



**AGJENCIA PËR INFORMIM DHE PRIVATËSI**  
**AGENCIJA ZA INFORMACIJE I PRIVATNOST**  
**INFORMATION AND PRIVACY AGENCY**

## **Annual Work Report**

PËR VITIN 2019





**Republika e Kosovës**  
Republika Kosova-Republic of Kosovo  
**AGJENCIA PËR INFORMIM DHE PRIVATËSI**  
**AGENCIJA ZA INFORMACIJE I PRIVATNOST**  
**INFORMATION AND PRIVACY AGENCY**



***ANNUAL WORK REPORT  
FOR 2019***

***PRISHTINA  
March, 2020***



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# 1 Executive Summary

Pursuant to the Law on Protection of Personal Data, the Information and Privacy Agency (formerly the National Agency for the Protection of Personal Data) submits to the Assembly of the Republic of Kosovo the report on the general activities for 2019. Through this report, the Agency presents a general overview of its developments and activities in the field of protection of personal data and access to public documents before Members of the Assembly, and the Agency issues its own assessments, giving the necessary recommendations in the field of personal data protection and in the access to public documents.

The Information and Privacy Agency is an independent state institution, established under Law No. 06/L-082 on Protection of Personal Data (hereinafter LPPD) and is responsible for overseeing the implementation of legislation on access to public documents and protection of personal data, with the aim of protecting the fundamental rights and freedoms of natural persons with regard to the processing of personal data and guaranteeing access to public documents.

In the report, you will find a brief description of the valid legal acts governing the functioning of the Agency as well as increasing the mandate with the legal changes to the access to public documents and at the same time provide a guidance base for the principles of processing personal data and the right to access public documents. This legal framework also describes the organization, scope, responsibilities, powers and legal obligations towards personal data subjects. Activity description in the work report was done in accordance with the work plan; including: controls, complaints processing, advice, recommendations, opinions, awareness-raising, professional development (training), promotion, inter-institutional cooperation and regional and international cooperation.

According to the standard reporting requirement, the report finally provides an overview of the National Audit Office's estimates for the Agency, as well as the financial statements of this institution for 2019.

As the European Commission confirmed in its on-going recommendations, the main challenge for 2018 was to amend the law, increase the staff and budget of the Agency, the challenges that were also passed on to 2019 and the same apply for 2020 as well. By adopting the Law No. 06/L-082 on Protection of Personal Data in January 2019, the obligation of the Agency was to develop new bylaws within six months and to prepare for adoption the rules on internal organization after the appointment of the Commissioner, whereby, at the moment, namely one year after, we are still waiting for the appointment of the Commissioner.

With a number of 24 (twenty-four) employees allowed, the Agency will not be able to become operational or operate certain sectors within it in accordance with the laws overseen by IPA given that after the amendment, access to official documents and imposition of fines directly by the Agency is incorporated.

Developing human capacities remains an on-going challenge given the nature of the Agency's work and the lack of in-house training for Agency officials who can subsequently train defence officials and officials accredited in public and private institutions; Functionalizing the organizational structure of the Agency (increasing the number of staff); Various expertise based on legal changes; Strengthening the Institution and imposing fines directly.

With the approval of the Law No. 06/L-082 on Protection of Personal Data, which entered into force on 11.03.2019, the Law No. 03/L-172 on Protection of Personal Data was abolished and based on this amendment the National Agency for Protection of Personal Data (NAPPD) has been transformed into the Information and

Privacy Agency (IPA) and therefore, from the date of entry into force of the new law, our institution holds this name, with the address of the institution - Str. "Luan Haradinaj" No.36, Prishtina 10000, Republic of Kosovo.

On the other hand, under the prism of external focus by civil society and the media and respecting the requirements for access to public documents, although the Agency did not have the mandate to implement the law regulating this area, in order to balance these two rights (protection of personal data and access to public documents) it devotedly provided advice and opinions, giving a special contribution in this respect.

The promotion of the rights to protect personal data and public awareness was in the focus of the Agency, and the report, with the means of analytics provides factual data. Determining officials for protection of personal data in public institutions is a steady process.

## 2 Legal Framework

In the Republic of Kosovo, the right to protection of personal data and privacy is guaranteed by the Constitution and Law No. 06/L-082 on the Protection of Personal Data as well as by guaranteeing access to public documents based on the law No.06/L-081 also as a constitutionally guaranteed right. The rights guaranteed by Article 36 of the Constitution of the Republic of Kosovo, which include the respect for private and family life, the inviolability of the apartment, the confidentiality of correspondence, telephone calls and other forms of communication and the protection of personal data and pursuant to Article 41 of the Constitution of the Republic of Kosovo which stipulated that every person enjoys the right of access to public documents, i.e. to public documents of public institutions and state authorities, excluding information that is restricted by law due to its privacy, due to business secrets or due to information classified for security reasons.

Also, the direct implementation of international agreements and instruments guaranteeing human rights and freedoms is envisaged, as defined in Article 22 of the Constitution of the Republic of Kosovo, such as:

- 1) Universal Declaration of Human Rights;
- 2) European Convention on the Protection of Human Rights and Fundamental Freedoms and its Protocols;

The right to protection of personal data and privacy as part of human rights and freedoms under Article 22 is guaranteed by the Constitution. Human rights and freedoms guaranteed by international agreements and instruments are directly applicable in the Republic of Kosovo and have priority, in case of conflict, over the provisions and laws and other acts of public institutions.

Pursuant to Article 53 of the Constitution of the Republic of Kosovo, human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted in accordance with the judicial decisions of the European Court of Human Rights.

According to Article 36 of the Constitution of Kosovo, everyone enjoys the right to have her/his private and family life respected, the inviolability of residence, and the confidentiality of correspondence, telecommunication and other communication.

The Law on Protection of Personal Data has been issued in accordance with Regulation (EU) 2017/679 of the European Parliament and of the Council of Europe of 27 April 2017 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. The European Union has adopted a new Regulation on the protection of personal data which has replaced Directive 95/46, thus leading to the harmonization, adoption, and entry into force of the new law, namely the Law No. 06/L-082 on Protection of Personal Data in March 2019, as well as enhancement of competencies and vesting responsibility to the Agency pursuant to the Law No. 06/L-081 on Access to Public Documents.

Providing advice to public and private bodies, making decisions on filed complaints, inspection and control, informing the public, imposing criminal measures, cooperating with similar authorities in Europe, certifying

controllers, as well as promoting and supporting fundamental rights to protect personal data are part of the Agency's competencies.

Primary and secondary legislation, which regulates the processing of personal data and the right for access to public documents, must be in accordance with the principles established by the Law on Protection of Personal Data and the Law on Access to Public Documents. The duty of the Agency is to develop new secondary legislation within six months and prepare them for adoption after the appointment of the Commissioner.

## **Sub-legal Acts of the Agency**

Article 109 of the Law No. 06/L-082 on Protection of Personal Data, stipulates as follows:

Sub-legal acts foreseen by this Law shall be issued within six (6) months from the entry into force of this Law. Sub-legal acts that are into force shall continue to be applied until the issuance of new sublegal acts, provided that they are not in contradiction with this Law. In the current period, we are drafting the sub-legal acts that are foreseen in the law and we are implementing the acts that are in force where the same are not in contradiction with the new law. Currently, the Agency has these acts which apply either partially where they are in accordance with the new law or in full where they are in accordance with the LPPD.

### **Sub-legal Acts**

1. Rules of Procedures of the Agency no. 20/2011;
2. Regulation no. 01/2012 on the manner of conducting the inspection and control;
3. Regulation no. 03/2012 on Internal Procedure for Consideration of Applications for the Permission of International Transfer of Personal Data;
4. Regulation no. 01/2013 on internal organization and systematization of workplaces;
5. Regulation no. 01/2015 on how to store and use archival material and protocols;
6. Regulation no. 02/2015 on Amendments to Regulation no. 03/2012 on Internal Procedure for Consideration of Applications for the Permission of International Transfer of Personal Data;
7. Regulation no. 03/2015 on security measures during the processing of personal data;
8. Regulation no. 04/2015 on internal procedures for reviewing complaints;
9. Regulation no. 05/2015 on the manner of keeping the Register of the personal data file system and the appropriate registry form;
10. Regulation no. 06/2015 on Amendments to Regulation no. 03/2015 on security measures during the processing of personal data;
11. Administrative instruction no. 01/2014 on advances, representation, fixed and mobile telephony;
12. Administrative instruction no. 01/2015 on internal procedures for reviewing issues addressed to the Agency and applications for access to public documents;
13. Code of Ethics for employees of the National Agency for the Protection of Personal Data;

### **Supporting administrative documents**

- Complaint form.
- Form for the inspections and controls carried out.
- Form for granting international transfer of data.
- Check Lists:
  1. Check List for Health Sector;
  2. Checklist for the cadastral sector;
  3. Checklist for the civil registry;
  4. Checklist for the criminal register;
  5. Checklist for the financial sector;

#### 6. Checklist for health insurance.

- Checklist "Compliance with laws and secondary legislation with Law no. 03/L-172 on the Protection of Personal Data.

### **Improving the legal basis during the reporting period**

During the reporting period, the Agency participated in the working group for the drafting of the Law on Amending and Supplementing the Law no. 03/L-172 on the Protection of Personal Data. By Decision ref.075/2017 of 03.05.2017 of the Prime Minister Office Secretary General a working group was formed for the preparation of the initial version of the Draft Law on Amending and Supplementing the Law no. 03/L-172 on the Protection of Personal Data.

On May 15, 2017, the Government of the Republic of Kosovo made a decision no. 03/145, adopting the Concept Document on Access to Public Documents. The Concept Document stipulates that the supervision of the implementation of this law is within the competence of the Agency. Also, the legislative agenda of the Government envisages amendments to 2 laws: Law no. 03 / L-172 on the Protection of Personal Data and Law no. 03/L-215 on Access to Public Documents.

The Agency supported the working group through the organization of meetings, and also made a very significant contribution with the proposals it provided for the Draft Law on the Protection of Personal Data as a specific area, provided proposals are part of the *Acquis Communautaire* and in line with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and the free movement of such data.

the competencies and additional duties of the Agency for monitoring the implementation of both basic constitutional rights, privacy and protection of personal data and legislation on access to public documents, in accordance with the Law on Access to Public Documents.

Article 108 of the Law regulates the transfer of property, rights and obligations, budgets and staff, determining that by the entry into force of this Law all physical property, rights and obligations arising from the concluded contracts and budget allocations of the National Agency for the Protection of Personal Data shall be transferred to Agency for information and privacy.

Under the new law, the organization of the Agency is changing, where it is expected that we will have an organogram with a new structure and responsibilities, for which new human capacities and additional financial resources are needed, in order to start with the drafting and issuing of secondary legislation for monitoring the implementation of these laws. Raising the knowledge and capacity of the current staff is also necessary, knowing that the new law has brought several novelties, concepts and new principles in the field of protection and processing of personal data, processing security, processing activities, handling complaints, to the imposition of penal measures for offenders.

During 2019, Law No. 06/L-082 on Protection of Personal Data and Law No. 06/L-081 on Access to Public Documents were adopted and entered into force within the first six months.

After its entry into force, during the second half of the year, IPA commenced the implementation of the said laws. Hereby, it is worth mentioning the functionality of the new organizational structure, addition of the scope and commencement of the implementation of both laws in general and other public administration legislation. SWOT analysis resulted with the conclusion that the main power of the Agency is oversight of the implementation of two laws guaranteeing and ensuring the right to information and privacy. Based on legal competencies this will be achieved through inspection and control, while budget shortages and the small number of staff have been weaknesses of the Agency since its establishment.

Opportunities for the implementation of the Law on Protection of Personal Data and the Law on Access to Public Documents are intertwined with raising public awareness by working closely with local and

international authorities, civil society and by designing and implementing various projects such as IPA - TAIEEX, whereby we would like to inform you that after adoption of the law the Agency has signed an agreement for the commencement of the IPA 2 Project in March 2020.

### **3 Institution description (institutional organization)**

#### **Responsibilities**

The Information and Privacy Agency (transformed according to the law, from National Agency for the Protection of Personal Data) is an independent state institution, established under Law No.06/L-082 on Protection of Personal Data and is responsible for oversight of the implementation of legislation on access to public documents and protection of personal data in order to protect the fundamental rights and freedoms of natural persons with regard to the processing of personal data and guaranteeing access to public documents based on Law No. 06/L-081.

Providing advice to public and private bodies, deciding on complaints, inspections and audits, informing the public, imposing penalties, cooperating with European counterpart authorities, certifying controllers, and supporting and promoting fundamental rights for the protection of personal data are part of the Agency's competencies.

The Agency advises the Assembly of Kosovo, the Government, local government bodies, other state bodies, public authorities and private organizations on all issues related to the protection of personal data and access to public documents, including the interpretation and implementation of appropriate laws governing the processing of personal data and access to public documents. The Assembly of Kosovo and the Government must consult the Agency when drafting legislative and administrative measures related to the processing of personal data and access to public documents.

Law No.06/L-082 on Protection of Personal Data entered into force on 11.03.2019. This law defines the additional powers and duties of the Agency with regard to supervising the implementation of two fundamental constitutional rights, namely privacy and protection of personal data and the legislation on access to public documents under the Law No. 06/L-081 on Access to Public Documents.

Article 108 of the Law No. 06/L-082 regulates the transfer of assets, rights and obligations, budget and personnel stipulating as follows: upon entry into force of this Law, all physical assets, the rights and obligations that derive from the concluded contracts, and budgetary allocations of the State Agency for Protection of Personal Data shall be transferred to the Information and Privacy Agency.

