by the Ministry of Foreign Affairs in preparation for the Serbian delegation's participation in the OSCE Human Dimension Conference, to be held in Warsaw from 30 September to 11 October 2024;
- On 4 September and 16 September 2024, and 20 September 2024;
- On 1 October 2024, representatives of the Commissioner participated in a meeting with representatives of the Ministry of Public Administration and Local Self-Government regarding the Draft Law on Amendments to the Law on eGovernment;
- On 2 October 2024, a representative of the Commissioner participated in an online meeting within the Working Group for the Draft Law on Artificial Intelligence;
- On 9 - 11 October 2024, a representative of the Commissioner participated in a meeting of the Special Working Group for the preparation of the text of the Action Plan for the implementation of the Personal Data Protection Strategy for the period 2023–2030, held in Divčibare;
- On 11 October 2024, representatives of the Commissioner organised a meeting with students of the Faculty of Political Sciences, University of Belgrade, during which they presented the history, structure, and work of the Commissioner's Professional Service;
- On 22 October 2024, representatives of the Commissioner took part in a meeting with representatives of the Ministry of Defence concerning the Draft Law on Health Care and Health Insurance of Military Personnel;
- On 16 October 2024, representatives of the Commissioner participated in a meeting related to the mid-term evaluation of the programme "Horizontal Facility for the Western Balkans and Turkey" Phase III, funded by the European Union and implemented by the Council of Europe, regarding the implementation of the project "Protection of Freedom of Expression and Media in Serbia" (PROFREX);
- On 20 November 2024, representatives of the Commissioner participated in a meeting within the Working Group for the Draft Law on Artificial Intelligence;
- On 9 December 2024, a representative of the Commissioner took part in a preparatory meeting for the Stabilisation and Association Committee meeting scheduled for 11 December 2024;
- On 20 December 2024, representatives of the Commissioner participated in a meeting of the Working Group for the Draft Law on Artificial Intelligence;
- On 26 December 2024, representatives of the Commissioner held a consultative meeting with representatives of the OSCE Mission to Serbia regarding the launch of Phase VI of the project "Consolidating the Democratization Process in the Security Sector of the Republic of Serbia."

#### 4.1.3. Events

- On 24 January 2024, the Commissioner attended the celebration of the 120th anniversary of the newspaper Politika. The ceremony at the Ilija Kolarac Endowment was attended by high-ranking state officials, members of the diplomatic corps, religious communities, and the editorial staff of the oldest newspaper in the Balkans.
- On 27 January 2024, a representative of the Commissioner attended a public speaking competition at the Faculty of Law, University of Belgrade;
- On 2 March 2024, the representative of the Commissioner attended the Ceremonial Academy on the occasion of marking the "Day of the Legal Profession of Serbia";
- On 4 March 2024, representatives of the Commissioner participated in the session of the Council for monitoring the recommendations of the UN for human rights;
- On 6 March 2024, the representative of the Commissioner participated in the round table called "Collection of data on the nationality of civil servants" organized by the Ministry of Human and Minority Rights and Social Dialogue;
- On 17 March 2024, Commissioner attended the commemorative academy on the occasion of commemorating the Day of Remembrance of 17 March 2004 - Pogrom in Kosovo and Metohija, which was held at the National Theatre in Belgrade;
- On 27 March 2024, in Novi Sad, a panel discussion was held on the application of the Law on Personal Data Protection, organised by the Commissioner for Information of Public Importance and Personal Data Protection and the German Development Cooperation (GIZ), as part of the multi-sectoral project "Support to Strengthening the Rule of Law in the Republic of Serbia," aimed at fulfilling obligations from Chapter 23 – Judiciary and Fundamental Rights under the EU acquis;
- On 28 March 2024, a representative of the Commissioner followed the panel on artificial intelligence in the Scientific Club of CPN;
- On 15 and 16 April 2024, the Commissioner and the Deputy Commissioner took part in panel discussions held in Negotin and Požarevac on monitoring the implementation of the new Law on Personal Data Protection. These panels were attended by data controllers and interested representatives of civil society and the media. The organization of the panel discussion is supported by the project "Strengthening the Rule of Law in the Republic of Serbia" (EU FOR FIGHT AGAINST CORRUPTION AND FOR FUNDAMENTAL RIGHTS) jointly financed by the EU and the German Federal Ministry for Economic Cooperation and Development (BMZ). The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) is tasked with the implementation of project activities related to personal data protection;
- On 19 April 2024, a representative of the Commissioner participated in the "Civil Society Dialogue on the Strategy to Confront Escalating Extremism," organised by the Helsinki Committee for Human Rights in Serbia in cooperation with the Lawyers' Committee for Human Rights;
- On 15 April 2024, in Negotin, a panel discussion was held on the application of the Law on Personal Data Protection, organised by the Commissioner for Information of Public Importance and Personal Data Protection and the German Development Cooperation (GIZ), as part of the multi-donor project "Support to Strengthening the Rule of Law in the Republic of Serbia," aimed at fulfilling obligations from Chapter 23 – Judiciary and Fundamental Rights under the EU acquis;

