



ANNUAL REPORT

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



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Foreword

Delivered by the Chief National Supervisor

The National Agency for Personal Data Protection has now presented its work in front of the Republic of Kosova Assembly, the highest oversight body in the country, and in front of its citizens, by delivering the Annual Report comprising significant successes achieved during the second year of its activity, although positive outcomes were reported in the first half of 2011, when the Agency was established.

The Law on Personal Data Protection, now in effect in the Republic of Kosova, is in principle an integral part of human fundamental rights and liberties, which is also part of the UN Declaration of Human Rights and Freedoms preamble.

EU member states are since 1995 obliged to approximate their legislation with the law on personal data protection adopted by each country, which derives from the EC Directive 95/46 as well as respective conventions and protocols. This adaptation (Acquis Communautaire) to the area of EU data protection has already passed the EU zone boundaries. Many countries of other continents are applying the 108 Convention of 1981 and other relevant documents on personal data protection and privacy.

In accordance with the Constitution of the Republic of Kosova, the National Agency for Personal Data Protection, being a mandated supervisory institution for the implementation of the Law on Personal Data Protection by all institutions of our country operating in and outside, both private and public, has noted tangible and encouraging results having become a credible institution by relevant institutions of the region and EU.

Drafting of this annual report for the year 2012 actually represents the great commitment of Agency's council and its departments for the work carried out in the beginnings of this institution. This report will not focus on challenges and endeavors made for the rise of this institution, which is necessary for new developments of democracy, rule of law, human fundamental rights and freedoms, as well as colossal developments in communication technology. The aim of this report is to reveal legal obligations of the data protection authority, and the rights of citizens in attempt to make them as conscious as possible of their rights on personal data protection and privacy. An encouraging success denoted in this report is secondary legislation drafting, awareness raise in respect of data protection in public administration, banking system, telecommunication, in the area of video surveillance in both sectors, in international cooperation, etc. All obligations deriving from the Progress Report addressed to the NAPPD were fulfilled in time without skipping inspections, investigations and controls in private and public institutions of our country.

The Agency is going to make available all its personal data and privacy protection capacities within the implementation of the Law 03/L-172, being aware that it is a vital interest of the state (society) and our citizens. The above are core principles deriving from the UN Universal Declaration of Human Rights; EC Convention on Human Rights and Freedoms; Convention 108 of 1981 and the EC Directive 95/46. Our objectives are going to be achieved successfully bearing in mind the implementation of the Law 03/L-172 in cooperation with our institutions and the civil society, as well as relevant bodies of EC and counterpart institutions in the region.



Report Contents

1. Introduction	5
2. Legal Framework	6
3. Responsibilities and Authorizations	7
3.1 Responsibilities	7
3.2 Authorizations	7
3.3 Mission	8
3.4 Vision.....	9
3.5 Agency's Secondary Legislation	9
3.5.1 Secondary Legislation	9
3.5.2 Administrative Documents	10
4. Progress Report – Visa Liberalization.....	10
5. Agency's Activities Regarding the Protection of Personal Data	10
5.1 Organization of the Agency	10
5.1.1 The Council.....	10
5.1.2 Departments	11
5.2 Advices and Opinions.....	12
5.2.1 Draft Laws	15
5.2.2 Draft Regulations.....	15
5.2.3 Draft Administrative Instructions	15
5.2.4 Draft Agreement.....	16
5.3 Complaints	16
5.4 Inspection and Control.....	16
5.4.1 General Inspections	17
5.4.2 Inspections based on complaints.....	19
5.4.3 Ex officio Inspections.....	19
5.4.4 Procession of Biometric Data.....	20
5.5 Transfer of Data.....	20
5.6 Legislation Harmonization and Approximation	22
5.7 Information and Promotion	22
5.8 International Cooperation.....	26
5.9 Bilateral and Multilateral Cooperation	27
5.10 Appointment of Protection Officials	28
5.11 Registration of Files and Video Surveillance	30
5.11.1 Registration of Files	30
5.11.2 Video Surveillance.....	31
5.12 Finance and Budget – Activities of budgetary allocations January – December 2012	32
5.13 Budgetary Expenditure	32
6. General Evaluations and Recommendations Regarding Personal Data Protection	34



1. INTRODUCTION

In function of new technological developments and rapid industrialization of human society, with special emphasis to information and telecommunication technology, citizens' life has changed positively for the speed and quality of communication between people all around the Globe. This rapid development made unavoidable intrusions in private lives of people.

Therefore, remaining committed to the UN Universal Declaration of Human Rights; the European Convention on the Protection of Fundamental Human Rights and Freedoms; the Convention 108 of 1981 on Privacy and Personal Data Protection upon procession of automatic personal data; the Directive 95/46 of 1995, the right to privacy and personal data protection is a fundamental right within human rights. It is a necessary right for a democratic society. In addition, this right is protected by the Constitution and the Law on Personal Data Protection in the Republic of Kosova, too.

In accordance with article 44 of the Law on Personal Data Protection, the Agency is introducing through this report in front of the Assembly of the Republic of Kosova a general statement of its activities on developments in the area of personal data protection during 2012, by providing an evaluation and recommendations regarding the personal data protection.

According to the Law on Personal Data Protection adopted on April 29th 2011, the Assembly of the Republic of Kosova approved the decision to appoint a national supervisory council comprising of a chief national supervisor and four national supervisors.

The Agency, despite its technical difficulties, limited human resources and a relatively small experience of employees, today is in a good path towards becoming fully operational in carrying out its daily duties and obligations deriving from the Law on Personal Data Protection.

Kosova for the first time joined the big European family in celebrating 28th of January known as the privacy day, by marking it with various activities in cooperation with the European Liaison Office and the civil society, just like many counterpart authorities.

The Agency has also managed to successfully organize an awareness campaign for the appointment of internal data protection officials by public and private bodies. The Agency has apropos addressed tens of requisitions in this regard, organized many meetings where the importance of the appointment of a data protection official was emphasized. This resulted in the appointment of a great number of such officials by public and private bodies. In cooperation with the Kosova Institute for Public Administration, the Agency has organized the training of such officials.

With the purpose of implementing the law, within the framework of its mandate, the Agency has conducted inspections in line with the plan of conduct, as well as by acting every time violations of the law on personal data protection were noticed.

The Agency has for the first time received claims from citizens, which were most seriously and professionally handled with existing capacities.

Agency's activity during the year 2012 was mainly focused on the awareness of public and private bodies to implement the respective law. The Agency has organized tens of workshops for public and private bodies in order to achieve this objective.

With the aim of upgrading citizens' awareness level in relation to their rights in the area of privacy and personal data protection, the Agency has published several brochures; its representatives were present in both written and electronic media. However, in lack of



sufficient budget it was not able to attain a satisfactory level of citizens' awareness, which later became the main objective for the year 2013.

2. LEGAL FRAMEWORK

In the Republic of Kosovo, the right to privacy is a right guaranteed by the Constitution, and international agreements and instruments, as well as by the Law on Personal Data Protection.

In addition, the direct implementation of human rights and freedoms guaranteed by the international agreements and instruments following is guaranteed in Article 22 of the Constitution of the Republic of Kosovo;

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

In 2010, the Kosovo Parliament approved the Law on Protection of Personal Data (03/L-172) which defines the rights, responsibilities, principles and measures regarding the protection of personal data and established the institution responsible for supervising the legitimacy of data processing.

In Article 22, paragraph 2, the Constitution of the Republic of Kosovo, ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, which in Article 8 respects the right to privacy and family life.

Also, according to article 53 of the Constitution of the Republic of Kosovo, European court decisions on human rights are directly applicable, which comprises interpretations and changes in the primary and secondary legislation.

European conventions and directives, which regulate the protection of data and privacy, are: Convention 108/EC and additional protocols (for the protection of individuals regarding automatic processing of personal data), Directive 95/46/EC, Directive 2002/58/EC (privacy and electronic communication), Directive 2006/24/EC. The above-mentioned Conventions are still not ratified by the Kosovo Parliament and must be ratified in the future.