However, according to the new law, the organization of the Agency is changing as well, whereby we expect to have an organogram with a new structure and new competencies, which will, in turn, require new human capacities and additional financial means in order to commence drafting and issuing sub-legal acts on the oversight of the implementation of the said law. Pursuant to the draft organizational chart prepared based on the needs arising from the functional laws, 56 positions are needed out of the 34 approved for 2020 and 24 positions currently approved, whereby, pursuant to the Minister's letter the number was reduced to 19 current positions without including the position of the Commissioner and 4 positions which are open and expected to be continued. The position of commissioner based on LPPD, No. 06/L-082 Article 63, paragraph 2 (Until the entry into force of the relevant Law on Salaries in Public Sector, the salary of the Commissioner shall be equivalent to that of the Member of the Assembly of Kosovo). Whereas Article 63, paragraph 1 (Commissioner's salary level shall be determined in accordance with the relevant Law on Salaries in Public Sector). Pursuant to

the Law No. 06/L-111 on Salaries in Public Sector (which is currently suspended by the Constitutional Court), with regard to the salary of the Commissioner see page 16, position 31 **Commissioner of Personal Data Protection, Class A8 and Coefficient 6.75.**

The Agency shall decide on the complaints of persons, namely whether the same considers that his/her right to data protection has been infringed, and the same shall, thereafter, inform the complainant with regard to the outcome and the measures taken; The Agency, based on the mandate extended by access to public documents, decides on the review of second instance complaints; Oversees appropriate organizational, technical and logistical-technical procedures and measures for securing personal data; Performs inspections and controls to oversee the implementation of the Law on Protection of Personal Data, as well as any laws or regulations regulating the processing of personal data.

The Agency also advises private institutions, upon their request, on all data protection issues, including interpretation and enforcement of the relevant law.

Raising the awareness of controllers is an on-going process, both in terms of recognition of the principles of personal data processing and access to public documents and in terms of the on-going dynamics of changes occurring in both primary and secondary legislation in the field of protection of personal data and access to public documents. This can be achieved by organizing workshops, seminars and provision of counselling. Organizing workshops, where specific topics are covered (e.g. processing of biometric data in the private and public sector, access of citizens to public documents and legality of claims) in relation to learning the principles of data processing for a special group of controllers and in relation to granting or rejecting access in cases of requests submitted by citizens. Organizing seminars to address topics of public interest, where auditors and specialists of the field would present their opinions and address the best practices of European countries and introduce them to the latest legal changes.

Protection of personal data and privacy as well as access to public documents in the Republic of Kosovo are rights guaranteed under the Constitution and relevant laws.

The right to the protection of personal data and privacy as part of human rights and freedoms under Article 22 is guaranteed by the Constitution. Human rights and freedoms guaranteed by international agreements and instruments are directly applicable in the Republic of Kosovo and have priority over the provisions and laws and other acts of public institutions, in case of conflict.

Based on Article 53 of the Constitution of the Republic of Kosovo, human rights and fundamental freedoms guaranteed by this Constitution, shall be interpreted in accordance with the judicial decisions of the European Court of Human Rights.

Whereas, according to Article 36 of the Constitution of Kosovo, everyone enjoys the right to have her/his private and family life respected, the inviolability of residence, and the concealing of correspondence, telecommunication and other communication.

Law on the Protection of Personal Data was promulgated in accordance with Regulation (EU) 2017/679 of the European Parliament and of the Council of 27 April 2017 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. The European Union has adopted a new Regulation on the protection of personal data, which has replaced Directive 95/46, which has led to the harmonization, adoption and entry into force of the new law, Law No. 06/L-082 on Protection of Personal Data in March 2019, as well as adding competencies and assigning the Agency with Law 06/L-081 on Access to Public Documents.

The Agency cooperates with national, international and European Union bodies regarding matters considered important for the protection of personal data; oversee the implementation of provisions regarding data transmission; submits a request to the Constitutional Court of Kosovo to assess the constitutionality of laws, regulations and other acts when it is considered that they are not in accordance with the right to data protection, as provided for in Article 36 of the Constitution of the Republic of Kosovo; prepares an annual work plan and submits to the Assembly annual work report related to events, assessments and recommendations in the field of data protection, and publishes it publicly; proposes to the Assembly the budget for the annual needs of the Agency; issues secondary legislation for the purpose of law enforcement.

### **3.2 Authorizations**

In order to fulfil the legal obligations, the Agency conducts inspections and controls. During 2019, Law 06/L-082 on Protection of Personal Data and Law 06/L-081 on Access to Public Document have been approved and entered into force in the first six months.

Upon entry into force, in the second six months of the year, IPA has started the implementation of these two laws where it is worth mentioning the functioning of the new organizational structure, the increase of the scope of activity and the commencement of the implementation of the two laws in general and other legislation related to public administration.

Inspections and controls are carried out directly by the Agency. Within this framework, the Agency has the right to control and confiscate any documentation pertaining to the processing of personal data, irrespective of the confidentiality or secrecy of that document; controls the contents of the file system, regardless of their confidentiality or secrecy and the file system catalogues; Controls any documentation and instructions that regulate the security of personal data; control the building where personal data are processed and have the right to control and confiscate computers and any other equipment as well as technical documentation; verifies the measures and procedures for the purpose of security of personal data and their application; perform any other duties deemed important for the conduct of inspections and controls provided for in this Law.

### **3.3 Mission**

The Information and Privacy Agency, as it has an independent status, has a statutory obligation to monitor the legitimacy of processing personal data.

Advising public and private bodies, making decisions on appeals submitted, inspections and controls, informing the public as well as promoting and supporting basic rights for the protection of personal data are some of the main areas of action within the Agency's mission.

### **3.4 Vision**

In order to fulfil its mission, in accordance with the strategy, the Agency intends to achieve the following objectives: raising citizen awareness on the right to protection of personal data and privacy and access to public documents; monitoring the legality of processing personal data through inspections and controls as well as the control of access to public documents by public institutions; deepening cooperation and coordination of work with other bodies and institutions, as well as with mechanisms and international institutions, in order to protect and promote the right to protection of personal data and privacy and access to public documents; professional training of the Agency's staff, full functionalization of the organizational structure, as well as provision of additional working rooms; information and awareness-raising campaign for public through appropriate activities; holding meetings, conferences; regional cooperation and the signing of agreements of regional and international character in the area of protection of personal data Opportunities for the implementation of the Law on Protection of Personal Data and the Law on Access to Public Documents intertwined with raising public awareness by working closely with local and international authorities, civil society and in designing and

implementing various projects such as IPA - TAIEX, where we must inform you that after the adoption of the law the Agency has signed the agreement to start the IPA 2 Project which will start in March 2020.

### **3.5 Objectives**

Continuous monitoring of the legality of data processing is intended to be achieved by developing activities in the following areas:

- Raising the awareness of Controllers,
- Certification of Institutions,
- Direct law enforcement through inspections and controls,
  - Appeals,
  - Opinions
  - Advice,

Continuous monitoring of the legality of access to public documents is intended to be achieved by developing activities in the following areas:

- Raising the awareness of Institutions and Civil Society,
- Direct law enforcement through case review,
  - Appeals,

## 4. The scope of the Agency

### 4.1 Agency Organization

#### 4.1.1 Organizational chart of the State Agency for the Protection of Personal Data based on Law No. 03/L-172 on Protection of Personal Data

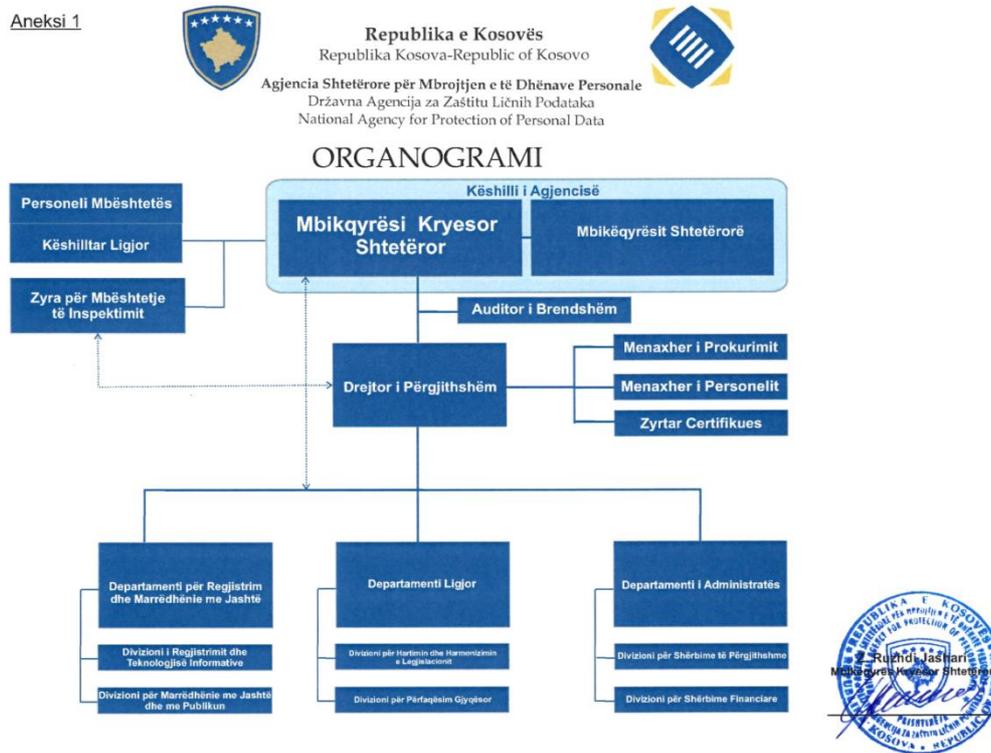


Figure 1. Organizational chart of the State Agency for the Protection of Personal Data

The State Agency for the Protection of Personal Data consists of the Office of the Chief State Supervisor (Manager of Institution), the Office of the Director-General and Departments.

Organizational structure is the following:

- Office of the Chief State Officer (Manager of Institution)
- Office of the General Director
- Departments
- Inspection Support Office

#### 4.1.2 Draft organizational chart of the Information and Privacy Agency based on Law No. 06/L-082 on Protection of Personal Data and Law No. 06/L-081 on Access to Public Documents

However, according to the new law, the organization of the Agency changes as well, whereby it is expected to have an organizational chart with new structure and competences; and that requires new human capacities and additional financial means to begin drafting and issuing sub-legal acts to oversee the implementation of these laws. Based on the draft organizational chart prepared by the needs arising from the functional laws, 56 positions are needed, from 34 approved for 2020 and 24 positions currently approved where, through your letter, you have reduced your number to 19 current positions without including also the position of the Commissioner and the 4 positions which are open with the vacancy expected to continue. The position of the commissioner shall be based on LPPD, No. 06/L-082 Article 63, paragraph 2 (Until the entry into force of the relevant law on salaries in the public sector, the salary of the Commissioner shall be equivalent to the salary of a Member of the Assembly of Kosovo). Whereas with Article 63, paragraph 1 - Commissioner's salary level is determined in accordance with the relevant law on salaries in the public sector. Law 06/L-111 on Salaries in Public Sector (which is currently pending in the Constitutional Court) on Commissioner Salary, see page 16, position 31 **Commissioner for Personal Data Protection, class A8 and Coefficient 6.75.**

### DRAFT ORGANOGRAMI I AIP-së

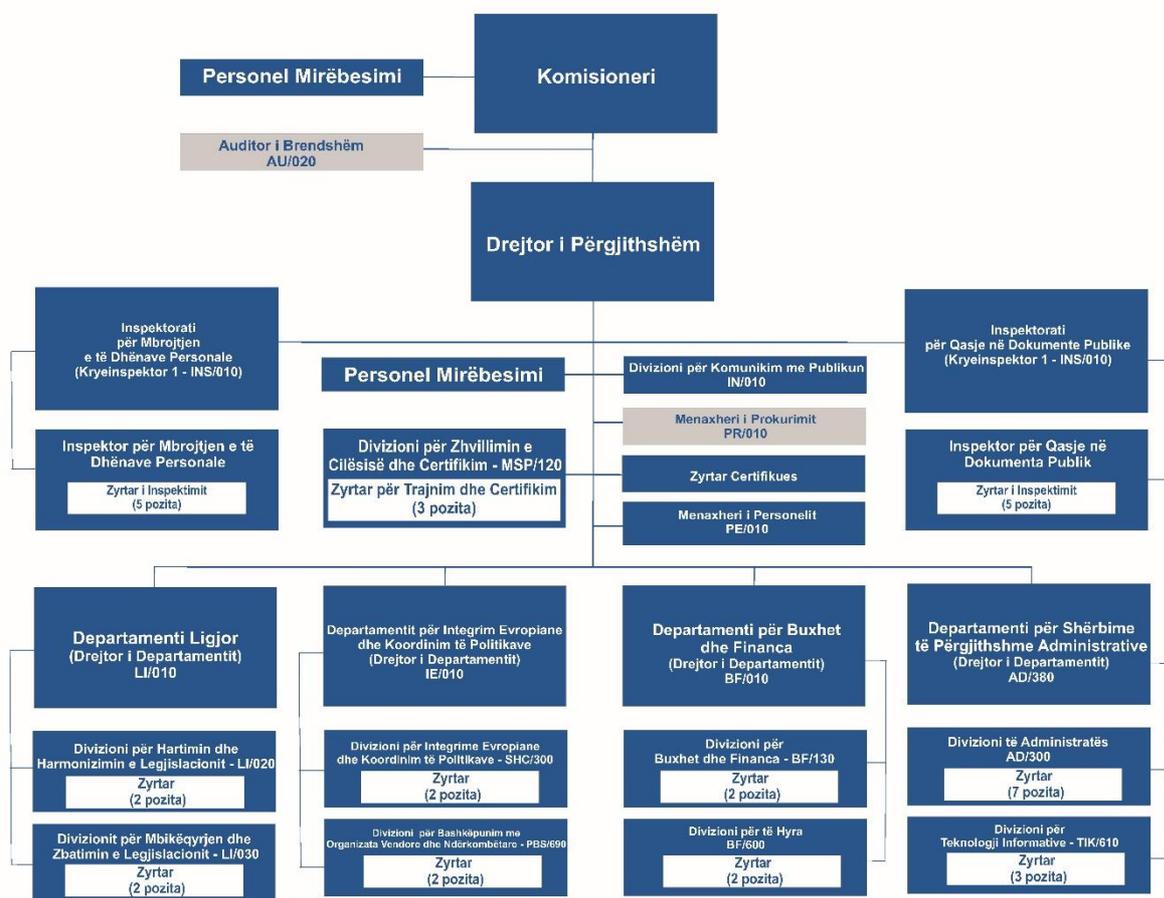


Figure 2. Draft Organizational Chart of the Information and Privacy Agency

## 4.2 Agency

### 4.2.1 Mandate

The Information and Privacy Agency (transformed by law from the State Agency for the Protection of Personal Data) is an independent state institution, established under the Law No.06/L-082 on the Protection of Personal Data and is responsible for overseeing the implementation of legislation on access to public documents and the

protection of personal data, in order to protect the rights and fundamental freedoms of natural persons with regard to the processing of personal data and to guarantee access to public documents based on Law No.06/L-081.

