



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

ANNUAL REPORT

MARCH, 2014



Republika e Kosovës
Republika Kosova-Republic of Kosovo



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

ANNUAL REPORT 2013

PRISHTINA
March, 2014



Speech of Chief National Supervisor

National Agency for Personal Data Protection presents its annual report before the Assembly of the Republic of Kosovo and its citizens for the second time, marking a meaningful progress. The report is the continuation of standard reporting in this field, to be supplemented with achievements and concrete data of 2013. Law on Protection of Personal Data, in principle, is an integral part of the fundamental freedoms of human rights, concurrently it is a basic principle of the UN Universal Declaration of Human Rights and it is directly related to Convention 108 of 1981.

In accordance with the Constitution of the Republic of Kosovo, the National Agency for Personal Data Protection, as an institution mandated to oversee the implement the Law on Protection of Personal Data in all the institutions of our country, has marked a tangible and encouraging results. The agency, during 2013 has managed to become a member of the International Mechanism of Personal Data Protection and Privacy with full rights and at European Personal Data Protection Authorities as a Permanent Observer. Drafting of this report for the period of 2013, reflects the high commitment of the Agency's Council and its staff. The report focuses on the challenges and efforts to establish the institution, necessary for new developments on democracy, rule of law, fundamental human rights and freedoms, colossal developments in human communication technology. Report aims to point out the legal obligation, on one side, for the institution of protection of personal data and the rights of citizens, in order to have as much as possible knowledge about their rights regarding protection of personal data and privacy. This report marks progress compared with the previous year in sensitization of protection of data in Public Administration, Banking system, Telecommunications, education system etc., and awareness raising of the controllers and citizens. Whereas, drafting the legislative measures in the country level, the Agency, has given its opinion, three times more than the previous year, concerning harmonization with the law on protection of personal data t. Meanwhile, the following report in the field of inspections in concrete figures highlights the fields of inspections and meeting all addressing of Progress Report related to the Personal Data Protection, respectively the Agency, in both sectors.

The agency, with the commitment, at the end of this year has strengthened its activity in the state facility and has mainly focused its work in the field regarding the implementation of the Law on Protection of Personal Data, as a vital interest of the citizens and in general of our society and basic principles derived from the UN Universal Declaration of Human Rights, the Convention on the Human Rights and Freedoms of the Council of Europe, Convention 108 of 1981, its Protocols. In this regard our cooperation with all our institutions and civil society at the national level and relevant institutions of the European Council, European Commission and similar institutions in the region is a continuation of our work to achieve the objectives of our program. Ultimately, the report also extracts the general evaluations and recommendations for the future in the field of personal data protection.



Table of content

1. Introduction	5
2. Legal framework	7
3. Responsibilities and authorisations	8
3.1 Responsibilities	8
3.2 Authorisation	9
3.3 Mission	10
3.4 Vision	10
3.5 Sub legal acts of Agency.....	11
3.5.1 Sub-legal acts	11
4. Progress report – visa liberalisation.....	12
5. Activities of the agency in the area of personal data protection	13
5.1 Organisation of Agency	13
5.1.1 Council.....	13
5.1.2 Departments	13
5.2 Advice and Opinions	15
5.2.1 Draft - Laws	17
5.2.2 Draft - Regulations	18
5.2.3 Draft - Administrative Instructions.....	18
5.2.4 Draft Agreement.....	19
5.2.5 Other acts.....	20
5.3 Complaints	21
5.4 Inspections and Audits.....	23
5.4.1 Inspection	24
5.4.2 Regular inspections	26
5.4.3 Inspections according to complaints	30
5.4.4 Inspections on ex officio	31
5.4.5 Audits	32
5.4.6 Biometric data processing	33
5.5 Transfer of Personal Data.....	34
5.6 Information and promotion	36
5.7 Domestic and international cooperation.....	41
5.8 Assigning of Data Protection Officer	43
5.9 Filing registration and video surveillance	45
5.9.1 Filing registration.....	45
5.9.2 Video surveillance.....	45
5.10 Finances and budget	46
5.11 Budget expenses	47
6. Overall assessments and recommendations on protection of personal data	50



1. INTRODUCTION

In view of new developments in technology and the rapid industrialization of human society, in particular information technology and telecommunications, human life has changed in a positive sense relating to speed and quality of communication between people in every part of the globe. This rapid development impacted the inevitable interference in the private life of everyone. Therefore, in support of UN Universal Declaration of Human Rights, the European Convention for the Protection of Fundamental Human Rights and Freedoms, the Convention 108 of 1981 on Personal Data Protection and Privacy during automatic processing of personal data, Directive 95/46 of 1995 the right to protection of personal data and privacy is a fundamental right within human rights, which is essential for the functioning of a democratic society. Moreover, this right is protected by the Constitution and the Law on Protection of Personal Data also in Republic of Kosovo.

In accordance with Article 44 of the Law on Protection of Personal Data, the Agency through this report presents to the Assembly of Kosovo a general overview of its activities on developments in the field of personal data protection in 2013 and provides assessments and recommendations relating to it.

The agency, despite technical material difficulties, conducting its activity in inadequate private building and limited human capacities, has already reached an evident functioning on performing the duties and obligations that derive from the Law on Protection of Personal Data.

In fact, Kosovo has joined the large European family in celebration of 28th January, the day of privacy, wherein we, with counterpart agencies, have marked this day with various cooperation activities with the European Liaison Office and civil society.

The campaign for assigning internal officials for personal data protection both in public bodies as well as in private ones in this reporting period was quite successful. This has resulted in the appointment of an officer out of a considerable number of central public bodies.

In order to implement the law within the competences, the Agency has carried out inspections in accordance with the working plan as well by acting in cases when it noticed a breach of the Law on Protection of Personal Data.

The agency has received complaints and a significant number of questions from citizens and institutions on various issues, that were mainly dedicated to the Law on Protection of Personal Data, which are handled and explained with full professionalism.



The Agency during 2013, according to the working plan, has had primary task to further sensitise the field of personal data protection at public and private bodies wherein for this purpose are organized seminars, workshops and advices.

In order to raise the awareness of citizens about their rights in the field of personal data protection and privacy, the Agency has printed and published awareness brochures and videos. Also, it has been present in the print and electronic media, which contributed positively to the overall course of data protection and privacy. We consider that despite the results achieved, as cited, regarding the citizens awareness, we are not satisfied with the level of achievements, therefore will be the main objective for 2014.



2. LEGAL FRAMEWORK

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

This guaranteed right by Article 36 of the Constitution of the Republic of Kosovo includes respect for private and family life, the inviolability of the housing, the confidentiality of correspondence, telephony and other communications and personal data protection.

Also, the direct implementation of human rights and freedoms guaranteed by Article 22 of the Constitution of the Republic of Kosovo are also guaranteed by international agreements and instruments, such as:

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

In 2010, Kosovo Assembly adopted the Law on Protection of Personal Data (03/L-172) which defines the rights, responsibilities, principles and measures concerning the protection of personal data and established the institution that is responsible for supervision of legitimacy of data processing.

In the Constitution of Republic of Kosovo, Article 22, paragraph 2 the European Convention for the Protection of Fundamental Human Rights and Freedoms and its Protocols is ratified, where with Article 8 is respected the right of privacy and family life.

Also, under Article 53 of the Constitution of the Republic of Kosovo, judicial decisions of the European Court for Human Rights are directly applicable in our country as well.

Conventions and European directives, which regulate the field of data protection and privacy are: Convention 108/EC and additional protocols (for the protection of individuals with regard to automatic processing of personal data); Directive 95/46/EC, Directive 2002/58/EC (e-privacy and electronic communications); Directive 2006/24/EC. Aforementioned conventions are not yet ratified by Kosovo Assembly.



All primary and secondary legislation which regulates the processing of personal data must be in accordance with Article 36 of the Constitution of the Republic of Kosovo and the Law on Protection of Personal Data. In this context it should be noted that the most laws, passed in the Assembly of the Republic of Kosovo were received for consultation in the National Agency for Protection of Personal Data. We remain committed that all legal and sub legal acts to be in accordance with the Constitution of the Republic of Kosovo, conventions and directives that regulate the processing of personal data and protection of privacy.

3. RESPONSIBILITIES AND COMPETENCES

3.1 Responsibilities

Agency for Personal Data Protection is an independent national institution founded under the Law on Protection of Personal Data and is responsible for overseeing the legality of personal data processing. The Agency is headed by the council, which consists of Chief National Supervisor and four National Supervisors, who are elected by Kosovo Assembly.

Agency advises the Assembly of Kosovo, Government, local authorities, other state bodies, those exercising public authority and private institutions on all issues related to data protection, including interpretation and application of relevant laws that regulate personal data processing.

The Agency shall consult the Assembly and Government of Kosovo, when drafting the legislative and administrative measures relating to the processing of personal data.

Agency decides regarding complaints of persons if he or she consider that their right to data protection are violated, and inform the complainant about the outcome and measures undertaken; Gives consent regarding the creation of file system as well as creates and maintains files system registry; Oversees procedures and appropriate organizational , technical and logical-technical measures for securing the personal data; Performs inspections and audits to supervise the implementation of the Law on Protection of personal Data and any other law or regulation that regulates processing of personal data.

The Agency cooperates with state authorities, international and European Union bodies on issues considered important to the protection of personal data; Supervise the implementation of the provisions related to data transfer; Submits request to the Kosovo Constitutional Court to evaluate the constitutionality of laws, regulations



and other acts when considering that they are not in harmony with the right to data protection , as stipulated in Article 36 of the Constitution of Kosovo; Compiles the annual working plan, and presents before Kosovo`s Assembly an annual report regarding the development, assessment and recommendations in the field of data protection , and the same one is made public; Proposes to the assembly the budget for annual needs of the Agency; Issues sub-legal acts with the purpose of law enforcement.

3.2 Competences

In order to fulfil legal obligations, the Agency conducts inspections and audits. Inspections and audits are carried out only by the state supervisors. Supervisors conduct regular inspections and audits, based on official duty and as per request. In this context, state supervisors have the right to inspect and seize any documentation pertaining to the processing of personal data, regardless of its confidentiality or secrecy; audits the contents of the file systems, regardless of their confidentiality or secrecy and catalogues of filing systems; audits any documentation and guidance that regulates the security of personal data; audits the building where personal data are processed and have the right to control also if legal breaches are ascertained, to seize computers and any other equipment as well as technical documentation; verify measures and procedures aimed at securing personal data and their implementation; perform any other tasks deemed important to conduct inspections and audits as provided by this law.

