



Agjencia Shtetërore për Mbrojtjen e të Dhënave Personale
Državna Agencija za Zaštitu Ličnih Podataka
National Agency for Protection of Personal Data

Annual Work Report

2018.



Republika e Kosovës
Republika Kosova-Republic of Kosovo



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National Agency for Protection of Personal Data

***ANNUAL WORK REPORT
FOR 2018***

***PRISHTINA
March 2018.***



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1 Executive Summary

In accordance with the Law on Personal Data Protection, the Agency for the Protection of Personal Data, submits to the Assembly of the Republic of Kosovo a report on the work regarding overall activities for 2018. With this report, the Agency presents a general overview of events and its activities in the field of personal data protection, as well as before the deputies of the Assembly, the Agency presents its assessments, providing the necessary recommendations in the field of personal data protection.

In the report you will find a brief description of the valid legal acts governing the functioning of the Agency and at the same time provide a guidance base for the principles of processing personal data. 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 (2018) and the goals of the Strategy (2016-2019); 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 2018.

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 passed on to 2019. By adopting the Law no. 06/L-082 on Protection of Personal Data in January 2019, the obligation of the Agency is to develop new bylaws within six months and to prepare for adoption the rules on internal organization after the appointment of the Commissioner.

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.

The Agency supported the working group through organization of meetings and costing. It also made a major contribution with the proposals provided for the Draft Law on Protection of Personal Data as a specific area; Agency provided proposals that 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 in relation to the processing of personal data and free movement of such data.



2 Legal Framework

In the Republic of Kosovo, the right to protection of personal data and privacy is guaranteed by the Constitution and the Law on the Protection of Personal Data. This right, guaranteed by Article 36 of the Constitution of the Republic of Kosovo, includes 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.

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;

Pursuant to Article 53 of the Constitution of the Republic of Kosovo, judicial decisions of the European Court of Human Rights are directly applied in our country.

In 2010, the Assembly of the Republic of Kosovo approved the Law on the Protection of Personal Data (03 / L-172), which defines the rights, responsibilities, principles and measures related to the protection of personal data and establishes an institution responsible for monitoring the legitimacy of data processing . By adopting the Law no. 06/L-082 on the Protection of Personal Data, in January 2019, the Information and Privacy Agency (former National Agency for the Protection of Personal Data) is an independent state institution, established in accordance with Law no. 06/L-082 on the Protection of Personal Data and bears responsibility for monitoring the application of legislation for access to public documents and protection of personal data in order to protect the rights and fundamental freedoms of natural persons in relation to the processing of personal data and the guarantees access to documents of public importance.

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, must be in accordance with the principles established by the Law on Protection of Personal Data. 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.

2.1 Secondary Legislation of the Agency

In accordance with Article 94 of the Law no. 03/L-172 on the Protection of Personal Data, with the aim of implementing the law, the Agency issued secondary legislation and accompanying administrative instructions.

Secondary Legislation

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 on official ID cards of state supervisors 03/2012; (adopted by the Government on the proposal of the Agency, in accordance with Article 47 of Law No. 03 / L-172);
12. Administrative instruction no. 01/2014 on advances, representation, fixed and mobile telephony;
13. Administrative instruction no. 01/2015 on internal procedures for reviewing issues addressed to the Agency and applications for access to public documents;
14. 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.
- Application form for registration of the controller.
- Checklist "Compliance with laws and secondary legislation with Law no. 03/L-172 on the Protection of Personal Data.

2.2 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.

Law no. 06/L-082 on the Protection of Personal Data entered into force on 11.03.2019, establishing 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, which are expected to pass another reading in the Kosovo Assembly soon.

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.

3 Institution description (institutional organization)

3.1 Responsibilities

The National Agency for the Protection of Personal Data is an independent state institution formed on the basis of the Law on protection of personal data, and is responsible for overseeing the legitimacy of processing of personal data.

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, including the interpretation and implementation of appropriate laws governing the processing of personal data. The Assembly of Kosovo and the Government must consult the Agency when drafting legislative and administrative measures related to the processing of personal data.



The Agency decides on appeals of the person if he or she considers that his or her right to the protection of the data has been violated and informs the Appellant of the outcome and the measures taken; gives consent regarding the establishment of the filing system and also creates and maintains the registry of the filing system; It monitors procedures and appropriate organizational, technical and technical-logistical measures for protection of personal data; carries out inspections and controls to supervise the implementation of the Law on protection of personal data, as well as any laws and regulations regulating the processing of personal data.

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. 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 National Agency for the Protection of Personal Data, 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, 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 adopted strategy, the Agency intends to achieve the following objectives: full harmonization of the legal framework with the EU *Acquis Communautaire*; raising citizen awareness on the right to protection of personal data and privacy; monitoring the legality of processing personal data through inspections and controls; deepening cooperation and coordination 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; 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; the registration of all file systems of public and private institutions.

3.5 Objectives

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

- Education of public-private authorities;
- Raising public awareness;;
- Harmonization of legislation with the EU *Acquis Communautaire*;
- Direct law enforcement through inspections and controls;
- Handling Appeals;
- Capacity building.

4 The scope of the Agency

4.1 Agency Organization

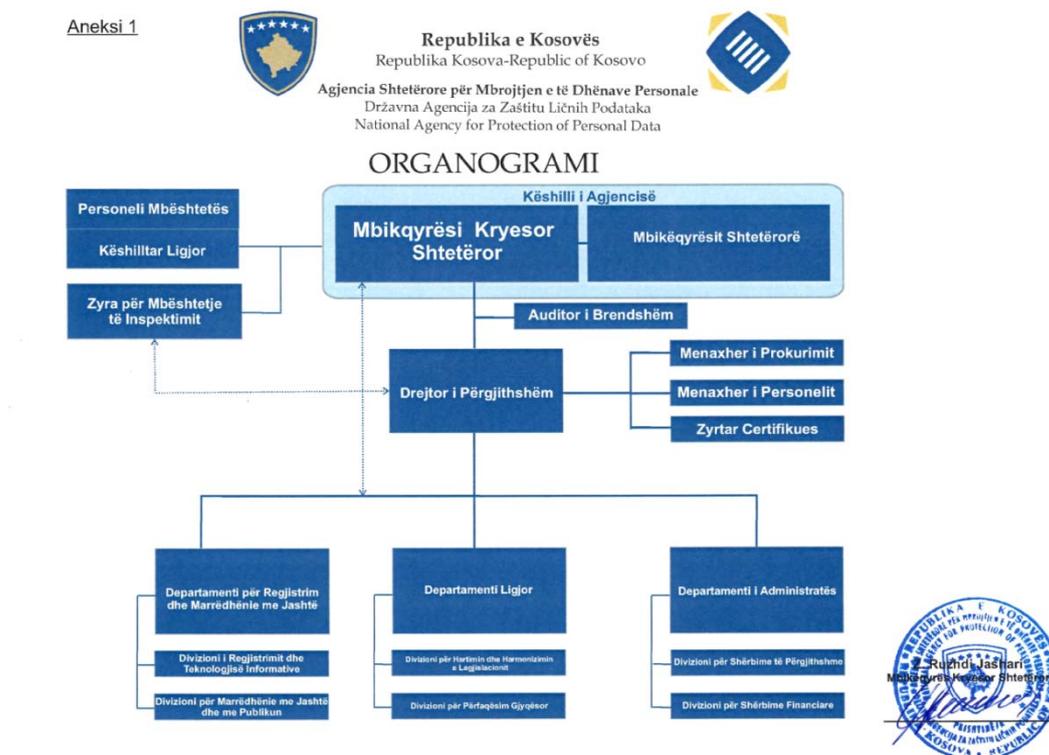


Figure 1 – Agency Organogram



The Agency consists of the Office of the Chief State Officer (Manager of Institution), the Office of the General Director 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

4.2 Agency

4.2.1 Mandate

The National Agency for the Protection of Personal Data, as it has an independent status, has a statutory obligation to monitor the legitimacy of processing personal data.