The entire primary and secondary legislation that settles personal data procession should be harmonized with article 36 of the Constitution of the Republic of Kosovo and the Law on Protection of Personal Data. It should be mentioned that all proceeded draft laws have gone through Agency's consultations. The Agency remain committed to keep all legal and sublegal acts harmonized with the Constitution of the Republic of Kosovo, conventions and directives about privacy and personal data protection.



3. RESPONSIBILITIES AND AUTHORIZATIONS

3.1 Responsibilities

The Agency for the Protection of Personal Data is an independent national institution founded according to the Law on Protection of Personal Data and is responsible for supervising the legitimacy of processing of personal data. The Agency is led by the Council, which comprises a Chief National Supervisor and four National Supervisors, who are appointed by the Kosovo Assembly.

The Agency advises the Kosova Assembly, the Government, local government bodies, other state bodies, those exercising public power and private institutions regarding all issues relating to the protection of data, including the interpretation and implementation of the respective laws.

It proposes and promotes improvements in protecting personal data; the Parliament and Kosovo Government should inform the Agency in the event of drafting legislative and administrative measures regarding the processing of personal data.

The Agency decides regarding complaints by persons and considers whether their right to data protection was violated, and informs the complainant regarding the result and measures undertaken; It gives approval to the creation of systems of archiving files and creates and maintains a register of filing systems; It supervises procedures and necessary organizational, technical-logical measures for securing personal data; It makes inspections and controls to supervise the enforcement of the Law on Protection of Personal Data and any law or regulation which regulates the processing of personal data.

The Agency cooperates with state and international bodies, and European Union bodies, regarding issues considered important for protecting personal data; It supervises the implementation of dispositions regarding data transfer; it submits requests to the Constitutional Court of Kosovo to evaluate the constitutionality of laws, regulations and other acts if it considers they are not in harmony with the right to data protection, as is foreseen in Article 36 of the Constitution of Kosovo; It drafts an annual working plan and submits an annual working report to the Parliament regarding developments, evaluations and recommendations regarding data protection, as well as making these public; It proposes to the Parliament a budget for the Agency's annual requirements; It issues secondary legislation in order to enforce the law.

3.2 Authorizations

In order to fulfill its legal obligations, the Agency does inspections and controls. Inspections and controls are done only by state supervisors. In this context, the state supervisor has the right to control and confiscate all documentation regarding processing of personal data, regardless of its confidentiality or secrecy; they control the content of filing systems, regardless of its confidentiality or secrecy and catalogues of filing systems; they control and confiscate all documentation and instructions that regulate security of personal data; they control buildings in which personal data are processed and has the right to control and confiscate computers and all other equipment, including technical documentation; they verify measures and procedures that aim to secure personal data and their implementation; they



implement all other duties considered important for the completion of inspections and controls foreseen in the law.

If during an inspection and control, the supervisor observes a violation of the law or any law or regulation regarding the processing of personal data, he or she has the right to immediately order the elimination of irregularities or deficiencies that he or she noticed, in the manner and within the deadline specified by him or her. This may include destruction, blocking, destruction, deletion or making anonymous personal data in accordance with the law; to temporarily stop and in the manner specified, the processing of personal data by controllers and processors in the public or private sector, which have failed to implement measures and necessary procedures to secure personal data; to temporarily stop and in the manner specified the processing of personal data, their making anonymous, classification and blocking of personal data whenever he or she concludes that personal data is being processed contrary to the legal dispositions; to temporarily stop and in the manner specified the processing/transferring of personal data to other countries and international organizations, or the disclosure of their foreign recipients if they are transferred or revealed contrary to the legal dispositions or by international agreement; to warn or advise in writing the data controller or data processor in cases of small violations; in cases of irregularities or deficiencies the data controller or data processor should immediately correct them after receiving the instructions in writing or advice from the Supervisor to ensure legal processing of data.

In the event of violations of dispositions of the law by legal and physical persons, the Agency can undertake punitive measures which, depending on the violation, will be punished as an offense, with fines from 200€ up to 10,000€.

No complaint is allowed against a final decision of the Supervisor, but an administrative case can be opened in the competent court.

Supervisors are obliged to defend the secrecy of personal data that they encounter while fulfilling their duties, and after ending their exercise of their duties.

3.3 Mission

The Agency for the Protection of Personal Data exercises its activity as a public independent institution, charged with overseeing the implementation of the Law on Protection of Personal Data and any law or regulation which regulates the processing of personal data.

Advising public and private organs, taking decisions on submitted claims, conducting inspections and controls, public information, as well as promotion and support of elementary rights on personal data protection are parts of the main scope within Agency's mission.

This way the Agency wants to make sure that the rights of every individual on privacy are protected while personal data are processed.

International cooperation in respect of personal data protection issue is an important part of



Agency's permanent mission, being aware of Government's priority for European integrations.

3.4 Vision

For the purpose of fulfilling its mission for the middle-term period, the Agency aims to achieve the following objectives:

1. Full harmonization of the legal framework with the EU respective legislation (*Acquis Communautaire*);
2. Awareness campaign for citizens on their right to privacy and personal data protection;
3. Supervision through inspections and controls of data procession lawfulness;
4. Deepening the cooperation and coordination of activities with international mechanisms and institutions with the purpose of protection and promotion of the right to privacy and personal data protection;
5. Increasing professionalism of Agency's staff; full functionality of the organizational structure, as well as provision of working premises in a state building;
6. Informational and awareness campaign for the public opinion through activities planned to be organized;
7. Organizing meetings and conferences with regional and international character;
8. Registration of all public and private institutions' files;

3.5 Agency's Secondary Legislation

In accordance with articles 47, 93 and 94 of the Law No.03/L-172 on Personal Data Protection and for the purposes of law enforcement, the Agency has issued the following sublegal acts and administration related documents:

3.5.1 Secondary Legislation

- Agency's Working Regulation;
- Administrative Instruction on Issuing of Official Cards for Agency Supervisors;
- Regulation No.01/2012 on the Manner of Conducting Inspections and Controls;
- Regulation No.02/2012 on the Manner of Keeping the Records of Personal Data Filing Systems and the Pertinent Records Form;
- Regulation No.03/2012 on the Internal Procedures of Reviewing Requests for Granting International Transfer of Personal Data;
- Administrative Instruction No.01/2011 on the Appointment of an Official for the Protection of Personal Data;
- Code of Conduct for the Employees of the National Agency for Personal Data Protection.



3.5.2 Administrative Documents:

- Check List;
- Complaint Form;
- Complaint Handling Procedures;
- Inspection-Control Minutes Form;
- Personal Data Transfer Acquisition Request Form;
- Filing System Registration Form.

4. PROGRESS REPORT – VISA LIBERALIZATION

Among raised concerns be in the progress report or the EU evaluation on visa liberalization – the Agency has carried out all its duties addressed in the area of personal data protection.

In line with duties and obligations deriving from the progress report, the Agency has issued its Code of Conduct, while in cooperation with the Civil Registration Agency and the Anti Corruption Agency it has organized training for over 700 officials of the Civil Registration Agency in relation with the code of conduct, data protection and the fight against corruption.

With the purpose of full harmonization of the Law on Personal Data Protection with the European legislation (EU *Acquis Communautaire*), in cooperation with TAIEX experts, the Agency drafted amendments of the law, which is in regular procedure for approval at the Assembly of the Republic of Kosovo in the first half of 2013.

The Agency remains committed to meet all necessary requirements deriving from EU documents on the progress report or visa liberalization. Agency's commitment and completion of all recommendations was appraised in all evaluation reports of the EU. The same report demanded that the Agency should have required human and financial capacities to attain its mission.

In cooperation with IPA project the Agency aims to review the entire local legislation and to propose full harmonization of all legal and sub-legal acts with the Constitution of the Republic of Kosovo, conventions and directives on privacy and personal data procession and protection, which is one of primary tasks in its path towards EU.

5. AGENCY'S ACTIVITIES REGARDING THE PROTECTION OF PERSONAL DATA

5.1 Organization of the Agency

The Agency's bodies are the Council and Departments.

5.1.1 The Council

The Agency is chaired by the Council of five members appointed by the Kosovo Assembly.