If during the inspection and audits, the supervisor observes a violation of this law or any other law or regulation that regulates the processing of personal data, the supervisor is entitled to immediately order the elimination of irregularities or deficiencies that he/she notices in the manner and within the time line. This could include the erasure, blocking, destruction, deletion or making anonyms the personal data in accordance with the law; stopping temporarily and in certain manner the processing of personal data by controllers and processors in the public or private sectors, who failed in implementation of necessary measures and procedures to secure the personal data; stopping temporarily and in certain manner the personal data processing , their anonymity, classification and blocking of personal data whenever he or she comes to the conclusion that personal data are being processed contrary to the legal provisions; to temporarily and in certain manner prohibit the processing/transfer of personal data to other countries and international organizations, or their disclosure to foreign recipients if they are transferred or disclosed in contrary to legal provisions or international agreements; inform or advise in writing the data controller or data processor in cases of minor breaches, in case of irregularities or deficiencies the data controller or data processor shall immediately correct them after receiving written instructions or advice from supervisors to ensure the lawful processing of data.



3.3 Mission

National Agency for Protection of Personal Data, having an independent status, has the legal responsibility for supervising the legitimacy of personal data processing.

Counselling the public and private bodies, taking decisions on submitted complaints, inspections and audits, public information as well as support and promotion of fundamental rights for protection of personal data are part of the main scope of Agency.

By undertaking these activities, the Agency intends that the right to personal data protection and the privacy of every citizen in the Republic of Kosovo be protected and promoted.

In order to protect and promote the right of protection of personal data and privacy, international cooperation is an important part of the permanent mission of the Agency.

3.4 Vision

In order to fulfil its mission, according to the approved strategy, the Agency aims to achieve the following objectives:

Full harmonization of legal framework with the EU Acquis Communautaire; raising awareness of citizens' right to protection of personal data and privacy; supervising the legality of data processing through inspections and audits; deepening the cooperation and coordination of work with other bodies and institutions as well as international mechanisms and institutions, in order to protect and promote the right on protection of personal data and privacy; increase the professionalism of the staff of the Agency, full functioning of organizational structure and providing work space in state owned facilities; notification and awareness campaign for the public opinion through appropriate activities; holding meetings, conferences and signing agreements with regional and international character in the field of protection of personal data; recording all files of public and private institutions.

3.5 Agency bylaws

In accordance with Article 47, 93 and 94 of Law no . 03/L - 172 on the Protection of Personal Data, in order to implement the law, the Agency has adopted bylaws and accompanying administrative documents.



3.5.1 Bylaws

- *Sublegal acts*
 1. Rules of procedure of the Agency 20/2011.
 2. Administrative instruction for assigning the official for protection of personal data 01/2011
 3. Administrative instruction on national supervisors identification cards 03/2012, (adopted by the Government upon the proposal of the Agency in accordance with article 47 of law no . 03/L-172)
 4. Regulation on manner of conducting the inspection and audits 01 /2012;
 5. Regulation on the manner of keeping the filing system registry on personal data and the corresponding registry form 02 /2012;
 6. Regulation on internal procedure for handling requests that allows international transfer of personal data 03 /2012.
 7. Code of Ethics for employees of the National Agency for Protection of Personal Data;
 8. Regulation on internal organization and systematization of jobs 01 /2013.

- *Accompanying documents*
 1. Appeal Form.
 2. Minutes Form for Inspection and audits.
 3. Permission Form for international transfer of data.
 4. Audit list
 5. Request Form for Registration of Controllers



4. PROGRESS REPORT – VISA LIBERALISATION

In the context of raised concerns both in progress reports and in the EU visa liberalization assessment – NAPPD has performed all the tasks which are addressed in the field of personal data protection.

In the context of recommendation of progress report, the Agency has issued a series of internal acts that are described in chapter dealing with harmonizing of the legislation.

While internal capacity building and capacity within public-private bodies is an ongoing process that is achieved through organizing trainings in cooperation with KIPA and in organizing round tables, seminars and workshops. In this regard, we can conclude that over 104 officials for the protection of personal data have already undergone basic training for the protection of personal data and about 700 other officials from the Ministry of the Internal Affairs, at the national level, had already previously attended such a training, while over 1,000 senior managing officials of departments within private bodies have been part of seminars and workshops aiming to raise awareness of the controllers regarding implementation of the legitimacy of the processing of personal data.

The agency has proven its commitment to implement all recommendations emerged from progress report. Such an evaluating conclusion is pointed out in the EU reports wherein is expressed the commitment and dedication of our authority in protecting and promoting the protection of personal data, as well as our commitment to achieving European standards, thus completing at satisfactory level the legal framework, building necessary capacities and by taking necessary actions through inspections, audits, advice and opinions in guaranteeing the right of the entity to its data and privacy protection.



5. ACTIVITIES OF THE AGENCY IN THE AREA OF PERSONAL DATA PROTECTION

5.1 Organisation of Agency

The Agency's bodies are the Council and Departments.

5.1.1 Council

The Agency is headed by the Council comprised of five members, who are elected by the Assembly of Kosovo.

The Council consists of the Chief National Supervisor and four National Supervisors.

During 2013, the Agency's Council held 20 meetings. According to the tasks outlined in the Law on Protection of Personal Data, from these meetings are issued 30 decisions, out of them:

- 2 decisions on authorizing the transfer of data,
- 4 decisions on giving the Opinion,
- - 24 administrative decisions

5.1.2 Departments

Departments carry out their work in accordance to the obligations arising from the Law 03/L-172; Rules of Procedure of the Agency and the legislation in force, in support of the work of the Council.

For carrying professional and administrative work, the scope of which is defined by the legislation in force; the work of Agency is organized through departments in these two areas:

- Administration field
- Professional- Operational field

The employed staff in the Agency, while exercising its powers and legal authority, has managed to be quite transparent, professional, efficient as well as independent and impartial. Employees of the Agency did not exercise any political activity despite local elections that were organized in the previous year.



Pursuant to the Regulation on Organisation and Systematization of job positions issued by the Chief National Supervisor, foresees 37 officials, whereas for 2014 only 18 officials are approved (civil servants).

Since the establishment - in June 2011, the Agency operated with a limited budget, small number of personnel and therefore foreseen departments are not fully operational or are not established with organizational structure.

Despite this, the Agency during this time has managed to consolidate the professional staff, by being in continuous commitment to establish a structure of competent staff, professionally prepared with the only tendency to create an efficient administration and which is professionally sustainable.

Due to the small number of personnel, the officials are committed up to five functions, accomplishing the certification of expenditure part, and is worth mentioning that in 2013 all officials are certified as foreseen by the law of finance and treasury manual, except the procurement officer.

The Agency, during 2013, unable to carry out the budgetary expenditure procedures with internal capacity, has committed them through procurement of Constitutional Court of the Republic of Kosovo.

Department	No. of employees in the Budget Law	Current number of employees in the beginning of 2013		Current number of employees in the end of 2013	
		Full-time	Part time	Full-time	Part time
"					
Public officials	5	5		5	
Central Admin.	15	11		14	
Total	20	16		19	



5.2 Advice and Opinions

The agency has provided advice and opinions to public and private institutions on all issues relating to the protection of personal data, including also the interpretation and application of the law and all laws and regulations that foresee the processing of personal data.

During 2013, the Agency has given 4 Opinions to public and private institutions regarding the protection of personal data, including interpretation and application of relevant laws.

Institutions which have requested advices from the Agency regarding the aforementioned issues are:

- Tax Administration of Kosovo,
- Central Bank of Kosovo,
- Ministry of Culture, Youth and Sports
- Microfinance Institution - FINCA

Regarding this, below are two opinions given by the Agency:

- **Ministry of Culture, Youth and Sports - Access to the files of candidates for director of the National Theatre**

The Agency has received a letter from the Ministry of Culture, Youth and Sports for giving Opinion on the legality of access to the files of candidates (CV, motivation letter, and other documents that applicants were required to submit for the contest), who have applied for the position of Director of the National Theatre in Prishtina, made by the Balkan Investigative Reporting Network (BIRN).

After reviewing the request and based on the Law on Protection of Personal Data the Agency has given an opinion that access is not allowed to the files of the candidates (CV, motivation letter, and other documents that applicants were required to submit upon competition) regarding the position of Director of the National Theatre in Prishtina. This, on the grounds that personal data contained in the files of the candidates contain sensitive personal data and data that do not serve to the purpose of transparency, such as: phone number, e-mail address, marital status, address, personal number, confirmation by the court that there was no criminal or offence procedure against the applicant, and that it has no previous convictions.

On the other hand, based on the Law on the Protection of Personal Data, stating that "the processing is necessary for the performance of a task in the public interest, the Agency has given an opinion that some information on the candidates mentioned above can be given, such as name, qualifications, work experience, other skills such as computer skills, foreign languages, etc. Considering everything mentioned above,



the Agency has had a goal to find a balance between the protection of personal data and the public interest, and based on this, has brought the opinion cited above.

- **Central Bank of the Republic of Kosovo - Advice regarding facilitating the conclusion of mandatory legal reporting that U.S. taxpayers have or by foreign entities in which U.S. taxpayers have ownership.**

National Agency for Personal Data Protection has received a request from the Central Bank which has sought an opinion on the issue of personal data protection in case of reporting the financial accounts held by U.S. citizens in commercial banks in Kosovo.

After reviewing the request and based on the Law on Protection of Personal Data, the Agency has given the opinion that personal data can be transferred and disclosed to the country or international organization that does not provide an adequate level of data protection, whether provided by other law or binding international treaty or the subject of data has given his or her consent and is aware on the consequences of the transfer. As a result of what was mentioned above, the Agency has recommended a bilateral agreement that regulates this issue.

In the framework of responsibilities, national supervisors, during this year provided 26 advices to different institutions on implementation of the Law on Protection of Personal Data.

Institutions which have asked for advice from the National Supervisors regarding the aforementioned issues are:

- Ministry of European Integration,
- Ministry of Trade and Industry,
- Ministry of Labour and Social Welfare,
- Tax Administration of Kosovo,
- Railway Regulatory Authority,
- Public Procurement Regulatory Commission,
- Central Bank of Kosovo,
- Customs
- TEB Bank,
- Banka Ekonomike,



- Raiffeisen Bank,
- Banka Kombëtare Tregtare,
- ProCredit Bank,
- NLB Bank,
- Banka Private e Biznesit,
- Insurance Companies,
- Private hospitals,
- Telephony operator IPKO
- Municipal Assembly of Gjilan
- Municipal Assembly of Novobrdë,
- Microfinance Institutions,
- Citizens
- Technical Assistance of the U.S. Department of the Treasury in the Ministry of Finance
- Centre for Employment and Social Welfare – Lipjan
- Ministry of Diaspora

National supervisors consistently have given different advice during inspections, audits and visits in 2013.

5.2.1 Consultation upon Drafting the Legislative and Administrative Measures

Under Article 39 of the Law 03/L-172 on Personal Data Protection, which states that the Assembly of Kosovo and Kosovo Government need to inform the Agency upon drafting the legislative and administrative measures that deal with processing of personal data, the Agency during 2013 has reviewed and gave its thoughts about the laws and other sub-legal acts that were received for consultation from Agency, including: 19 draft laws, 7 regulations, 18 administrative instructions and 9 other acts including the explanatory memorandum, the draft agreement, memorandum of understanding, concept papers and other administrative acts.

