



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

Annual Report



Republika e Kosovës
Republika Kosova-Republic of Kosovo



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National Agency for Protection of Personal Data

ANNUAL REPORT ***2014***

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1 Executive Summary

In terms of article 44 of the Law on Personal Data Protection, the Agency is within this report herein submitting before the Assembly of the Republic of Kosova a general review of its activities on developments in the field of personal data protection in 2014, as well as by providing its assessments and recommendations associated to it.

The report describes the existing legal framework in effect that arranges Agency's operation and principles of personal data processing. It also describes its organization, scope, responsibilities and autorizations of the Agency. The report describes Agency's activities conducted during 2014, which were foreseen within its strategy on personal data protection 2014-2017, as well as the annual operational plan. According to its legal mandate, the report describes activities like inspections, audits, advice, opinions, complaint handling, information and promotion, awareness, cooperation with local institutions, cooperation with regional and international counterpart institutions, as well as gaining membership in international mechanisms in the area of personal data protection. The last part of the report presents a general assessment and recommendations on personal data protection, concluded by financial review for 2014 and addressing recommendations of the general audit.

During this year the Agency has made significant progress, which is confirmed by the European Commission Progress Report for Kosova. Progress was made in inspection and audits activities in both qualitative and quantitative point of view. The Agency managed to complete its inspection activities almost in all public and private institutions qualified as big personal data processors in the following areas: international transfer of data, biometric data processing, video surveillance, log in and log out records and direct marketing. Progress was made in the increase of submitted number of requests for advices, issuance of opinions and comments on legislative and administrative measures pertaining personal data processing. A special emphasis was put on awareness raising and promotion of the fundamental right on personal data protection this year, which directly affected the increase of submitted complaints and questions to the Agency. It is worth to mention that appointment of internal data protection officials in public and private institutions in both local and central level was completed.

In terms of international cooperation the Agency got a confirmation on its full membership in the mechanism of the South-East European personal data protection authorities; then it became a member of the Global Privacy Enforcement Network "GPEN"¹ among other 38 countries; it was also invited for the first time to a Case Handling Workshop (CHW), which is part of the Spring Conference of EU authorities, as well as gained the status of the permanent observer in francophone authorities of personal data protection.

¹ <https://www.privacyenforcement.net/public/members>



In order to implement the law in line with its authorities, the annual work plan for 2015 was drafted in harmony with Agency's Strategy on Personal Data Protection 2014 - 2017. According to the work plan 2015, the Agency shall through this year have as a primary objective direct implementation of the law via inspections and audits with special focus to lawfulness of personal data processing, data security, materialization of data subjects' rights, further awareness raising in personal data protection field of public and private bodies, promotion of the fundamental right on personal data protection as well as professional capacity building.



2 Legal Framework

The right on personal data protection and privacy in the Republic of Kosova is a guaranteed right by Constitution and by the Law on Personal Data Protection. This guaranteed right by Article 36 of the Republic of Kosova Constitution includes respect of private and family life, residential integrity, correspondence secrecy, telephony and other communications and personal data protection.

Direct implementation of international agreements and instruments that guarantee human rights and freedoms stipulated by Article 22 of the Republic of Kosova Constitution, too, such as:

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

By virtue of Article 53 of the Republic of Kosova Constitution, decisions of the European Court of Human Rights are directly applied in our country, too. European conventions and directives setting up data protection and privacy issues are the following: Convention 108/EC and Additional Protocols (on individual protection regarding the automatic processing of personal data); Directive 95/46/EC; Directive 2002/58/EC (e-privacy and electronic communications); Directive 2006/24/EC.

In 2010, The Assembly of Kosova approved the Law on Personal Data Protection (03/L-172) that sets out rights, responsibilities, principles and measures regarding personal data protection and constituted the institution responsible for supervision and legitimacy of data processing.

Primary and secondary legislation that determines processing of personal data should be in harmony with principles stipulated by the Law on Personal Data Protection.