The Council is comprised of a Chief National Supervisor and four National Supervisors, of which one is the Deputy Chief National Supervisor.

During 2012 the Council held thirteen sessions and issued thirty two decisions.



5.1.2 Departments

Departments carry out their work in line with their obligations deriving from the Law 03/L-172, Agency's Regulation and the legislation in force in support of Council's work.

In conduct of its professional and administrative job, addressing issues identified by the law in force, the Agency employs personnel and organizes departments in the two following fields:

- Administration area
- Professional / operational area

Employed personnel are obliged to protect the secrecy of personal data that they encounter during and after the implementation of their duties.

Employed personnel in the Agency, during the exercise of legal competences and authorizations, must be transparent, professional, efficient and effective, independent, impartial and cannot engage in any political activity.

According to the budget allocated by the Assembly of the Republic of Kosovo, the Agency is allowed a staff of twenty officials, five of which are appointed by the Assembly. The small number of allowed personnel is a challenge in accomplishing its duties and obligations deriving from the legislation in force in both private and state sectors.

Ever since its establishment in June 2011, the Agency possesses an extremely restricted budget, a small number of allowed employees that resulted in lack of human capacities of Agency's departments, like: the Department of Inspection and Investigation has three people employed; the Department of Registration has two employed; the Department of International and Public Relations has two people employed; the Department of Administration and Support Services has five employees; while Legal Department has no employees.

During this period of time the Agency managed to consolidate a professional staff, being continuously committed to creating a structure of qualified and professionally prepared staff with the sole purpose of creating an efficient and professionally stable administration.

Because of the lack of personnel, its current officials are engaged in up to five positions, by achieving their certification in the expenditure part. Only during 2012 all officials were certified provided by the law on finances and the treasury manual, except for the procurement official.

During 2012 the Agency carried out expenditure procedures through human capacities of Kosova Assembly.



Department	No. of employees according to the law on budget	Current no. of employees in the beginning of 2012		Current no. of employees by the end of 2012	
		Full time	Shortened time	Full time	Shortened time
Public Officials	5	5		5	
Central Administration	15	10		12	
Total	20	15		17	

5.2 Advices and Opinions

The Agency provides advice and opinions to public and private institutions regarding all issues relating to personal data protection, including interpreting and enforcing the law and all laws and regulations which govern the processing of personal data.

During this period, the Agency has given one opinion and two advices to:

- **Ombudsman – Access to invoices of high officials of the state**

The Agency received a request for an opinion from the Ombudsman on the basis of the law on access to public documents, regarding the question whether access to invoices of such expenses violates the privacy and sensitive personal data of the Prime Minister and Deputy Prime Ministers and if such expenses' invoices may be published.

After reviewing the request, on the basis of the Law on Personal Data Protection expressed its opinion that such invoices contain data, which according to article 2 of the Law 03/L-172 on Personal Data Protection are considered as personal data. Such data are linked to the state high officials' manner of living that might be identified based on such data. State high officials are focus of such data, so disclosure of invoices would directly affect their privacy, their personal and professional capacity. Disclosure of invoices due to the sensitivity of information they contain would violate state high officials' privacy.

Disclosure of such data would be in contradiction to article 36 and 41 (2) of the Republic of Kosovo Constitution, with article 12 (1.6) of the Law 03/L-215 on Accessing Public Documents, with article 3 (1), article 5 (1.1), article 7 (1), article 9 (2) and article 10 (2) of the Law 03/L-172 on Personal Data Protection. Given the public interest in respect of the right to know about public expenditures, data from such invoices may be disclosed by excluding or by making anonymous the above data. In incompetence of making them anonymous, a form should be drafted in order to provide the necessary transparency of public money expenditure.

- **Lipjan Municipality – Access to civil servants' list of salaries**



The Agency received a request by Lipjan Municipality based on the Law on Accessing Public Documents requiring whether disclosure of a salary list copy for the period December 2009 to August 2012 to an NGO would contradict the Law on Personal Data Protection.

After the review of the request and on the basis of the Law on Personal Data Protection, the Agency provided its opinion that disclosing copies of the above documents would be contradictory to the law.

Within its mandate, during the reporting year national supervisors have given 29 (twenty nine) advices to various institutions, most of them of personal data transfer character and direct marketing, disclosure of data, access to data, etc.

Below are given institutions that demanded advices from the Agency regarding the abovementioned issues:

- Ombudsman;
- Prime Minister's Office;
- Ministry of Integration;
- Ministry of Public Administration;
- Civil Registry Agency;
- Kosova Cadastral Agency;
- Kosova Privatization Agency;
- Kosova Tax Authority;
- Kosova Central Bank;
- Kosova Pension Savings Trust;
- Customs;
- Banks;
- Insurance Companies;
- Security Companies;
- Telephony Operator – PTK / Vala;
- BIRN (Balkans Network of Investigative Journalism);
- Koha Vision;
- RTV 21

Some of the advices given by national supervisors, as per their considered character, are subjects of many institutions' requests, which would be applicable to all data processors:

- **Customs – Publication of Decisions**

The Agency received a request by Kosova Customs seeking an opinion whether disclosure of decisions in their web page contradicts the Law on Personal Data Protection.

Upon reviewing the request and on the basis of the Law on Personal Data Protection, the Agency expressed its opinion that decisions issued by Customs may be published in its official portal (web page) only if personal data are made anonymous, which directly or indirectly make a person subject of the decision identifiable.

- **Kosova Pension Savings Trust – Access to pension account by client's relatives**

The Agency received a request by Kosova Pension Savings Trust seeking an opinion whether access to pensions account by client's relatives is in contradiction to the Law on Personal Data Protection.

Upon reviewing the request and on the basis of the Law on Personal Data Protection, the Agency expressed its opinion that access to pension individual accounts by clients' relatives is in contradiction with the Law on Personal Data Protection.

- **Civil Registration Agency (MIA) – Access to vehicle owners' data**

The Agency received several requests seeking the opinion regarding disclosure of vehicle owners' data.

Upon review of requests, in one of the cases disclosure of statistical data of registered vehicles was permitted, by allowing thus the requesting party a partial access in the demanded data.

Regarding the request on access to data pertaining vehicles' owners registered during a year, the Agency concluded that disclosure of the same is in contradiction with the Law on Protection of Personal Data. Civil Registration Agency was advised to provide statistical data to the claimant, which would be in accordance with the request by making the personal data anonymous.

In relation to disclosure of personal data of vehicles' owners, referring to vehicles' registration plates, it was ascertained that disclosure of required data may be permitted only in cases of great public interest, so disclosed data wouldn't enable the disclosure of political, religious affiliation, union membership, health condition, sexual orientation of the subject whose data are being disclosed. Also, disclosed data cannot be used for disparagement, propagandistic and/or commercial purposes.

- **Kosova Cadastral Agency – Access to property owners' data**

The Agency received a request from Kosova Cadastral Agency requiring its opinion whether disclosure of property owners' data is in line with the Law on Protection of Personal Data.

After reviewing the request and on the basis of the Law on Protection of Personal Data, the Agency provided its opinion that disclosure of the above data may be done if it is assessed that it goes in the favor of the public interest, which means disclosure of the name of the owner, location and the property.

- **Balkans Network of Investigative Journalism – Publication of electric power expenditure minutes**

The Agency received a request by the Balkans Network of Investigative Journalism – BIRN seeking the interpretation of this case, respectively whether the rights (private data) of consumers were violated when it comes to a minutes kept by Kosova Electro Energetic Corporation (found by BIRN) regarding expenditures of electric power.

After reviewing this request, in accordance with the Law 03/L-172, the Agency gave the following opinion:

Personal data are processed impartially and legally without violating the dignity of data subjects.



Personal data are collected for specific, explicit and legitimate purposes and as such cannot be processed further in contradiction to the above purposes if not specified otherwise by law. While for data acquirement from institutions (as the case with KEC is), personal data should be protected and any kind of intentional and unauthorized erasure should be prevented and the same are stored until the objective of their collection is reached for what data subject has given its consent in order to attaining his/her interest in line with the specific legislation (as the case is with the law on electric power).