- On 16 April 2024, in Požarevac, a panel discussion was held on the application of the Law on Personal Data Protection, organised by the Commissioner for Information of Public Importance and Personal Data Protection and the German Development Cooperation (GIZ), as part of the multi-donor project “Support to Strengthening the Rule of Law in the Republic of Serbia,” aimed at fulfilling obligations from Chapter 23 – Judiciary and Fundamental Rights under the EU acquis;
- On 9 May 2024, the Commissioner attended Europe Day celebration organised by the Delegation of the European Union to Serbia. The celebration was held under the slogan “Europe is Our Home” at the Jevremovac Botanical Garden in Belgrade;
- On 9 May 2024, the Commissioner attended a ceremonial academy commemorating Victory Day over Fascism in World War II, organised by the Government of the Republic of Serbia, held at the National Theatre in Belgrade;
- On 16 May 2024, a representative of the Commissioner participated in a round table organised by the Belgrade Centre for Human Rights on supporting further implementation of the Law on Foreigners and the Law on Employment of Foreigners;
- On 29 May 2024, a representative of the Commissioner attended the presentation by prEUgovor Coalition of the latest Alarm Report, an independent semi-annual report on Serbia’s progress in Cluster 1, covering the period from November 2023 to April 2024;
- On 31 May 2024, a representative of the Commissioner attended the presentation of the annual report “Youth Human Rights in the Republic of Serbia in 2023,” prepared by the Belgrade Centre for Human Rights and the UN Human Rights Team;
- On 7 June 2024, the Commissioner received representatives of the Faculty of Security Studies, University of Belgrade – the current dean, Prof. Dr Vladimir N. Cvetković, and the incoming dean, Prof. Dr Mladen Milošević – as well as participants of the short study programme who successfully completed the training programme for Personal Data Protection Managers. This programme has been jointly implemented by the Commissioner for Information of Public Importance and Personal Data Protection and the Faculty of Security Studies, University of Belgrade, for four consecutive years;
- On 15 June 2024, at the Faculty of Law in Kragujevac, diplomas were awarded to participants of the short study programme in the field of the Law on Personal Data Protection and the Law on Free Access to Information of Public Importance;
- On 17 June 2024, a panel discussion was held in the Great Hall of the Vršac City Administration on the monitoring of the implementation of the new Law on Personal Data Protection. Attendees included the Commissioner, Deputy Commissioner, staff members, data controllers, and interested representatives of civil society and media;
- On 18 June 2024, a representative of the Commissioner participated in the celebration of “Registrar’s Day in Serbia,” organised by the Ministry of Public Administration and Local Self-Government;
- On 21 June 2024, representatives of the Commissioner participated in a public discussion on the EU AI Act and the regulation of artificial intelligence in Serbia;
- On 17 April 2024, in Vršac, a panel discussion was held on the application of the new Law on Personal Data Protection, organised by the Commissioner for Information of Public Importance and Personal Data Protection and the German Development Cooperation (GIZ), as part of the multi-donor project “Support to Strengthening the Rule of Law in the Republic of

Serbia,” aimed at fulfilling obligations from Chapter 23 – Judiciary and Fundamental Rights under the EU acquis;

- On 20 June 2024, representatives of the Commissioner participated in the public presentation of the publication “Analysis of Sectoral Regulations from the Perspective of Personal Data Protection”, organized by the OSCE Mission in Belgrade;
- On 1 July 2024, the Commissioner participated in the Introductory Seminar for Members of Parliament serving for the first time, held at the "Sloboda" Hotel in Šabac, organized by the National Assembly of the Republic of Serbia in cooperation with the OSCE and the Westminster Foundation for Democracy;
- On 4 July 2024, a representative of the Commissioner attended the celebration of the 140th anniversary of the National Bank of Serbia;
- On 11 July 2024, representatives of the Commissioner attended a public discussion regarding the Artificial Intelligence Development Strategy for the period 2024–2030;
- On 15 July 2024, a representative of the Commissioner took part in a social dialogue on the “Draft Response of the Republic of Serbia regarding the implementation of the Council of Europe Committee of Ministers’ Recommendation CM/Rec (2010) concerning measures to combat discrimination based on sexual orientation or gender identity”, organized by the Ministry for Human and Minority Rights and Social Dialogue;
- On 26 July 2024, the Commissioner attended the formal academy marking the 180th anniversary of the establishment of the State Audit Institution of the Republic of Serbia, held at the National Theatre in Belgrade under the patronage of the President of the Republic of Serbia;
- On 26 July 2024, a representative of the Commissioner attended the celebration of the Day of the Municipality of Aranđelovac;
- On 8 August 2024, the Commissioner and Deputy Commissioner, along with their associates, visited the management of the Faculty of Law, University of Kragujevac, and announced the opening of the third Office outside the Commissioner’s headquarters, scheduled by the end of the year, as a result of years of successful cooperation with the Faculty;
- On 8 August 2024, representatives of the Commissioner participated in a workshop on amendments to the Law on Personal Data Protection, organized within the EU/CoE project “Protecting Freedom of Expression and of the Media in Serbia – PROFREX” (part of the Horizontal Facility for the Western Balkans and Turkey);
- On 5 September 2024, a representative of the Commissioner participated in the “September Gathering in Blue,” marking NALED’s 18 years of reform efforts;
- On 1 October 2024, a representative of the Commissioner attended the formal opening of the new academic year at the Faculty of Law, University of Belgrade;
- On 9 - 11 October 2024, the Commissioner, Deputy Commissioner, and acting Assistant Secretary General of the Sector for Harmonisation of Regulations and Normative Affairs participated in the work of the Working Group for the Action Plan for the Implementation of the Personal Data Protection Strategy for the Period 2023–2030, held in Divčibare;
- On 24 October 2024, the Commissioner attended the presentation of the Local Government Transparency Index (LTI), based on the ranking conducted by Transparency Serbia since 2015;
- On 3 October 2024, a representative of the Commissioner participated in the workshop “The Role of the Commissioner for Information of Public Importance and Personal Data Protection