4.2.2 Competencies

- The Agency provides advice to public and private institutions on all matters relating to the protection of personal data, including the interpretation and implementation of relevant laws;
- The Agency submits a request to the Constitutional Court to assess the constitutionality of laws, regulations and other acts when it considers 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;
- The Agency decides to file a lawsuit in the competent court when it considers that the right to protection of personal data is violated;
- The Agency decides in relation to submitted appeals;
- The Agency establishes cooperation with national, international and European Union bodies on issues considered important for the protection of personal data;
- The Agency submits an Annual Work Report;
- The Agency decides on the publication of the Journal of the Agency and its professional literature;
- The Agency issues sub-legal acts, authorizations and decisions;
- The Agency decides on the transfer of personal data.

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 Department;
- Inspection Support Office.

Registration and External Relations Department (RERD) - Performs legal functions and tasks, realizes 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 LO 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

	No. of workers per Budget Law	No. of workers at the beginning of 2018	No. of workers at the end of 2018
NAPPD			



		Full-time work	Part-time work	Full-time work	Part-time work
Appointed public officials	5	0		0	
Central administration	19	16		17	
Total	24	16		17	

4.3.1 Needs for new workers

Since June 2011, the Agency has operated with a limited budget, a small number of staff, and for these reasons not fully functionalized or established departments foreseen by the organizational structure. As a result of a small number of staff, officials perform up to five functions, and they achieve to obtain certification in the section of costs, and it is worth noting that in 2018 all the officers obtained certifications required by the Law on Public Finance Management and Responsibility from the Treasury Manual, except the Property Officer.

In accordance with the Regulation on organization and systematization of work places, there are provided 37 officers, and in 2018 only 19 civil servants were appointed (civil servants allowed).

Lack of necessary financial support for the realization of the planned objectives is one of the main challenges in achieving the appropriate level for meeting the planned objectives. It is almost unrealistic to expect the fulfilment of the desired objective of achieving the appropriate level of knowledge of citizens about their rights to protect personal data - privacy and access to public documents - transparency, if the necessary funds for the realization of raising awareness campaigns are missing.

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, 17 (seventeen) positions and an increase in the budget for goods and services are foreseen, in accordance with a special scope Agencies.

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 can not realize.

4.3.2 Training plan for staff engaged in NAPPD for 2018

The training plan for 2018 foresees the need for capacity building in the overall aspect of professional development for the entire staff of the Agency, where in this respect are held trainings regarding ICT, data processing security and creating of sub-legal and other acts, administrative management, financial management, etc. Participation in these training courses depends on two (2) factors: the availability of funds and the availability of training courses.



Having in mind all these issues, the training plan is divided into four parts:

- I. Training plan for staff engaged in NAPPD for period from January 2018 to December 2018, the most important training activities planned for certain months or deadline for their completion;
- II. On-the-job training activities that are in the process and are usually provided on request;
- III. Further courses for review, depending on the source and availability of courses from the training provider.
- IV. Training organized by the Kosovo Institute for Public Administration (KIPA) and the Ministry of Finance for training of administrative and financial nature.

4.3.3 Assets

4.3.3.1 Assets held by the institution

NAPPD 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-financial assets whose value is below 1000€ and with a use term of more than one year, a total of 275 items with a purchase price of **81,987.47€** whose current value (December 31, 2018) after amortization is **10,868.84€**. NAPPD has the necessary equipment for the current number of employees (computers, printers, laptops, desks, cabinets, etc.);
2. Part of the non-financial assets (valued at over 1000€) in the possession of the budget organization, a total of 36 items whose purchase price is **164,032.67€** and the present value of capital assets after several years of amortization is **39,486.76€**.

The above mentioned values are the cuts at the end of the calendar and financial year 2018, i.e. until 31.12.2018.

Table 3 – List of capital assets whose value is over 1000€

No.	Title	Purchase/donation date	Quantity
1	KIA RIO	19/07/2012	1
2	KIA CEED	19/07/2012	1
3	Digital Sender Flatbed, ADF	26/12/2013	2
4	Dell PowerEdge R515, Server RACK	26/12/2013	2
5	Sonic Wall NSA 2400	26/12/2013	1



6	Dell Rack 2420	26/12/2013	1
7	Dell Rack UPS	26/12/2013	1
8	HDD Statin- Fantec 8*4TB	26/12/2013	1
9	Digital Camera Canon EOS 600D	26/12/2013	1
10	Photocopy Digital MFP Canon IRC3580NE	26/12/2013	1
11	Notebook	27/01/2014	4
12	Peugeot 3008	27/11/2014	1
13	Peugeot 301	24/12/2014	2
14	Nissan Patrol	21/07/2015	2
15	HP liteboock 840 G1 Notebook PC	27/10/2015	9
16	Printer colour HP laser jet enterprise M552	27/10/2015	2
17	Konica Minolta	27/10/2015	1
18	HP LTO5 Ultrium 3000 SAS Ext tape drive	27/10/2015	1
19	16 GB 1600 MHz DDR3 Dual Rank RDIMM Memory module	27/10/2015	2
			36

4.3.3.2 Plans for new assets

NAPPD 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.

5 Activities of the Agency in the field of protection of personal data

5.1 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.

5.2 Advice of the Agency

Within the framework of its responsibilities, the Agency gave 87 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.