- **Consultations upon Drafting Legislative and Administrative Measures**

According to article 39 of the Law 03/L-172 on Personal Data Protection, which emphasizes that Kosova Assembly and the Government should inform the Agency upon drafting legislative and administrative measures pertaining personal data procession, during 2012 the National Agency for Personal Data Protection considered and provided its opinion about such acts that were addressed for an opinion by the following institutions:

5.2.1 Draft Laws

- Draft-law on the amendment and completion of the Law No.03/L-016 on Food;
- Draft-law on the amendment and completion of the Law No.03/L-064 on National Holidays in the Republic of Kosova;
- Draft-law on Cultural Heritage;
- Draft law on Land transportation of hazardous goods (Ministry of Infrastructure).

5.2.2 Draft Regulations

- Draft Regulation on the Methodology of Hazard Evaluation Drafting;
- Draft Regulation on Planning Trainings and Donation Coordination for Public Safety Institutions Trainings, which are organized and conducted by AKSP.
- Draft Regulation on Offering Trainings and Services for Private Natural and Legal Persons;
- Draft Regulation on the Criteria and Manner of Awarding the Annual Prize of Diaspora for the most successful group or individual of the year;
- Draft Regulation for Kosova Public Safety Academy Board;
- Draft Regulation on the Code of Conduct for Kosova Academy for Public Safety;
- Draft Regulation on the Economic Activity Classification Standard Implementation in NACE – Rev.2. Version;
- Draft Regulation on the internal organization and systematization of jobs in the Ministry of Return and Communities.

5.2.3 Draft Administrative Instructions

- Administrative Instruction on Issuance of Visas in Border Crossings;
- Administrative Instruction on the Water Information System;
- Administrative Instruction on Managing Mining Industry Waste.



5.2.4 Draft Agreement

- Draft agreement between Republic of Albania Council of Ministers and the Republic of Kosova Government for Reciprocal Legal Assistance in Penal Cases.

5.3 Complaints

According to the Law on Protection of Personal Data, each person who considers that his or her right to privacy has been violated with regard to personal data can present a complaint to the Agency. The complaint can be made verbally over the telephone, in writing or electronically, by email. After reviewing such a complaint, the Agency informs the complainant about the result and actions undertaken.

During 2012 the Agency received 16 complaints that were treated in line with the procedures and the Law on Protection of Personal Data. Citizens of the Republic of Kosova complained about violation of their personal data by controllers for having misused their data with the purpose of direct marketing, unauthorized disclosure of personal data, procession of data without the consent of the subject and procession of incorrect data.

Those complaints were particularly directed by the banking sector, microfinance sector, customs, mobile telephony operators and Kosova Energetic Corporation.

The small number of complaints submitted during 2012 indicates that citizens of the Republic of Kosova need to be more and more informed about their rights in respect of privacy and personal data protection.

The Agency remains committed to continuing citizens' awareness during 2013 about their rights. Within establishing facilities for the citizens to be able to complain, the Agency has displayed the complaint form on its web site and the same to be submitted by email.

5.4 Inspection and Control

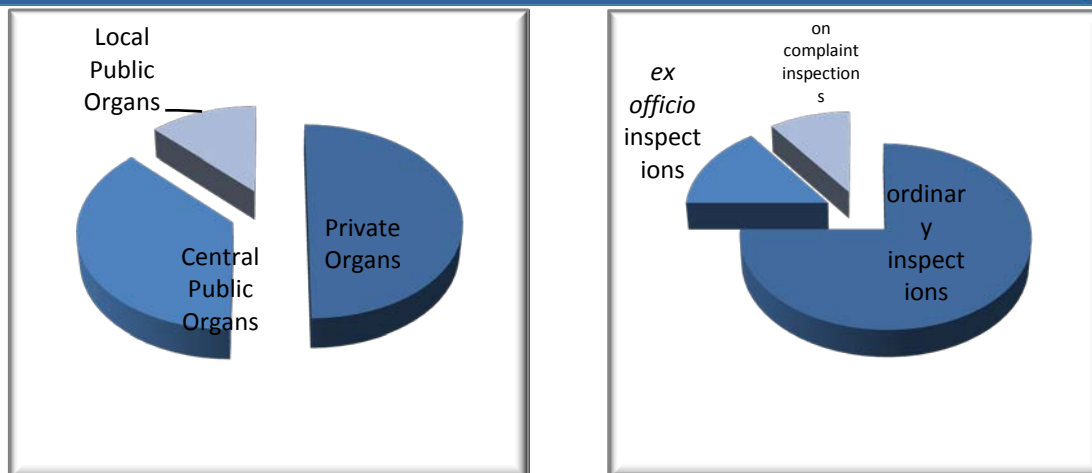
The Agency conducts supervision of the legal procession of personal data, which is made via inspections and controls. The Agency conducts ordinary inspections *ex officio* and based on complaints.

The Agency has completed the entire necessary framework to conduct inspections and controls. The Agency has apropos issued its regulation on the manner of inspections, the check list and the minutes form.

Besides the relatively short experience, during 2012 the Agency has carried out 49 ordinary inspections on the basis of the working plan and the inspection plan approved by the Council.

Inspections have had the following range during 2012:

- Central Public Bodies (21);
- Local Public Bodies (6);
- Private Bodies (23)



According to the kind of inspection, we have the following situation:

- Ordinary inspections 37;
- Inspections after complaints 4;
- Inspections *ex officio* 7.

Among 37 ordinary inspections, thirteen of which were general inspections, while twenty six (26) in specific areas.

5.4.1 General Inspections

Within the general inspection, data procession procedures were supervised, then data safety, filing system, data transfer, direct marketing, video surveillance, biometric characteristics, log ins and log outs from buildings, system linkage, data subjects' rights, and internal official of personal data protection.

Direct inspections were conducted in the below institutions:

- Ministry for European Integration;
- Ministry of Economic Development;
- Kosova Assembly;
- Kosova Institute for Public Administration;
- Procurement Central Agency;
- OPM – Gender Equity Agency;
- Independent Supervisory Council for Civil Service;
- Railways Regulatory Authority;
- Novobërdë Municipal Assembly;
- Public Procurement Regulatory Committee;
- Consular Office of the Republic of Kosova in Switzerland.

The above institutions are not major processors of personal data. Those offices usually process personal data of their staff. Minor irregularities were found upon inspection, such as lack of a signed declaration of confidentiality by employees processing personal data and lack of a list of employees with access to personal data due to the character of their work.



According to the Law on Personal Data Protection, such irregularities are minor, so the Agency decided to provide advices to them in order to avoid such irregularities in the future, which advices were implemented in entirety.

Ordinary inspections in the area of video surveillance and building log in and log outs were conducted in the below 25 (twenty five) institutions:

1. Ministry for the Security Force;
2. Ministry of Education;
3. Ministry of Infrastructure;
4. Ministry of Justice;
5. Civil Aviation Authority;
6. Prishtina Bus Station;
7. Prishtina Municipal Assembly;
8. Podujeva Municipal Assembly;
9. EMERALD Hotel;
10. AFA Hotel;
11. PRISHTINA Hotel;
12. NARTEL Hotel;
13. ROYAL Hotel;
14. FAMA College;
15. ILIRIA College;
16. BUSINESS College;
17. UBT College;
18. DARDANIA College;
19. UNIVERSUM College;
20. VICTORY College;
21. AAB High Educational Institution;
22. ETC Shopping Center;
23. GRAND STORE Shopping Center;
24. ALBI MALL Shopping Center;

Minor irregularities were found upon inspection of private and public bodies in the above areas, on the basis of which the Agency issued several decisions advising respective bodies to dispose of the found irregularities. The Agency conducted controls at the above bodies in order to verify implementation of its decisions, which discovered that all bodies where inspections were conducted had completely implemented decisions issued by the Agency. An increased commitment of the private sector was noticed in implementing the Law on Personal Data Protection, which resulted in frequent meetings and many consultations.

On the basis of previous evaluations the Agency ascertained application of video surveillance in their premises by public and private bodies. The purpose of video surveillance is often in contradiction with the law whose provisions clearly define where and when video surveillance may be applied.