/ Cooperation with Civil Society Organizations – Past Experiences and Future Possibilities for Cooperation”, held in Šabac;

- On 8 October 2024, a representative of the Commissioner attended a public discussion on the Draft Law on Amendments to the Law on Advertising;
- On 12 October 2024, the Commissioner delivered a lecture on “Misuse of the Law on Free Access to Information of Public Importance” at the Annual Conference of Misdemeanour Judges and the Misdemeanour Appellate Court, held in Zlatibor, organized by the Association of Misdemeanour Judges of the Republic of Serbia and USAID;
- On 17–18 October 2024, representatives of the Commissioner participated in a seminar in Niš titled “Improving Personal Data Protection: Legislative and Procedural Challenges in the Work of the Ministry of Interior and Police”, held within the OSCE project “Consolidating the Democratization Process in the Security Sector in the Republic of Serbia”;
- On 21 October 2024, representatives of the Commissioner participated in the roundtable “Media Literacy and Children in the Digital Environment”, organized in Belgrade by the Regulatory Authority for Electronic Media (REM);
- On 28 - 30 October 2024, representatives of the Commissioner attended the workshop “European Court of Human Rights Standards on Privacy Protection and Freedom of Expression” in Vrdnik;
- On 30 October 2024, representatives of the Commissioner attended the formal certificate award ceremony for personal data protection officers as part of a World Bank project;
- On 31 October 2024, a representative of the Commissioner attended an online discussion on the 2024 Enlargement Package and the functioning of democratic institutions in the Western Balkans, organized by the European Policy Centre;
- On 17–18 October 2024, representatives of the Commissioner participated in a seminar in Niš titled “Improving Personal Data Protection: Legislative and Procedural Challenges in the Work of the Ministry of Interior and Police”, held within the OSCE project “Consolidating the Democratization Process in the Security Sector in the Republic of Serbia”;
- On 28 - 30 October 2024, within the framework of the project “Protection of Freedom of Expression and Media” (PROFLEX) implemented by the Council of Europe through the “Horizontal Facility for the Western Balkans and Türkiye” programme, representatives of the Commissioner participated in the seminar “Standards of the European Court of Human Rights: the Right to Data Protection and Freedom of Expression” held in Vrdnik.
- On 1 November 2024, a representative of the Commissioner attended the public reading of the 2024 European Commission Report on Serbia, organized by the Centre for Contemporary Politics and the Foundation Centre for Democracy;
- On 7 - 8 October 2024, the Commissioner, Deputy Commissioner Sanja Unković, and acting Assistant Secretary General of the Sector for Harmonisation of Regulations and Normative Affairs participated in the work of the Working Group for the Action Plan for the Implementation of the Personal Data Protection Strategy for the Period 2023–2030, held in Divčibare;
- On 18 and 19 October 2024, as part of the multi-donor project "Support to strengthening the rule of law in the Republic of Serbia", the goal of which is to contribute to the fulfilment of the obligations stemming from the AP for Chapter 23 - Judiciary and fundamental rights, in accordance with the EU acquis, training sessions were held in Kruševac and Kragujevac on the

application of the Law on Personal Data Protection, organized by the Commissioner for Information of Public Importance and Protection of Personal Data and the German Organization for International Cooperation (GIZ);

- On 3 December 2024, a representative of the Commissioner attended the debate “Mobbing in Serbia: Personal Issue or Social Problem?”, organized by the Foundation Centre for Democracy;
- On 4 December 2024, a representative of the Commissioner attended the celebration of “20 YEARS OF THE EU EXCHANGE PROGRAMME” – the 52nd Assembly of the Standing Conference of Towns and Municipalities;
- On 9 - 11 December 2024, a representative of the Commissioner participated in a workshop within the Korea–Serbia Cooperation Project in the field of e-Government, held at the Serbia-Korea Information Access Centre;
- On 9 and 10 December 2024, two roundtables were held as part of the public debate on the Draft Law on Amendments to the Law on Free Access to Information of Public Importance – the first in the Assembly Hall of the City of Niš and the second in the Palace of Serbia in Belgrade;
- On 13 December 2024, a representative of the Commissioner participated in the Human Rights Day celebration organized by the Human Rights House team and the Platform of Organizations for Cooperation with UN Human Rights Mechanisms;
- On 16 December 2024, a representative of the Commissioner attended a regional event focused on improving digitalization of public administration and personal data protection, within the regional initiative “Digitalization of Public Administration and Personal Data Protection: A Careful Approach to European Integration”, held in Ohrid and organized by the Helsinki Committee for Human Rights in Serbia;
- On 18 December 2024, the Commissioner officially marked two anniversaries – twenty years since the adoption of the first Law on Free Access to Information of Public Importance in the Republic of Serbia, and fifteen years since the adoption of the law establishing the Commissioner’s competence in the area of personal data protection;
- On 26 December 2024, a representative of the Commissioner participated in the roundtable “Youth for Peace and Security”, organized by the National Youth Council of Serbia (KOMS).