National Agency on Personal Data Protection has reviewed and gave opinion on these acts.



5.2.2 Draft - Laws

1. Draft Law for the trade of strategic goods
2. Draft Law on the Electronic Supervision of persons whose movement is limited by the decision of the Court or of the bail Panel.
3. Draft Law on Preventing and Combating Trafficking in Human Beings and Protection of Victims of Trafficking.
4. Draft Law on Foreigners
5. Draft Law on Asylum
6. Draft Law on Cooperation between the authorities involved in the Integrated Border Management.
7. Draft Law on Transplantation of tissues and cells.
8. Draft Law on Administrative Inspectorate.
9. Draft Law on Interception of Telecommunications.
10. Draft Law on Amending and Supplementing the Law No. 03/L-019, for Training, Professional Rehabilitation and Employment of Persons with Disabilities.
11. Draft Law on Emergency Management Agency.
12. Draft Law on Interception of Telecommunications.
13. Draft Law on Transplantation of Tissues and Cells.
14. Draft Law on Administrative Inspectorate.
15. Draft Law on the Status of Albanian Education Workers of the Republic of Kosovo from academic year 1990/91 up to the academic year 1998/99.
16. Draft Law on Amending and Supplementing the Law No. 03/L-172 on the protection of personal data.
17. Draft Law on Food.
18. Draft Law on Emergency Medical Service.
19. Draft Law on Mental Health.

5.2.3 Draft - Regulations

1. Draft Regulation for Organization and Operation of Monitoring, Notification and Warning System.
2. Draft Regulation on drafting the Registry of Diaspora and Migration.
3. Draft Regulation on mandatory training and compulsory examination of civil servants.
4. Regulation for the operation of the medico-social commission and application procedures for implementation of rights for the blind.
5. Draft Regulation on defining the penalties foreseen by Regulations 2008/3, 2008/5, 2010/1 and 02/2013.
6. Draft Regulation on the Amending-Supplementing the Regulations 2008/3 and 2008/4.
7. Draft - Regulation on internal organization and systematization of working positions in the Ministry for Communities and Returns.



5.2.4 Draft - Administrative Instructions

1. Draft Administrative Instruction on Method and Methodology of Monitoring the Greenhouse Gas Emissions.
2. Draft Administrative Instruction on proclamation of the Ecological Network.
3. Administrative Instruction, Organizational Units of the Hospital and University Clinical Service of Kosovo.
4. Administrative Instruction on affixing the banderols on Medicinal Products that are imported, manufactured and treated in the Republic of Kosovo.
5. Administrative Instruction on Marketing Authorization for Medicinal Products Placed in the Republic of Kosovo.
6. Administrative Instruction on the requirements on Good Manufacturing Practice requirements.
7. Administrative Instruction on the price fee of Medicinal Products and Medical Devices.
8. Administrative Instruction on wholesalers for medicinal products and medical devices.
9. Administrative Instruction on retailers of medicinal products and medical devices.
10. Administrative Instruction on telephone lines for citizens complaints in the health services.
11. Administrative Instruction on the conditions and procedures for personal name change.
12. Administrative Instruction on categories of citizens and residents exempt from co-financing.
13. Administrative Instruction for local border traffic rules and local border traffic permit.
14. Administrative Instruction on supervision of inspection for the implementation of fire protection measures.
15. Administrative Instruction on the Manner of Establishment and Functioning of Business Incubators.
16. Administrative Instruction on the content of the feasibility study.
17. Administrative Instruction on setting out the procedure on submitting the application to obtain permission, its proceeding and granting the permission, and the content of the registry of economic zones.
18. Administrative Instruction on Waste Management from Extractive Industry and Mining.

5.2.5 Other acts

1. Memorandum of Understanding conducted between the Privatisation Agency of Kosovo and Civil Registration Agency.



2. Statute of the Hospital and University Clinical of Kosovo
3. Cooperation Agreement between Kosovo Customs and Kosovo Exporters' Association (KEA).
4. Cooperation Agreement between Kosovo Security Bureau and Kosovo Customs for Data Exchange on vehicle imports.
5. Draft agreement in the field of social insurance between the Republic of Kosovo and the Republic of Austria.
6. Public communication form - MIA.
7. Explanatory Memorandum of Regulation on drafting the Registry of Diaspora and Migration, as well as its update.
8. Correctional plan on findings of Progress Report.
9. Concept document on compiling the draft-law for amending and supplementing the law no. 04/1-57 on freedom of association in non-governmental organizations.

All primary and secondary legislation which regulates the processing of personal data must be in accordance with Article 36 of the Constitution of the Republic of Kosovo and the Law on Protection of Personal Data, within this it should be emphasized that not all approved and processed laws were received for consultation at the National Agency on Protection of Personal Data.

In 2012, the Agency received 4 draft laws, 8 draft Regulations, 3 Draft - Administrative Instructions and 1 Draft Agreement for consultation, during 2013 this number did significantly increase where the Agency received 19 draft laws, 7 Draft Regulations, 18 Draft - Administrative Instructions, 12 other acts including the explanatory memorandum, the draft agreement, memorandum of understanding, concept papers and other administrative acts for consultation. Agency provided its comments in order to harmonize them with the Law on Protection of Personal Data, but failed to obtain information that provided remarks by the Agency are taken into account.

Considering that in the Assembly of the Republic of Kosovo during 2013 are approved around 60 laws, it makes us to understand that a large proportion of these laws have not come to consultation. Agency recommends respecting Article 39 of the Law on Protection of Personal Data, which says that the Assembly and the Government of Kosovo should consult the Agency prior to the adoption of legislative and administrative measures relating to the processing of personal data.



5.3 Complaints

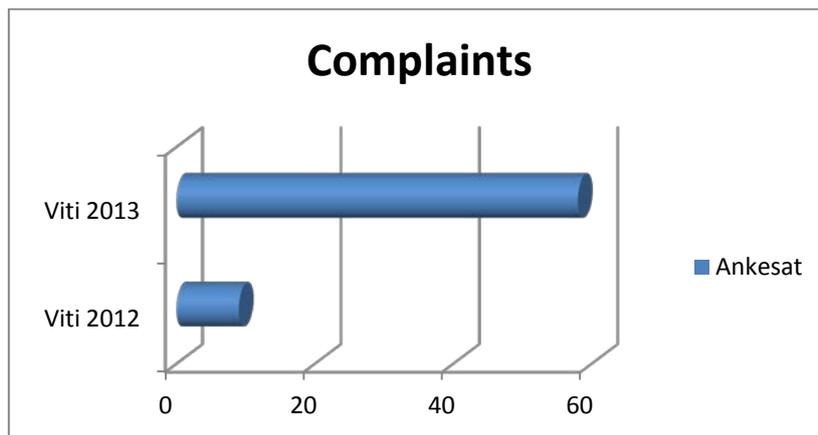
According to the Law on Protection of Personal Data, every person who considers that the rights of his or her privacy have been violated in terms of personal data may lodge a complaint with the agency. The complaints are lodged orally by telephone, in written and electronic means. The Agency has also enabled the complaint form to be downloaded from the official website.

The Agency, during 2013 has received a total of 58 complaints. There are eight citizen's complaints for who is conducted inspection and is processed in accordance with the procedures and the Law on Protection of Personal Data. The Agency has handled 50 complaints related to social network Facebook. The complaints were mainly related to false profiles. The results are not satisfactory though with the help of Facebook office for Europe in Dublin, all cases of false profiles are closed but after a few days or weeks we have received similar complaints from the same persons. This means that the fake profiles have been reopened.

Mostly, the citizens of Kosovo have complaints about the misuse of personal data by data controllers who has been abused for the purpose of direct marketing, unauthorized disclosure of data, processing of data without the subject's consent, misuse of personal data through social networks and the processing of incorrect data.

These complaints were mainly focused towards the banking sector, microfinance sector, insurance companies, mobile operators and KEK, daily newspapers and social networks.

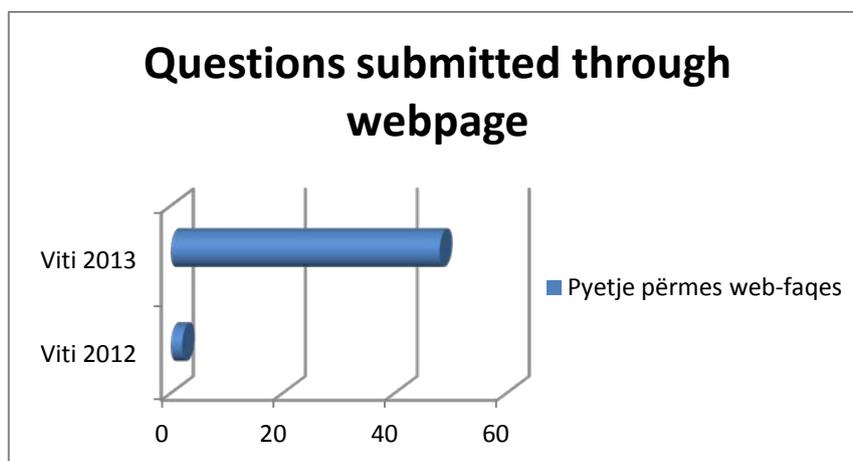
Despite the small increase in the number of complaints, we consider that the complaints of citizens to the Agency remain in a low level. This reflects the insufficient knowledge regarding their rights to protection of personal data which are guaranteed by the Law on Protection of Personal Data. We remain committed in 2014, to focus on raising awareness of citizens about their rights.



5.3.1 Questions raised by natural and legal entities

During 2013 the Agency received a total of 48 questions through official website submitted by citizens and different legal entities. The Agency has given proper explanations to all these questions in accordance with the procedures and the Law on Protection of Personal Data.

Easy way of submitting the questions via the official website of the Agency has resulted in a significantly greater number of questions compared with 2012.