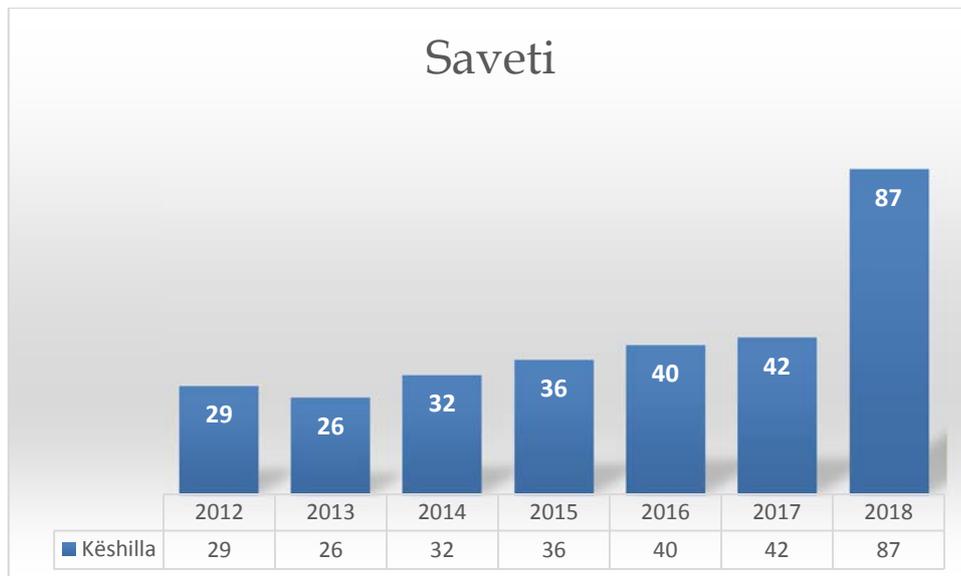


Figure 2 - Advice given over the years

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

5.3 Consultation during the preparation of legislative and administrative measures

Pursuant to Article 93 of Law 03/L-172 on the Protection of Personal Data, which states that the Assembly of Kosovo and the Government of Kosovo must inform the Agency when drafting legislative and administrative measures related to the processing of personal data, the Agency, in 2018, reviewed and submitted opinions on laws and other sub-legal acts submitted to the Agency for consultations: 27 draft laws, 13 draft regulations, 47 Administrative instructions and 19 other acts, including Explanatory memorandum, draft agreements, Memorandum of understanding, concept documents and other administrative acts.

Consultation during the preparation of legislative and administrative measures over the years

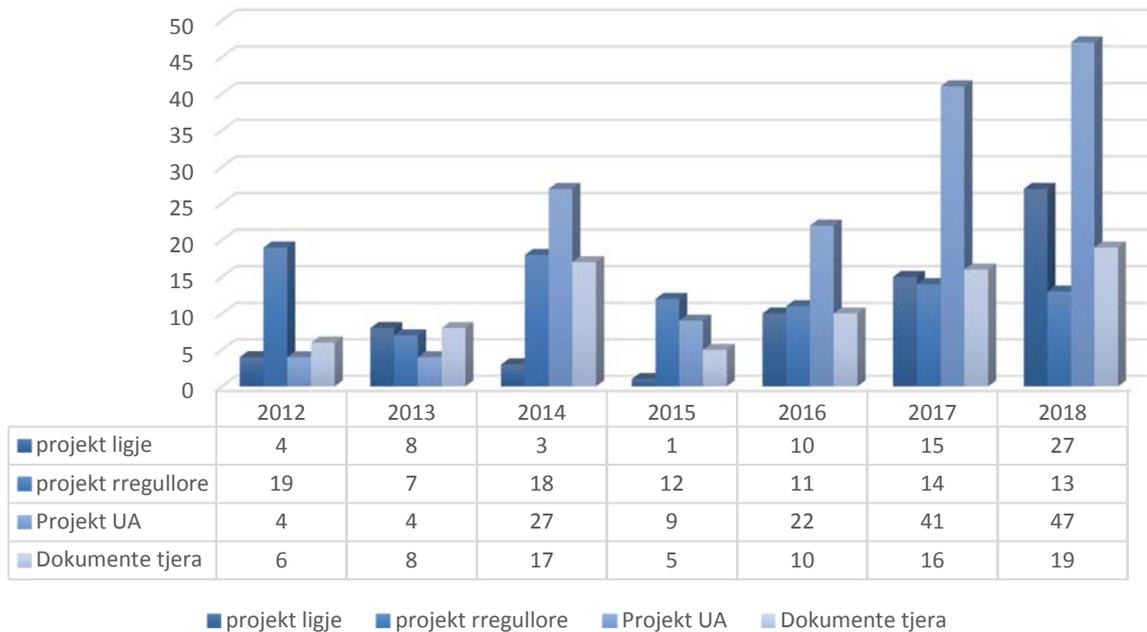


Figure 3 – Consultations during the preparation of legislative and administrative measures over the years

National Agency for the Protection of Personal Data has considered and gave an opinion on these acts:

DRAFT LAWS

1. Draft Law on Enforcement of Criminal Sanctions of the Republic of Kosovo;
2. Draft Law on amending and supplementing the Law on Financing Political Entities;
3. Draft Law on Private International Law;
4. Draft Law on amending and supplementing the Law no. 05/1-010 on Kosovo Property Comparison and Verification Agency;
5. Draft Law on Higher Education;
6. Draft Law on Protection of Whistle blowers;
7. Draft Law on the Special Chamber of the Supreme Court on the Kosovo Privatization Agency related matters;
8. Draft Law on Organization and Functioning of State Administration and Independent Agencies;
9. Draft Law on Civil Servants in the Republic of Kosovo;
10. Draft Law on Salaries;



11. Draft Law on amending and supplementing the Law no. 04/L-008 on the Social Economic Council;
12. Draft law on expanded powers on confiscation of property;
13. Draft Law on amending and supplementing the Law no. 05/L-010 on Kosovo Property Comparison and Verification Agency;
14. Draft Law on Publicly owned Enterprises;
15. Draft Law on Corporate Income Tax;
16. Draft Law on Personal Income Tax;
17. Draft Law on Value Added Tax;
18. Draft law on pensions of Police Officers of Kosovo Police and the employees of Kosovo Police Inspectorate with police authorizations;
19. Draft Law on amending and supplementing the Law no. 03/L-174 on the Financing of Political Entities, as amended by the Law no. 04/L-058;
20. Draft Law on amending and supplementing the Law no. 03/L-073 on General Elections in the Republic of Kosovo, as amended by Law no. 03/П-256;
21. Draft law on the protection of confidential information;
22. Draft Law no. XX on amending and supplementing the Law no. 04/L-061 on sale of apartments for which there is a tenure right, as amended by the Law no. 04/L-247;
23. Draft Law on Construction Land;
24. Draft Law on the State Advocacy Office;
25. Draft law on school textbooks, educational teaching resources, reading materials and pedagogical documentation in pre-university education;
26. Draft Law on Tax Administration and Tax Procedure;
27. Draft Law on Administrative Disputes.

DRAFT REGULATIONS

1. Draft regulation on the work of the Advisory Board of the Employment Agency;
2. Draft Technical Regulation (MTI) no. Xx/2018 on electrical equipment designed for use within the limits of a certain voltage;
3. Draft regulation on Career Development of the KSF members;
4. Draft Decree on the Manner and Procedure for Notification of State aid;
5. Draft Regulation (GRK) no. Xx2018 on Integrated Information System for Economic Development of Kosovo;
6. Draft Regulation on the National Commission for Refugees;
7. Draft GRK-No. xx / _____ on procedures of Appointment to Senior Management Positions in the Civil Service of the Republic of Kosovo;



8. Draft Regulation (GRK) - no. Xxx / 2018 on manner of notification and provision of information on technical regulations, procedures for conformity assessment and standards;
9. Draft Regulation (MED) No ... / 2019 on the Form of Report on Accidents at Work in Mines;
10. Draft Regulation MF-No. xx / 2018 on the end of the fiscal year;
11. Draft Regulation MF-No. 00/2018 on the use of a credit card for business trips;
12. Draft Regulation GRK - no. 00/2018 on the establishment and implementation of the internal audit function in a public sector entity;
13. Draft Regulation on the functioning of the Asylum Centre.