## **4.2 INTERNATIONAL AND REGIONAL COOPERATION**

In 2024, the Commissioner continued successful cooperation with international organizations and forums (the Council of Europe, primarily the Convention 108 Consultative Committee, the International Conference of Information Commissioners (ICIC)<sup>65</sup> the Global Privacy Assembly (GPA)<sup>66</sup>, the European Data Protection Board (EDPB)<sup>67</sup>, European Data Protection Supervisor (EDPS), Eurojust, the International Working Groups on Personal Data Protection, known as the “Berlin Group”, UNESCO, as well as representatives of international organizations in Serbia (OSCE, German Agency for International Cooperation - GIZ, the Austrian Development Agency – ADA, the

---

<sup>65</sup> International Conference of Information Commissioners

<sup>66</sup> Global Privacy Assembly

<sup>67</sup> European Data Protection Board

Delegation of the European Union to the Republic of Serbia, Council of Europe Office in Belgrade, USAID Global, and USAID Serbia).

The Commissioner primarily cooperated with competent institutions in the region and in the territory of 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<sup>68</sup> and Initiative 2020<sup>69</sup> respectively;

Representatives of the Commissioner took part in the following international and regional meetings dedicated to free access to information and personal data protection, including:

- On 22 February 2024, the Commissioner and the Deputy Commissioner participated in the international conference “Law and Social Protection Festival 2024,” held in Leskovac, organized by the Chamber of Social Protection and the Association of Social Protection Lawyers “Argument”. The aim of the conference was to highlight various instruments for the protection of human rights and ways in which those rights can be violated;
- On 26–29 February 2024, the Commissioner and the Deputy Commissioner participated in the international conference of the Global System for Mobile Communications Association (*GSMA Mobile World Congress 2024*) in Barcelona. At this impressive event, which gathered thousands of participants from all over the world, important topics were discussed regarding the direction of modern technology development-particularly artificial intelligence-and its impact on global society and personal data protection;
- On 27 February - 2 March 2024, the Commissioner and Deputy Commissioner participated in the 3rd International Congress of Lawyers (*ICOOLAW Bled 2024*), held in Bled, Slovenia, organized by the KEC Group. The Congress, which this year is dedicated to the implementation of the General Data Protection Regulation (GDPR) in European countries, was attended by a large number of prominent prosecutors, lawyers, mediators and lawyers employed in companies in the public and private sector, as well as commissioners and directors of personal data protection agencies from the region.
- On 22 April 2024, the Commissioner and the Deputy Commissioner participated in the regional conference “Euro-Mediterranean Experiences in Access to Information,” organized by the European Union, the Council of Europe, and the Commission for the Right to Access Information of the Kingdom of Morocco (CDAI), aiming to promote Council of Europe norms and standards in the field of access to information of public importance;
- On 19–29 April 2024, the Acting Assistant Secretary General of the Sector for Reporting and Analytical Affairs, at the invitation of the Embassy of the People's Republic of China, visited Beijing and Guangzhou to attend the “Research and Fellowship Programme of the Belt and Road Legal Cooperation”;
- On 14–16 May 2024, the Commissioner and the Deputy Commissioner attended the 32nd Conference of European Data Protection Authorities (the so-called Spring Conference), held in Mežaparks National Park in Riga, Latvia;
- On 23 May 2024, the EDPB held its 93rd plenary session, which was attended by a representative of the Commissioner;

---

<sup>68</sup> The Regional Conference of Initiative 2017 gathers independent authorities in countries in the region engaged in personal data protection

<sup>69</sup> The Regional Conference of Initiative 2020 gathers independent authorities in countries in the region engaged in protection of access to information