Providing advice to public and private bodies, decision making on appeals, inspections and audits, informing the public, imposing penalties, co-operating with European counterpart authorities, the certification of controllers, as well as the promotion and promotion of fundamental rights to the protection of personal data are part of the Agency's competence.

#### 4.2.2 Competencies

- The Agency provides advice to public and private institutions on all matters relating to the protection of personal data and access to public documents, including the interpretation and implementation of relevant laws;
- The Agency informs the public on issues and developments in the field of data protection;
- The Agency promotes and upholds fundamental rights to the protection of personal data;
- The Agency decides on the complaints of the data subject;
- The Agency advises the Parliament, the Government, institutions and other internal bodies on legislative and administrative measures concerning the protection of the rights and freedoms of natural persons with regard to data processing;
- The Agency conducts inspections regarding the application of this law;
- The agency, as appropriate, performs a periodic review of the certifications granted in accordance with Article 43 of this Law and may withdraw the certification if the certification criteria are not met;
- Provides opinions on public institutions and other bodies, on its own initiative or by request, and publishes on any matter related to the protection of personal data;
- In case the public institution has completely or partially refused the request for access to public documents or in case of silence or non-response of the public institution, the applicant may file an appeal with the Agency within fifteen (15) days of receipt of the decision to refuse or partially approve the request for access.
- The Agency is responsible for imposing fines on public institutions and responsible officials, according to the provisions of Law No.06/L-081;

#### 4.2.3 Executive authority

**General Director of the Agency** - Organization and monitoring of the good functioning of the General Director's Office; cooperation with departments and offices, in accordance with the instructions of the General Director, in relation to coordination for the realization of work activities within the time limits; the General Director is responsible for implementation of the internal financial control structure in the budget organization; the General aims to improve standards in all services provided by the institution; prepares the analysis necessary for budget needs and efficient administrative support; making decisions in accordance with the relevant legislation for the work of the institution.

**Departments** - the departments are the organizational units of the Agency, which are managed by directors, who report on their work to the Chief State Supervisor, and on administrative matters to the general Director; the director of the department is a senior civil servant who manages the work in his department; Based on the demands and needs of the work, the department consists of a division.

Within the Agency there are three (3) departments and one (1) office:

- Registration and External Relations Department;
- Legal Department;
- Administration and Finance Department;
- Inspection Support Office.

**Registration and External Relations Department (RERD)** - Performs legal functions and tasks, establishes communication for cooperation with all departments of the Agency and with all data protection officers in public institutions, as well as with data controllers, performing effective administration of information on the control and processing of personal data, in order to guarantee the exercise of legal competence. This division consists of two (2) divisions:

1. Division of Information Technology and Registration;
2. Foreign and Public Relations Division.

**Legal department (LD)** - The Legal Department is responsible for drafting policies and legislative strategies in close cooperation with the Chief State Officer, the departments and other organizational units of the Agency in the field of protection of personal data, the development and alignment of primary and secondary legislation. The LD consists of two (2) divisions:

1. Division for Drafting and Harmonizing of Legislation (DDHL);
2. Division for court representation (DCR).

**Administration Department** - The Department is responsible for management and administration of the total assets of the Agency, organizing work rooms, planning and managing the budget and finances, administrative and logistic support, providing translation services, archiving and distribution of materials. The department consists of two (2) divisions:

1. Division of Financial Services;
2. Division for General Affairs.

**Inspection Support Office** - It directly supports inspections in carrying out inspections and controls of all public and private controllers. Preparation of advice in the field of inspections and controls related to the applicable legislation.

Draft and participates in the drafting of sub-legal acts and administrative acts after inspection and control.

### 4.3 Human Resources

Table 1 - Human resources

IPA	No. of workers per Budget Law	No. of workers at the beginning of 2019		No. of workers at the end of 2019	
		Full-time work	Part-time work	Full-time work	Part-time work
Appointed public officials	1	0		0	-
Central administration	23	17		19	-
<b>Total</b>	<b>24</b>	<b>17</b>		<b>19</b>	-

Human Resources within the Information and Privacy Agency (former National Agency for the Protection of Personal Data), have been committed to the full implementation of the legal function by overseeing the

implementation of legislation on access to public documents and protection of personal data in order to protect the fundamental rights and freedoms of natural persons with regard to the processing of personal data and to guarantee access to public documents.

They are the most important resource and include staff directly related to the implementation of the two laws; Law on the Protection of Personal Data and the Law on Access to Public Documents, as well as the administrative staff acting in other general services.

#### **4.3.1 Number of employees**

According to the Law on Budget for 2019, the total number of positions approved by the former National Agency for the Protection of Personal Data, now the Information and Privacy Agency, has been 24, of which 19 career civil servants with Appointments Acts, 4 suspended positions and 1 vacant position, the position of Commissioner. The gender structure of IPA consists of 10 female employees while 9 of them are male.

During 2019 the following recruitment procedures were developed:

1. Certification Officer - promotion procedure,
2. 2 legal officer - external procedure,
3. Senior Executive Officer - external procedure,
4. Receptionist - external procedure.

In the same year, one (1) official submitted his voluntary resignation.

In September, the recruitment procedure for the position of legal officer was reopened, but this procedure was suspended due to non-fulfilment of legal requirements under the legislation in force in the Republic of Kosovo.

#### **4.3.2 Needs for new workers**

A permanent challenge remains also the lack of human capacities within the Agency. A limited number of human resources pose a risk of failure in the realization of the planned objectives for the implementation of the LPPD. We have constantly demanded an increase in the number of employees. It is now necessary to increase the number of staff, according to the MoF for the assessment of the budgetary impact on protection and access laws, in total, as a supplement from 2020, 15 (fifteen) positions and an increase in the budget for goods and services are foreseen, in accordance with the special scope of the Agency.

Primary to start the implementation of the law is the establishment of an inspectorate, which is responsible for the inspection and control of public and private controllers, as well as the diplomatic and consular missions of the Republic of Kosovo.

Rapid development in the management of personal data through technology and the inability to keep up with the times and achieve the basic objectives that fulfil the scope of the Agency, the budget deficit in the category of "goods and services" determines projects that the Agency itself cannot implement.

However, the lack of budget to add new jobs has prevented IPA from opening new recruitment procedures. For this reason, employees within IPA are engaged in up to five functions.

During the budget planning for 2020, for the purpose of implementing the IPA's legal mandate and implementing the applicable legislation, the following positions are foreseen to be filled:

- Inspector for Personal Data Protection (4),
- Inspector/controller for Access to Public Documents (4),
- Legal Officer (4),
- Commissioner Support Staff (2),
- IT Officer (1).

### 4.3.3 Training plan for staff engaged under IPA for 2019

During 2019, training sessions and workshops were organized for staff within and outside the Agency, a training plan was prepared, an individual work plan by all employees and an annual evaluation to achieve the work objectives.

IPA invests in building professional capacities and updating the specialized knowledge of its personnel in accordance with applicable laws, international standards and practices.

IPA staff, during 2019, according to the approved training plan, attended training, study visits, forums, attended international conferences etc. Some training was provided free of charge by the Kosovo Institute for Public Administration, Ministry of Public Administration, Ministry of Finance, PPRC, OSCE, while others are implemented from Agency's own budget. Due to lack of budget, i.e. donors, IPA has not been able to contribute to its participation in many conferences, international forums etc.

Table 2. List of training sessions

Position	Training/Workshop/Conference	Training Institution/Host
Management	Building the legal framework for the implementation of the LPPD	OSBE
	Study visit	At the invitation of the Data Protection Agency of the Republic of Turkey
	International working group on data Protection in Telecommunications	At the invitation of the German Authority
	66th Meeting of the International Working Group on Data Protection in Telecommunications	At the invitation of the Secretariat for Data Protection and Freedom of Information in Berlin
	Kosovo Consulate in Frankfurt	At the invitation of the Ministry of Foreign Affairs
	Conference "2017 Initiative"	At the invitation of the Montenegro Authority

	Meetings and training sessions at the Kosovo Consulate in Copenhagen	At the invitation of the Ministry of Foreign Affairs
	Freedom of Information and Journalism	At the invitation of the Branderburg commissioner for data protection and access to information
	Inspections based on EU Regulation (GDPR)	At the invitation of Juvenu Consulting
	Conference, Interstate Cooperation - Impact on the Foreign Business Community	Guest from the Authority of the Republic of Turkey
Professional Officers	Protection of Personal Data and Access to Public Documents	IPA
	Analysis, practice and initial drafting of IPA internal organization regulation	Juvenu Consulting
	Finalizing the IPA annual report	IPA
	Exchange of experiences on the implementation of the new data protection regulation and exchange of experiences in the area of freedom of access to public documents	At the invitation of the president of the council of the Authority of Montenegro
	Training under Public Procurement Law, professional procurement certificate	PPRC - KIPA
	Training in Law on Administrative Procedure	KIPA - GIZ
	Leadership and management in public administration	KIPA
	Training for HRMIS	KIPA
	The principles and objectives of modern administration in the European administrative environment	KIPA
	Training on changes to the procedure for registration in KFMIS of petty cash and business travel advances	Treasury/Ministry of Finance
	Management of the system of administrative documents	KIPA
	Office Work Administration	MPA

#### 4.3.4 Assets

##### 4.3.4.1 Assets held by the institution

The Information and Privacy Agency has non-financial assets purchased for the needs of the work at the end of 2011, from donations received from the Norwegian Embassy, EULEX and the European Commission (IPA Project). The assets are divided into two parts:

1. Part of the non-capital assets whose value is below 1000€ and with a use term of one more year based on commission recommendations given that the value of most assets is zero, a total of 212 items with a

purchase price of **63,297,13€** whose current value (31.12.2019) after amortization is **7.835.05€**. IPA has the necessary equipment for work for the current number of officials (computers, printers, laptops, desks, cabinets, etc.), but there is an urgent need for new equipment in case of recruiting officials;

Table 3. Non-capital assets (worth under € 1,000)

<b>Classification of assets</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>
Equipment and furniture	1525.57	4094.85	7509.15
Books	6309.49	6773.99	7238.49
<b>Total</b>	<b>7835.06</b>	<b>10868.84</b>	<b>14747.64</b>

2. Part of the capital assets (valued at over 1000€) in the possession of the budget organization, a total of 35 items whose purchase price is **164,032.67€** and the present value of capital assets after several years of amortization is **20.615,71€**.

The above-mentioned values are the cuts at the end of the calendar and financial year 2019, i.e. until 31.12.2019, based on the reports of the commissions for inventory and evaluation and commission for receipt/delivery of damaged equipment.

Table 4. Capital assets (whose value is over 1000 Euros)

<b>Classification of assets</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>
Buildings			
Land			
Equipment	0	5516.67	12928.67
Infrastructure			
Machinery			
Vehicles	20615.71	33970.09	48854.13
Others			
<b>Total</b>	<b>20615.71</b>	<b>39486.76</b>	<b>61782.8</b>

Table 5. List of capital assets whose value is over 1000 €

<b>No.</b>	<b>Title</b>	<b>Purchase/donation date</b>
1	KIA RIO	2012-07-19
2	KIA CEED	2012-07-19
3	HP Digital Sanjet Flow 8500 fn1	2013-12-26
4	HP Digital Sanjet Flow 8500 fn1	2013-12-26
5	Dell Poweredge R515, Server RACK	2013-12-26
6	Dell Poweredge R515, Server RACK	2013-12-26
7	Dell Rack 2420	2013-12-26
8	HDD Statin- Fantec 8 x 4TB	2013-12-26
9	Digital Camera Canon EOS 600D	2013-12-26

10	Photocopier Canon iRC3580Ne	2013-12-26
11	DELL LATITUDE E7440 Notebook	2013-12-26
12	DELL LATITUDE E7440 Notebook	2013-12-26
13	DELL LATITUDE E7440 Notebook	2013-12-26
14	DELL LATITUDE E7440 Notebook	2013-12-26
15	Peugeot 3008	2015-02-27
16	Peugeot 301	2014-11-24
17	Peugeot 301	2014-11-24
18	Nisan Patrol GL 3.0 TDI	2014-06-21
19	Nisan Patrol GL 3.0 TDI	2014-06-21
20	HP Elite Book 840 G1 Nootebook - IPA Donation	2015-10-27
21	HP Elite Book 840 G1 Nootebook - IPA Donation - Warehouse, damaged	2015-10-27
22	HP Elite Book 840 G1 Nootebook - IPA Donation	2015-10-27
23	HP Elite Book 840 G1 Nootebook - IPA Donation	2015-10-27
24	HP Elite Book 840 G1 Nootebook - IPA Donation	2015-10-27
25	HP Elite Book 840 G1 Nootebook - IPA Donation	2015-10-27
26	HP Elite Book 840 G1 Nootebook - IPA Donation	2015-10-27
27	HP Elite Book 840 G1 Nootebook - IPA Donation	2015-10-27
28	HP Elite Book 840 G1 Nootebook - IPA Donation	2015-10-27
29	HP Color LaserJet Enterprise m442dn - IPA Donation	2015-10-27
30	HP Color LaserJet Enterprise m442dn - IPA Donation	2015-10-27
31	Konica Minolta bizhub 364e - IPA Donation	2015-10-27
32	16GB 1600MHz DDR3 Dual rank RDIMM Memory Module - IPA	2015-10-27
33	16GB 1600MHz DDR3 Dual rank RDIMM Memory Module - IPA	2015-10-27
34	HP LTO5 Ultrium 3000 SAS Ext Tape Drive - IPA	2015-10-27
35	Dell Rack UPS 2700W 3000VA	2013-12-26

### 3.1.1.1 Plans for new assets

IPA is located in a state facility and the facility where is the Agency is located in the courtyard behind the Ministry of Foreign Affairs, that is, the annex to the building of the former JNA. At the end of 2015, when EULEX left an annex, we received from the Ministry of Public Administration additional premises, which were renovated and adapted to the work premises (offices) and the Agency placed the necessary equipment for work (computers, printers, desks, cabinets, etc.). Based on the permanent requirements for filling in the number of staff, it is foreseen that there will be a need for the procurement of new equipment for work and the increase of work premises.