DRAFTS OF ADMINISTRATIVE INSTRUCTIONS

1. Administrative Instruction on etching VIN Mark on Vehicles;
2. Administrative instruction on the acts of correctional officers, checking their past, trial period and improvement;
3. Administrative Instruction (MI) no. Xx / 2017 on Amending and Supplementing Administrative Instruction no. 13/2017 on training curriculum for candidates for drivers;
4. Administrative Instruction (MI) no. Xx / 2017 on amending and supplementing Administrative Instruction no. 21/2017 on holding trainings and seminars in the field of driving license;
5. Administrative Instruction (MI) no. Xx/2018 on amending and supplementing the Administrative Instruction no. 08/2016 on examiners;
6. Administrative Instruction (MI) no. XX / 2017 on the Administrative Instruction (MI) no. xx/2018 on the functioning, organization and financing of the Road Safety Council;
7. Administrative Instruction (MI) no. XX/2018 on amending and supplementing Administrative Instruction no. 11/2017 for trainers in the field of driving licenses;
8. Administrative Instruction on amending and supplementing Administrative Instruction no. 15/2017 on professional trainers in auto schools;
9. Administrative Instruction (MI) no. Xx/2017 on organization of examination for certificate of professional qualification;
10. Administrative Instruction (MPB) no. 00/2018 on procedures for issuing ID cards;
11. Administrative Instruction on amending and supplementing Administrative Instruction no. 05/2017 on specialist education;
12. Administrative Instruction (MI) no. Xxx/18 on the technical control of the vehicle on the road;
13. Administrative Instruction on the content and way of passing professional exam for supervisors of protected areas;



14. Administrative Instruction on Regulating Prices of Medical Products and Equipment;
15. Administrative Instruction (MI) no. XX/2018 on placement of advertising boards on motorways, national and regional roads;
16. Administrative Instruction on Devices and Equipment for motor vehicles powered by gas;
17. Administrative Instruction (MTI) no. 00/2018 on the method of appointment of the assessment of conformity bodies;
18. Administrative Instruction on Determining Procedures for Preparation and Consideration of Requirements for Construction Requirements, Building Permits, and Permits to demolish Category III Building;
19. Administrative Instruction on Combined Remarks;
20. Administrative instruction on the legalization of weapons B, C and D categories;
21. Administrative Instruction (MIA) no. 00/2018 on Technical Norms for Protection of Warehouses against Fire and Explosions;
22. Administrative Instruction No ... /2018 on the conditions and special procedures for granting permits to prisoners for work outside a correctional institution;
23. Administrative instruction MF- No. xx/2018 on the assessment of the national risk against money laundering and terrorist financing;
24. Administrative Instruction MJ-No. ___/2018 on the Procedure for Employing Prisoners, Suspension and Release of Prisoners from Labour;
25. Administrative instruction on objects of museum value;
26. Administrative Instruction on the Identification of Symbols for Geographical Indications, Names of Origin and Guaranteed Traditional Specialty;
27. Administrative Instruction on Export, Import or Transit Transfer of Waste;
28. Administrative Instruction (GRK) on Limitation of Emissions of Air Pollutants from Immobile Pollutants;
29. Administrative Instruction (MTI) no. 00/2018 on the complaint handling procedure by the Consumer Protection Department;
30. Administrative Instruction (MTI) no. 00/2018 on defining the form, content and use of the logo of the Consumer Protection Department;
31. Administrative instruction no. 00/2018 on technical and metrological requirements for measuring transformers of measuring groups for measuring electrical energy;
32. Administrative instruction (MI) no. Xx/2018 o for investigation of accidents and incidents in railway transport;
33. Administrative instruction (MTI) no. 00/2018 on the appointment of the conformity assessment bodies of the liquids flow;
34. Administrative instruction (MIA) no. xx/2018 on requirements and procedures for passing professional examination by civil status officers;
35. Administrative Instruction on the Conditions and Procedures for Performing Health Care Activities in Private Institutions;



36. Administrative instruction (MIA) no. 11/2018 on the use of certified copies of original principal civil status registers of Kosovo which were taken by the former Serbian regime prior to June 1999;
37. Administrative instruction (MIA) no. 10/2018 on initial training in the field of fire protection;
38. Administrative Instruction (MIA) on Equipping With Id Card, Passport And Driving License With Accelerated Procedure;
39. Administrative instruction on the information form, time and implementation procedures for withdrawal from distance and off-premises contracts;
40. Administrative instruction on procedure of appeals review;
41. Administrative instruction (MIA) no. 00/2018 on verification stamp;
42. Administrative instruction on the content of the application form for the initiation of investigation on safeguards measures on import;
43. Administrative instruction MF -No. 00/2018 on establishment and functioning of the audit committee in public sector entities;
44. Administrative instruction on determining the shape, content and usage of the flag on the origin of the product;
45. Administrative Instruction for selection criteria and prioritization of capital projects;
46. Administrative Instruction on the healthy nutrition of children in the institutions of the pre-university education;
47. Administrative instruction no. xx/2018 setting forth the requirements, conditions and procedures for the creation of the unique identification number.

OTHER DOCUMENTS

1. Draft State Strategy Against Organized Crime and Action Plan 2018 - 2022;
2. Concept document on the status of foreign armed forces in the territory of the Republic of Kosovo;
3. Concept document of a public debt;
4. Concept document of civil procedure;
5. Concept document on the scope of the Special Chamber of the Supreme Court;
6. Concept document of identity cards;
7. Program for the implementation of energy strategy 2018-2020;
8. Concept document on public order and peace;
9. Concept document on public gatherings;
10. Concept Document on International Legal Cooperation in Criminal Matters;
11. Draft Concept Document on the First Wave of Rationalization and Reporting Lines for Agencies Operating under the Kosovo Assembly;
12. Concept Document for Amendment of Fiscal and Agricultural Policies on Production of Tobacco and Cigarettes in Kosovo;



13. Concept Document on Local Government Finance;
14. Annex to the Reporting Form for Workplace Accidents in Mines;
15. Concept Document for Regulating Accident and Incident Investigation for Civil Aviation and Railways;
16. Concept Document on Security of Network and Information Systems Measures;
17. Draft Foreign Policy Strategy;
18. Concept Document on Competition.

5.4 Annexes

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 2018, the Agency received a total of 42 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 4 – Complaints reviewed by year



5.5 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 2018, the Agency worked on amending the law on the protection of personal data and has continuously organized, in cooperation with the Office of the Prime Minister, working groups for finalizing the drafting of the law on 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.

During 2018, the Agency received a total of 42 complaints. Considering that the authority for complaints review 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. 03/L-172 on the Protection of Personal Data.

5.5.1 Processing of biometric data

According to the Law on the Protection of Personal Data, biometric data are considered sensitive personal data and as such they must be specially protected and classified in order to prevent unauthorized access and use.

The public and private sector can use biometric data only if it is necessary for people's safety, property security or the protection of confidential data and business secrets.

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 2018, the Agency did not receive any request for authorization to use biometric data.

5.5.2 Transfer of personal data

In accordance with the Law on the 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 personal 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 secondary legislation regulating the procedures for transferring personal data abroad. Within the framework of 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 not authorization from the Agency is required for those countries.