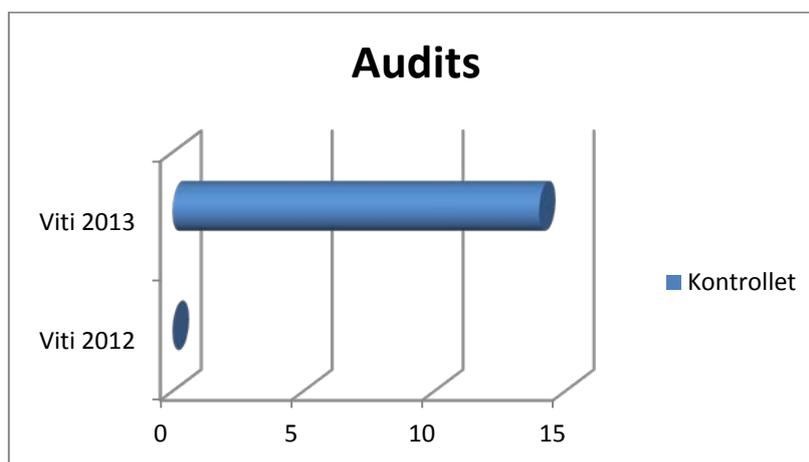
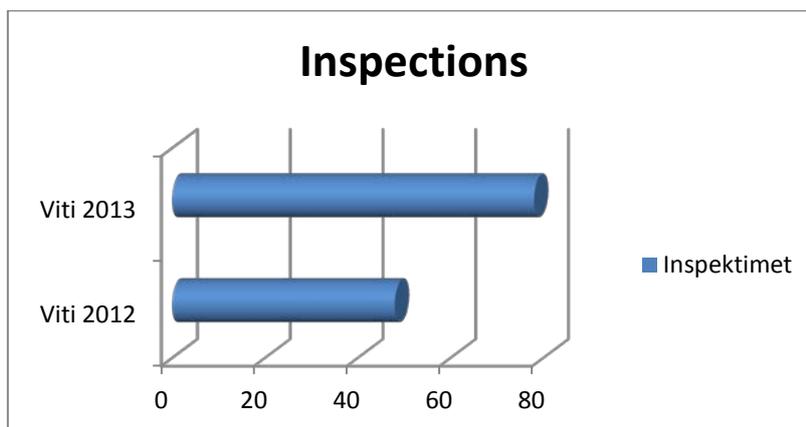
5.4 Inspection and Audits

The agency oversees the legal processing of personal data, which is done through inspections and audits. The Agency conducts regular inspections and ex officio inspections and based on complaints.



The Agency has completed the entire necessary framework for the implementation of audits and inspections. In this regard, the Agency has issued the regulations for inspection checklist and minutes form.

The Agency conducts regular inspections and audits upon complaints. During 2013, it has conducted 78 regular inspections on the basis of work plan, according to ex officio and according to complaints and 14 audits. Based on the number of inspections and audits of the previous year and this year, the number of inspections has increased about 40%, while the number of audits is significantly greater.

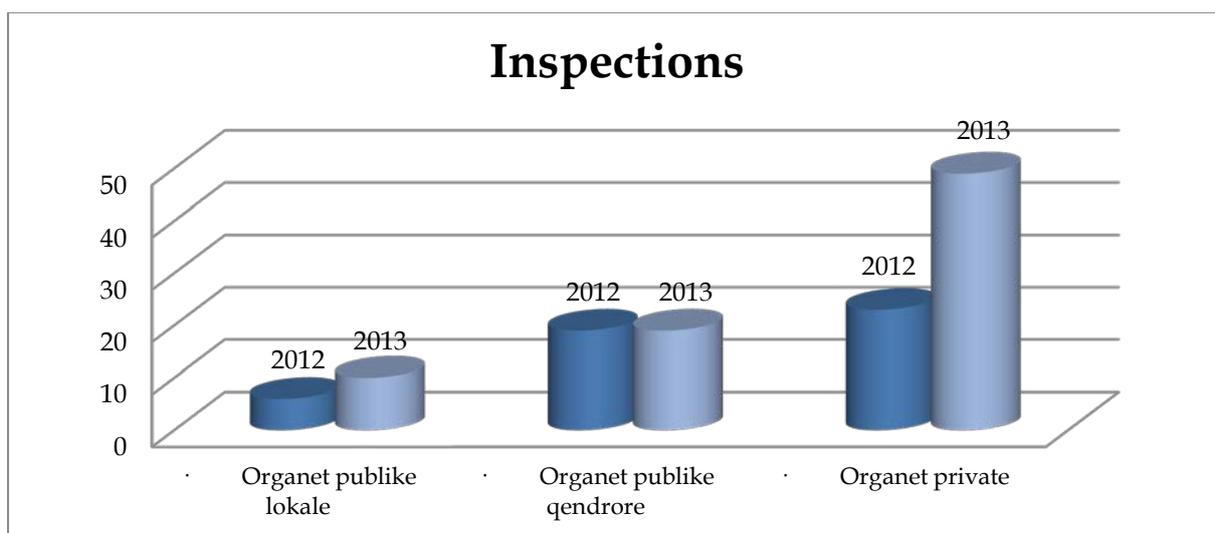
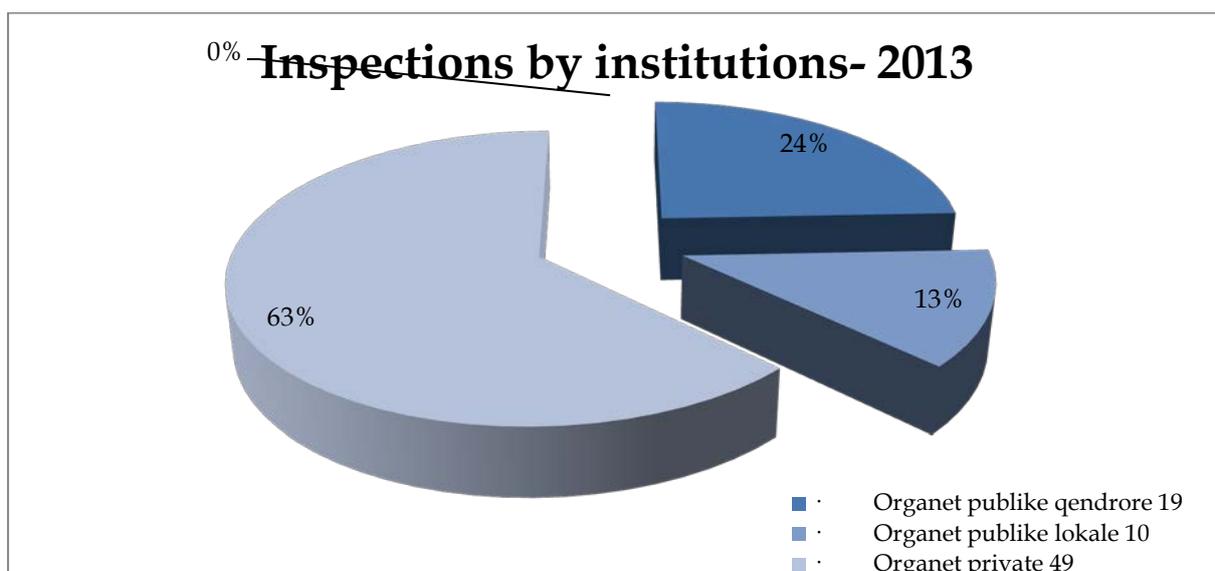




5.4.1 Inspection

Inspections during 2013:

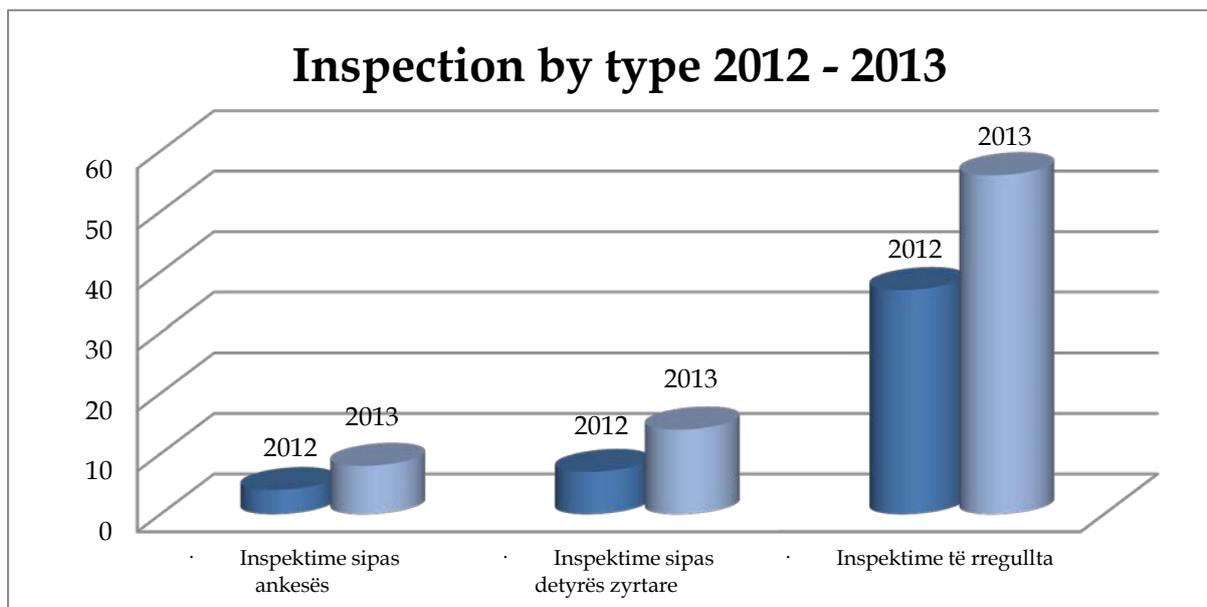
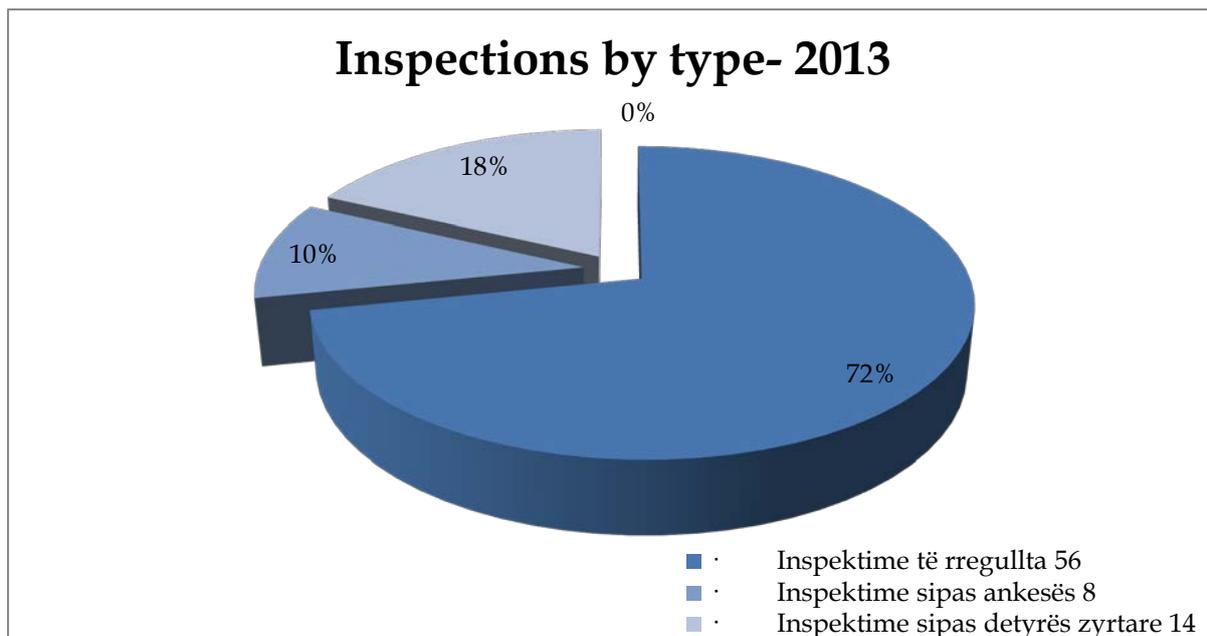
- Central public bodies 19
- Local public bodies 10
- Private bodies 49





According to the type of inspections:

- Regular inspections 56
- Inspections based on complaints 8
- Inspections on ex officio 14





5.4.2 Regular inspections

Within regular inspection, legitimacy is overseen on data processing, data security, system files, transfer data, direct marketing, video surveillance, and biometrics features, records of entry to and exit from premises, interconnection of systems, realization of the right to personal data subject, the official internal of protection of personal data.