## 4 Activities of the Agency in the field of protection of personal data

### *Advice and Opinions*

The Agency provided advice and opinions to public and private institutions on all issues related to the protection of personal data, including the interpretation and implementation of laws and all laws and regulations that provide for the processing of personal data.

### *Advice of the Agency*

Within the framework of its responsibilities, the Agency gave 42 advices to various institutions during this year in connection with the implementation of the Law on the Protection of Personal Data. The Agency responded to a large number of questions posed by the media, civil society, controllers (public and private) and citizens, regarding various issues that were initiated for the protection of personal data.

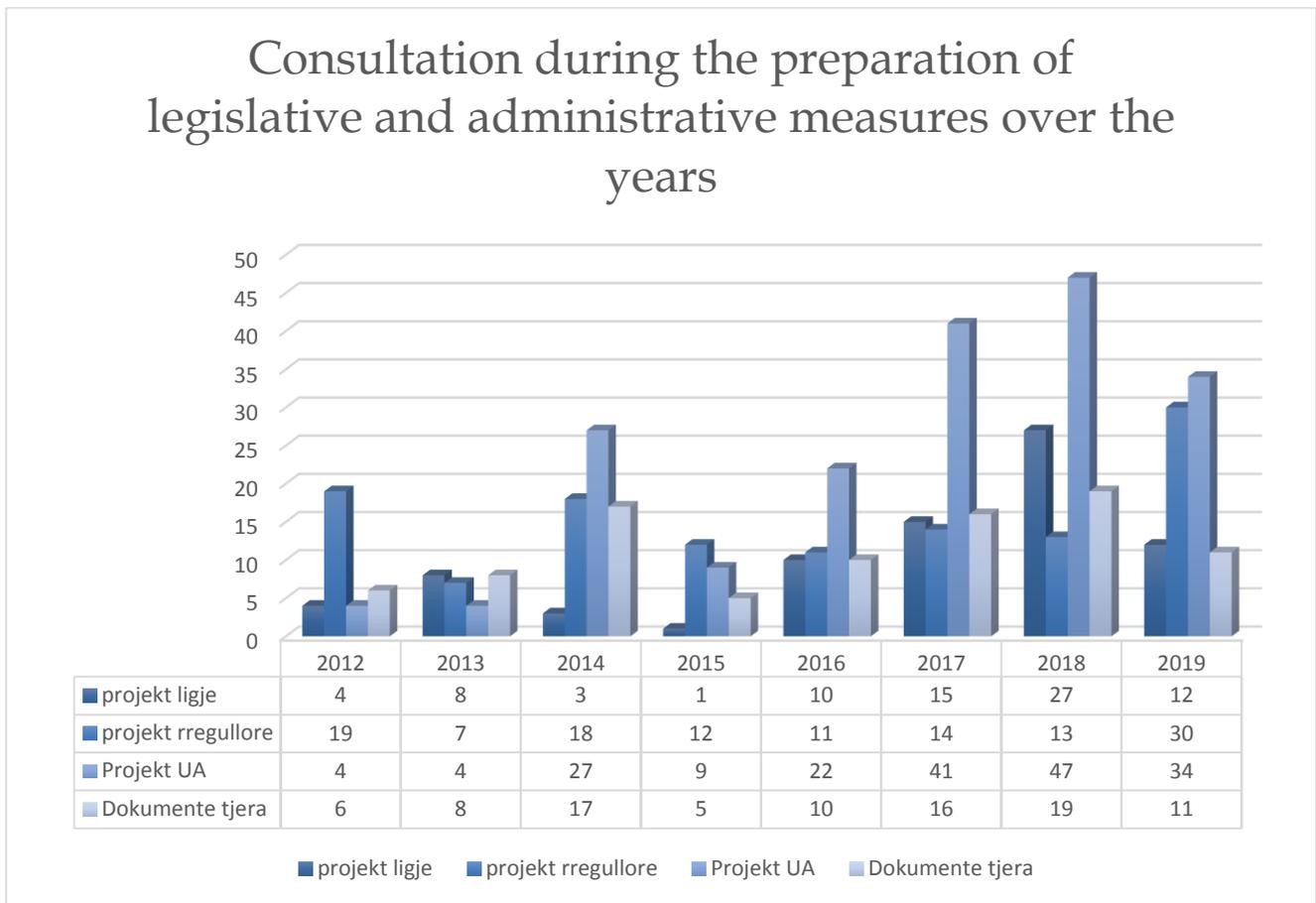


Figure 3. Advice given over the years

The Agency has consistently provided various advices during meetings with officials responsible for the protection of personal data in public-private institutions.

### *Consultation during the preparation of legislative and administrative measures*

Pursuant to Article 64 (paragraph 1, sub-paragraph 1.6) of Law 06/L-082 on the Protection of Personal Data, which states that the Agency provides advice to the Assembly, the Government, other internal institutions and bodies on legislative and administrative measures in relation to protection of fundamental rights and freedoms of natural persons in terms of data processing, in 2019, the Agency reviewed and submitted opinions on laws and other sub-legal acts submitted to the Agency for consultations: 12 draft laws, 30 draft regulations, 34 Administrative instructions and 11 other acts, including Explanatory memoranda, draft agreements, Memorandum of understanding, concept documents and other administrative acts.



Figure

4. Consultations during the preparation of legislative and administrative measures over the years

The following acts have been submitted to the Information and Privacy Agency for preliminary review and consultation:

#### DRAFT LAWS

1. Draft Law on Property Rights of Foreign Citizens in the Republic of Kosovo
2. Draft Law on Legal Acts and its explanatory memorandum
3. Draft Law on Administrative Conflicts
4. Draft Law on Trade with Petroleum Products and Renewable Fuels in Kosovo
5. Draft Law on Amending and Supplementing the Law No. 02/L-88 on Cultural Heritage
6. Draft Law on Amending and Supplementing the Laws Related to the Rationalization and Establishment of Accountable Lines of Independent Agencies
7. Draft Law on Electronic Identification and Trust Services in Electronic Transactions
8. Draft Law on Measures to Reduce the Cost of Deploying High-speed Electronic Communications Networks
9. Draft Law on Measures to Reduce the Cost of Deploying High-speed Electronic Communications Networks
10. Draft Law on Local Government Finance
11. Draft Law on Amending and Supplementing Law No. 03/L-139 on Expropriation of Immovable Property

## 12. Draft Law on International Legal Cooperation in Civil Matters

### DRAFT REGULATIONS

1. Regulation (MEST) No. \_\_ / 2019 on Organization and Internal Functioning of the Education Inspectorate in the Republic of Kosovo
2. Regulation MF - No. XX / 2019 on Financial Management and Control
3. Draft Regulation No. 00/2019 for the Integration of Foreigners
4. Regulation (GRK) No. 00/2018 on the Composition and Functioning of the Government Authority on Migration
5. Regulation GRK- No. 00/2019 on De Minimis Aid
6. Regulation on the Criteria and Way of Rewarding the Annual Award of Diaspora and Migration for the Most Successful Group or Emigrant During the Year
7. Regulation on Duration of Service in KSF
8. Regulation (CAA) No. XX/2019 on Common Rules in the Field of Civil Aviation and Establishing a European Union Aviation Safety Agency, and Amending Regulation (CAA) No. 10/2015 and Repealing Regulation (CAA) No. 11/2009, Regulation (CAA) No. 03/2009 and Regulation (CAA) No. 6/2009
9. Regulation on Food, Transport, and Accommodation in the KSF
10. Regulation for Planification on the Ministry of Defence and Kosovo Security Force
11. Regulation on Standards for Internal Organization, Systematization of Jobs and Co-operation in State Administration Institutions and Independent Agencies
12. Regulation No. xx/2019 on the Discipline and Complaints of Public Officials
13. Regulation No. xx on Declaration of the Status of Public Officials according to Law No. 06/L-114 on Public Officials
14. Regulation No. xx/2019 on Allowances Over the Basic Salary of Public Employees and Administrative and Support Staff in the Pre-university and University Education System
15. Regulation No. xx/2019 on Allowances Over the Basic Salary for Difficult and Harmful Working Conditions
16. Regulation No. xx / 2019 on Allowances Over Basic Salaries of Civil Servants and Cabinet Employees and Compensations for Public Officials and Functionaries
17. Regulation no. xx / 2019 on the Admission, Evaluation and Discipline of Senior Management Employees
18. Regulation No. xx/2019 on Suspension, Dismissal from Civil Service, Early Retirement and Termination of Employment
19. Regulation No. xx/2019 on the Transfer of Civil Officers
20. Regulation No. xx/2019 on Admission and Career in the Civil Service of the Republic of Kosovo
21. Regulation on Standards for Internal Organization, Systematization of Jobs and Co-operation in State Administration Institutions and Independent Agencies
22. Regulation No. xx/2019 on Additional Commitments and Calculation of Wage and Work Experience
23. Regulation No. xx on Working Hours and Leave of Public Officials

24. Regulation No. xx/2019 on the Procedure for the Civil Servants' and Public Service Employees' Performance Appraisal
25. Regulation (MM) - No. XX/2019 on KSF Military Official Protocol and Ceremonial
26. Regulation (MoD) - No. XX/2019 on KSF Official Ceremonies
27. Regulation No. xx/2019 on Training of Civil Servants and Public Service Employees
28. Regulation (MM) - No. XX/2019 on Leave in the Kosovo Security Force
29. Regulation No. xx/2019 on the Contents, Administration and Use of the Personnel File and Human Resource Management Information System
30. Regulation No. xx/2019 on Personnel Planning

## **DRAFT ADMINISTRATIVE INSTRUCTIONS**

1. Administrative Instruction on Procedures and Demands for the Demolition of Illegal Constructions
2. Administrative Instruction No. \_\_/2019 on the Procedures when the Appeal does not Postpone the Execution of the Education Inspector's Decision
3. Administrative Instruction No. \_\_/2019 for the Logo and Stamps of the Education Inspectorate in the Republic of Kosovo
4. Administrative Instruction No. \_\_/2019 on the Termination and Prohibition of the Work of a Legal Person and the Prohibition of Work and the Initiation of Disciplinary Proceedings of a Physical Person
5. Administrative Instruction No. \_\_/2019 on Cancellation of Certificates for Completion of the Class, Certificates on Completion of the Education Level, Certificates and Diplomas Obtained in Contradiction to the Applicable Law
6. Administrative Instruction MF - No. xx/2019 on Definition of Capital Projects and Classification of Capital Projects Expenditures
7. Administrative Instruction (MEST) Comparability and Equivalence of Diplomas and Study Programs Before the Bologna System and of the Bologna System
8. Administrative Instruction on Determination of Rules and Procedures for Demolition of Unlawful Structures
9. Administrative Instruction No. XX/2019- on the Activity, Structure, and Functions of Health Services for HIV/AIDS
10. Administrative Instruction (MTI) No. 00/2019 on Technical Requirements for Import, Storage, Wholesale, and Retail Sale of Petroleum Fuels and Cleaning of Tanks
11. Administrative Instruction (MI) No. XX/2018 on the Placement of Billboards in Motorways, National and Regional Roads
12. Administrative Instruction on Organization of Property Tax Offices and Principles of Property Tax Administration
13. Administrative Instruction MD - No. 01/2019 on Notary Examination Procedure Program
14. Administrative Instruction (MTI) No. 00/2019 on Basic Requirements for Construction Works, the Declaration of Performance of Construction Products, Systems of Assessment and Verification of Consistency of Performance of Construction Products, and Making the Declaration of Performance Available on a Website

15. Administrative Instruction No. \_\_/2019 on the Performance Evaluation of the Director and Deputy Director of the Pre-university Public Upbringing-Education And Training Institution
16. Administrative Instruction MoF - No.00/2019 on Procedures of Realization of Rights on Customs and Tax Relief for War Invalids
17. Administrative Instruction - on Criteria and Procedures for the Accreditation of Institutions that Implement Recognition of Prior Learning in Kosova
18. Administrative Instruction on Compensation of Police Expenses for Police Escort
19. Administrative Instruction - No. \_\_/2019 on Verification, Certification and Stamping of Documents Issued by the Pre-university Education and Higher Education Institutions for the Purpose of Being Used Abroad
20. Administrative Instruction MD - No. XX/2019 on Disciplinary Procedure for Notary
21. Administrative Instruction MD - No. XX/2019 on the Content, Forms, Method of Keeping and Storing of Notarial Documents, Books and Registers
22. Administrative Instruction MD - No. XX/2019 on the Terms of Notary Office, Facilities and Equipment
23. Administrative Instruction MD - No. XX/2019 on the Organization and Manner of Work of Notaries and Notary Seals
24. Administrative Instruction MD - No. XX/2019 on the Form and Manner of Drawing Up and Recording Notary Documents
25. Administrative Instruction MF - No \_\_/2019 on the Structure, Content and Submission of Annual Financial Report
26. Administrative Instruction on the Organization, Activity and Composition of the Council for Scientific Innovation, Transfer of Knowledge and Technology
27. Administrative Instruction (MED) No. XX/2019 on Certificate Guarantee of Origin for Electricity Produced from High-Efficiency Cogeneration
28. Administrative Instruction on Storing and Using Archive Material in the Business Registration Agency.
29. Administrative Instruction for Maintaining the Electronic Register of Collective Claims Finalized with Final Judgement
30. Administrative Instruction for Management of Wastes Containing Asbestos
31. Administrative Instruction No. 00/2019 on Technical Norms for Protection of Electricity Infrastructure and Equipment Against Fire
32. Administrative Instruction (GRK) - No. XX/2019 on Protection and Treatment of Children as Offenders of Criminal Offences Under the Age of Criminal Responsibility
33. Administrative Instruction (MAFRD) - No. /2019 on the Socio-Economic Integration Program for Small Farms for 2019
34. Administrative Instruction on the Amount and Procedure of Payment for Metrology Services

## **OTHER DOCUMENTS**

1. Draft National Strategy for Innovation and Entrepreneurship
2. Project - Civil Code of the Republic of Kosovo

3. Protocol between the Norwegian Centre for Integrity and the Ministry of Internal Affairs of Kosovo on Building Integrity in the Security and Defence Sector of Kosovo
4. Concept Document on Regulating the Field of Accident and Incident Investigation for Civil Aviation and Railway
5. Concept document for the Kosova Accreditation Agency
6. Concept Document on Climate Change
7. State Strategy on Migration and Action Plan 2019-2023
8. Concept Document in the Field of Precious Metal Works
9. Concept Document on Regulating the Field of Accident and Incident Investigation for Civil Aviation and Railway
10. Concept Document on Compensation for Victims of Crime
11. Concept Document on Handling the Public Procurement Legislation

## ***Complaints***

According to the Law on the Protection of Personal Data, any person who considers that his/her privacy in the sense of personal data has been violated may file a complaint with the Agency.