Notwithstanding the application of video surveillance in a large scale in the country, it can be concluded that both public and private bodies are respecting in a satisfactory extent provisions of the law pertaining video surveillance. Indication about this is a great number of respective standard video surveillance signs applied by public and private bodies in all cases when video surveillance is applied.



5.4.2 Inspections based on complaints

During 2012, after an analysis and assessment of complaints the Agency carried out four inspections. With the purpose of verifying claimants' allegations, inspections and controls were conducted at the below institutions:

- TEB Bank (2);
- Pro Credit Bank
- BZMF Micro Finance Institution

Complaints were about direct marketing, data accuracy, data disclosure and use of data for other purposes rather than what they were collected for. After inspecting the above institutions, the Agency issued decisions upon which institutions were ordered to eliminate the found irregularities, except for cases when institution's activity was in line with the law.

Claimants were informed in all cases with the results of inspection as well as with measures taken by the Agency within its mandate.

It is important to mention that all Agency decisions were implemented and produced its effects improving of so far illegal practices in respect of data procession.

5.4.3 Ex officio Inspections

During 2012 the Agency carried out seven *ex officio* inspections. Information about eventual violations of the law on personal data protection was learned mainly by media and directly. Within *ex officio* inspections are inspections carried out upon handling requests of authorizing bodies provided by the Law on Personal Data Protection. The Agency conducted inspections for each case at the below institutions in order to verify whether institutions were violating the law; if during personal data procession or the request for personal data procession was in line with the law. Institutions where inspections were conducted *ex officio* are the following:

- ARC - Complaint Review Commission;
- SHOTA Ensemble of Songs and Dances;
- Gjilan Clinical Center of Family Medicine;
- TEB Bank (2);
- NLB Prishtina Bank;

Ex officio inspections were conducted in the sector of video surveillance and use of biometric characteristics. After inspections to institutions that applied video surveillance, it was ascertained that the same was applied in contradiction to the law, therefore the Agency decided to prohibit application of cameras until the criteria provided by law are met.

Claimants were in all cases notified about the results of inspection and about measures taken by the Agency within its mandate.

In relation to requests for the use of biometric characteristics, it was confirmed in all cases that the need for their use was in accordance with the law on personal data protection.

Upon notifications made by institutions for which decisions were issued and after conducted controls, it was ascertained that decisions issued by the Agency for the abovementioned cases were respected by those institutions.



5.4.4 Procession of Biometric Data

According to the Law on Personal Data Protection, biometric data are considered sensitive personal data and as such should be protected in a precise manner and be classified with the purpose of preventing access and unauthorized use.

Private and public sectors may use biometric characteristics only if it is deemed necessary for the safety of people, property security or protection of confidential data and business secrecy.

According to the Law on Personal Data Protection, evaluation of necessity for the use of biometric data is done by the Agency by issuing an authorization of use, except for cases provided by law.

All public and private bodies, except for cases provided by law, seeking procession of biometric data prior to the use of biometric data should acquire an authorization at the Agency in harmony with the law on personal data protection.

In 2012 the Agency received two requests for acquiring an authorization about the use of biometric characteristics.

- **TEB Bank** sought authorization for the use of biometric characteristics for the control of access in the server room.
 - The Agency considered the submitted documentation, conducted the inspection in line with internal procedures and found that provided criteria were met. The Agency issued a decision by granting the authorization for the use of biometric data for the above premises.

- **NLB Prishtina Bank** sought authorization for the use of biometric data for the control of access in the special importance area.
 - The Agency considered the submitted documentation, conducted the inspection in accordance with the internal procedures and found that the criteria provided by provisions of the law on personal data protection were met. The Agency issued a decision by granting the authorization for the use of biometric data for the above premises.

5.5 Transfer of Data

In accordance with the Law on Personal Data Protection transfer personal data, which have been processed or will be processed in other countries or international organizations can be done only if these countries secure the necessary standard of data protection. For all those countries or international organizations that do not provide the required level of data protection, a public or private body that wants to transfer data should follow procedures of acquiring an authorization from the Agency.

The Agency has adopted its secondary legislation regulating personal data transfer procedures abroad. The regulation on internal procedures of reviewing requests for granting international transfer of personal data was adopted within the secondary legislation. In addition, an application form that needs to be filled in upon submission of personal data request by the institution was also adopted.



In order to meet legal requirements and to contribute in establishing facilities on data transferring, the Agency has drafted a list of countries that provide adequate level of personal data protection for which countries one does not need to get an authorization from the Agency.

Below list will be continuously updated inputting countries and international organizations providing adequate level of data protection.

The list of EU countries providing adequate level of personal data protection

- | | |
|-----------------|------------------|
| • Austria | • Latvia |
| • Belgium | • Lithuania |
| • Great Britain | • Luxembourg |
| • Bulgaria | • Malta |
| • Denmark | • Poland |
| • Estonia | • Portugal |
| • Finland | • Cyprus |
| • France | • Check Republic |
| • Germany | • Rumania |
| • Greece | • Slovakia |
| • Holland | • Slovenia |
| • Hungary | • Spain |
| • Ireland | • Sweden |
| • Italy | |

European Economic Zone member countries providing adequate level of personal data protection:

- Iceland;
- Lichtenstein;
- Norway;
- Switzerland

In accordance with the Law on Personal Data Protection, the above list was published in the Official Gazette and in Agency's web site.

Upon inspections the Agency verifies if a data controller applies international transfer of data and if the same is done in accordance with the law. The Agency may have a general view when it comes to personal data transfer upon completion of controllers' filing systems registration. This project is in its implementing stage in cooperation with TAIEX experts.

During 2012 the Agency received two requests for personal data transfer and granted two authorizations for personal data transfer.

- **Novo Nordisk Pharma Operations A/S Kosovo Branch** seated in Denmark demanded an authorization for personal data transfer of its employees to **Sayam Computer Services Limited** Company seated in India.
 - After reviewing the documentation offered by the claimant, the Agency found that criteria provided by the law on personal data protection were met and granted an

authorization for personal data transfer of the above company's employees of Kosova branch, *excluding data on their citizenship*.

- **TEB Bank** demanded an authorization for its clients' personal data transfer to Turkey, precisely to **Bank Soft** and **E-KART** companies aiming to personalize and print bank and clients' cards.
- After reviewing the documentation offered by the claimant, the Agency found that criteria provided by the law on personal data protection were met and granted an authorization for the abovementioned companies clients' personal data transfer.

5.6 Legislation Harmonization and Approximation

Harmonizing and approximation of legislation of the Republic of Kosovo with that of the EU (Acquis Communautaire) in the field of personal data protection and privacy has been and is one of the Agency's priorities.

With the purpose of a full harmonization of the Law on Personal Data Protection with the European directives, and with the assistance of TAIEX experts, amendments for the Law on Personal Data Protection were proposed.

The Agency is awaiting the implementation of IPA project, and one of the objectives is harmonization and approximation of the entire legislation in the area of personal data protection.

5.7 Information and Promotion

Public information about issues and developments regarding data protection and promoting the fundamental right of personal data protection is one of Agency's priorities and also one of its challenges.

In this context, in order to inform and promote the rights and obligations deriving from the law, in cooperation with the EU Liaison Office, TAIEX and the civil society the Agency has organized conferences, workshops, trainings with representatives of public and private bodies.

Kosova marked the European Day of Personal Data Protection on January 28th by become part of the large European family who celebrates this dates since 2006 by organizing activities aiming to inform and promote personal data protection rights.

In cooperation with the European Liaison Office, civil society, central institutions and personal data protection officials organized the conference on 'Challenges in the area of personal data protection' on the 28th of January by promoting the newly published brochure dedicated to this date.

Agjencia Shtetërore për Mbrojtjen e të Dhënave Personale është Agjenci e cilës përgjegjëse për mbikëqirjen e legjitimitetit të përpunimit të të dhënave. Agjencia i përgjigjet Kuvendit të Kosovës dhe kryesohet nga Këshilli. I cili përbëhet nga Mbrojtësit Kryesor Shtetëror dhe katër Mbrojtësit Shtetëror.