In 2013, regular inspections are carried out according to the work plan for this year. According to 2013 plan, these regular inspections are oriented in the field of video surveillance, records of entry to and exit from premises, processing of biometric data, the processing of personal data for the purpose of direct marketing and transfer of personal data to states and international organizations. Inspections in the above mentioned fields are realized in the following institutions:

1. Ministry of Agriculture, Forestry and Rural Development
2. Ministry of Labour and Social Welfare
3. Railway Regulatory Authority
4. Municipality Assembly of Novobrd
5. Public Procurement Regulatory Commission
6. Municipal Assembly of Gjilan
7. Municipal Assembly of Shtime
8. Independent Commission for Mines and Minerals
9. Municipal Assembly of Mitrovica
10. Municipal Assembly of Skenderaj
11. Municipal Assembly of Vushtri
12. Regional Hospital of Prizren
13. Municipal Assembly of Kamenica
14. Public Procurement Review Body
15. KUR - Prishtina
16. VivaFreshStore-Prishtina
17. GorenjeNiti-TikiCompany JSC
18. Uni free - Dutyfree - ("Adem Jashari" Airport)
19. MFI - Rural Credit Kosovo



20. MFI - AFK
21. MFI - FINCA
22. MFI - KEP
23. MFI - Start
24. MFI - Kosinvest
25. MFI - Perspektiva 4
26. MFI - KAD - Kosova
27. Personal Savings Fund
28. Ministry of Finance
29. Tax Administration of Kosovo
30. MF - Financial Intelligence Unit
31. Kosovo Privatization Agency
32. Banka Private e Biznesit
33. Banka Ekonomike
34. Banka Kombetare Tregtare
35. TEB Bank
36. NLB Bank
37. ProCreditBank
38. RaiffeisenBank
39. Kosovo Customs
40. FMC - Lipjan
41. VivaFreshStore - Mitrovica
42. MinimaxShoppingCentre - Prishtina
43. Faculty of Geosciences and Technology - Mitrovica
44. IPKO Telecommunications
45. Telephony operator PTK -JSC VALA
46. K.S. Croatia Insurance
47. I.C. Sigal
48. Surgery clinic Aloka
49. Heart hospital INTERMED



50. I.C. SIGKOS
51. American Hospital in Prishtina
52. I.C. SIGMA
53. Kavaja Hospital
54. Prince Coffee Shop ("Adem Jashari" Airport)
55. Black and Red ("Adem Jashari" Airport)
56. B and B Group L.L.C. ("Adem Jashari" Airport)

During inspections of public and private bodies as mentioned above, there are found irregularities, and the Agency based on the findings have taken decisions, through which the institutions above have been ordered or advised to eliminate those irregularities.

The regular inspections have been conducted under the work plan of 2013, focused in the area of video surveillance, records of entry to and exit in premises, processing of biometric features, the processing of personal data for the purpose of direct marketing and transfer of personal data to countries and international organizations, are carried out in almost all public and private institutions assessed by the Agency as the biggest processors of personal data.

Regarding the video surveillance, abovementioned institutions are inspected and after verification and documentation procedures required by law, as well as verification of cameras monitoring systems which reflect the positioning of the cameras, decisions are taken by the institutions which have been ordered or advised to law enforcement in regard of video surveillance. After inspection and then audits on the implementation of decisions can conclude that the inspected institutions have installed and continue to use video surveillance system in accordance with the Law on Protection of Personal Data. It is important to note that all decisions taken by the Agency in order to eliminate irregularities in the field of video surveillance are strictly enforced by the aforementioned institutions.

Recordings of entry to and exit from premises were also part of the work plan to be inspected in 2013. There were found some irregularities, such as excessive intake of personal data and maintenance of records more than the allowed time by law on the Protection of Personal Data. The Agency has issued decision in order to eliminate the irregularities for all institutions which are inspected. After different audits on the implementation of these decisions, we can conclude that the inspected institutions keep records of entry to and exit from the premises by the visitors in accordance with the Law on Protection on Personal Data. It is important to note that all



decisions taken by the Agency to eliminate irregularities in the registration of entry to and exit from the premises are strictly implemented by the abovementioned institutions.

Having in mind that biometric data belong to the group of sensitive personal data, the Agency projected inspections in this area during 2013. In all inspected institutions which have processed biometric data in accordance with the Law on Protection of Personal Data, the Agency has provided authorization for processing. In all other cases where biometric data are processed in violation of the Law, the Agency has issued decisions through which ordered the termination of this processing. After audits on the implementation of decisions, we can conclude that institutions inspected in processing biometric data in accordance with the Law on Protection of Personal Data. It is important to note that all decisions taken by the Agency to eliminate irregularities in the processing of biometric data are strictly executed by the institutions mentioned above.

Direct marketing is used quite a lot from private companies with the aim of promoting their products and services, so the Agency in the work plan for 2013 has decided to inspect the above mentioned institutions. There were some irregularities found during inspection, such as sending e-mails or SMS without obtaining consent from the client and sending different offers to persons who were not clients of the respective institutions. In this case, the agency took decisions through which has ordered the ending of these practices and at the same time advised to them the legal way on how to use personal data for the purpose of direct marketing. It is worth mentioning the obvious improvements to the use of direct marketing in the banking sector. It is also important to note that all decisions taken by the Agency to eliminate irregularities in the processing of personal data for the purpose of direct marketing are strictly implemented by these institutions.

Transfer of personal data to countries and international organizations is evaluated by the Agency as a challenge for 2013. In this case, the above mentioned institutions are inspected if this transfer is accomplished in accordance with the Law. Previously, the Agency defines the list of states with an adequate level of security of personal data. Irregularities found during the inspection of the above mentioned institutions, have been improved after the Agency has issued decisions on their elimination. All transfers that take place in countries, part of the list of countries with an adequate level of security institutions are advised that contracts or agreements to be harmonized with the Law on Protection of Personal Data. As for transfers of personal data provided to states that do not have a proper security level after completing the legal criteria, the Agency has given authorization. After audits on enforcement, we can conclude that all the above mentioned institutions transfer of personal data to countries and international organizations are done in accordance with the law. It is important to note that all decisions taken by the Agency to



eliminate irregularities in the transfer of personal data to countries and international organizations are strictly implemented by those institutions.

5.4.3 Inspections according to complaints

The Agency, in 2013, after analyzing and evaluating complaints has conducted eight inspections. In order to verify applicants' claims, inspections are carried out in the following institution:

1. Ministry of Trade and Industry
2. VALA Operator
3. Illyria Life
4. Publishing enterprise "Zëri"
5. TEB Bank
6. JYSK
7. Rainbow
8. Eurokoha Agency

The complaints were mainly in direct marketing, data accuracy, data disclosure and use of collected data for other purposes, video surveillance etc. After inspecting the institutions mentioned above, the Agency has issued decisions by which the institutions were ordered or advised to eliminate the irregularities found.

In all cases, applicants are notified on the inspection results and the actions taken by the Agency within its mandate.

It is important to mention that all of the Agency's decisions are implemented and had effects in improving the illegal practices in terms of data processing.

5.4.4 Inspections on ex officio

The Agency, during 2013 has conducted fourteen ex officio inspections. Ex officio inspections are made primarily based on information on possible violations of the Law on Protection of Personal Data, mainly taken from the media and in a direct way. Within ex officio inspections are included inspections conducted upon bodies' requirements to obtain authorization to use biometric data, transferring data to countries and international organizations that do not provide an adequate level of protection of personal data provided by the Law on Protection of Personal Data. The Agency has conducted inspections in the following institutions to ascertain whether



the institution processes personal data in accordance with the Law. Institutions in which ex officio inspections are conducted are as follows:

1. Ministry of Foreign Affairs , Embassy in Tirana ,
2. KEK ,
3. Ministry of Trade and Industry ,
4. I.C. " Ilyria "
5. VALA operator,
6. City Park ,JSC
7. FINCA Microfinance Institution
8. BKT Bank
9. Regional Hospital "Daut Mustafa"
10. University " Haxhi Zeka "
11. International Business College Mitrovica
12. Gjilan Regional Hospital.
13. Centre for Employment and Social Welfare, Lipljan
14. International Airport " Adem Jashari "

Ex officio inspections are conducted in video surveillance, use of biometrics features, access to personal data, direct marketing, transfer of personal data etc. After inspecting the institutions mentioned above, the Agency has issued decisions by which the abovementioned institutions were ordered or advised to eliminate the irregularities found.

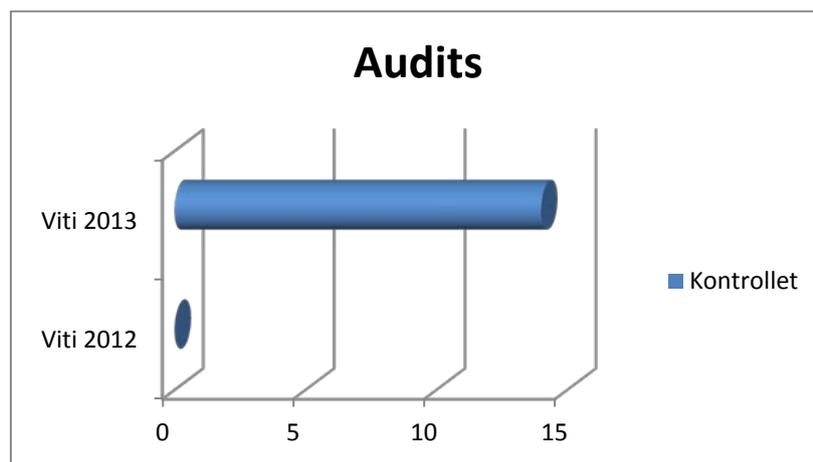
It is worth mentioning that all decisions taken by the Agency to eliminate irregularities in the inspected areas are strictly implemented by the mentioned institutions.