Complaints have been filed verbally, by telephone, in writing and through other electronic means of communication. The Agency has also enabled the download of the complaint form from its official web site. During 2019, the Agency received a total of 48 complaints.

The citizens of the Republic of Kosovo have raised mainly their concerns for the processing of personal data by controllers, where their data were processed for the purpose of direct marketing, unauthorized disclosure of data, unauthorized disclosure of sensitive personal data, biometric data processing, data processing without the consent of the subject, processing of personal data through social networks and processing of inaccurate data. These complaints were mainly addressed to central institutions, local institutions, the banking sector, the microfinance sector, insurance companies, the health sector, shopping centres, and social networks.

The number of complaints is indicative that the citizens of the Republic of Kosovo have increasingly more knowledge about their rights guaranteed by law. In order to raise citizens' awareness of their rights, the Agency will continue the implementation of awareness campaigns in the coming years.



Figure 5. Complaints reviewed by year

## 8.1 Inspection and control

The Agency supervises the legitimacy of personal data processing, which is carried out through inspections and controls.

The Agency has completed the entire necessary framework for carrying out inspections and controls. Within this framework, the Agency has issued the Regulation on Inspection, Control List and Minutes Form. During 2019, the Agency has continuously reviewed the relevant documentation related to legal changes in the framework of legal changes, for the protection of personal data. As a result of legal changes, the Agency did not carry out inspections, given that with legal changes inspections and controls will be carried out by civil servants within the institution, but due to the non-entry into force of the draft regulation on inspections, the institution has only conducted controls.

During 2019, the Agency received a total of 48 complaints. Considering that this authority was subject to legal amendments, some of the complaints were addressed and we recommended to public-private bodies to ensure that the processing of personal data is in compliance with Law No. 06/L-082 on Protection of Personal Data.

### 4.1.1 Processing of biometric data

According to the Law on the Protection of Personal Data, biometric data are considered all personal data resulting from specific processing related to the physical, psychological or behavioural characteristics of a natural person that allows or confirms the unique identification of that natural person as well as visual images or dactyloscopic, psychological and behavioural data, which are available to all individuals but are specific and permanent to each individual, if in particular they can be used to identify an individual, such as: fingerprints, papillary finger lines, iris, retina, facial features and DNA.

The public sector can use biometric data only if it is necessarily required for the safety of people, property security or the protection of confidential data and business secrets, if this cannot be achieved by easier means.

The private sector can use biometric data only if it is necessary for conducting activities for people's safety, property security or for the protection of confidential data or business secrets. Employees must be informed in advance, in writing, of the use of their biometric data about the measures taken and their rights.

Pursuant to the Law on the Protection of Personal Data, the assessment of the necessity for the use of biometric data is made by the Agency through the granting of authorization for use, except for the cases provided for by law.

All public and private bodies wishing to process biometric data, except for the cases provided by law, must obtain authorization from the Agency in accordance with the Law on the Protection of Personal Data before using such data.

In 2019, the Agency did not receive any request for authorization to use biometric characteristics.

### 5.2.2 Transfer of Personal Data

In accordance with the Law on Protection of Personal Data, the transfer of personal data that has been processed or will be processed in other countries or in international organizations can only be done if such countries provide an adequate level of data protection. For all those countries or international organizations that do not provide the right level of data protection, the public or private body wishing to transfer the data should follow the procedures for obtaining the authorization from the Agency.

The Agency has approved the secondary legislation regulating the procedures for transferring personal data abroad. Pursuant to this secondary legislation, the Agency has approved the Regulation on Internal Procedures for the Processing of Claims for Authorization of International Transfers of Personal Data, as well as the form that must be completed by the institution when submitting a request for data transfer.

In order to fulfil the legal obligation and to contribute to the creation of data transfer facilities, the Agency, through a formal decision, has approved the list of countries and international organizations that provide a proper level of personal data protection and for the same countries the authorization by the Agency is not required.

The list of countries and international organizations that provide a proper level of personal data protection includes the following countries:

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- The Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- Great Britain
- Israel
- Uruguay

Member States of the "European Economic Zone" are specifically listed:

- Iceland

- Liechtenstein
- Norway
- Switzerland

Pursuant to Article 46 (paragraph 2), it is stipulated that “the Agency may apply decisions taken by a competent body of the EU if such countries and international organizations provide an adequate level of data protection”. The competent body of European Union has determined the following countries:

#### 1. Argentina

Commission Decision C (2003) 1731 of 30 June 2003 - OJ L 168, 5.7.2003.

(Opinion 4/2002 on the level of protection of personal data in Argentina, Working Group Document No. 63);

#### 2. Australia

Council Decision – 2008/651/CFSP/JHA of 30 June 2008 on the signing, on behalf of the European Union, of an Agreement between the European Union and Australia on the processing and transfer of European Union-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service; OJ L213 of 08/08/2008, p.47-48.

AGREEMENT between European Union and Australia on the processing and transfer of European Union-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service; OJ L213 of 08/08/2008, p.49-57.

#### 3. Andorra

Commission Decision C (2010) 7084 of 19 October 2010 - OJ L 277/27, 21.10.2010

(Opinion 7/2009 on the Level of Personal Data Protection in the Principality of Andorra, Working Group Document No. 166);

#### 4. Canada

Commission Decision 2002/2 / EC of 20.12.2001 on adequate protection of personal data provided by the Canadian Personal Information Protection and Electronic Documents Act - OJ. L 2/13 of 4.1.2002 (Opinion 2/2001 on adequate protection of personal data provided by the Canadian Personal Information Protection and Electronic Documents Act, Working Group document No.39);

#### 5. Guernsey

Commission Decision of 21 November 2003 on the adequate protection of personal data in Guernsey.

(Opinion 5/2003 on the level of protection of personal data in Guernsey, Working Paper No. 79);

#### 6. Isle of Man

Commission Decision 2004/411/EC of 28.4.2004 on the adequate protection of personal data in the Isle of Man.

(Opinion 6/2003 on the level of protection of personal data in the Isle of Man, Working Group document No. 82);

#### 7. Jersey

Commission Decision of 8 May 2008 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Jersey (notified under document number C(2008) 1746)

(Opinion 8/2007 on level of data protection in Jersey, Working Group document No. 141);

#### 8. Faroe Islands

Commission Decision of 5 March 2010 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection provided by the Faeroese Act on processing of personal data; document C(2010)1130

#### 9. New Zealand

Commission Decision of 19 December 2012 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by New Zealand (notified under document C(2012) 9557 - OJ L 28, 30.01.2013).

(Opinion 11/2011 on the level of protection of personal data in New Zealand, Working Group document No. 182);

#### 10. USA (Privacy Shield Framework)

Commission Decision 2016/1250 of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the EU-U.S. Privacy Shield (notified under document C(2016) 4176 - OJ L207/1, 01.08.2016).

#### 11. Japan

Commission Decision of 23 January 2019 pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequate protection of personal data by Japan under the Act on the Protection of Personal Information (notified under document C(2019) 304)- OJ L76/1, 19.03.2019).

In accordance with the Law on Protection of Personal Data, the Agency has published on its public website a list of countries and international organizations providing an adequate level of personal data protection.

## Information and promotion

Within the annual work plan, the Information and Privacy Agency even during 2019 continued to pay special attention to communication with the public. In this context, all local print and electronic media were timely informed of any activities planned and carried out by the Agency, using the Agency's official website, Facebook account, as well as direct contacts with the media.

As every January, on behalf of the Agency, an editorial with the title "Guaranteeing Privacy as a Civic Mission" was published in many newspapers and portals. The purpose of this publication is to expose to the general public the importance of the traditional marking of the International Data Privacy Day, then to describe the political circumstances of the time and their impact on the length of the processes for adopting two laws under amendment and supplement, the implementation of which will be supervised by this authority.

During the last week of January, the Agency was present on television media to inform the public about the activity of this institution, the developments of that period of the year, as well as the transformation process that had involved this authority with legal amendments by the Assembly of the Republic of Kosovo. In this case, it is worth noting the presence of Mr Jeton Arifi on Dasma TV, as a guest. During April 2019, the Director of DRFR Mr Jeton Arifi participated as a guest on the morning show on RTK2 in Serbian language, in order to raise the awareness of Serbian minority citizens about their privacy, as well as to raise awareness of personal data controllers of this community about legal obligations.

On 13 May 2019, the General Director, Mr Bujar Sadiku participated as guest on the show "Momentum" of "Rrokum TV" to talk about the process of transforming NAPDP into IPA.

To keep the public informed regarding the developments within the authority guaranteeing privacy and freedom of information, on 29 July 2019, an awareness-raising article entitled "The Advantages and Challenges of the Information and Privacy Agency after Transformation" has been published on behalf of the Agency.

On 3 September of the reporting year, on behalf of the Agency, the Director of DRFR, Mr Jeton Arifi has published the next awareness-raising article entitled "How to Communicate with Citizens During the Election Campaign", dedicated to political entities in the capacity of controllers of personal data, evaluating that respecting the citizens' privacy during election communication has a direct impact in increasing credibility towards political entities who shall develop dignified communication with them.

During 2019, in the framework of the work plan, all information and awareness related campaigns mainly dedicated to the education sector, were carried out, which were coordinated with the Personal Data Protection Officer at the Ministry of Education, Science and Technology.

Moreover, during the transformation period, following the adoption of the two relevant amended laws, the next article entitled "Balancing the Right to Information and Privacy" was published in most of the electronic media.

On 23 October 2019, during the works of the International Conference of Privacy held in Tirana, the Director Jeton Arifi gave an interview in English to the "OneTrust DataGuidance" British organization about the structure and management of our authority, then on the harmonization of national legislation with international legislation, and the challenges that this authority has gone through, the priorities for 2020, and so on.

Also, during this year, the Agency has participated in various forums, which it used for raising the awareness of public in this area.

Furthermore, the Public Relations Office within the Department of Registration and Foreign Relations has continuously maintained communication with citizens, and in particular with the journalism community, responding to their questions, requests for interviews, requests for access to public documents, and so on.

In order to raise the awareness of public and private institutions on the legal obligations for the protection of personal data, the Agency has continued throughout the year to organise awareness-raising seminars and has contributed to events organized on the topics of personal data protection.

In order to be as close to the public as possible, the Agency has used the relations established with the journalism community to have its representatives invited in the capacity of guests in public and private media, such as TV and radio, on any special event organised in order to better inform the public regarding the privacy and personal data protection.

Announcement articles were mainly published on the official website of the Agency, but there were also articles published in electronic portals and daily newspapers, depending on the events the Agency organized or it was represented.

The Information and Privacy Agency has, in the first week of December, organized a roundtable with all officials on access to public documents of public sector, with the aim of revealing the new provisions of the Law No. 06/L-081 on Access to Public Documents, which became effective in July of this year.

Speakers of this briefing were senior officials of the Agency, while the officials of the existing network for the implementation of the right of access to public documents accredited for all public institutions and enterprises, including municipalities were invited in premises of the amphitheatre of the Ministry of Public Administration.

### **National and international cooperation**

At the end of February 2019, during the participation of an Agency delegation in a study visit to the counterpart authority of Turkey, on behalf of this Authority, the General Director, Mr Bujar Sadiku, has signed a Memorandum of Cooperation with the Turkish counterpart authority, which is the tenth consecutive international cooperation agreement the agency has made so far.

Under this agreement, the signing parties have stated that the cooperation between the two counterpart institutions will be developed, inter alia, on the exchange of expertise for the purposes of professional development, cooperation in vocational training, accreditation matters according to European standards, cooperation in joint inspections, etc.



Figure 6. Signing of the Cooperation Agreement between Mr Bujar Sadiku (Kosovo) and Mr Faruk Bilir (Turkey)

On 8 March, the Agency, represented by the General Director, Mr Bujar Sadiku, held a meeting with the head of the Turkish Governmental Organization "TIKA", during which they discussed the possibility for the Agency to benefit support by this organization, whose scope is related to international cooperation between the two countries.



Figure 7. Meeting of the General Director, Bujar Sadiku, with the Head of TIKKA Organization held in Kosovo.

During the first quarter of this year, the Agency participants, at the 65<sup>th</sup> meeting of the International Working Group on Data Protection in Telecommunications, held in Bled, Slovenia, have reported on the Agency's developments in this area.

Having as a priority objective the extension of cooperation with counterpart regional and international authorities, as well as with European and international organizations dealing with the promotion of the right to privacy, the Agency has been active, presenting itself in all forums in which it has a defined status as well as workshops on topics related to personal data protection.