Agjencia në veçanti:

- Jep këshilla organave publike dhe private për çështjet e ndërlidhura me mbrojtjen e të dhënave;
- Vendos lidhur me ankesat e subjektit të të dhënave;
- Bëni inspektime dhe kontrolle;
- Informon publikun për çështjet dhe zhvillimet në fushën e mbrojtjes së të dhënave dhe;
- Promovon dhe përkrah të drejtat themelore për mbrojtjen e të dhënave personale.

Mbrojtja e të dhënave personale është e drejtë fundamentale e garantuar me Kushtetutën (neni 36) dhe ligjin për Mbrojtjen e të Dhënave Personale (D3/L-172).



Mbrojtja e të dhënave personale është pjesë e së drejtës në privatësi, si një nga të drejtat dhe liritë elementare të njeriut. Mbrojtja e të drejtës në privatësi është e garantuar me Konventën Evropiane për të Drejtat të Njeriut.



28 janar 1981 është data e nënshkrimit të Konventës për mbrojtjen e individëve në lidhje me përpunimin automatik të të dhënave personale. 25 vjet më vonë në vitin 2006, kjo datë në mënyrë simbolike është zgjedhur, dita Evropiane e mbrojtjes së të dhënave personale.

Adresa: Luga Pejton, Rr. "Pashko Vasa", Nr.4 Prishtinë, 10000
Republika e Kosovës

Republika e Kosovës
Republic of Kosovo
Agjencia Shtetërore për Mbrojtjen e të Dhënave Personale
Defensor Agency for the Protection of Personal Data



28 Janari
Dita Evropiane për
Mbrojtjen e të
Dhënave Personale

Agjencia Shtetërore për
Mbrojtjen e të Dhënave
Personale

With the aim of promoting data subjects' rights, the Agency organized training for data protection officials by having such officials trained for promoting and protecting data subjects' rights. The training was organized in cooperation with KIPA (Kosova Institute for Public Administration) where among others were also guests from Montenegro who shared their knowledge and expertise with data protection officials.

Training of over 700 (seven hundred) officials in the country was organized in cooperation with the Civil Registration Agency, Anti Corruption Agency and supported by the European Commission. Trainings were in the area of anti corruption, personal data protection and code of conduct. This activity was organized for a whole week in December 2012. Certificates were handed over to the training attendees.

While in cooperation with OSCE, the Agency organized in November an awareness workshop for Prishtina University students.

After this training, the Agency continued with the second stage within the information and promotion plan by organizing awareness seminars for data protection officials of private and public bodies.

During 2012 the Agency organized awareness seminars in private and public bodies.

The Agency organized awareness in the following public bodies:

- Office of the Prime Minister;
- Ministry of Trade and Industry;
- Customs;
- Kosova Tax Administration;
- Kosova Post and Telecommunications.

Whereas in private bodies, the Agency organized the following awareness seminars:

- Kosova Bank Association;
- Kosova Insurance Association;
- Pro Credit Bank;
- NLB Prishtina Bank;
- Private Business Bank;

- Economic Bank;
- TEB Bank;
- BKT Bank;
- Raiffeisen Bank

With the aim of information and promotion of data protection rights, the Agency expressed its availability to organize or participate in any kind of organization dedicated for public or private bodies and share its knowledge and expertise with those present, which was obtained in the area of personal data protection. A satisfying number of public and private bodies showed interest for this willingness, where participation and the interest of the above bodies' officials was quite satisfactory. A big interest of private bodies in organizing seminars of this kind was noticed, too.

Being aware of the importance personal data procession has for the Police, Prosecution and Health Care, supported by TAIEX project, the Agency organized two workshops with EU experts as facilitators.

In order to keep the citizens informed about their rights in respect of their privacy and personal data protection, the Agency drafted and distributed three leaflets whose aim was to make citizens aware on Agency's obligations and duties, as well as with the rights of citizens in relation to their privacy and personal data protection.



Being aware of the importance and quantity of personal data processed by the Civil Registration Agency, also knowing that citizens approach its offices on daily basis, having the mutual purpose that Civil Registration Agency's officials are notified on their duties and legal obligations in relation to personal data protection, and on the other hand that citizens are notified about their fundamental rights on personal data protection, in cooperation with CRA, the Agency drafted a brochure on 'Civil Registration and Data Protection' sponsored by EU Office in Kosovo.



Within great developments in the area of information technology, the use of Internet is a great challenge for privacy and personal data protection. It is a necessary need of the modern times to utilize all facilities offered by information technology, which at the same time enables protection of personal data and privacy. This challenge has two directions in the global level, not only for us towards development of privacy policies by information technology service provider and on the other hand education of citizens for the safe mode of the Internet use. According to previous assessments the greatest users of Internet are youngsters and children that make themselves the most threatened category. Expressing its efforts in providing its contribution in educating children about safe use of Internet, the Agency has cooperated with FIT – Advanced Studies Center in publishing a brochure with subjects on the safe use of Internet. This center has its own web site (www.internetisigurt.org) on education of children and parents for a safer use of Internet.



In the aspect of its presence in the media, the Agency has been present in both electronic and printed media with the sole purpose of making the public opinion aware about the role and activities of the Agency.

Agency's activities were followed and transmitted on Kosova Radio Television, Kosovapress, Radio Kosova, 'Tribuna', Koha Ditore, etc., although publications in the dailies like 'Zëri', 'Kosova Sot', 'Bota Sot', 'Epoka', 'Express', 'Lajm', Koha Vision, TV Klan Kosova, RTV 21, Dukagjini Radio and various informative portals.



During 2012 were published over 59 articles on personal data protection whose aim was to inform and promote personal data protection, including press conferences organized by the Agency.

Besides a various performance in both printed and electronic media, we consider that there still much to be done in order to keep citizens more informed for their rights and about developments in the country and abroad in the area of privacy and personal data protection.

Since information and promotion of privacy and personal data protection is Agency's primary objective, but also a challenge in both human resources and material aspect. The Agency managed to sign a memorandum of cooperation with the public television (RTK) with the purpose of penetrating to the citizens of the Republic of Kosova.

In its project about information, promotion, transparency and direct contacts with citizens the Agency has made functional its web site in which a good job is being done in order to complete today's needs and demands and enable an easier access for all interested parties.

Agency's website is www.amdp-rks.org, and the official email address for information is: info.amdp@rks-gov.net.

Making the citizens aware on their fundamental rights regarding personal data protection has been a challenge during 2012, so the Agency aims that during 2013 to be focused on data subjects i.e. citizens of the Republic of Kosova.

5.8 International Cooperation

Along the completion of its legal duties and obligations, taken in general in the area of personal data protection cooperation, the Agency has been active in both local and international cooperation projects.

The National Agency for Protection of Personal Data, amongst its 2012 objectives was focused on making contacts and cooperating in the bilateral level, region and broader.

In this context, the Agency has visited the following authorities:

- Finish Embassy in Prishtina (February 2012);
- Slovenian Information Commissioner (March 2012) in Ljubljana;
- The Information and Personal Data Protection Commissioner in Switzerland (July 2012);
- French Embassy, Ambassador Jean François Fitou (July 2012) in Prishtina;
- Swiss Embassy, the Omnipotent Ambassador of Switzerland (June 2012), Prishtina;
- German Federal Commissioner (December 2012). The visit was supported by TAIEX;
- The Commissioner for Personal Data Protection of Bulgaria (September 2012), Prishtina;
- Albanian Commissioner for Personal Data Protection (September 2012), Prishtina;
- The Head of Montenegrin Personal Data Protection Agency (June and September 2012), Prishtina;

- The Head of Croatian Agency (August 2012), Prishtina.

Agency's visits to the EU Liaison Office in Prishtina have been frequent. All meetings of such levels were about personal data protection aiming a reciprocal support and development of professional capacities of the institution, exchange of knowledge and experience in the area of personal data protection as well as following new developments in the area of information technology used in personal data processing. Various visits with the goal of personal data protection were made accompanied by the members of the Assembly Committee on Security; representatives of the European Council and Commission to attend developments in the area of visa liberalization; then by experts of the International Monetary Fund, as well as experts of various organizations acting in Kosova.