5.4.5 Audits

The Agency, during 2013 has conducted a total of fourteen audits. Audits were carried out in institutions; decisions are taken after inspection in order to eliminate violations. The Agency has issued decisions through which the institutions are advised to eliminate minor irregularities and the Agency has not conducted other audits since the institution has fulfilled the advice and in writing has proven its implementation.

The Agency has performed audits in these institutions:

1. Ministry of Economic Development
2. Ministry of European Integration
3. Ministry of Public Administration - KIPA
4. Independent Civil Service Board of the Republic of Kosovo
5. Privatisation Agency of Kosovo
6. Ministry of Finance - Financial Intelligence Unit
7. Viva FreshStore - Pristina
8. GorenjeNiti - Tiki Company
9. Uni Free - dutyfree - International Airport "Adem Jashari"
10. VICTORY College
11. Publishing enterprise "Zëri"
12. Minimax Shopping Centre - Pristina
13. Ministry of Foreign Affairs - Embassy in Tirana
14. KEDS



5.4.6 Biometric data processing

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

Public and private sector can use biometrics features only if necessary for the safety of people, property insurance or protection of confidential data and business secrets.

According to the Law on Protection of Personal Data, the Agency assesses the necessity of the use of biometrics data through authorization for use, except where otherwise provided by Law.



All public and private bodies that wish to process biometric data, except where otherwise provided by Law, before the use of biometric data must obtain authorization from the Agency in accordance with the Law on Protection of Personal Data.

In 2013, the Agency has received two requests for authorization for the use of biometrics data:

- **“Adem Jashari” International Airport** has requested authorization for the use of biometric features for controlling access in the neutral zone of the airport.
 - o The Agency has reviewed the documentation provided, has conducted the inspection in accordance with internal procedures and has concluded that the legal criteria are set out in accordance with provisions of the Law on Protection of Personal Data. The Agency has issued a decision whereby authorization is granted for the use of biometrics in the above area.

In all institutions where inspections were conducted, which processes biometric data in accordance with the Law on Protection of Personal Data, the agency has provided authorization for processing. In all other cases where biometric data are processed in violation of the law, the Agency has issued decisions through which ordered the termination of this processing. After audits on the implementation of those decisions, we may conclude that inspected institutions process biometric data in accordance with the Law on Protection of Personal Data. It is important to note that all decisions taken by the Agency to eliminate irregularities in the field of processing of biometric data are strictly implemented by the institutions inspected.

5.5 Transfer of Personal Data

In accordance with the Law on Protection of Personal Data, the transfer of personal data that are processed or those to be processed in other countries or international organizations, can only be done if these countries provide an adequate level of protection of data. For all those countries or international organizations that do not provide a appropriate level of data protection, public or private body that aspire to transfer data, must follow the procedures of obtaining authorization from the Agency.

The Agency has approved the secondary legislation which regulates the procedures of transfer of personal data abroad. Within the secondary legislation, the Agency has approved the regulation on internal procedures for reviewing requests to allow international transfer of personal data, as well as the form to be filled in upon request by the institution for the transfer of data.

In order to fulfil all legal obligations and to contribute to the establishment of facilities for data transfer, the Agency through a formal decision has prepared a list of countries that provide an adequate level of protection of personal data and for transfer in these countries it is not required an authorization from the Agency.



The following list will continually be updated with countries and international organizations with an adequate level of data protection.

List of European Union countries that provide an adequate level of protection of personal data:

- Austria
- Belgium
- United Kingdom
- Bulgaria
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Netherlands
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Poland
- Portugal
- Cyprus
- Czech Republic
- Rumania
- Slovakia
- Slovenia
- Spain
- Sweden

Member states “European Economic Area” that provide an adequate level of protection of personal data:

- Iceland
- Liechtenstein
- Norway
- Switzerland

Countries and international organizations that provide an adequate level of protection of personal data:

- Israel
- Uruguay

In accordance with the Law on Protection of Personal Data has published the list in the Official Gazette and on the website of the Agency.

The Agency, during all inspections, verifies whether the controller transfers the data abroad and if that is done in accordance with the provisions of the law. Agency may



have an overall view of the transfer of personal data after the registration of controller files is completed.

In 2013, the Agency has received two requests for the transfer of personal data and has given two authorizations for the transfer of personal data:

- **Banka Ekonomike JSC** has requested for authorization on personal data transfer in **Compassplus LTD-Processing Centre** located in the Russian Federation (Russia).

After reviewing the documentation provided by the applicant, the Agency has concluded that criteria foreseen in the provisions of the Law on Protection of Personal Data are met and has allowed authorization for the transfer of personal data to customers in the above mentioned company.

- **TEB Bank JSC** has requested authorization on personal data transfer in **TEB HOLDING AS TURKEY** located in the Republic of Turkey.

After reviewing the documentation provided by the applicant, the Agency has concluded that criteria foreseen in the provisions of the Law on Protection of Personal Data are met and has allowed authorization for the transfer of personal data to customers in the above mentioned company.

After audits on implementation of the decisions, we can conclude that all institutions inspected during 2013 regarding with the transfer of personal data to countries and international organizations, perform in accordance with the Law. It is important to note that all decisions taken by the Agency to eliminate irregularities in the transfer of personal data to countries and international organizations are strictly implemented by the institutions inspected.

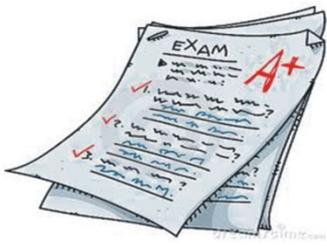
5.6 Information and promotion

National Agency for Protection of Personal Data has paid special importance to public relations. In this context, all local print and electronic media have been informed on time for each activity planned by the Agency using the website and direct contacts.

The Agency has organized conferences, seminars, trainings and workshops with public and private bodies on topics related to personal data protection.

The Agency marked January 28 - Day of Protection of Personal Data, organizing activities with the purpose of information and promotion of the rights on protection of personal data. On that day, there were 30 thousand leaflets distributed with daily press, in order to inform and make people aware of their rights guaranteed by the Law on Protection of Personal Data.

In order to promote the protection of personal data, the Agency in cooperation with the Ministry of Education, Science and Technology in November 2013 started the awareness campaign with high school students on the topic 'My Privacy'. There were 10 000 campaign leaflets distributed to the students to raise their awareness on the rights regarding the protection of personal data. This campaign included competitions in different fields and the best work in art and literature were selected. The campaign is scheduled to end on January 28, 2014, on the Day of Protection of Personal Data.

<p>PRIVATËSIA NË SHKOLLË</p>	<p>Instalimi i Kamerave</p>	
<p>Privatësia nga të tjerët</p> <ul style="list-style-type: none"> Ti, mbase dëshiron që informatat tua personale (rezultatet e testit me emër, mbiemër dhe notë), të mos jenë të vendosura në korridoret e shkollave.  <ul style="list-style-type: none"> Informatat që ndan me kujdestarin e klasës apo edhe me drejtorin e shkollës, psikologun etj., dëshiron që të mbeten konfidenciale. Nëse ti ruan me xhelozsi privatësinë tënde, nuk do të thotë që ti nuk dëshiron të shoqërohesh (të kesh shoqëri). Privatësia është diçka personale; grupi me të cilin bashkëjeton është diçka sociale. Të dalësh me shoqëri e të argëtohesh, nuk të pengon të ruash privatësinë tënde. 	 <ul style="list-style-type: none"> Garanton sigurinë e njerëzve dhe sigurinë e pronës (pasurisë); Çdokush që përdorë sistemet e vëzhgimit me kamerë, duhet të ketë gjithnjë njoftimin paraprak; Shenja parajmëruese për vëzhgimin me kamerë duhet të jetë e dukshme, në mënyrë që subjekti të njoftohet me masat e aplikuar, pa vështirësi, më së voni kur të ketë filluar vëzhgimi me kamerë; Hapësira e vëzhguar me kamera duhet të jetë e kufizuar në përputhje me ligjin; Regjistrimet e kamerave kanë afat të kufizuar të ruajtjes së tyre. <p>www.amdp-rks.org infomdp@rks-gov.net</p>	<p>PRIVATËSIA IME</p> <p>Çka nënkuptojmë me privatësi?</p> <p>Cjithçka që ka të bëjë me ty personalisht, qoftë e dhënë subjektive apo objektive, nënkupton privatësinë tënde.</p> <p><i>"Privatësia është pikërisht e drejta për të ruajtur kontrollin mbi informacionin që të përket ty. Të jesh i vetdijshëm se shumë nga veprimet tua të përditshme lënë gjurmë, në atë mënyrë që zbulojnë detajet e personalitetit tënd, besimit tënd të brendshëm, gjëra që jo gjithmonë ti do që të tjerët t'i dinë."</i></p> <p>Cilat janë disa nga të dhënat tua personale kryesore?</p> <ul style="list-style-type: none"> Emri, mbiemri; Numri personal (Nr i ID), numri i indeksit (librezës shkollore), numri i tatimit, numri i telefonit, etj.; Adresa, data, vendi i lindjes; Fotografia, video-incizimet, zëri i incizuar, etj. <p>Të dhënat e ndjeshme (sensitive)?</p> <ul style="list-style-type: none"> Të dhënat mbi origjinën (raca, etnia); Përkatësia fetare; Anëtarësia sindikale; Gjendja shëndetësore ose jeta (orientimi seksual); Dënimet penale ose të kundërvajtjet;