According to an earlier agreement during the ongoing cooperation with the Turkish counterpart authority, on 19 April 2019, under the organization of the Agency, the Conference "Interstate Cooperation, Impact on the Foreign Business Community" took place at the "Sharr" Hotel in Prizren. Such an event was dedicated to Turkish controlling entities operating in the Kosovo market, before whom the innovations brought by the new law that has just entered into force regulating the field of personal data protection were revealed. Speakers at

the conference were representatives of the Turkish counterpart authority and of the Information and Privacy Agency newly transformed from NAPDP.

Within the fifth month of the reporting year, the Agency has compiled and submitted inputs on behalf of the MEI Agency on the progress report.

On this occasion, it is worth mentioning the participation of Agency representatives in the “Iniciativa 20i7” Forum during the last week of May, organized by the counterpart authority of Montenegro. At this conference, which was attended by all the counterpart authorities of the countries of former Yugoslavia, the Agency held a presentation in Albanian on the topic “GDPR Transposed in the LPPD - Challenges of Implementation in Practice”.

In the fourth week of October, two IPA representatives attended the International Conference of Data Protection and Privacy Commissioners which took place in Tirana, organized by Albania's Information Commissioner.

In the first week of November, IPA representatives participated as panellists at the “Breakfast Meeting” on access to public documents, organized by the Group for Legal and Political Studies and the “ÇOHU” Organization.

The Agency has worked closely with the EU in Prishtina, OSCE, civil society, central and local institutions, security and rule of law institutions by participating and contributing to joint activities at various roundtables, workshops and conferences.

### **Collaboration with Data Protection Officers**

The coordination activities carried out through the data protection officer accredited in public and private institutions have proved to be very practical and fruitful. During the seven years of experience, it has been found that all the institutions that have designated the DPO have not only shown their commitment to respecting the legal provisions for appointing an officer, but also their willingness to further cooperate in adhering to the Law on Protection of Personal Data. On this occasion, it is worth stating the great commitment of the majority of DPOs in the protection and promotion of the right to the protection of personal data and privacy, which has often prejudiced the policies of the body it represented.

It is worth noting that during the reporting period, DRFR did not receive new decisions on the appointment of a personal data protection officer. Therefore, it can be concluded that most central and local public institutions have appointed an internal personal data protection officer.

The education sector officials (PDPO in MEST), and the ones of health (PDPO in UCCK), as well as some officials for data protection on the banking system from the private sector, proved to be among the most committed officials for protection of personal data accredited throughout public institutions in their work, which is of linking character to the Agency.

## **5 Agency's Activities in the Field of Access to Public Documents**

The Information and Privacy Agency, as the institution responsible for supervising and ensuring the implementation of the Law on Access to Public Documents, pursuant to the provisions of this law, obliges all Institutions of the Republic of Kosovo to report on the number of applications for access for a period of one year.

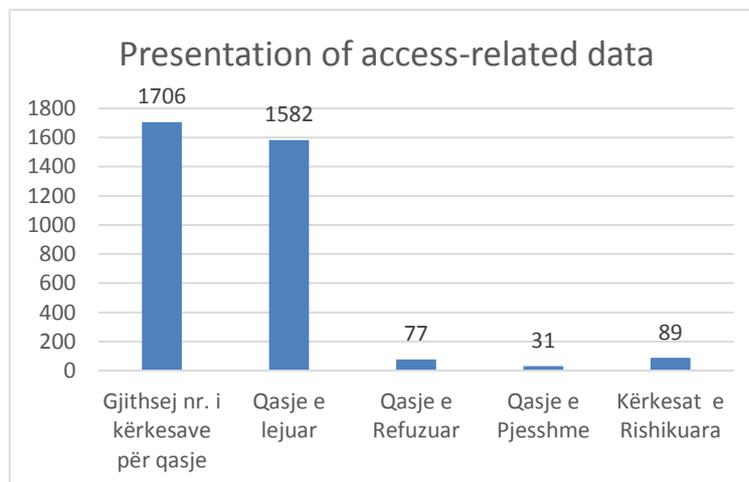
## 8.1 Overview of Reports of Requests for Access to Public Documents (January-December, 2019), and other data regarding access to public documents in the Agency

This year, the Agency has received reports from public institutions with the data of 2019. Reporting data also covers the first half of the reporting year, while Law No. 06/L-081 on Access to Public Documents has not yet entered into force, which provides for the Information and Privacy Agency to serve as an authority of second instance supervision of its implementation through handling the citizens' complaints and as an institution to whom other public institutions report each year. After collecting and recording these data for the relevant period, the general situation is as follows:

Table 6. Presentation of access-related data

Total no. of access requests	Permitted access	Rejected access	Partial Access	Reviewed requests
1706	1582	77	31	89

Figure 8. Presentation of access-related data



This table shows the data of the main columns.

The number of Institutions reporting to the Agency is 71, of which eight (8), in 2019, have had no access requests at all, while ninety-two (92) have not reported to the Agency at all.

Table 7. Comparing institutions that have reported in relation to those who have not reported

<b>Total</b>	<b>163</b>
Institutions that have reported	71
Institutions that have not reported	92
Institutions that have reported but did not have requests for access	8

Figure 9. Comparing institutions that have reported in relation to those who have not reported

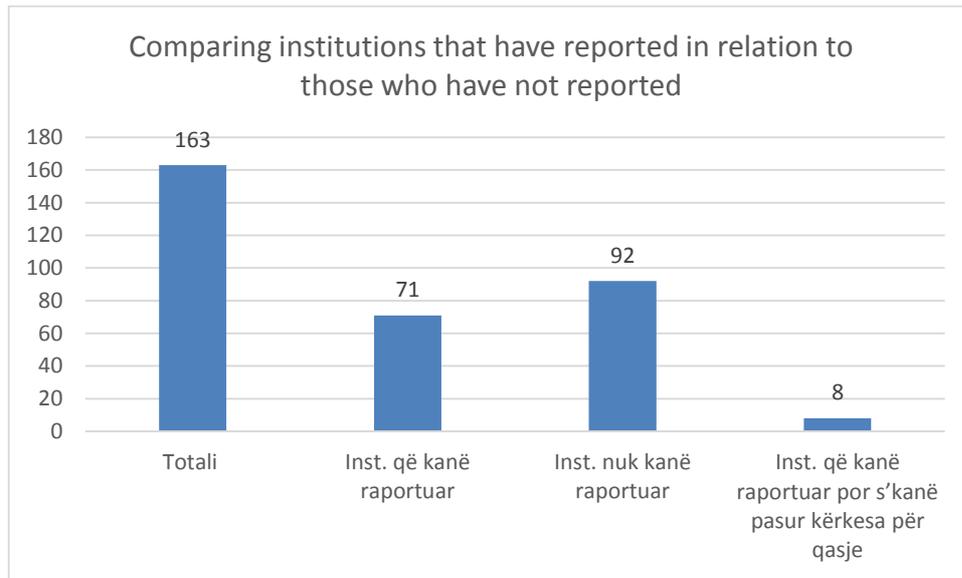


Table 8. Overview of institutions that have not fulfilled the legal obligation to report to IPA

Institutions that did not submit the 2019 Report for access to Public Documents
Ministry of Foreign Affairs
Ministry of European Integration
Ministry of Defence of Kosovo
Ministry of Justice
Ministry of Economic Development
Ministry of Culture, Youth and Sports
Ministry of Diaspora
Aeronautical Accident and Incident Investigations Commission
Kosovo Agency for Radiation Protection and Nuclear Safety
Kosovo Cadastral Agency
Emergency Management Agency
Civil Registration Agency
Kosovo Institute of Public Administration
Agency of Information Society
Student Center
University Library
Kosovo Accreditation Agency
Agency for Vocational Education and Training and Adult Education

Institute of Albanology - Prishtina
Educational Inspectorate of the Republic of Kosovo
Institute of History
Kosovo Forest Agency
Agency for Agricultural Development
Agency for Administration of Sequestered and Confiscated Property
Kosovo Correctional Service
Tax Administration of Kosovo
Financial Intelligence Unit
State Agency of Kosovo Archives
National Theatre of Kosovo
Kosovo Cinematography Center
National Gallery of Kosovo
National State Song and Dance Ensemble 'SHOTA'
Kosovo Philharmonic
Kosova film
National Ballet of Kosovo
Kosovo Museum
Archaeological Institute of Kosovo
Kosovo Institute for the Protection of Monuments
Regional Centers for Cultural Heritage
Executive Body of the Labour Inspectorate
Hospital and University Clinical Service of Kosova
Kosovo Agency for Medicinal Products and Medical Devices
National Institute of Public Health
Kosovo National Center for Blood Transfusion
Kosovo Standardization Agency
Kosovo Business Registration Agency
Kosovo Investment Promotion Agency
Kosovo Metrology Agency
Industrial Property Agency
Market Inspectorate

Ombudsperson Institution
Kosovo Property Comparison and Verification Agency
Kosova Council for the Cultural Heritage
Energy Regulatory Office
Independent Commission for Mines and Minerals
Regulatory Authority of Electronic and Postal Communications (RAEPC)
Kosovo Pension Savings Trust
Agency for the Management of Memorial Complexes of Kosovo
University of Prishtina 'Hasan Prishtina'
University of Gjakova 'Fehmi Agani'
University of Mitrovica
University of Gjilan
University of Applied Sciences - Ferizaj
Municipality of Kaçanik
Municipality of Peja
Municipality of Partesh
Municipality of Deçan
Municipality of Lipjan
Municipality of Skenderaj
Municipality of Podujeva
Municipality of Gracanica
Municipality of Fushë Kosovë
Municipality of Novoberde
Municipality of Mitrovica
Municipality of Obiliq
Municipality of Rahovec
Municipality of Suhareka
Municipality of Vushtrri
Municipality of Mamusha
Municipality of Kllokot
Municipality of Ranillug
Municipality of Dragash

Municipality of Shterpce
Municipality of Zvecan
Municipality of Leposavic
Municipality of Zubin Potok
Prishtina International Airport 'Adem Jashari'
Kosovo Energy Corporation
Kosovo Post
Railway Infrastructure -INFRAKOS JSC
Kosovo Railways -TRAINKOS JSC
Kosovo Landfill Management Company

Whereas regarding the no. of the second instance complaints for access to public documents at IPA, the situation is as follows:

**Table 9.** Complaints relating to access from the second half of 2019

Total complaints	Year	Decisions
12	6-2019	2-2019

With regards to advices on access given to the officials, so far the number of requests for advice is: **Seven (7) in total**

All these requests have been submitted electronically via e-mail and have been replied to in the same way they. Whereas, regarding access requests addressed to the Information and Privacy Agency, there were only two (2) requests for 2019.

## 7 General considerations and recommendations for the protection of personal data and access to public documents

As a result of the rapid development of information technology, the internet, social networks, increased awareness of citizens, etc., the protection of personal data is becoming more and more challenging.

During 2018 and the first part of 2019, in the framework of legal changes on personal data protection, the Agency, in cooperation with the Office of the Prime Minister and other institutional actors, held consistent working groups to draft a new law on the protection of personal data.

After the persistent continuous work, the new Law on the Protection of Personal Data has already been approved and has entered into force within the foreseen deadline.

During 2019, the Agency has consistently received complaints, requests for advice and opinions from public and private controllers, and requests for advice regarding legal and sub-legal acts issued by institutions dealing with the processing of personal data.

The process of appointing internal officials for the protection of personal data is almost completed in central and local public bodies. Following the training of these officials, cooperation between the Agency and public and private bodies has increased, thus increasing the possibility for the Agency to be proactive in preventing possible violations.

In order for the Agency to be part of regional and international initiatives, we have signed cooperation agreements (10) with most of the countries in the region as well as with some European countries. We are members to many regional and international mechanisms, in some of which as permanent members and in other as observers, with membership in the 'Berlin Group' as most noteworthy. Membership and signing of agreements with regional and European countries will be a priority for the Agency in the coming years.

The Agency approved the annual work plan for 2019 and defined the activities that were developed according to this plan, where we can say that we have managed to realize the work plan to a great extent. We will continue with awareness campaigns aimed at informing citizens about their rights to personal data protection. The capacity building of Agency officials will be continued through specific training and endorsement of experiences and practices from other countries.

The expected legislative changes have already been achieved, whereby its organizational part is expected to be restructured under the new law and the authority can be strengthened through the assumption of additional legal powers and authorizations such as advising public and private bodies, decision making on lodged complaints, inspections and controls, public information, imposition of punitive measures, cooperation with European counterpart authorities, certification of controllers, and promotion and support of the fundamental rights to the protection of personal data and access to public documents shall be part of the Agency's powers.

In addition, the Agency continued the application process for IPA 2 (twinning project), following and completing the steps of application. This project stagnated due to the late adoption of the new law and consequently the non-appointment of the Agency's Commissioner as a criterion to be met for the continuation of this project, considering that lately the commencement of the project has been postponed.

The lack of specification of the categories of personal data necessary for the processing of personal data by public and private controllers is one of the major deficiencies in the legislation in force. The lack of this definition leaves room for public and private controllers to collect large amounts of personal data that are unnecessary and contrary to the data processing principles established by the Law on the Protection of Personal Data.

It is recommended that all laws and sub-legal which define the processing of personal data clearly define the categories of data to be processed on such occasion.

In addition to the lack of a clear legal framework that defines the categories of data that can be processed, the storage period is also not defined in most cases, which results in the collection and retention of personal data for years, despite achieving the goal for which they were originally gathered.

It is recommended that the data storage periods and procedures are specified in all laws and sub-legal acts defining personal data processing.

Non-ratification of Convention No. 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data by the Assembly of Kosovo prevents the Agency from joining European organizations in the field of personal data protection. Likewise, due to non-ratification of this convention, Kosovo cannot be part of

the list of states that provide a proper level of personal data protection. Consequently, the transfer of personal data to the Republic of Kosovo is difficult.

We recommend to the Government of Kosovo and the Assembly of Kosovo to prioritize the proceeding and ratification of Convention 108 of 1981.