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 53 (paragraph 2) "The Agency can take over any decisions taken by the competent body of the European Union as to whether such countries and international organizations ensure an adequate level of data protection", where the European Commission has so far taken these decisions on the appropriateness of protection of personal data in third countries:

- Argentina
- Australia
- Andorra
- Canada
- Guernsey
- Man's Island
- Jersey
- Faroe Islands
- New Zealand



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

5.6 Information and promotion

Within the annual work plan, the National Agency for Protection of Personal Data during 2018 continued to pay special attention to public communication. 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 web site, its official Facebook and Twitter site, as well as direct contacts with the media. In addition, on this day, with the initiative of the Agency, teachers of all high schools in the Municipality of Prishtina held a lecture on the importance of privacy. For this, the Agency, this year, as it has become a tradition, previously distributed a specific curriculum-type guide to facilitate this lecture.

In January, the Agency published in several newspapers and portals its regular editorial called "Privacy - From a Right to Tradition". The purpose of this traditional publication, which is done at least twice a year, namely every January 28 and June 30, as the specific date for our authority, has been to inform citizens more about the mandated authority to protect their rights in privacy, as well as get acquainted in more detail about the January 28th - International Privacy Day.

The traditional organization in honour of the International Privacy Day also included guests from the Albanian counterpart authority and representatives of the health sector of our country, in coordination with which this year was declared as the Agency's focal year for health. Two guidelines for this sector have been distributed, one dedicated to companies providing health insurance and the other to health care institutions, which provide basic information on the legal processing of personal data by employees within this sector.



Photo 1. View from conference organized on the European Data Protection Day.



It is worth pointing out that during the last week of January, during and after the European Data Protection Day, the Director of the Department for Foreign Relations was invited by public televisions and some radio stations to talk about the importance of privacy with special emphasis on new developments within this authority regarding its legal changes and new competencies.

As foreseen in the annual work plan, the information and awareness-raising campaigns designed for the health sector were implemented on 28 January 2018 as announced.

During this year, the Agency has also participated in various forums with the aim of raising the awareness of citizens about this field. In addition, the Public Relations Office within the Department of Registration and Foreign Relations has consistently held communication with citizens, in particular with the journalism community, by responding to their questions, requests for interviews, requests for access to public documents, and so on.

As part of its promotional activities, the National Agency for Protection of Personal Data launched in July the "Personal Data Alphabet", the first of its kind. The purpose of this terminology dictionary was to help citizens to become more cautious when publishing their data.

This 'alphabet' was made available to the public in the form of a video and a photo album with the same content and distributed to social network users (mainly Facebook) within Kosovo territory.

During July, at the request of the rectorate of UP "Hasan Prishtina", Jeton Arifi, Director at the Agency, delivered a lecture on the issue of privacy for local and international students who were part of the summer university.

At the request of the Ministry of Foreign Affairs and upon complaints received by the Agency, the NAPDP officials during mid-July conducted an advisory visit to the Embassy of RKS in Switzerland and the consular offices in Bern and Zurich. On this occasion, the diplomats engaged in this mission and the support staffs were given advice and recommendations regarding security measures in the processing of personal data of our compatriots in Switzerland.

In the period October - November, within the framework of the annual work plan for 2018, in cooperation with the Ministry of Education, Science and Technology, the Agency implemented the awareness-raising project "*Training on Personal Data Processing in the Education Sector*" related to the legality of data processing within the education sector with a focus on secondary education institutions, which involved the academic level staff of the education sector and the school directors and secretaries of five municipalities (Deçan, Gjakova, Drenas, Gjilan, Kamenica).

As part of the activities implemented by the Agency during 2018, among the main objectives was the training and awareness rising of employees in the health sector. In coordination with the accredited Personal Data Protection Officer at the KHUCS, Mirvete Latifaj, Mr Jeton Arifi (director at the Agency) and Kushtrim Mustafa (coordinator of the inspection office) delivered lectures under the week-long project involving seven regional hospitals: Prizren, Mitrovica, Vushtrri, Gjilan, Gjakova and Peja. The topics discussed in these workshops were aimed at initially informing employees of the provisions of

the Law on the Protection of Personal Data and sharing experiences with concrete cases related to processing of sensitive data.



Photo 2. View from the awareness-raising campaign with the health sector in the regional hospital of Peja.

In order to raise awareness of public and private institutions on the legal obligations for personal data protection, the Agency continued throughout the year with the organization of awareness-raising seminars and also contributed to all events involving topics related to the protection of personal data.

In order to be closer to the public, the Agency used the relationships established with the journalism community to ensure that on each special occasion organized by it the Agency representatives were invited as guests in public and private media such as TV and radio stations so as to better inform the public about the issue of privacy and protection of personal data.

During 2018, seven (7) publications (news/notifications) on different topics related to personal data protection were made on the official website of the Agency and its official Facebook account, aimed at informing the public about the general activities of the authority and innovations in the country and the world regarding privacy issues. Notices were published mainly on the official website of the Agency, but media coverage also included articles published on electronic portals and daily newspapers depending on the events organized or attended by the Agency.

5.7 Local and international cooperation

The cooperation relationships this year started with the initiative to engage an experienced Slovenian expert at the homologous authority of this EU member state to assist us in drafting two new draft laws, i.e. the draft law on the protection of personal data and the draft law on access to public documents. This expert was engaged through the TAIEX instrument following the application and the reasoning submitted by the Agency to the EU Office in Kosovo.

During February, thanks to local inter-institutional cooperation, the Agency organized a working group for continuing the work on drafting the draft law on the protection of personal data. The working group, in addition to representatives of the Ombudsperson Institution, the Ministry of Public Administration, the Office of the Prime Minister and non-governmental organizations, also included field experts from the EU Office in Pristina. The working group carried out its works in Tirana,



including a visit to the Albanian counterpart authority to see the functioning of overseeing the implementation of the two respective laws by the same authority.

As part of the initial training program for new judges, at the request of the Justice Academy, the National Agency for Protection of Personal Data delivered on 27 March 2018 and one-day training to forty-nine judges. The topics presented by Mr Bujar Sadiku, General Director of the Agency and Mr Kushtrim Mustafa, Coordinator of the Inspection Office, mainly focused on the background and organizational structure of the NAPDP, its definition, principles and scope, and in particular on concrete cases resolved by the Agency.

In the second week of April, at the invitation of the Berlin Group, three representatives of the Agency participated in the 63rd meeting of the International Working Group on Data Processing in Telecommunication, which was held in Budapest of Hungary. Our authority, during the works, reported on behalf of the state about the developments affecting this area.

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

In this regard, the participation of representatives of the Agency at the Forum 'Initiative 2017' organized by Macedonia's counterpart authority during the second half of April is noteworthy. At this conference, which was attended by all the counterpart authorities of the countries of the former Yugoslavia, the Agency held a presentation in Albanian regarding the topic 'Inclusion of GDPR within Domestic Data Protection Legislation - Challenges and Advantages'.

At the invitation of the Albanian counterpart authority, the Agency was represented by four officials during the first week of May in Tirana at the Spring Conference of European Authorities for the Protection of Personal Data organized held during the reporting year.

Between 13 and 14 June this year, at the invitation of the Israeli counterpart authority, three representatives of the Agency participated in the workshops organized under the GPEN (Global Network for the Enforcement of Privacy), where Mr Jeton Arifi gave a presentation on behalf of the NAPDP.



Photo 3. Presentation of Mr Jeton Arifi during the works of the GPEN conference in Tel Aviv.