- On 27–28 May 2024, the Commissioner and Deputy Commissioner participated in the “Initiative 20i7” meeting held this year in Zadar, organized by the Croatian Personal Data Protection Agency (AZOP), where participants discussed a number of current issues in the field of personal data protection;
- On 3–5 June 2024, the Acting Assistant Secretary General of the Sector for Complaints and Enforcement in the Field of Access to Information and her colleague participated in the 15th International Conference of Information Commissioners in Albania; Requests for information submitted to the Commissioner
- On 10–14 June 2024, the Commissioner and Deputy Commissioner participated in the international conference “Privacy Symposium 2024,” held in Venice;
- On 12–25 June 2024, the Acting Assistant Secretary General of the Sector for Reporting and Analytical Affairs, at the invitation of the Embassy of the People’s Republic of China, visited Hangzhou and Chengdu for the seminar “Capacity Building for Middle and Senior Law Enforcement Officers”;
- On 13–14 June 2024, the Acting Assistant Secretary General of the Sector for Complaints and Enforcements in the Field of Access to Information participated in the international conference “Joint Efforts for a Healthy Environment: Role and Importance of Ombudsmen,” organized by the Ombudsman;
- On 27 August 2024, a representative of the Commissioner participated in the final conference “Achievements and the Future of a Corruption-Free University – A Regional Perspective,” organized within the project “Universities Without Corruption in Albania, North Macedonia, and Serbia,” supported by the SMART Balkans regional project – Civil Society for a Connected Society in the Western Balkans;
- On 8–13 September 2024, a delegation of government bodies from the Republic of Serbia, composed of representatives of the Commissioner for Information of Public Importance and Personal Data Protection, the Ministry of Interior, the Ministry of Justice, and the Office for IT and eGovernment, organized by GIZ, conducted a study visit to government bodies of the Republic of Ireland; they visited the Office of the Chief Information Officer of the Government of Ireland, the Department of Public Expenditure and Reform, where they learned about the development and implementation of Ireland’s AI strategy, ethical use of AI in government, AI in justice, international cybersecurity policy, and international law in cyberspace; the Irish Personal Data Protection Commissioner informed the delegation about the organization and functioning of the Commission, its oversight of major multinational companies with offices in Ireland (META, X, OPEN AI, APPLE, TIK TOK...), the Commission’s role regarding the AI Act, its relationship with the courts, the legal nature of sanctions for personal data protection violations, and other current topics in personal data protection; Garda – the Irish police, and the Cybercrime Bureau, where they learned about the organization and functioning of the Irish police and the Bureau, how they fight against cybercrime, how cybercrime investigations are conducted, how AI is used for that purpose, and how biometric data is processed. At University College Dublin, they attended lectures on: the AI Act and the General Data Protection Regulation in the EU, guidelines for the use of generative AI for legal professionals, AI security aspects, and the use of AI to detect online fraud;
- On 17 September 2024, a representative of the Commissioner followed the 96th plenary session of the EDPB;

- On 1–3 October 2024, the Commissioner and Deputy Commissioner participated in the International Forum of Ombudspersons and Independent Human Rights Bodies, held in Baku, Azerbaijan. The main topic of the conference was climate change and human rights protection;
- On 25-26 November 2024, representatives of the Commissioner participated in the international conference organized by the “Southeast Europe Dialogue on Internet Governance” Association and the Serbian National Internet Domain Registry (SEEDIG 9) in Belgrade. Under the slogan “SEE Potential: Digital Turning Points and Responsible Governance,” the focus was on improving cybersecurity, promoting digital rights, and ensuring equal internet access in the Southeast European region;
- In December 2024, the Commissioner for Information of Public Importance and Personal Data Protection officially hosted a study visit from representatives of the Personal Data Protection Agency of Bosnia and Herzegovina;
- On 4-6 December 2024, the Commissioner and the Deputy Commissioner participated in the European Workshop on Case Resolution in the Field of Personal Data Protection, held in Tallinn, Estonia;

### **4.3. COOPERATION WITH THE MEDIA AND OVERVIEW OF COMMISSIONER’S ACTIVITIES IN THE MEDIA**

During the course of 2024, as in previous years, the Commissioner cooperated intensively with the media and journalists’ associations.

Journalists from the following media outlets requested statements from the Commissioner: RTS, Radio Belgrade, Nova S, Tanjug TV, RTV Vojvodina, Kurir TV, Informer TV, Happy TV, Kurir TV, Euronews, Una TV, Studio B, B92, TRT Balkan, the daily newspaper Politika, and the Austrian national broadcaster ORF.

The Commissioner appeared on the following TV channels with national TV licenses: RTS and TV Happy.

Numerous media covered the marking of the Data Protection Day on 29 January 2024 and the International Right to Know Day on 28 September 2024. The Commissioner’s cooperation with journalists’ associations is reaffirmed by traditional participation of representatives of the Association of Journalists of Serbia (UNS) and the Independent Association of Journalists of Serbia (NUNS) in the Commission presenting the awards for the improvement of the right to free access to information, which are presented on 28 September.

In the course of the year, the Commissioner published 96 public announcements on his official website, thus contributing to open and transparent work. He also ensures the public can access the information regarding the Commissioner’s work faster and easier through the Single Information System of Information Directories, the Open Data Portal, and the Commissioner’s official Twitter and YouTube accounts.