With the adoption and entry into force of the Law on the Protection of Personal Data and the Law on Access to Public Documents, a new legal status is created with new competences and responsibilities granted to the Agency.

The Information and Privacy Agency (transformed by law from the National Agency for the Protection of Personal Data) is an independent state institution, established under Law No.06/L-082 on the Protection of Personal Data and is responsible for oversight of the implementation of legislation on access to public documents and protection of personal data in order to protect the fundamental rights and freedoms of natural persons with regard to the processing of personal data and guaranteeing access to public documents based on law no. 06/L-081.

Providing advices to public and private bodies, deciding on complaints, inspections and audits, public information, imposing punitive measures, cooperating with European counterpart authorities, certifying auditors, and promoting and upholding fundamental rights to protection of personal data is part of the Agency's competence.

IPA (formerly NAPDP) has nineteen (19) civil servants who are primarily assigned to operational departments and at the same time IPA functions as an independent budgetary body carrying out all independent procedures (except procurement, which is carried out by CPA based on amendments to the law on public procurement).

The lack of human capacity within the Agency remains an on-going challenge, thus we have consistently sought to increase the number of officials based on the Agency's specific scope and multiple works with additional decisions made by Agency officials.

There is also an immediate need to increase the knowledge and capacity of current staff. What is essential is that the new law has brought some new innovations, notions and principles in the field of personal data protection and processing, security of processing, processing activities, handling of complaints, and even imposing punitive measures to law perpetrators.

The development of human capacities remains as an objective considering the nature of the Agency, the functionalization of the organizational structure of the Agency (increasing the number of staff), strengthening of the institution and direct issuing of fines.

Law enforcement and the proper functioning of the Agency are related to the capacity to oversee the legality of data processing, thus it is necessary to build the capacity needed to achieve specific knowledge related to law enforcement and internationally recognized standards.

The on-going oversight of data processing legitimacy is aimed to be achieved through the implementation of activities in the framework of objectives:

- Training of controllers,
- Direct implementation of the law through inspections and audits,
- Handling of complaints;
- Provision of advices;
- Capacity building;
- International cooperation.

It is almost unrealistic to claim the fulfilment of the intended objective of achieving the appropriate level of citizen knowledge of their rights to the protection of personal data - privacy and access to public documents - transparency, if the necessary means for the realization of the awareness campaign are lacking.

The lack of human resources within the Agency remains an on-going challenge, having in mind the limited number of human resources that pose a risk of failing to meet the objectives set for the implementation of the LPDP and the LAPD. We have consistently demanded an increase in the number of officials, it is now necessary to increase the number of personnel. According to the opinion of MoF on assessing the budgetary implication for the laws of protection and access, starting from 2020 additional (17) seventeen positions are needed and a budget growth for goods and services based on the Agency's specific scope.

The establishment of an Inspectorate responsible for inspecting and controlling public and private institutions and diplomatic missions of the Republic of Kosovo is the primary task for the commencement of law enforcement.

Article 57, paragraph 4 of the Law on Protection of Personal Data stipulates that: *“Human, financial, and technical resources, along with the premises and required infrastructure for effectively fulfilling its duties and discharging competencies shall be made available to the Agency”*.

Law no. 06/L-082 on Protection of Personal Data entered into force on 11.03.2019, determining additional duties and competencies of the Agency, for monitoring the implementation of two fundamental Constitutional rights, privacy and personal data protection and of legislation on access to public documents under the Law no. 06/L-081 on Access to Public Documents.

Article 108 of the Law no. 06/L-082 establishes the transfer of assets, rights and obligations, budget and personnel, stipulating that: *“upon entry into force of this Law, all physical assets, the rights and obligations that derive from the concluded contracts, and budgetary allocations of the State Agency for Protection of Personal Data shall be transferred to the Information and Privacy Agency”*.

However, according to the new law, the organization of the Agency shall also change, whereby it is expected to have a new organizational chart with a new structure and competencies, which will require new human capacities and additional financial means in order to start drafting and issuing bylaws for monitoring the implementation of these laws. Whereas based on the draft organizational chart prepared on the needs arising from the functional laws, 56 positions are needed, out of 34 approved for 2020, and 24 positions currently approved where pursuant to the Minister's letter the number was reduced to 19 current positions, without including the position of the Commissioner, and 4 positions opened through vacancy announcement are expected to continue. The position of Commissioner pursuant to the LPDP no. 06/L-082, Article 63, paragraph 2 stipulates that *(Until the entry into force of the relevant Law on Salaries in Public Sector, the Commissioner's salary shall be equivalent to the salary of the deputy of the Assembly of Kosovo)*, Whereas Article 63, paragraph 1 stipulates that *(The level of Commissioner's salary shall be determined in compliance with the relevant Law on Salaries in Public Sector)*. According to Law no. 06/L-111 on Salaries in Public Sector (which is currently pending before the Constitutional Court) on Commissioner Salary see page 16, position 31 Commissioner for Personal Data Protection, class A8 and with the coefficient of 6.75.

It is recommended that the Assembly and Government support the Agency in financial terms, as it is expected that we will have an increase in the number of staff with additional work and duties, such as the preparation and drafting of by-laws for the implementation of these two laws, establishment of internal inspectorates that will oversee the implementation of the relevant legislation through the conduct of inspections and controls, and the imposition of punitive measures through the direct imposition of fines as foreseen in these laws.

## 8 Financial Report

### 8.1 Summary of main budget developments

The Agency has its own budget, which is administered independently in accordance with the law. The final budget of the Agency is determined by the Kosovo Assembly, i.e. the final request is reviewed by the Budget and Finance Committee in compliance with the budget planning determined by the Ministry of Finance regarding the Medium Term Expenditure Framework.

For the fiscal year 2019, the Agency and the initial budget allocated according to the Budget Law in the amount of € 365,203.00. At the request of the Minister of Finance, our budget was reduced resulting in a final budget of the Agency for 2019 worth € 258,779.25.

The Agency operated with a final budget of € 258,779.25, distributed as follows: wages and salaries - € 125,881.25, goods and services - € 130,448.00, and utilities - € 2,450.00.

In 2019, the Agency spent about 83.32% of the total budget or € 215,615.79 for these categories, as follows: wages and salaries - 100.00% or € 125,881.25, goods and services - 67.56% or € 88,129.37, and utilities - 65.51% or € 1,605.10.

### 8.2 Summary of revenues and special expenditure categories

a) **Revenues** - No revenues were collected due to the fact that the Agency, during 2019, was in the process of making legal amendments. Bearing in mind legal amendments and delays.

b) **Wages and salaries** - In the category of wages and salaries we had an allocated budget in the amount of €125,881.25 and in 2019 we have spent about 100.00% of the budget, or €125,881.25. The Information and Privacy Agency has 24 allowed employment officials. In January the number of employees was 17 and in December 19 employees. Wage funds have been enough for this number of employees, but with this small number of positions could not be achieved the functionalization of the organizational structure, the Information and Privacy Agency had allocated an initial budget of €365.203.00 and only 24 (twenty four) allowed civil servants.

With 24 (twenty-four) allowed employees, the Agency will not be able to functionalize or operate with certain sectors within it, in accordance with the laws overseen by IPA, having in mind that following the amendment, access to official documents and the imposition of fines has also been directly incorporated by the Agency.

The development of human capacities to match the nature of the Agency's work, the inability to deliver internal trainings to Agency's officers; functionalization of the organizational structure of the Agency (increasing the number of staff), various expertise based on legal amendments; strengthening the institution and the direct imposition of fines and other laws for the establishment of the internal oversight; realization of expenditures and increasing the level for the full functioning of the Agency remain continuous challenges. We have consistently sought to increase the number of officials and increase salaries based on the Agency's specific field of activity and multiple works with additional decisions made by Agency officials.

c) **Goods and services** - In the category of goods and services we had a final allocated budget in the amount of €130,448.00 and in 2019 we have spent €88,129.37, or 67.56% of the budget. During 2019, we have reduced the costs in every respect and managed to settle all obligations which we had inherited every year since 2011, when the Agency was established.

- d) **Utilities** -In the category of utilities we had a final allocated budget of €2,450.00 and in 2019 we have spent € 1,605.10 or 65.51% of the budget.
- e) **Capital investments** - We did not have a budget and we do not have expenditures in this category.
- f) **Subsidies and transfers** - We did not have a budget and we do not have any expenditure in this category.

### 8.3 Summary of final remarks and views for future development

The Information and Privacy Agency had an allocated budget of €365,203.00 at the beginning of 2019, and after the review there was a budget of €258,779.25.

With 24 (twenty-four) allowed employees, the Agency will not be able to functionalize or operate with certain sectors within it, in accordance with the laws overseen by IPA, given the fact that following the amendment and supplementation, access to official documents and the imposition of fines has also been directly incorporated by the Agency.

The development of human capacities to match the nature of the Agency's work; the inability to deliver internal trainings to Agency's officers; functionalization of the organizational structure of the Agency (increasing the number of staff); various expertise based on legal amendments; strengthening the institution and the direct imposition of fines remain continuous challenges.

With the approval of Law no. 06/L-082 on Protection of Personal Data, which entered into force on 11.03.2019, repealed the Law no. 03/L-172 on Personal Data Protection, and based on this amendment, the National Agency for Personal Data Protection (NAPDP) has been transformed into the Information and Privacy Agency (IPA), and from the date of entry into force of the new law, our institution bears this name, with the address of the institution - Str. "Luan Haradinaj", no.36, Prishtina 10000, Republic of Kosovo.

The Information and Privacy Agency is an independent state institution, established under Law No. 06/L-082 on Personal Data Protection (hereinafter referred to as LPDP) and is responsible for overseeing the implementation of legislation on access to public documents and personal data protection, in order to protect the fundamental rights and freedoms of natural persons with regard to the processing of personal data and to guarantee access to public documents.



**Table 10.** Expenditure details by economic code**8.3.1 General expenditures**

Economic code	Economic category	Budget and expenditure 2018			Annual budget under the Budget Law (2019)	Budget after review 2019 (if there was any change)	Final budget 2019	Expenditure by 31 December 2019	Commitments by 31 December 2019	Committed budget (in %)	Budget spent (in %)
		Budget (2018)	Expenditures (2018)	% of expenditures							
1	2	3			4	5	6	7	8	9	10
11000	Wages and Salaries	120.139.36	120.139.36	100.00 %	228,305.00	125,881.25	125,881.25	125,881.25	125,881.25	100%	100%
13000	Goods and Services	130,448.00	99,285.90	76.11%	130,448.00	130,448.00	130,448.00	88,129.37	92,981.91	71.27%	67.55%
13200	Utilities	3,147.34	1,331.93	42.31%	6,450.00	2,450.00	2,450.00	1,605.10	1,970.00	80.40%	65.51%
30000	Capital Investments	-	-	-	-	-	-	-	-	-	-
21000	Subsidies and Transfers	-	-	-	-	-	-	-	-	-	-
	<b>Total</b>	<b>253,784.70</b>	<b>220,757.19</b>	<b>86.98%</b>	<b>365,203.00</b>	<b>258,779.25</b>	<b>258,779.25</b>	<b>215,615.72</b>	<b>220,833.16</b>	<b>85.33%</b>	<b>83.32%</b>





## 8.3.2 Goods and services

**Goods and services****EXPENDITURE DETAILS BY ECONOMIC CODES**

		<b>Budget 2018</b>			<b>Budget 2019</b>		
<b>13000</b>	<b>GOODS AND SERVICES Name of economic category</b>	<b>Planning (2018)</b>	<b>Expenditures in (2018)</b>	<b>% of expenditur e</b>	<b>Planning (2019)</b>	<b>Expenditures in (2019)</b>	<b>% of expenditur e</b>
	<b>Total Goods and Services</b>	<b>130,448.00</b>	<b>99.285.90</b>	<b>76.11</b>	<b>130,448.00</b>	<b>88,129.37</b>	<b>67,55</b>

<b>1310</b>	<b>TRAVEL EXPENSES (SUB-TOTAL)</b>	<b>43.001,00</b>	<b>48.577,58</b>	<b>112.96</b>	<b>43.001,00</b>	<b>38,594.03</b>	<b>89.75%</b>
13130	Expenses for official travel within the country	-	-	-	-	-	-
13131	Allowances for official travel within the country	-	-	-	-	-	-
13132	Accommodation for official travel within the country	-	-	-	-	-	-
13133	Other expenses for official travel within the country	-	-	-	-	-	-
13140	Expenses for official travel abroad	8.000,00	6.782,37	84.77	8.000,00	9,804.92	122.65%
13141	Allowances for official travel abroad	20.000,00	22.366,15	111.83	20.000,00	14,097.80	70.48%
13142	Accommodation for official travel abroad	12.001,00	16.652,31	138.75	12.001,00	10,871.82	90.59%
13143	Other expenses for official travel abroad	3.000,00	2.776,75	92.55	3.000,00	3,819.49	127.31%



<b>1330</b>	<b>TELECOMMUNICATION EXPENSES (SUB-TOTAL)</b>	<b>8.050.00</b>	<b>3.473,06</b>	<b>43.14</b>	<b>8.050.00</b>	<b>3,666.62</b>	<b>45,54</b>
13310	Internet expenses	950.00	0.00	-	950.00	-	-
13320	Mobile telephone expenses	6.600,00	3.473,06	52.62	6.600,00	3,666.62	55.55%
13330	Postal expenses	500,00	0.00	0.00	500,00	-	-
13340	Optic cable use expenses	-	-	-	-	-	-

<b>1340</b>	<b>EXPENSES FOR SERVICES (SUB-TOTAL)</b>	<b>27.347,00</b>	<b>20.560.52</b>	<b>75.18</b>	<b>27.347,00</b>	<b>17,515.38</b>	<b>64.04%</b>
13410	Education and training services	15.000,00	14.950,00	99.66	15.000,00	14,830.00	98.86%
13420	Representation and legal expenses	347.00	0.00	0.00	347.00	-	-
13430	Various health services	-	-	-	-	-	-
13440	Various intellectual and advisory services	1.000,00	0.00	0.00	1.000,00	-	-
13450	Printing services - other than marketing	1.000,00	340	34	1.000,00	38.00	3.8%
13460	Other contracted services	4.500,00	4.520,52	100.45	4.500,00	2,247.04	49.93%
13470	Technical services	-	-	-	-	-	-
13480	Membership expenses	500.00	750	150	500.00	400.34	80.06%