5.9 Bilateral and Multilateral Cooperation

Among official visits in order to establish initial contacts to inform about the scope of the National Agency for Personal Data Protection, several concrete activities were conducted within achievements from the above visits. Below are mentioned memorandums of cooperation signed with counterpart authorities of the following countries:

- Declaration of Cooperation of the National Agency for Personal Data Protection of Kosova signed with Bulgaria, Albania and Montenegro;
- Memorandum of Cooperation of the National Agency for Personal Data Protection of Kosova signed with Bulgaria, Albania and Montenegro on 26 September 2012;
- Declaration of Cooperation of the National Agency for Personal Data Protection of Kosova with the Republic of Croatia;
- Memorandum of Cooperation between the National Agency for Personal Data Protection of Kosova and Republic of Croatia, signed on August 8th 2012;
- Declaration of further cooperation between National Agency for Personal Data Protection of Kosova and the National Agency for Personal Data Protection of Montenegro, signed on January 1st 2012;
- Declaration of further cooperation between the Slovenian Commissioner for Personal Data Protection and the National Agency for Personal Data Protection, signed on March 3rd 2012.

In addition to the international cooperation, the Agency signed a cooperation agreement with the following local institutions:

- Cooperation Agreement between the Agency and Kosova Public Television, signed on May 23rd 2012;
- Memorandum of Understanding for support and cooperation concluded between Kosova Police, represented by its General Director and the National Agency for Personal Data Protection, represented by the Chief National Supervisor, signed on May 25th 2012.



The above memoranda are meant to achieve those mutual objectives in the following areas:

- Legislation development;
- Cooperation with international actors aiming the achievement of a harmonized solution of different problems;
- Exchange of experience in the area new technological developments;
- Application in the projects financed by the European Union;
- Exchange of available information to the public in relation to new European standards on personal data protection;
- Visits and exchange of experts in order to study features of institutional system functions on personal data protection in parties' countries;
- Trainings and participation in round tables.

The Agency participated in many international activities inside and outside the country. Participation in the conference on personal data protection in Montenegro is worth to be mentioned; then in the conferences in the area of telecommunication, media and commissioner's empowerment in Albania; in Macedonia on the modernization of the legislation of personal data protection around Europe; as well as the Balkans multi country conference of personal data protection authorities.

Inside the country the Agency actively participated in many conferences of the international character in the area of security and personal data protection organized by the civil society, such as Lesna, Institute for Security Studies, etc. In the region the Agency participated in two conferences on European integrations with European Commission and European Union representatives on board. Regular meeting were held with ILEK in relation to the exchange of information in the area of law enforcement and security in Kosova.

It is worth to mention that signing the multilateral cooperation agreement in September 2012 between four countries of the region: Bulgaria, Kosova, Montenegro and Albania. This brought to the region a kind of a new 'Schengen' in this area. Kosova Public TV (RTK) by the way made a special TV program with representatives of respective countries authorities.

5.10 Appointment of Protection Officials

In order to complete the legal framework in respect of data protection official appointment, in harmony with European developments in the area of personal data protection with special emphasis to the appointment of the data protection official the Agency has issued an Administrative Instruction on the Appointment of the Data Protection Official.

The Agency considers that the appointment of the data protection official is of a unique importance for both the body appointing him/her and for the Agency as a supervising authority. During the short experience of eighteen months the Agency finds that all bodies that have appointed a data protection official not that they have shown their commitment in respecting legal provisions in appointing an official. Their will for further cooperation in



respecting the Law on Personal Data Protection is evident. Distinguishing a great engagement of the majority of appointed data protection officials for the promotion of privacy and personal data protection that often contradicted policies of the institution they represent.

Seeing the productivity deriving from the DPOs, the Agency addressed tens of requisition and apropos held tens of meetings, not only to convince respective bodies to implement legal provisions but also to explain the importance DPOs have in the protection and promotion of privacy and personal data protection right.

Our engagement in this direction has given its productivity to private and public bodies. Public bodies have given indications of neglecting the appointment of DPO. The Agency remains committed in organizing meetings with people in charge of public and private bodies with the purpose of explaining the importance of DPO appointment.

Table 1. Personal Data Protection Officials Registry of Private/Public Institutions

- | | |
|---|---|
| <ul style="list-style-type: none"> • Kosova Tax Administration • Kosova Forensics Agency • Kosova Intelligence Agency • Civil Registry Agency • Kosova Privatization Agency • Anti Corruption Agency • Small Enterprise Support Agency • Emergency Management Agency • Investment Promotion Agency | <ul style="list-style-type: none"> • Ferizaj Municipality • Istog Municipality • Kamenica Municipality • Novobërdë Municipality • Obiliq Municipality • Partesh Municipality • Prishtina Municipality • Prizren Municipality • Shtërpçë Municipality • Shtime Municipality (did not carry out any activity provided by law 03/L-172) |
| <ul style="list-style-type: none"> • Business Registration Agency • Standardization Agency • Central Procurement Agency | <ul style="list-style-type: none"> • Vushtrri Municipality • Kosova Aid And Development • Kosova Assembly (Administration) • Kosova Assembly (Members of the Parliament) • Ministry of Finance • Ministry of Public Administration • Ministry of Local Governance Administration • Ministry of Education Science and Technology • Ministry of Diaspora • Ministry of Justice • Ministry of Infrastructure • Ministry for European Integration |
| <ul style="list-style-type: none"> • Kosova Financing Agency | |
| <ul style="list-style-type: none"> • Kosova Public Safety Agency • Prishtina International Airport • Kosova Civil Aviation Authority | |
| <ul style="list-style-type: none"> • Kosova Competition Authority | |
| <ul style="list-style-type: none"> • Railways Regulatory Authority • Economic Bank • National Bank of Commerce • Private Bank of Business • Kosova Central Bank | |
| <ul style="list-style-type: none"> • Kosova Customs • Constitutional Court | <ul style="list-style-type: none"> • Ministry of Labor and Social Welfare • Ministry of Internal Affairs |



- Kosova Police Inspectorate/MIA
- Ombudsman
- Albanology Institute
- History Institute
- Pedagogy Institute
- IPKO - Telecommunications
- KEP Trust Microfinance
- Kosova Judicial Council
- Kosova Independent Supervisory Body for the Civil Service
- Kosova Prosecution Council
- Illyria Insurance Company
- Dragash Municipality
- Fushë Kosova Municipality
- Graçanica Municipality
- Lipjan Municipality
- Mitrovica Municipality
- Ministry of Foreign Affairs
- Ministry of Trade and Industry
- Ministry of Economic Development
- Ministry for the Security Force
- Ministry for Communities and Return
- NLB Bank - Prishtina
- Procurement Revision Body
- Kosova Police
- Kosova Post and Telecommunications
- Pro Credit Bank
- Gjakova Regional Hospital
- TEB Bank
- TrainKos
- Prizren State University
- Office of the Prime Minister
- Office of the President
- Regulatory Office for Waste and Water Supply

During 2012 the Agency organized a two days training for DPOs in cooperation with Kosova Institute for Public Administration, then it organized seminars, workshops and keeps regular contacts with them.

5.11 Registration of Files and Video Surveillance

5.11.1 Registration of Files

In cooperation with TAIEX experts the Agency drafted the regulation on the manner of keeping the registry of personal data filing systems and the pertinent form for registering filing systems. Also part of this TAIEX project is the issuance of an application form that would enable on line application and registration through Agency's web site. Besides the common engagement, development of this application has taken a lot of time by prolonging the initiation of data controllers' filing systems registration process.

Notwithstanding the creation of the application form for on line registration, the Agency will commence the registration during 2013.

5.11.2 Video Surveillance

In terms of respecting legal provisions regulating video surveillance in the public and private sector, in cooperation with TAIEX experts the Agency drafted guidelines on video surveillance. This is because new trends have brought a great deal of video surveillance application, which has been lately enabled upon reduction of video surveillance system installing cost.



Application of the standardized notice aims to enable the citizen an easier approach in order to become more familiar with the standard notice about areas under video surveillance.