## 5. COMMISSIONER'S OFFICE AND ASSETS

### 5.1 NUMBER OF EMPLOYEES IN COMMISSIONER'S OFFICE

Pursuant to Article 57, of the Rulebook on Internal Organization and Jobs Classification in the Office of the Commissioner for Information of Public Importance and Personal Data Protection, number: 110-00-1/2022-04 dated 18 February 2022 (hereinafter referred to as the "Rulebook"), the passing of which was notified to the Nation Assembly by the document number 021-01-10/2022-10 dated 21 February 2022, there are 110 job positions in the Commissioner's Office with a total of 156 employees, of which: 12 appointed senior civil servants, 138 civil servants on employee posts, 3 general service employees, and 3 advisors of the Commissioner. Of that number, appointees account for: one civil servant in the first group of appointed posts, ten civil servants in the second group of appointed posts, and one civil servant in the third group of appointed posts. The following posts were allocated for tasks of civil servants on employee posts within the sphere of competences, including 50 posts with the title senior advisor and with the total of 84 employees, 14 posts with the title independent advisor and with the total of 15 employees, 17 posts with the title advisor and with the total of 19 employees, 6 posts with the title junior advisor and with the total of 6 employees, 8 posts with the title clerk and with the total of 14 employees. Two posts for general service employees-type four with the total of 3 employees were allocated for supporting and technical tasks in the Commissioner's Office.

Under the Proposal of the Human Resources Plan for 2024 No. 119-05-3/2023-04/1 dated 26 December 2022, the Commissioner found that powers of the Commissioner require **3 elected officials, 9 senior civil servants and a total of 131 civil servants in executive roles, 3 employees, as well as 3 advisors to the Commissioner**, and forwarded the request to the Ministry of Finance for approval.

The Ministry of Finance approved the Commissioner's Human Resources Plan for 2024 by the document number 000504665 2023 10520 003 000 113 002 dated 29 January 2024, which sets out that the Commissioner's Office should employ by the end of the year 2024, in addition to 3 elected officials (the Commissioner and 2 Deputy Commissioners), 9 senior civil servants, and 2 Commissioner's Advisors, the total of 134 employees, including: 131 employees in executive roles and 3 employees.

Pursuant to Article 27k, paragraph 9a, in connection with paragraph 1, of the Law on Budget System ("Official Gazette of the Republic of Serbia" Nos. 54/09, 73/10, 101/11, 93/12, 62/13, 63/13 - corrigendum, 108/13, 142/14, 68/15 - another law, 103/15, 99/16, 113/17, 95/18, 31/19, 72/19 149/20, 118/21- another law, 138/22 и 92/23), the Commissioner contacted the Committee on Administrative, Budgetary, Mandate and Immunity Affairs by the communication number 110-00-1/2024-04 dated 26 July 2024 to require approval for the hiring for an unlimited period of 13 employees - new recruits in the Commissioner's Office on posts with the following titles: five employees – senior advisors; three employees – advisors; one employee – junior advisor; four employees - associate).

The Committee on Administrative, Budgetary, Mandate, and Immunity Affairs of the National Assembly, by its Decision 21 No. 112-1817/24-1 dated 16 October 2024, approved to the Commissioner to hire 13 new employees as per titles requested by the Commissioner.

During the course of 2024, 11 (eleven) persons were employed for an unlimited period, including 1 (one) person reassigned from other authority and 10 (ten) persons who were employed in

March, April and August 2024, after the vacancies were announced in a public competition in December 2024 (on 6 December 2023). The deadline for submitting applications was 14 December 2023, following the approval of the competent Committee of the National Assembly for the recruitment of 20 staff members. Three (3) employees left the Office of the Commissioner due to retirement.

During the year, several persons were hired on fixed-term contracts to perform temporary duty (TDY) at the Commissioner's Office in various periods and on various bases (temporary duty on fixed-term contracts in peak periods to handle increased workload or to replace absent civil servants; temporary duty on short-term contracts and student work contract through student associations). As of 31 December 2024, the Commissioner's Office had 121 persons employed on permanent contracts for an unlimited period, 10 persons hired on fixed-term contracts (of whom 6 in peak periods to handle increased workload, 3 as replacements for absent civil servants, 1 hired on fixed-term contract in the Office). In addition, one (1) person was hired based on temporary duty short-term contracts.

## **5.2 DEVELOPMENT OF COMMISSIONER'S OFFICE**

Throughout 2024, the Commissioner organized numerous activities aimed at improving the work of his Office and knowledge and skills of employees.

On 23 September 2023 the recertification was successfully carried out according to the requirements of the standard SRPS ISO/IEC 27001:2013 and SRPS ISO/IEC 27701:2019.

Having in mind the requirements imposed on public authorities by new legislation regarding electronic business and the public administration digitalization, the Commissioner continued his activities on the strengthening of the infrastructure of his computer network in 2024.

A large contribution to affirmation of the right to free access to information of public importance and the right to personal data protection was achieved by creating new and maintaining and upgrading the existing software.

The internet portal "Single Information System of Information Directories" at <https://informatior.poverenik.rs/> was launched in 2022 and it was upgraded in 2024, and this single software platform enables public authorities to prepare their information directories in electronic and machine-readable form, and thus not only comply with their legal duty, but also ensure each Internet user to read at one place information directories of all public authorities, from the highest state authorities, via provincial and local self-government authorities, public enterprises, institutions, companies founded by other public authorities or where majority members are other public authorities, to local communities. This information system now has the multilingual option for the creation of information directories in the languages of national minorities, the option of generating the information directories in PDF format, as well as the new functionality of the "Information Directory Calendar."