In October of the reporting year, at the invitation of the EU Commissioner for Data Protection, two representatives of the Agency participated in the proceedings of the International Conference of Data Protection and Privacy Commissioners held in Brussels.

The Agency has cooperated closely with the EU Office in Prishtina, the 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.

5.8 Cooperation with Personal Data Protection Officers

Coordination activities implemented through the accredited data protection officers in public and private institutions have proved to be very practical and productive. During the seven-year experience all the institutions that have designated their PDPOs have not only shown their commitment to complying with the legal provisions for the appointment of officers, but also their willingness for further cooperation in abiding by the Law on the Protection of Personal Data. Of particular note in this regard is the great engagement of the majority of PDPOs for the protection and promotion of the right to protection of personal data and privacy, which has not infrequently contravened the policies of the body represented by them.

It is also worth mentioning that during the year, the DRFA has received two (2) new decisions on the appointment of personal data protection officers. Therefore, it can be concluded that most central and local public institutions have appointed an internal personal data protection officer.

From the accredited personal data protection officers in public institutions, the ones most dedicated to their work of liaison with the Agency have proved the PDPO in the education sector (PDPO in the MEST) and in the health sector (PDPO in the KHUCS).



5.9 File System Registration

The Agency, based on the Law on the Protection of Personal Data, has established and maintains a file system registry.

During 2018, two (2) controllers have brought two (2) notifications on file system registration from private and public sector controllers. Bearing in mind that the law is in amendment procedure and, in the absence of inspection and control, there were no registration notifications from which revenue was generated.

6 General considerations and recommendations for the protection of personal data

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, 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 come into force within the foreseen deadline.

During 2018, the Agency has consistently received complaints, requests for advice and opinions from public and private auditors, and requests for consultation 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 (9) with most of the countries in the region as well as with some European countries. We are affiliated 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 2018 and defined the activities that were developed according to this plan, where we can say that we have managed to relegate 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 counterparts, certification of controllers, and promotion and support of the fundamental rights to the protection of personal data.

In addition, the Agency continued the application process for IPA 2 (twinning project), completing three out of nine steps of the application. This project is stalled due to the late adoption of the new law and consequently the non-appointment of the Agency Commissioner as a criterion to be met for the continuation of this project.

Furthermore, during the reporting period, the Agency has received many requests to provide opinions related to the right of access to public documents based on its current mandate, i.e. overseeing the legitimacy of personal data processing as well as the fact that many counterpart authorities in the region and beyond are given additional legal oversight competence over the implementation of the law on access to public documents as an additional mandate. The new Law on Access to Public Documents defines the competence for the Agency to oversee the implementation of this law and we expect that the Assembly, within the procedural deadline, will approve this draft law.

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 by-laws 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 retention periods and procedures are specified in all laws and bylaws 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.

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.

These recommendations are also based on the conclusions of the Subcommittee on Justice, Freedom and Security of June 2018, which includes a sufficient allocation of human and financial resources from the Assembly and the Kosovo Government to the Agency.

7 Financial Report

7.1 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 2018, the NAPDP had the initial budget allocated according to the Budget Law in the amount of € 364,067.00. At the request of the Minister of Finance, our budget was reduced resulting in a final budget of the Agency for 2018 worth € 253,784.70.

The NAPDP operated with a final budget of € 253,784.70, distributed as follows: wages and salaries - € 120,139.36, goods and services - € 130,448.00, and utilities - € 3,197.34.

In 2018, the NAPDP spent about 86.98% of the total budget or € 220,757.19 for these categories, as follows: wages and salaries - 100.00% or € 120,139.36, goods and services - 76,11% or € 99,285.90, and utilities - 41,65% or € 1,331.93.

7.2 Summary of revenues and special expenditure categories

- a) **Revenues** - The Agency, based on the Law on the Protection of Personal Data, has established and maintains a file system registry.

During 2018, two (2) controllers have brought two (2) notifications on file system registration from private and public sector controllers. Bearing in mind that the law is in amendment



procedure and, in the absence of inspection and control, there were no registration notifications from which revenue was generated.

- b) **Wages and Salaries** – In the category of wages and salaries we had an allocated budget in the amount of € 120,139.36 and in 2018 we spent about 100.00% of the budget or € 120,139.36. The NAPDP has 24 allowed employment officials, out of which 5 public officials appointed by the Assembly, who have completed their mandate and 19 nineteen civil servants. In January the number of employees was 17 and in December 17 employees. Wage funds have been enough for this number of employees, but the small number of positions does not allow for the functionalization of the organizational structure consisting of three departments as foreseen by the Law on the Protection of Personal Data and other laws for the establishment of internal control, realization of expenses and raising of ranks for full functioning of the Agency. We have consistently sought to increase the number of officials for 9 positions and salary increases based on the specific scope of the Agency and the workload with additional decisions made by the officials of the National Agency for Protection of Personal Data.
- 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 2018 we spent € 99,285.90 or 76.11% of the budget. During 2018, we reduced the costs in every respect and managed to resolve 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 € 3,197.34 and in 2018 we spent € 1,331.93 or 41.65% 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.

7.3 Summary of final remarks and views for future development

The National Agency for Protection of Personal Data had a budget of € 364,067.00 at the beginning of 2018, and after the review there was a budget of € 253,784.70. With this budget and with eighteen employees allowed, the Agency will not be able to functionalize certain sectors within it, in accordance with the law, having in mind that the law is in amendment procedure, which it is expected that access to official documents will also be incorporated.

The development of human capacities to match the nature of the Agency's work, the inability to deliver internal trainings to accredited protection officers in public and private institutions, functionalization of the organizational structure of the Agency (increasing the number of staff), amending the law, strengthening the institution and the direct imposition of fines remain continuous challenges.



7.3.1 On-going objectives

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

- Training of controllers;
- Raising citizens' awareness;
- Harmonization of legislation with the EU *Acquis Communautaire*;
- Direct implementation of the law through inspections and controls;
- Handling of complaints;
- Capacity building

The tremendous development in the management of personal data in technology and the inability to keep pace and fulfil the basic objectives towards accomplishing the scope of the Agency - the budget deficit in the category of goods and services translates into the inability of the Agency to implement projects on its own. Concerning the need for organizing on-going awareness campaigns in areas other than education - such as health, citizens' services and other segments - the budget is an important element for the functioning of the Agency and the increase of staff in the departments whose scope derives from the applicable Law No. 03/L-172 on the Protection of Personal Data.