<ul style="list-style-type: none"> Karakteristikat biometrike (gjurmët e gishtërinjve, retina e syrit, tiparet e fytyrës, ADN, etj). 	<p>Disa prej rrjeteve sociale më të përhapura në botë:</p> <ul style="list-style-type: none"> Facebook, My Space, Hi5, Flickr, Skyrock, Friendster, Tagged, Twiter, Windows Live, Badoo.com etj. 	<p>PRIVATËSIA NË FAMILJE</p> <ul style="list-style-type: none"> Prindërit, nga dëshira e madhe për t'i ofruar siguri fëmijëve, mundohen të kontrollojnë gjithçka rreth tyre.
<p>Cilat janë të drejtat tua?</p> <ul style="list-style-type: none"> Të informohesh nëse të dhënat tua përdoren (përpunohen) në një formë ose tjetër; Të japësh pëlqimin tënd për përpunimin e këtyre të dhënave; Të mund të kundërshtosh përpunimin e të dhënave tua në rrethana të caktuara; Të ankolesh kur mendon se të dhënat tua përpunohen në kundërshtim me ligjin; Të ndryshosh ose të fshish të dhënat tua, kur ato janë të pasakta ose të paplota; Të kërkohesh kompensimin e dëmit të shkaktuar si rezultat i përpunimit të paligjshëm të të dhënave. 		
<p>Mbrojtja e të dhënave dhe privatësisë</p> <ul style="list-style-type: none"> Janë të drejta të garantuara me Kushtetutën e Republikës së Kosovës dhe më Ligjin për Mbrojtjen e të Dhënave Personale. Në Kosovë ekziston institucioni përgjegjës për mbrojtjen e të dhënave personale. Ti mund të parashtrosh ankesë në Agjencinë për Mbrojtjen e të Dhënave Personale përmes: <ul style="list-style-type: none"> - postës elektronike; - me shkrim (duke plotësuar formularin në ueb faqet të Agjencisë: www.amdp-rks.org) - përmes telefonit; - personalisht etj. 	<p>Përdorimi i drejtë i rrjeteve sociale</p> <ul style="list-style-type: none"> Respekto të tjerët - Mos publiko asnjëherë informacione personale dhe foto të personave të tjerë pa pëlqimin e tyre! Kontrolloni veten - Mendo mirë para se të publikosh të dhënat tua personale, mbi të gjitha, emrin, adresën, numrin e telefonit në rrjete të ndryshme, si: Facebook, Chat Rooms të ndryshme etj., dhe mos prano lirshëm (pa i verifikuar) kërkesat për miqësi! 	<p>Privatësia i takon gjithsecilit - edhe ty.</p>  <ul style="list-style-type: none"> Ty të lejohet të përdorësh - shfrytëzosh teknologjinë elektronike, televizorin, telefonin, kompjuterin, rrjetet sociale etj.
<p>PRIVATËSIA DHE RRJETET SOCIALE</p> <ul style="list-style-type: none"> Mënyra më e shpejtë e përhapjes së të dhënave personale, njëkohësisht edhe mundësia me e lehtë e keqpërdorimit të tyre. 	<p>Vini re!</p> <ul style="list-style-type: none"> Duhet të kesh kujdes, sepse fotografitë dhe informacionet e publikuara dikur, falë teknologjisë së zhvilluar të kërkimit (google, yahoo etj.) mund të rikthehen, edhe pasi t'i kesh fshirë. Duhet ditur se lundrimi në internet lë gjithmonë gjurmë (adresa e IP-së, historiku i lundrimit, emrat kyç të kërkuar në motorët e kërkimit). Çdo klikim i yti është një e dhënë që ti lë. Ti mund të fshihesh pas një pseudonimi, por jo pas një adrese të IP-së. 	 <ul style="list-style-type: none"> Kuptohet, e gjithë kjo liri shkon deri aty sa mos të kesh pasoja nga keqpërdorimet e shumta që mund të ndodhin në vorbullën e quajtur teknologji - internet.

Leaflet "My privacy"

In order to raise institutions awareness on obligations to the Law on Protection of Personal Data, the Agency has organized awareness seminars. In these seminars organized by the Agency, participants were all senior officials from public and private institutions who in one form or another have access to personal data. Following the success of these seminars in 2012 and in 2013 the Agency will continue to organize them in the coming years as this proactive approach of the Agency has shown success in law enforcement.

Institutions that have requested the organization of awareness seminars are as follows:

- The Central Election Commission
- Central Bank of Kosovo
- Ministry of Culture , Youth and Sports
- Ministry of Education , Science and Technology
- Municipal Assembly - Kamenica
- Municipal Assembly - Gjilan

- Micro-financial institution - FINCA
- Micro-financial institution - KosInvest
- Micro-financial institution - KRK
- Micro-financial institution - START
- Micro-financial institution - AKF

Agency, with the aim of informing and promoting the protection of personal data has consistently expressed its willingness to organize or participate in any activities organized by public and private bodies. It is worth mentioning that the interest of private bodies for organizing seminars of this nature has been quite high.

In order for citizens to be informed on their rights regarding personal data protection and privacy, the Agency has launched two TV ads with aim of sensitization, one of them dedicated to controlling entities, respectively citizens' awareness on importance of protecting personal data and privacy.



Fig 1 - ad 1.

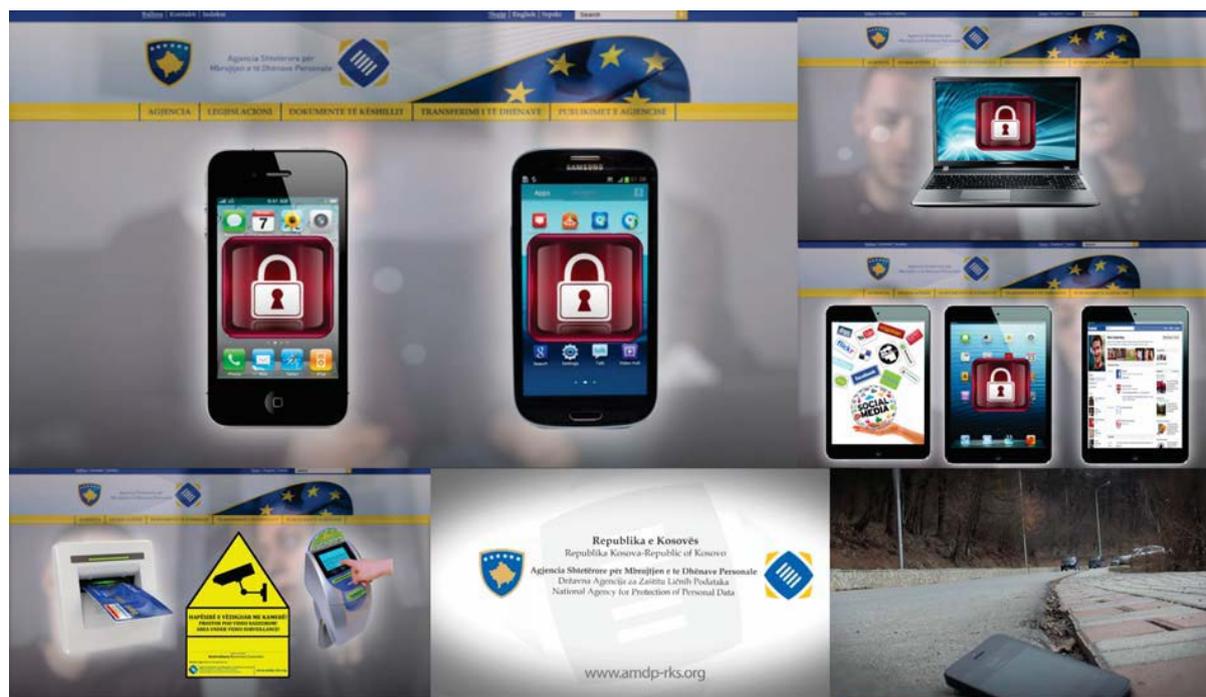


Fig 2 - ad 2.

The Agency was present in electronic media and print media, with the purpose of increasing public awareness on the need of protection of personal data and the role and activities of the Agency in this field.

During 2013, there were published different publications with various topics on protection of personal data protection aimed at informing and promoting the rights for the protection of personal data.

Despite a systematic presentation in print and electronic media, we assess that there is still much work to be done, so that citizens are informed about their rights on personal data protection. As soon as possible, because according to research in the area of security, information of the citizens, especially in rural parts of the country is still at a low level. Consequently, citizens' awareness not only through the media, but also with direct contacts with citizens, must be permanent and fruitful.

We have reached the conclusion that the official website of the Agency had an impact on awareness on data protection for all those who have had the opportunity to be informed through this Web site.

Official web page of the Agency is www.amdp-rks.org; the official address for information is info.amdp@rks-gov.net.



5.7 National and international cooperation

In order to fulfil the legal obligations and duties in the field of cooperation for the protection of personal data, the Agency has been active in national and international cooperation.

The Agency in 2013, among others, had in focus establishment of contacts and international cooperation with European Union bodies. Especially the participation in the Spring Conference of European Authorities for Data Protection organized by the Portuguese authorities in May 2013, in Lisbon, Portugal, was very important. After fulfilling the criteria set out by the evaluation committee of authorities' requirements for participation and membership, the Agency was accepted as a permanent observer in the conference.

During the second half of 2013 and with an overall commitment of the Agency, we have managed to be a member with full rights in the 35th International Conference of Commissioners of Data Protection and Privacy, held in Warsaw, Poland.

One of the Agency's primary tasks for 2013 has been the continuation of contacts and cooperation with counterpart agencies in the region and beyond.

In this regard, the Agency has conducted visits to:

- Institution for Protection of Personal Data of Albania;
- Agency for Protection of Personal Data of Macedonia;
- Agency for Protection of Personal Data of Croatia;
- Agency for Protection of Personal Data of Bulgaria.

Due to expansion of bilateral cooperation, during an annual period the Agency has visited the office of the Bulgarian counterpart authority. The meeting's aim was to be familiar with experiences of the Bulgarian authorities in protection of personal data. During this visit they reviewed the practices of the institution for the protection of personal data of Bulgaria in handling complaints and controlling activities.

In order to strengthen the cooperation with counterpart authorities in the region, in October 2013, it was organized a visit in the Directorate for Protection of Personal Data of Macedonia; the main topic was on exchanging the best practices between the two authorities. In order to increase the cooperation and exchange of experiences of regional authorities for personal data protection, European Union through TAIEX program, organized a regional conference on "Internet and the protection of personal data " held in Zagreb, Croatia .



Given the large number of complaints about the misuse of personal data on social network Facebook, the Agency was committed to have a meeting in order to address these violations. After numerous contacts with representatives of Facebook for Europe with headquarters in Dublin, Ireland, a video conference was held in NAPPD office with security experts of social network Facebook. During the conference topics we discussed the security issues of Facebook users, about possible abuse of privacy in the social network and the possibility of avoiding and preventing violations of privacy by different abusers.

The conference lasted about three hours and it was agreed on the method of cooperation in eliminating the misuse of personal data of citizens of the Republic of Kosovo in the social network Facebook.

Besides cooperation with the authorities of other countries, the Agency, this year has been focused on strengthening relations with institutions of our state. In this regard, it was signed a Memorandum of Understanding between NAPPD and the Ministry of Security Force in coordinating training activities in order to accomplish the mission of both institutions.

In 2013, we established contacts at conferences, seminars and workshops with counterpart organizations of the region, with which we have signed cooperation agreements.

5.8 Assignment of Data Protection Officer

The Agency in order to complete the legal framework regarding the assignment of Data Protection Officer - DPO and in line with European developments in the field of personal data protection, with special emphasis on appointment of data protection official, issued an Administrative Instruction on Assignment of Official for Personal Data Protection.

The Agency considers that the assignment of official data protection is of particular importance for both the institution that assigns him/her and the Agency. The experience during two years has shown that all institutions which have assigned DPO`s, not only have shown commitment to legal provisions on official assignment, but they have shown willingness to further cooperation in respect of the Law on Protection of Personal Data. It is important to mention the great commitment of most DPO`s for protection and promotion of the right of personal data protection and privacy, which is often in opposite with policies of the bodies that they represent.

Seeing the great productivity of DPO`s assigning, the Agency has submitted numerous documents and organized a range of meetings, not only to convince the enforcement bodies of legal provisions but to explain the importance of DPO on protection and promotion of the right to data protection and privacy.