In the course of 2024, the Commissioner continued to support the Open Data Portal at <https://data.poverenik.rs>, through which he makes the numerous data created in his work available to the general public, in a machine-readable format and in the form of visualizations.

The Commissioner also continued maintaining the Portal for submission of annual reports of public authorities to facilitate submission of these reports which were submitted in hard copy before the purchase of this software.

During 2024, licenses were renewed for the use of software aimed at adjusting the use of the Commissioner's official website, namely, aimed at making it available for blind and visually impaired persons.

### 5.3 ALLOCATED FUNDS AND INCURRED EXPENSES FOR THE WORK OF THE COMMISSIONER'S OFFICE

The activities of the Commissioner and his Office are funded under the law from the national budget of the Republic of Serbia.

The Law on the Budget of the Republic of Serbia for 2024<sup>70</sup> **allocates funding to the Commissioner for the funding source 1 – Budget Revenue in the amount of RSD 422,036,000.00.**

*Table No. 11 Approved budget to the Commissioner for 2024*

Heading	Programme	Function	Programme activity/Project	Source of financing	DESCRIPTION	Total Funds
<b>11</b>					<b>Commissioner for information of public importance and protection of personal data</b>	<b>422,036,000</b>
					<b>Sources of funding for the heading 11</b>	
				01	Revenues from the budget	422,036,000
	<b>1001</b>				<b>Promotion and protection of human and minority rights and freedoms</b>	<b>422,036,000</b>
		<b>160</b>			<b>General public services not classified elsewhere</b>	<b>422,036,000</b>
			<b>0011</b>		<b>Availability of information of public importance and personal data protection</b>	<b>422,036,000</b>
				411	Salaries, allowances, compensations for employees (wages)	307,274,000
				412	Social contributions payable by the employer	46,572,000
				413	Compensations in kind	600,000
				414	Social benefits for employees	3,244,000
				415	Compensation for employees	3,190,000
				416	Rewards to employees and other special expenses	1,950,000
				421	Fixed costs	10,500,000
				422	Travel expenses	5,380,000
				423	Contractual services	24,506,000
				425	Current repairs and maintenance	3,140,000

<sup>70</sup>The Budget Law of the Republic of Serbia for 2024 ("Official Gazette of the RS", Nos. 92/2023 and 79/2024).

426	Material	5,200,000
482	Taxes, statutory charges and fines	3,550,000
512	Machines and equipment	4,800,000
515	Intangible assets	2,130,000

The Budget Law of the Republic of Serbia for 2024 (“Official Gazette of the Republic of Serbia” No. 92/2023, 79/2024) granted to the Commissioner the funds for finance source 1 – budget revenues in the amount of RSD 422,036,000.00. The Commissioner had no income from other sources of financing in 2024.

**In 2024, RSD 414,128,937.93, or 98.13% of the approved budget funds,** was spent for the activities of the Commissioner’s Office, subject to the principles of responsible fiscal management, cost-effectiveness, functionality and effectiveness.

**Table No. 12 - Implementation of the Commissioner's budget for 2024**

<i>Function</i>	<i>Source of financing</i>	<i>Programme</i>	<i>Project</i>	<i>Economic classification</i>	<i>Account description</i>	<i>Budget Law of the RS (“Official Gazette of the RS” No. 92/2023, 79/2024)</i>	<i>Realisation</i>	<i>% of Realisation</i>
160	01	1001	0011	411	Salaries and fringe benefits	307,274,000.00	302,642,106.18	98.49
				412	Social contributions payable by the employer	46,572,000.00	45,850,279.71	98.45
				413	Compensations in kind	600,000.00	591,900.00	98.65
				414	Social benefits for employees	3,244,000.00	2,478,912.21	76.42
				415	Compensation for employees	3,190,000.00	2,936,524.90	92.05
				416	Rewards and bonuses	1,950,000.00	1,933,127.47	99.13
				421	Fixed costs	10,500,000.00	10,127,064.09	96.45
				422	Travel expenses	5,380,000.00	4,649,220.27	86.42
				423	Contractual services	24,506,000.00	24,496,895.75	99.96
				425	Repairs and maintenance	3,140,000.00	3,130,557.24	99.70
				426	Material	5,200,000.00	5,142,304.36	98.89
				482	Taxes, statutory charges and fines	3,550,000.00	3,328,368.00	93.76
				512	Machines and equipment	4,800,000.00	4,692,855.70	97.77
				515	Intangible assets	2,130,000.00	2,128,822.05	99.94
<b>TOTAL 01:</b>						<b>422,036,000.00</b>	<b>414,128,937.93</b>	<b>98.13</b>
<b>TOTAL FOR FUNCTION 160:</b>						<b>422,036,000.00</b>	<b>414,128,937.93</b>	<b>98.13</b>

Apart from staff salaries, contributions and fringe benefits, the largest share of the Commissioner's expenses in 2024 for the source of financing 1 – budget revenues, was attributable to computer services (computer and software maintenance services), expert services, administrative services (temporary duty–TDY contracts and translation services), communication services (mail, phone and Internet), transport material, administrative equipment (computer and electronic equipment), and the renewal of licenses necessary for the activities of the Commissioner's Office.