7.4 Table 4– Expenditure details by economic code

7.4.1 General expenditures

Economic code	Economic category	Budget and expenditure 2016			Annual budget under the Budget Law (2018)	Budget after review 2018 (if there were changes)	Final budget 2018 With donations, self-revenues	Expenditure by 31 December 2018	Commitments by 31 December 2018	Committed budget (in %)	Spent budget (in %)
		Budget (2017)	Expenditures (2017)	% of expenditures							
1	2	3			4	5	6	7	8	9	10
11000	Wages and Salaries	166.344.01	117,810.83	70,82%	227,169.00	120.139.36	120.139.36	120.139.36	120.139.36	100.00%	100.00%
13000	Goods and Services	117,000.00	94,055.48	80,38%	130,448.00	130,448.00	130,448.00	99,285.90	111,900.30	85.78%	76.11%
13200	Utilities	1,450.00	421.49	29,03%	6,450.00	3,147.34	3,147.34	1,331.93	1,785.09	56.71%	42.31%
21000	Subsidies and Transfers	-	-	-	-	-	-	-	-	-	-
30000	Capital Investments	-	-	-	-	-	-	-	-	-	-
	Total	284,794.01	212,287.80	74,54%	364,067.00	253,784.70	253,784.70	220,757.19	233,824,75	92.13%	86.98%



7.4.2 Goods and Services

		Budget 2017			Budget 2018		
13000	GOODS AND SERVICES Name of economic category	Planning 2017	Expenditures in (2017)	% of expenditure	Planning 2018	Expenditures in (2018)	% of expenditure
	Total Goods and Services	117.000,00	94.055,48	80,38	130,448.00	99.285.90	76.11
13100	TRAVEL EXPENSES (SUB-TOTAL)	41.000,00	31.853,54	77,69	43.001,00	48.577,58	112.96
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	11.000,00	8.168,49	74,26	8.000,00	6.782,37	84.77
13141	Allowances for official travel abroad	18,500,00	14.792,88	79,96	20.000,00	22.366,15	111.83
13142	Accommodation for official travel abroad	8.500,00	6.879,91	80,94	12.001,00	16.652,31	138.75
13143	Other expenses for official travel abroad	3.000,00	2.011,79	67,06	3.000,00	2.776,75	92.55
1330	TELECOMMUNICATION EXPENSES (SUB-TOTAL)	6.700,00	4.341,03	64,79	8.050.00	3.473,06	43.14
13310	Internet expenses	100,00	77,73	77,73	950.00	0.00	-
13320	Mobile telephone expenses	6.500,00	4.260,00	65,54	6.600,00	3.473,06	52.62



13330	Postal expenses	100,00	3,30	3,30	500,00	0.00	0.00
13340	Cable use expenses	-	-	-	-	-	-
1340	EXPENSES FOR SERVICES (SUB-TOTAL)	24.280,00	22.336,59	91,99	27.347,00	20.560.52	75.18
13410	Education and training services	14.000,00	13.050,00	93,21	15.000,00	14.950,00	99.66
13420	Representation and legal expenses	-	-	-	347.00	0.00	0.00
13430	Various health services	-	-	-	-	-	-
13440	Various intellectual and advisory services	2.000,00	1.720,30	86,02	1.000,00	0.00	0.00
13450	Printing services - other than marketing	-	-	-	1.000,00	340	34
13460	Other contracted services	8.280,00	7.566,29	91,38	4.500,00	4.520,52	100.45
13470	Technical services	-	-	-	-	-	-
13480	Membership expenses	-	-	-	500.00	750	150

1350	PURCHASE OF FURNITURE AND EQUIPMENT (BELOW €1000) (SUB-TOTAL)	00.00	00,00	00,00	4.500,00	00,00	00,00
13501	Furniture (below €1000)	00.00	0,00	0,00	1.500,00	0,00	0,00
13502	Telephones (below €1000)	-	-	-	-	-	-
13503	Computers (below €1000)	-	-	-	-	-	-
13504	Information technology hardware (below €1000)	-	-	-	1.500,00	0,00	0,00
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
1360	OTHER PURCHASES - GOODS AND SERVICES (SUB-TOTAL)	2.970,00	2.835,49	95,47	6.000,00	0,00	0,00
13610	Office supplies	2.970,00	2.835,49	95,47	6.000,00	0,00	0,00
13620	Food and drinks supplies (other than official lunches)	0,00	375,00	0,00	0,00	0,00	0,00
13630	Medical supplies	-	-	-	-	-	-
13640	Cleaning supplies	-	-	-	-	-	-
13650	Clothing supplies	-	-	-	-	-	-
13660	Accommodation	-	-	-	-	-	-
1370	FUEL (SUB-TOTAL)	11.000,00	9.614,08	87,40	11.000,00	8,689.93	78.99
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	9.614,08	87,40	11.000,00	8,689.93	78.99



1380	ADVANCE ACCOUNTS (SUB-TOTAL)	-	-	-	-	-	-
13810	Advance payments for cash	-	-	-	-	-	-
13820	Advance payments for official travel	-	-	-	-	-	-
13821	Advance payments	-	-	-	-	-	-
13830	Advance payments for goods and	-	-	-	-	-	-
13850	Advance payments for the embassies	-	-	-	-	-	-
1390	FINANCIAL SERVICES (SUB-TOTAL)	-	-	-	-	-	-
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	-	-	-	-	-	-

1395	REGISTRATION AND INSURANCE SERVICES (SUB-TOTAL)	4.600,00	3.447,89	74,95	4.600,00	2.992,17	65.04
13950	Vehicle registration	1.000,00	905,00	90,50	1.000,00	735,00	73.5
13951	Vehicle insurance	3.500,00	2.452,89	70,08	3.500,00	2.187,17	62.49
13952	Municipal tax for vehicle registration	100,00	90,00	90,00	100,00	70,00	70,00
13953	Building and other insurance						



1400	MAINTENANCE (SUB-TOTAL)	10.000,00	6.698,36	66,98	13.000,00	6.868,74	52.83
14010	Maintenance and repair of vehicles.	9.000,00	6.204,36	68,94	9.000,00	6.713,74	74.59
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	1.000,00	494,00	49,40	3.500,00	155,00	4.42
14050	Maintenance of furniture and equipment	-	-	-	500,00	0,00	0,00



1410	RENT (SUB-TOTAL)	200,00	0,00	0,00	200,00	0,00	0,00
14110	Rent for buildings	-	-	-	-	-	-
14120	Rent for land	-	-	-	-	-	-
14130	Rent for equipment	200,00	0,00	0,00	200,00	0,00	0,00
14140	Rent for machinery	-	-	-	-	-	-
14150	Rent for other space uses	-	-	-	-	-	-
1420	MARKETING EXPENSES (SUB-TOTAL)	1.500,00	500,00	33,33	3.000,00	0,00	33,33
14210	Advertisements and announcements	1.500,00	500,00	33,33	3.000,00	0,00	33,33
14220	Publications	-	-	-	-	-	-
14230	Public information expenses	-	-	-	-	-	-
1430	REPRESENTATION EXPENSES (SUB-TOTAL)	14.750,00	12.428,50	84,26	14.750,00	8,123,90	55,07
14310	Official lunches	14.000,00	12.215,70	87,26	14.000,00	8,123,90	58,02
14320	Official lunches abroad	750,00	212,80	28,37	750,00	0,00	0,00
1440	EXPENSES FOR COURT DECISIONS (SUB-TOTAL)	-	-	-	-	-	-
14410	Expenses for court decisions	-	-	-	-	-	-
1700	DEBT SERVITUDE (SUB-TOTAL)	-	-	-	-	-	-
17000	Payment of governmental debt	-	-	-	-	-	-



7.4.3 Utilities

		Budget 2017			Budget 2018		
1320	Utilities	Planning 2017	Expenditures (2017)	% of expenditure	Planning 2018	Expenditures (2018)	% of expenditure
	Total utilities	1.450,00	421,49	29,07	3.197,34	1.331,93	41.65
1320	UTILITIES (SUB-TOTAL)	1.450,00	421,49	29,07	3.197,34	1.331,93	41.65
13210	Electricity	-	-	-	-	-	-
13220	Water	-	-	-	-	-	-
13230	Waste	-	-	-	-	-	-
13240	Central heating	-	-	-	-	-	-
13250	Telephone expenses	1.450,00	421,49	29,07	3.197,34	1.331,93	41.65

7.4.4 Capital investments

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



7.4.5 Subsidies and Transfers

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

7.4.6 Staff and salary structure¹

The total expenses for wages and salaries for 2018 was € 120.139,36.