Our commitment in this regard has been successful with private bodies rather than the public ones. In particular there is negligence of public bodies at local level to appoint a DPO's. We remain committed to organizing meetings with the responsibilities of public and private bodies in order to clarify the importance of assigning DPO's.

Table 1, registration of officials for protection of personal data assigned in public/private institutions in 2013:

- Ministry of Labour and Social Welfare
- Pedagogical Institute
- History Institute
- Albanology Institute
- State University of Prizren
- Procurement Review Body
- Prishtina International Airport
- Kosovo Aid And Development
- Funding Agency in Kosovo
- Kosovo Competition Authority
- Municipality of Dragash
- Public Procurement Regulatory Commission
- Municipality of Orahovac
- Ministry of Agriculture, Forestry and Rural Development
- Micro-financial Institution Beselidhja
- Municipality of Lipjan
- Insurance Company Illyria JSC
- Micro-financial Institution Start
- Kosovo Energy Corporation
- Rural Credit Kosovo
- Micro-financial Institution Perspektiva 4
- Independent Media Commission
- Prishtina Regional Water Company
- Rural Credit Kosovo
- Atlantic Capital Partners
- Municipality of Hani i Elezit
- Municipality of Gjilan
- Central Election Commission
- Municipality of Klokot
- Municipality of Vitia
- NGO KosInvest
- Ministry of Culture, Youth and Sports
- Centre for Health and Social Care - Lipjan
- Croatia insurance



- New Kosovo (Kosova e re)
- GraweElsig
- Dardania insurance
- Sigma - Insurance Company
- SIGKOS - Insurance Company
- National Centre for Border Management
- KEDS

The Agency in cooperation with MPA- KIPA has organized training for officials of personal data protection. The purpose of this activity was to provide knowledge on the Law on protection of personal data for personal data for protection officials, who are the direct implementers of the Law and the duties and responsibilities of the Agency and the relation of these officials with the Agency. The main objectives of the training were: providing knowledge on the duties and responsibilities of the Agency, obligations of the institutions, their duties and responsibilities, the concretization of lawful ways of processing the personal data and provide knowledge on forms of personal data processing.

5.9 Filing registration and video surveillance

5.9.1 Filing registration

The Agency, according to the Law on Protection of Personal Data is required to establish and maintain a Register of Filing System. In fulfilling this obligation, the Agency has issued regulations regarding the maintenance of the register of filing system and registration form for the filing system. With the support of European experts engaged by TAIEX project, an application was developed that will enable *online* registration of application of filing system. Despite the common engagement, application development has taken a long time, delaying the initiation of registration controllers' files.

Despite the implementation of *online* registration application, the Agency was ready to accept the notifications for registration by the public and private institutions in late 2013.

5.9.2 Video surveillance

In order to respect the legal provisions which regulate video surveillance in public and private sector, the Agency has developed guidelines for using of video surveillance.

The Agency, within measures to inform citizens on video surveillance area has issued a standard format applicable for all public and private bodies in the Republic of Kosovo.



Standard notice format

The application of standard notification aims for the citizens to be able to easier familiarize with notice forms of areas under video surveillance. There are 1090 notice forms distributed in 89 public and private bodies, in accordance to the foreseen standard.

The Agency has concluded an ongoing trend on supervision and video surveillance, also in large mass the public and private bodies apply the standard notification format for areas under video surveillance.

In order to supervise the implementation of the law in the field of video surveillance, the Agency has conducted inspections and audits, and subsequently has taken decisions to advice on using video surveillance in accordance with the law. It is important to note that all decisions taken by the Agency to eliminate irregularities in the field of video surveillance are strictly implemented by the institutions.



5.10 Finances and budget – Activities from budget allocations, January-December 2013

Based on the recommendation of the Commission of Budget and Finance, in 2013 NAPPD budget was approved in the amount of **372,000.00 Euro** and a grant from the Norwegian Government in the amount of **9,593.00 Euro**, with a total budget for National Agency for Protection of Personal Data, in 2013, of **381,593.90 Euro**, allocated into the following main categories:

Table 1.1 NAPPD budget, in 2013

Description	Amount in Euro
Wages and salaries	160,000.00
Goods and services	159,593.90
Utilities	12,000.00
Non-financial assets	50,000.00
Total	381,593.90

5.11 Budget expenses

Funding of NAPPD activities according to economic classification is presented in the following table. There are **371,101.43 Euro** spent as follows:

Table 1.2 Budget spent

Description	Amount in Euro
Wages and salaries	159,771.68
Goods and services	156,401.44
Utilities	11,569.04
Non-financial assets	43,359.27



Total	371,101.43
--------------	-------------------

According to economic categories, rate of budget expenses is presented in percentage (%).

Table 1.3 Budget expenses in percentage

Description	Budget	Expenses	Expenses in %
Wages and salaries	160,000.00	159,771.68	99.90%
Goods and services	159,593.90	156,401.44	95%
Utilities	12,000.00	11,569.04	96.40%
Non-financial assets (capital)	50,000.00	43,359.270	86.70%
Total	381,593.90	371,101.43	95%

The following tables reflect the costs of NAPPD by main economic subcategories.

Table 1.4. Wages and Salaries (staff and Council of NAPPD)

Wages and Salaries	Amount in Euro
Net wages	135,012.61
Tax on personal income	9,729.75
Pension contribution of the employer	7,514.66
Pension contribution of the employees	7,514.66
Total of wages and salaries	159,771.68

Table 1.5. Goods and services



Description	Amount
Travel expenses	19,570.26
Telecommunication services	7,212.30
Costs for services	32,987.63
Furniture and equipment under 1000 Euro	17,869.02
Vehicle insurance	516.52
Fuel	7,422.18
Rent	47,203.70
Marketing expenses	7,620.00
Representation expenses	10,845.14
Maintenance and repair of vehicles	5,154.65
Total goods and services	156,401.44

Table 1.6. Utilities

Description	Amount
Electricity	3,904.41
Water	3,914.27
Expenses on land line telephone	3,400.00
Waste	350.30
Total of utilities	11,569.04



6 OVERALL ASSESEMENTS AND RECOMMENDATIONS ON PROTECTION OF PERSONAL DATA

Protection of personal data is a growing concern at the global level. This concern on privacy violation exists because of rapid growth of developing information technology, internet, search engines, social networks, etc. As a result of this development, the protection of personal data is becoming more challenging.

The Agency has developed several activities related to awareness of citizens about their rights regarding personal data protection and privacy, but still the level of knowledge about these rights is not satisfactory. As stated above, awareness of citizens on protection of personal data should be continuous commitment of the Agency.

The level of knowledge on the rights and obligations arising from the Law on Protection of Personal Data, after an extensive activity of the Agency in 2013, by public and private bodies is considered good. We have reached on this conclusion based on the level of expressed interest upon requests for advice, opinions and full implementation of all decisions taken by the Agency. In order to increase the level of knowledge about the legal obligations of public and private institutions, the Agency will continue its pro - active approach in providing advice, awareness seminars, etc.

Based on the nature of complaints from the previous year, the Agency's work plan for 2013 scheduled the inspections in the field of video surveillance, biometrics features processing, transfer of personal data to other countries and international organizations, direct marketing and records of entry to and exit in the premises. Abovementioned inspections on this area are conducted in both public and private sector. There weren't much violation cases in the institutions that have been inspected. This great achievement is due to great cooperation between the Agency and officials for data protection in respective institutions. This cooperation is realized through consultative meetings, awareness seminars, many questions about the way on law enforcement in certain areas etc.

After conducted inspections, through minutes, violations are found during the processing of personal data which through decisions or orders are advised to be eliminated. All decisions of the Agency are implemented by the inspected institutions in order to verify the implementation of decisions. Finally, after inspections and audits we can evaluate that inspected institutions in the above mentioned fields are processing the data in accordance with the Law on Protection of Personal Data.

We assess that the Personal Data Protection Officials have the key role in public and private institutions in law enforcement. In order to fulfil the legal obligations in



order to strengthen the capacities on protection of personal data, with the recommendation of the Agency and concerns derived from Progress Report in the area of visa liberalization in 2013, some public institutions have appointed the data protection official with main and only task in the field of protection of personal data, such as the Ministry of Internal Affairs (3), Ministry of Labour and Social Welfare (1), Ministry of Foreign Affairs (1).

We recommend to the institutions that are major processors of personal data as the Ministry of Education, Science and Technology, Ministry of Health and Ministry of Justice, to appoint officials as well on the protection of personal data with the only or main task and priority in the field of Personal Data Protection.

Lack of definition of clear specifications of the categories of personal data, necessary for the processing of personal data by public and private bodies, is one of the biggest gaps of the legislation in force. The gap of this definition leaves room for public and private bodies to collect large amounts of personal data which are unnecessary and contrary to the principles of data processing defined by the Law on Protection of Personal Data.

We recommend that in all laws and sub-legal acts where processing of personal data is defined, to clearly define the categories of data to be processed in that case.

Besides the lack of a clear legal framework that defines the categories of data that can be processed, at the same time in most cases there is lack of time to store and as a result we have the collection and retention of personal data for years despite achieving the goal for which they originally were collected.

We recommend that in all laws and sub-legal acts where processing of personal data is defined, to clearly define the time of data storage.

All primary and secondary legislation which regulates the processing of personal data must be in accordance with Article 36 of the Constitution of the Republic of Kosovo and the Law on Protection of Personal Data; in regard we must mention that not all processed and approved laws in the Kosovo Assembly have been sent for consultation at the Agency.

In 2012, Agency received 4 draft Laws, 8 draft Regulation, 3 draft Administrative Instructions and 1 draft Agreement for consultation, whereas in 2013, 19 draft Laws, 7 draft Regulation, 18 draft Administrative Instructions, 12 other acts including the Explanatory Memorandum, the draft Agreement, Memorandum of Understanding, concept papers and other administrative acts. The Agency has offered comments when it related to protection of personal data.



Taking under consideration that the Assembly of the Republic of Kosovo in 2013 approved around 60 laws, made us realize that a large part of the Laws were not sent to the Agency for consultation.

We remain committed to contribute in all cases where laws or sub-legal acts are sent for consultation to the Agency. In fact, there is a legal obligation that the Agency has to consult with the Government and the Assembly of the Republic of Kosovo during drafting of legislative and administrative measures dealing with the processing of personal data.

Lack of ratification of Convention 108 for the Protection of the individual in case of automatic processing of personal data by the Assembly of Kosovo disables the Agency to join the European and international organizations in the field of protection of personal data. Also in the absence of ratification of this Convention, Kosovo cannot be part of the list of states that provide the appropriate level of Personal Data Protection in the European Union level. As a result of this, the transfer of personal data in the Republic of Kosovo encounters difficulties.

We recommend to the Government and Assembly of the Republic of Kosovo to have this as their main objective and as a priority, processing and ratification of Convention 108 of 1981.