To ensure optimum conditions for the work on implementation of both laws within the Commissioner's sphere of competence, in 2024 the Commissioner's Office purchased administrative equipment, mainly computer equipment and printers, electronic equipment and landline phones necessary for the work of the Commissioner's Office, as well as intangible assets, mainly renewal of licenses to improve security of the Commissioner's computer network in accordance with ISO/IEC 27001 standard, renewal of licenses for software to adjust the Commissioner's website for blind and visually impaired persons and procurement of other software to improve the work of the Commissioner's Office.

**Table No. 13 – Purchased equipment and intangible assets**

Econ. Classif.	Account	Account description	Source of financing	Realised
<b>512</b>	512211	Furniture	01	430,030.00
	512212	Built-in equipment	01	58,800.00
	512221	Computer equipment	01	3,453,660.00
	512222	Printers	01	493,800.00
	512232	Phones	01	167,965.70
	512241	Electronic equipment	01	88,600.00
<b>Total 512:</b>		<b>Machines and equipment</b>	01	<b>4,692,855.70</b>
<b>515</b>	515192	Licenses	01	2,128,822.05
<b>Total 515:</b>		<b>Intangible assets</b>	01	<b>2,128,822.05</b>

The Commissioner for Information of Public Importance and Personal Data Protection paid the amount of 3,119,502.00 dinars in 2024 for administrative dispute costs based on the decisions of the Administrative Courts.

## 6 COMMISSIONER'S PROPOSALS

With the aim of improving the current status in the field of free access to information of public importance and personal data protection in Serbia, based on and in compliance with statements in this Report, the Commissioner hereby proposes the following to the National Assembly of the Republic of Serbia and to the Government of the Republic of Serbia.

### 6.1. COMMISSIONER'S PROPOSALS TO THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA

1. The competent Committees of the National Assembly should review the Commissioner's Report for 2024 and, on the basis of the recommendations contained herein, adopt draft conclusions with recommendations and measures aimed at improving the state of play, which would then be forwarded to the National Assembly for the review;

2. The National Assembly should enact amendments to the Law on Personal Data Protection to ensure its efficient application and improved personal data protection;

3. The National Assembly should ensure continual supervision of compliance with its conclusions by making use of the available mechanisms to control the work of the Government, with particular focus on accountability for omissions in the work of public authorities;

4. To urgently adopt amendments to the Law on Free Access to Information of Public Importance, which would prevent abuses of the right to access information of public importance;

5. The competent committees and technical services of the National Assembly, when enacting laws, should give due consideration to the Commissioner's opinions and positions in terms of possible effects of such laws on the exercising of the right to free access to information of public importance and the right to personal data protection;

6. The National Assembly should adopt the laws the provisions of which, that relate to personal data processing, were brought in compliance with the Law on Personal Data Protection by the end of 2025;

7. The National Assembly should provide timely and full support for the Commissioner's independence in the exercising his powers;

8. The National Assembly should adopt the Law on Ratification of the Council of Europe Convention on Access to Official Documents that the Republic of Serbia signed in 2009, and which entered into force on 1 December 2020.

## **6.2 COMMISSIONER'S PROPOSALS TO THE GOVERNMENT OF THE REPUBLIC OF SERBIA**

1. To urgently adopt Bill on Amendments to the Law on Free Access to Information of Public Importance, which would prevent abuses of the right to access information of public importance;
2. The Government should prepare a proposal of amendments to the Law on Personal Data Protection;
3. The Government should timely adopt bills amending the laws the provisions of which, that relate to personal data processing, were brought in compliance with the Law on Personal Data Protection, so the National Assembly could enact these laws by the end of 2024;
4. The Government, when adopting bills and other regulations, should give due consideration to the Commissioner's opinions and positions in terms of possible effects of such laws on the exercising of the right to free access to information of public importance and the right to personal data protection;
5. The Government should, in accordance with its own duties under the Law on Free Access to Information of Public Importance, establish an appropriate mechanism to enforce final, enforceable, and binding Commissioner's decisions, especially the decisions taken before 17 February 2022;
6. The Government should ensure appropriate conditions and funds for unobstructed work of the Commissioner as an autonomous state authority, independent in the exercising of his powers, particularly in terms of: expansion of the Commissioner's sphere of competences set under the new Law on Personal Data Protection and the amendments to the Law on Free Access to Information of Public Importance; carrying out the supervision; conducting the second-instance procedure, as well as the increasing workload that result in costs of court proceedings payable from the budget if not completed timely;
7. To take measures to establish the responsibility of the competent authorities, especially officials, who have failed to perform their duties in accordance with the law;
8. The Government should, in cooperation with the Commissioner, ensure that competent ministries, as well as other public authorities, improve their knowledge in the fields of the right to free access to information of public importance and the right to personal data protection, to raise the level of exercising of these rights in the Republic of Serbia;
9. The Government should prepare the Bill on Ratification of the Council of Europe Convention on Access to Official Documents, which entered into force on 1 December 2020.

COMMISSIONER

Milan Marinović

Done in Belgrade, on 24 March 2025  
Number: 073-10-5668/2024-08