<b>1350</b>	<b>PURCHASE OF FURNITURE AND EQUIPMENT (BELOW €1000) (SUB-TOTAL)</b>	<b>4.500,00</b>	<b>00,00</b>	<b>0,00</b>	<b>4.500,00</b>	<b>1,440.00</b>	<b>32.00%</b>
13501	Furniture (below €1000)	1.500,00	0,00	0,00	1.500,00	1,440.0	96.00%
13502	Telephones (below €1000)	-	-	-	-	-	-
13503	Computers (below €1000)	-	-	-	-	-	-



13504	Information technology hardware (below €1000)	1.500,00	0,00	0,00	1.500,00	-	-
13505	Photocopy machines (below €1000)	-	-	-	-	-	-
13506	Special medical equipment (below € 1000)	-	-	-	-	-	-
13507	Police service equipment (below € 1000)	-	-	-	-	-	-
13508	Traffic equipment (below € 1000)	-	-	-	-	-	-
13509	Other equipment (below €1000)	1.500,00	0,00	0,00	1.500,00	-	-
13510	Purchase of books and artwork	-	-	-	-	-	-

<b>1360</b>	<b>OTHER PURCHASES - GOODS AND SERVICES (SUB-TOTAL)</b>	<b>6.000,00</b>	<b>0,00</b>	<b>0,00</b>	<b>6.000,00</b>	<b>1,622,60</b>	<b>27.04%</b>
13610	Office supplies	6.000,00	0,00	0,00	6.000,00	1,622.60	27.04%
13620	Food and drinks supplies (other than official lunches)	-	-	-	-	-	-
13630	Medical supplies	-	-	-	-	-	-
13640	Cleaning supplies	-	-	-	-	-	-
13650	Clothing supplies	-	-	-	-	-	-
13660	Accommodation	-	-	-	-	-	-
13670	Ammunition and fire arms	-	-	-	-	-	-
13680	Tax stamps (banderols)	-	-	-	-	-	-
13681	Seals	-	-	-	-	-	-

<b>1370</b>	<b>FUELS (SUB-TOTAL)</b>	<b>11.000,00</b>	<b>8,689.93</b>	<b>78.99</b>	<b>11.000,00</b>	<b>8,581.15</b>	<b>78.01%</b>
13710	Oil	-	-	-	-	-	-
13720	Petroleum for central heating	-	-	-	-	-	-
13730	Heating oil	-	-	-	-	-	-



13740	Mazut	-	-	-	-	-	-
13750	Coal	-	-	-	-	-	-
13760	Wood	-	-	-	-	-	-
13770	Generator fuel	-	-	-	-	-	-
13780	Vehicle fuel	11.000,00	8,689.93	78.99	11.000,00	8,581.15	78.01 %

<b>1380</b>	<b>ADVANCE ACCOUNTS (SUB-TOTAL)</b>	-	-	-	-	-	-
13810	Advance payments for cash	-	-	-	-	-	-
13820	Advance payments for official travel	-	-	-	-	-	-
13821	Advance payments	-	-	-	-	-	-
13830	Advance payments for goods and services	-	-	-	-	-	-
13850	Advance payments for the embassies	-	-	-	-	-	-

<b>1390</b>	<b>FINANCIAL SERVICES (SUB-TOTAL)</b>	-	-	-	-	-	-
13911	Bank commission - Central Bank	-	-	-	-	-	-
13912	Bank commission -Raiffeisen Bank	-	-	-	-	-	-
13913	Bank commission -Procredit Bank	-	-	-	-	-	-
13915	Bank commission -Banka Private e Biznesit	-	-	-	-	-	-
13916	Bank commission -Banka Ekonomike	-	-	-	-	-	-
13917	Bank commission -NLB Banka Prishtina	-	-	-	-	-	-
13918	Commission for various charges	-	-	-	-	-	-
13940	KPA- Bank commission	-	-	-	-	-	-



<b>1395</b>	<b>REGISTRATION AND INSURANCE SERVICES (SUB-TOTAL)</b>	<b>4.600,00</b>	<b>2.992,17</b>	<b>65.04</b>	<b>4.600,00</b>	<b>1,995.47</b>	<b>43.37</b>
13950	Vehicle registration	1.000,00	735.00	73.5	1.000,00	735.00	73.00%
13951	Vehicle insurance	3.500,00	2.187,17	62.49	3.500,00	1,190.47	34.01%
13952	Municipal tax for vehicle registration	100,00	70,00	70,00	100,00	70,00	70.00%
13953	Building and other insurance	-	-	-	-	-	-

<b>1400</b>	<b>MAINTENANCE (SUB-TOTAL)</b>	<b>13.000,00</b>	<b>6.868,74</b>	<b>52.83</b>	<b>13.000,00</b>	<b>6,384.22</b>	<b>49.10%</b>
14010	Maintenance and repair of vehicles	9.000,00	6.713,74	74.59	9.000,00	5,745.84	63.84%
14020	Maintenance of buildings	-	-	-	-	-	-
14021	Maintenance of residential buildings	-	-	-	-	-	-
14022	Maintenance of administrative and business buildings	-	-	-	-	-	-
14023	Maintenance of schools	-	-	-	-	-	-
14024	Maintenance of health care facilities	-	-	-	-	-	-
14030	Maintenance of motorways	-	-	-	-	-	-
14031	Maintenance of regional motorways	-	-	-	-	-	-
14032	Maintenance of local motorways	-	-	-	-	-	-
14040	Maintenance of Information Technology	3.500,00	155.00	4.42	3.500,00	638.38	18.23%
14050	Maintenance of furniture and equipment	500.00	0.00	0.00	500.00	-	-

<b>1410</b>	<b>RENT (SUB-TOTAL)</b>	<b>200,00</b>	<b>0,00</b>	<b>0,00</b>	<b>200,00</b>	<b>-</b>	<b>-</b>
14110	Rent for buildings	-	-	-	-	-	-
14120	Rent for land	-	-	-	-	-	-
14130	Rent for equipment	200,00	0,00	0,00	200,00	-	-



14140	Rent for machinery	-	-	-	-	-	-
14150	Rent for other space uses	-	-	-	-	-	-

<b>1420</b>	<b>MARKETING EXPENSES (SUB-TOTAL)</b>	<b>3.000,00</b>	<b>0.00</b>	<b>33,33</b>	<b>3.000,00</b>	<b>610.00</b>	<b>20.33%</b>
14210	Advertisements and announcements	3.000,00	0.00	33,33	3.000,00	610.00	20.33%
14220	Publications	-	-	-	-	-	-
14230	Public information expenses	-	-	-	-	-	-

<b>1430</b>	<b>REPRESENTATION EXPENSES (SUB-TOTAL)</b>	<b>14.750,00</b>	<b>8,123,90</b>	<b>55.07</b>	<b>14.750,00</b>	<b>7,719.90</b>	<b>52.33%</b>
14310	Official lunches	14.000,00	8,123,90	58.02	14.000,00	7,719.90	55.13%
14320	Official lunches abroad	750,00	0.00	0.00	750,00	-	-

<b>1440</b>	<b>EXPENSES FOR COURT DECISIONS (SUB-TOTAL)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
14410	Expenses for court decisions	-	-	-	-	-	-

<b>1700</b>	<b>DEBT SERVITUDE (SUB-TOTAL)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
17000	Payment of governmental debt	-	-	-	-	-	-



### 8.3.3 Utilities

#### UTILITIES

#### DETAILS BY ECONOMIC CODES

		Budget 2018			Budget 2019		
1320	Utilities Name of the economic category	Planning (2018)	Expenditures (2018)	% of expenditure	Planning (2019)	Expenditures (2019)	% of expenditure
	<b>Total Utilities</b>	3.197,34	1.331,93	41.65	2.450.00	1.605.10	65.51
<b>1320</b>	<b>UTILITIES (SUB-TOTAL)</b>	3.197,34	1.331,93	41.65	2.450.00	1.605.10	65.51
13210	Electricity	-	-	-	-	-	-
13220	Water	-	-	-	-	-	-
13230	Waste	-	-	-	-	-	-
13240	Central heating	-	-	-	-	-	-
13250	Telephone expenses	3.197,34	1.331,93	41.65	2.450.00	1.605.10	65.51

### 8.3.4 Capital investments

The Agency did not have capital projects during 2015, 2016, 2017, 2018 and 2019.

### 8.3.5 Subsidies and Transfers

The Agency did not have any budget allocated for subsidies and transfers.

### 8.3.6 Staff and salary structure <sup>1</sup>

The total expenses for wages and salaries for 2019 was € 125,881.25.

<sup>1</sup> The Agency Council completed its mandate on 23/06/2016.



<b>Level</b>	<b>Positions approved under the Budget Law 2019</b>	<b>Filled positions 2019</b>	<b>Budget approved under the Budget Law for Wages and Salaries 2019</b>	<b>Budget spent for wages as of 31 December 2019</b>	<b>Total additional compensations 2019</b>	<b>Total number of employees receiving additional compensation 2019</b>	<b>a) Working hours (full time/part time) and b) Specify type of additional compensation for 2019</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>Board level</b>	1	-	19,270.00	-			<b>Full time</b>
<b>Senior management level</b>	1	-	15,574.51	14,567.08			<b>Full time</b>
<b>Management level</b>	6	-	75,535.51	46,048.09	1,200.00	1	<b>Full time - IT technician</b>
<b>Professional level</b>	16	2	117,925.00	65,266.08			<b>Full time</b>
<b>Support level</b>	-	-					<b>Full time</b>
<b>Total</b>	24		228,305.00	125,881.25	1,200.00		





## 9 Reporting on addressing of recommendations by General Auditor

Based on the Audit Report dated 14/06/2019 with Ref. No. 1023 on the Annual Report of the National Agency for the Personal Data Protection, which issued one (1) recommendation to the NAPDP, and which is based on the financial statements, governance and financial management and control, it is worth mentioning the expression of **'Unmodified Opinion'** by the Auditor General, a recommendation which resulted due to the lack of competent staff for administrative and financial tasks, secondary appointment with additional decisions for acting staff for other job positions which are missing in the Department of Administration and General Services.

The lack of human resources within the Agency remains an on-going challenge; hence we have consistently requested to increase the number of officials based on the specific scope of the Agency and the extra workload with additional decisions or acting appointment by Agency officials.

IPA currently has nineteen (19) civil servants, which are primarily appointed to operational working departments. At the same time, the IPA operates as an independent budget entity by implementing all independent procedures (apart from the procurement carried out by CPA, based on the latest amendments to Article 21A of the Law on Public Procurement).

In order to function as an independent budget entity and to implement the Audit Report recommendations 1-5 for 2017, 4 of them have been implemented, apart from recommendation no.1 for 2018 which has been repeated, and we should note that since the establishment of the Agency some of the positions of financial responsibility are covered by officials with secondary duty or acting officials.

The IPA-NAPDP management has continuously monitored the addressing of the recommendations given in the Audit Reports and has made a significant progress in this regard. In a short period we managed to address all the recommendations. This shows the willingness and commitment of management to improve controls in continuity.

The Audit Report of the NAPDP's Annual Financial Report resulted in one recommendation. Out of these recommendations of the previous years all of them have been fully addressed by the Agency, while a recommendation related to property is in the process of implementation by the MPA, which is also reviewing its system, now they are in the process of registration with the IPA and this recommendation shall be fulfilled in the second half of 2020.

The process of addressing the recommendations was burdensome for the NAPDP management as the lack of staff prevents the delegation of competency to professional officers in their absence. We have consistently requested to increase the number of officials and we will exhaust all opportunities now that the Agency will be restructured under the new law with additional activity. In addition, the Law on Access to Public Documents will also be applied, regulating the second instance of complaints review. With (34) allowed officials for 2020, a number that has been reduced by the MTF to 19 as that's how many are currently employed, functionalization of the organizational structure that derives from the Law on the Protection of Personal Data, the Law on Access to Public Documents and other laws for the increase of



internal control, the execution of expenditures and the establishment of hierarchical levels cannot be functionalized.

The report on actions taken and proposed for the findings and recommendations of the Auditor General for the previous year is provided below:

**Table 11. Auditor's Recommendations**

No.	Recommendation or finding	Undertaken or proposed action	Implementation timeframe	Effect	Risk assessment
1	<p>Recommendation 1: The General Director should ensure functionalization of the e-assets system and training of the assets officer by the MPA. Regulation no. 02/2013 on Management of Non-Financial Assets by Budgetary Organizations states that capital assets should be registered in the accounting register - KFMIS while non-capital assets and stocks should be registered in the e-assets system. Despite last year's recommendation regarding assets, the Agency still does not have an e-asset system in place and that reporting assets below € 1,000 in AFP is made in Excel format. In this regard, the Agency has made efforts to functionalize the e-asset system by appointing an officer, who resigned after being certified. Thereafter, the Agency has appointed a new officer to fill the position, but the latter was pursuing training and certification. In the absence of access and certification of the Agency's officer, the e-asset system remains non-functional, and as a result, assets are kept and reported in Excel format. There are no weaknesses identified for assets tested in this format. The officer completed the training in January 2020, and we have already applied for granting him/her the access.</p>	<p>After the completed training of the asset officer we will apply for access and for the commencement of the migration of the asset-list data for the functionalization of the e-asset system within the Agency.</p>	<p>June 2019 April 2020</p>	<p>Recommendation partially implemented</p>	<p>The Director General for the unimplemented recommendation has given a deadline to implement the recommendation by April 2020, and we are currently in the process of changing the NAPDP structure into IPA, following the adoption of the law by the Kosovo Assembly. We will exhaust all managerial options relating the requirements for completing this recommendation. The officer was certified in January 2020, and we have submitted a request for opening the account.</p>