The Agency has launched a media campaign in the public television (RTK) in relation to the application of the standard notice format that public and private institutions use as a notification for areas under video surveillance. The Agency has offered this standardized notice for free for all public and private bodies. It is also downloadable in Agency's web site.

Over 2981 notification signs were distributed a result of this campaign for 190 private and public bodies.

Besides completion of the legal framework regarding video surveillance the Agency has conducted *ex officio* and ordinary inspections in a great number of public and private bodies/institutions.

It can be concluded that the majority of public and private bodies in the territory of the Republic of Kosovo applies the standardized format of video surveillance. According to this we ascertain that this standard format is applicable more than in neighboring countries.



5.12 Finance and Budget – Activities of budgetary allocations January – December 2012

Based on the Budget Committee's recommendation, the Government of the Republic of Kosovo issued a decision to allocate from the budget an amount of 274,000.00 € for 2012.

Upon review of the budget we have withdrawn additional 26,000.00€ i.e. Agency's budget for 2012 was 300,000.00 € allocated in main categories as in the following:

Table 1.1 Budget of the NAPPD for 2012

Description	Amount €
Wages and salaries	152,000.00
Goods and services	111,000.00
Utility expenses	8,000.00
Nonfinancial assets	29,000.00
Total	300,000.00

5.13 Budgetary Expenditure

The financing of NAPPD activities according to economic classifications is presented in the following table. 282,000.00 € were spent as follows:

Table 1.3 Budgetary expenditure

Description	Amount €
Wages and salaries	142,000.00
Goods and services	106,000.00
Utility expenses	8,000.00
Non-financial assets	26,000.00
Total	282,000.00

Unused budgetary means remained in the category wages and salaries 10,000.00 €; in the category goods and services 5,000.00 € and capital 3,000.00 € (total surplus 18,000.00 €).

According to economic categories, the scale of budgetary expenditure is presented by percentage (%).



Table 1.4 Budgetary expenditure expressed by %

Description	Budget	Expenditure	Expenditure by %
Wages and salaries	152,000.00	142,000.00	93%
Goods and services	111,000.00	106,000.00	95%
Utility expenses	8,000.00	8,000.00	100%
Non-financial assets (capital)	29,000.00	26,000.00	90%
Total	300,000.00	282,000.00	94%

The following tables present NAPPD expenditure by key economic categories.

Table 1.5 Wages and salaries (NAPPD personnel and council)

Wages and salaries	Amount €
Net salary	119,000.00
Tax withheld on personal income	9,000.00
Pension contributions by employer	7,000.00
Pension contributions by employees	7,000.00
Total wages and salaries	142,000.00

Table 1.6 Goods and services

Description	Amount €
Travel expenses	14,000.00
Telecommunications services	11,000.00
Services expenses	2,000.00
Furniture and equipment under 1000 Euro	5,000.00
Other purchases of goods and services	7,000.00
Fuel	9,000.00
Rent	46,000.00
Marketing costs	2,000.00
Representation costs	10,000.00
Total goods and services	106,000.00

Table 1.7 Utility Expenses

Description	Amount
Electricity	5,000.00
Water	1,000.00
Fixed telephone costs	2,000.00
Total utility expenses	8,000.00



6. GENERAL EVALUATIONS AND RECOMMENDATIONS REGARDING PERSONAL DATA PROTECTION

Privacy and personal data protection in the Republic of Kosova is still facing many challenges. Making citizens aware on their fundamental right on personal data protection and privacy still lacks the required level. This is why the Agency has set the citizen in front of its main focus aiming to inform them and promote the right to privacy and personal data protection. As long as the level of knowledge on the rights and obligations deriving from the Law on Personal Data Protection, taken in general personal data protection in the country level by public and private institutions/bodies, after a broad activity of the Agency during 2012 is considered to be within satisfactory levels. We have come to this conclusion on the basis of the expressed interest through demands for advices, opinions and the complete implementation of all decisions issued by the Agency. We would apropos emphasize difficulties we are continuously facing in appointing personal data protection officials by public and private bodies in the local level.

Lack of a clear definition of necessary categories of personal data for the procession of personal data by public and private bodies is one of major deficiencies of the legislation in force. Lack of this definition gives space to public and private bodies/institutions to collect and gather large quantities of personal data. Such data are often unneeded and in contradiction with principles of data processing defined by the Law on Personal Data Protection. As a consequence of what we mentioned above, a special concern is storage of identity documents' photocopies in almost all cases when public or private bodies/institutions offer a certain service.

The Agency therefore recommends that all legal and sub-legal acts that define personal data processing should clearly define categories of data subject of precession.

Besides deficiencies in a clear legal framework that defines categories of data that can be processed. At the same time storage of data is not properly applied, as a result of which appears data collection and storage kept in years despite achievement of the aim they were initially collected.

During 2012 million of copies of identification documents were destroyed at a single mobile telephony operator upon a decision of the Agency. Many such documents await Agency's decision to be destroyed.

The Agency recommends that all legal and sub-legal acts defining personal data protection to specify the exact time of data storage.

While during 2011 Agency received only a sub-legal act for consultation, the year 2012 brought a considerable number of cases for consultation, although the number of laws approached for consultation is still smaller than the number of law reviewed and adopted by the Assembly of the Republic of Kosova. We remain committed to give our contribution in all cases when legal or sub-legal acts approach the Agency for consultation, by carrying out this way our legal obligation to provide opinions for the Government and Kosova Assembly upon drafting legal and administrative measures dealing with personal data protection. For law enforcement purposes, the Agency has notified the Government and the Assembly in January 2012.

Having noticed the inclination of public and private institutions to use/apply video surveillance systems, the Agency has conducted several operations in accordance with the law in order to make controllers apply such systems in accordance with the Law on Personal Data



Protection. Being focused in completing the legal framework and the media awareness campaign the Agency tends to keep the public and private institutions instructed in the application of lawful video surveillance. Besides the media campaign and issuance of sub-legal acts, the Agency conducted inspections focused on video surveillance lawfulness. It was found that in most cases a decision on the use of surveillance cameras was missing and the purpose of their installment was overtaken comparing to purposes set out by law and areas under video surveillance are often in contradiction with law provisions.

The concern about the inclination to a massive application of video surveillance around elementary and secondary schools is serious. Having noticed this trend of video surveillance, the Agency intends to prevent violation of students' privacy via information meetings, awareness seminars and inspections.

With the purpose of Law on Personal Data Protection enforcement within the country, in areas with a great deal of personal data processing, such as: Ministry of Internal Affairs, Ministry of Health, Ministry of Education, Ministry of Justice, Ministry of Labor and Social Welfare and Ministry of Foreign Affairs, the Agency issued a recommendation in October 2012 on the appointment of an official on personal data protection in the above institutions along with job descriptions with priority in this area in accordance with the Law on Personal Data Protection.

The Agency considers that implementation of this recommendation brings a good performance in personal data protection, security and trust of data subjects for institutions, respectively controllers processing personal data.

A general perception of Kosova citizens, especially after unauthorized telephone calls interceptions of high state officials indicates that interceptions are being conducted against the law in force, reflecting thus uncertainty in the use of telecommunication devices.

The Agency was seen as 'incapable to protect personal data', as the case was in voice processing as a unique identification personal data. Through its statements for the media the Agency clarified its concerns for the lack of implementation of the legislation in force upon procession of personal data – the voice, when speaking about interceptions.

Completion of the full legal framework is recommended, which regulates lawful interception, by clearly defining an independent supervisory mechanism in order to guarantee privacy and personal data protection in line with article 36 of the Constitution of the Republic of Kosova.

As underlined in the annual report for 2011, pending the ratification of the Convention 'on the protection of individuals from the automatic procession of personal data' known as EU Convention 108, prevented the Agency from becoming a member and part of activities organized by various European authorities in the area of personal data protection. Besides this prevention of participation in different activities organized by European authorities, the consequence of not ratifying the above convention is a serious obstacle for the Republic of Kosova to become part of the list of countries providing sufficient level of personal data safety.

The Agency recommends the Republic of Kosova Government to proceed the convention 'on the protection of individuals from the automatic procession of personal data' for ratification at the Assembly as a short term objective.