Level	Positions approved under the Budget Law 2018	Filled positions	Budget approved under the Budget Law for Wages and Salaries	Budget spent for wages as of 31 December 2018	Total additional compensations	Total number of employees receiving additional compensation	a). Working hours (full time/part time) and b). Specify type of additional compensation
1	2	3	4	5	6	7	8
Board level	5	0	82,873.41		0	0	Full time
Senior management level	1	1	14,922.45	14,722.45	0	0	Full time
Management level	6	6	53,816.11	39,214.63	1,200.00	1	Full time
Professional level	10	8	65,498.77	53,808.02	0	0	Full time
Support level	2	2	11,194.26	11,194.26	0	0	Full time
Total	24	17	228,305.00	118,939.36	1,200.00		Full time

118,939.36+1,200.00= 120,139,36 EUR (total wages 2018)

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



8 Reporting on addressing of recommendations by the General Auditor

Based on the Audit Report dated 30/04/2018 with Ref. No. 597 on the Annual Report of the National Agency for the Protection of Personal Data, which issued five (5) recommendations 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 on the majority of the recommendations which had resulted due to the lack of competent staff for administrative and financial tasks, amendment of the Law No. 04/L-072 on Public Procurement of the Republic of Kosovo, namely Article 21A, 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.

The NAPDP currently has nineteen (19) civil servants which are primarily appointed to operational working departments. At the same time, the NAPDP 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, especially Recommendation no. 1 this noted that from the establishment of the Agency some of the positions of financial responsibility are covered by officials with secondary duty or acting officials. We need four (4) additional positions as foreseen in the Law on Public Financial Management and Accountability and the Treasury Manual, concerning which we have exhausted our managerial opportunities and have continuously requested to increase the number of staff from the Ministry of Finance and the Assembly of the Republic of Kosovo.

The NAPDP management has continuously monitored the addressing of the recommendations given in 2018 and has made 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 provided five recommendations. 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.



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 (41) allowed officials for 2020, 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 6 – Auditor’s Recommendations

No	Recommendation or finding	Undertaken or proposed action	Implementation timeframe	Effect	Risk assessment
1	<p>Recommendation 1: The Director General should ensure that the above-mentioned key positions are approved with the budget and according to the requirements of the LPFMA and prevent the exercise of these functions by rotation and by inadequate staff in order to improve the activities in these functions.</p>	<p>The Agency management has requested every year the increase of the number of staff, based on the Regulation on Internal Organization and Scope of the Agency. The Agency is an independent budget entity and requests for increasing the number of staff have been sent through the Medium Term Expenditure Framework to the Ministry of Finance; the Annual Work Report submitted to the Parliamentary Security Committee; and through requests for increase of the number of staff to the Budget and Finance Committee sent every end year prior to the approval of the budget. The management has exhausted its possibilities for achieving this objective and we are currently in the financial cost phase of the new Draft Law on the Protection of Personal Data, following which we expect the fulfilment of missing positions in finance. During 2018, we will also exhaust all opportunities and request the increase of staff.</p>	<p>June 2018 April 2019</p>	<p>Recommendation implemented</p>	<p>For the CFO position, we made a parallel transfer. For the position of Certifier we opened an internal competition, which we expect to be completed during February 2019. Hence, this recommendation is partially implemented at the moment. It is expected to be fully implemented in February after the internal competition is closed.</p>
2	<p>Recommendation 2: The Director General should ensure that before approving unpaid vacations, he has reviewed the relevant evidence in order for the decision to be in compliance with the rules on allowing unpaid vacation.</p>	<p>The concerned official got an unpaid vacation in December 2017. In his request, the said official attached the completed initial training for application and other documents justifying the request for unpaid leave for professional development in the academic aspect. Due to delays in diploma recognition in the country where he decided to continue his studies, the official voluntarily resigned from his position at the Agency.</p>	<p>January-March 2018 (implemented)</p>	<p>Recommendation implemented</p>	<p>Completed recommendation, no risk. Following the management's action the concerned official resigned from office.</p>



3	<p>Recommendation 3</p> <p>The General Director should ensure that controls in the payment execution process are being monitored on a continuous basis. In addition, he should ensure that goods/invoices are not accepted before processing the purchase order.</p>	<p>The absence of relevant positions in finance for five years and the engagement with secondary duties of officials from other fields, the performance of procurement procedures by the Central Procurement Agency, and the lack of budget allocations for the execution of financial projects have caused delays in the execution of payments, but did not cause additional budget implications.</p> <p>During 2018, we will appoint staff, despite the fact that the responsible person is missing and we will try to train the staff for secondary duties so that they master and are responsible for their actions.</p>	January-December 2018	Recommendation implemented	<p>Completed recommendation,</p> <p>There were no delays during 2018 in terms of payments. Following the CFO transfer, we have increased our checks and we do not expect to have delays.</p>
4	<p>Recommendation 4</p> <p>The Director General should ensure the functioning of the e-property system and the training of the asset officer by the MPA.</p>	<p>The Agency, as an independent institution, reports to the Assembly. For nearly seven years of operation, it has had only 18 civil servants whose primary objective is to enforce the Law on the Protection of Personal Data. Even in this area, we do not have a special property officer. Instead, we have assigned through a decision the IT officer to do this job. He has been certified for the Agency's property system for equipment over € 1000. Concerning the asset register below € 1000, we kept it in a database of the Agency, which will be integrated into the e-property system this year. The Agency submitted requests for opening accounts to the MPA-NAIS in 2014, 2015 and 2016. Recently we submitted a request for certification of the receiving officer to make data entry worth under € 1000.</p>	June 2018 April 2019	Recommendation implemented	<p>At the end of 2018, we authorized the new officer to start with the procedures of putting assets into the e-property system. After assessing and evidencing the property from the respective commissions, the officer made a request for access after the completed training and started with the registration of property. The problem of non-fulfilment of the recommendation was that the certified officer resigned from work, and we had to find an alternative officer.</p>



5	<p>Recommendation 5 The Director General should review and analyse the causes of non-implementation of recommendations and set a new deadline for the implementation of the recommendations, including accountable staff. Implementation should be monitored on a continuous basis.</p>	<p>It should be noted here that the progress in implementing the recommendations is limited and conditioned by the increase of adequate staffing in relevant functions within the Department of General Services. Further, having in mind the legal changes we have already commenced their fulfilment, which will happen with the restructuring and assignment of responsibilities for each job as primary duty. We will also try to fulfil our obligations during this year despite the lack of responsible staff based on recommendation 1.</p>	<p>June 2018 April 2019</p>	<p>Recommendation implemented</p>	<p>Concerning the recommendations not implemented so far, the Director General has set April 2019 as the deadline for their implementation. So, we are currently awaiting the beginning of the change of the NAPDP structure at AIP, following the adoption of the law by the assembly. The Agency has begun the staff planning for each position and this will implement the recommendation.</p>
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