2.1 *Agency Sub-Legal Acts*

In harmony with Article 94 of the Law No 03 /L-172 on Personal Data Protection, with the purpose of implementing this law, the Agency issued sub-legal acts and accompanying administrative documents.

Sub-legal Acts

- Agency Internal Regulation No. 20/2011;
- Administrative Instruction No. 01/2011 on the Appointment of Personal Data Protection Official;
- Administrative Instruction for Official ID Cards of National Supervisors 03/2012; (approved by the Government with the proposal of the Agency by virtue of Article 47 of the Law No. 03/L-172).



- Regulation No 01/2012 on the Manner of Conducting Inspections and Audits.
- Regulation No 02/2012 on the Manner of Keeping the Registry of Filing Systems of Personal Data and its Respective Form;
- Regulation No 03/2012 on Internal Procedures of Considering Requests for Personal Data International Transfer;
- Code of Conduct for the Employees of the National Agency for Personal Data Protection;
- Regulation No 01/2013 on the Internal Organization and Systematization of Jobs;
- Administrative Instruction No 01/2014 on Advance Payments, Representation, Land-line and mobile telephony;
- Administrative Instruction No 03/2014 on Internal Procedures of Considering Incoming Questions to the Agency;

Strategic Documents

- National Strategy for Personal Data Protection for 2014-2017;

Accompanying Administrative Documents

- Complaint Application Form;
- Inspection and Audit Minutes Form;
- Personal Data International Transfer Form;
- Check List;
- Data Controllers' Registration Application Form.

2.2 Improvement of Legal Basis for the Reporting Period

The Agency managed to improve its legal basis when it comes to implementing the law, by issuing sub-legal acts in order to implement the law as fully as possible. NAPDP has so far not faced law implementation barriers.



3 Institution Description (Institutional Organization)

3.1 Responsibilities

The National Agency for Personal Data Protection is an independent institution, established by the Law on Personal Data Protection and as such is responsible to supervise the legitimacy of personal data processing. The Agency is presided by the Council, consisting of the Chief National Supervisor and for other Supervisors, nominated by the Assembly of Kosovo.

The Agency advises Kosova Assembly, the Government, local governing community bodies, other state bodies and holders of public powers in all matters regarding data protection including interpretation and application of relevant laws.

The Agency should be consulted by the Assembly and the Government of Kosova upon drafting legislative and administrative measures related to processing of personal data.

The Agency makes decisions about citizens' complaints in cases when they consider that their right on personal data protection is violated, and informs the claimant about the result and the measures taken hereof; It also grants its consent upon establishing a filing system as well as creates and maintains a registry of filing systems; It supervises procedures and respective organizational and technical measures to keep personal data secure; It conducts inspections and audits to supervise implementation of the Law on Personal Data Protection, as well as of whichever other law or regulation determining personal data processing.

The Agency cooperates with local, international and EU bodies in relation to issues considered important for personal data protection; It oversees implementation of provisions regarding the international data transfer; It submits requests to the Constitutional Court of Kosova to assess constitutionality of laws, regulations and other legal acts when it considers that they are not in line with the right on data protection, as stipulated by article 36 of the Republic of Kosova Constitution; It drafts an annual plan and submits it to the Assembly to consider and evaluate developments, assess and provide recommendations in the area of data protection, by having it published upon its approval; It proposes the Assembly its budget for Agency's annual needs; It issues sub-legal acts with the purpose of law implementation.

3.2 Authorizations

With the purpose of conducting its legal obligations, the Agency carries out inspections and audits. Inspections and audits are carried out directly by national supervisors. Supervisors conduct inspections and audits on regular basis, *ex officio* and upon complaint. In view of this, national supervisors are entitled to audit and confiscate any documentation pertaining personal data processing, notwithstanding its reliability or secrecy; They audit contents of filing systems, notwithstanding their reliability or secrecy and catalogues of filing systems;



They audit any documentation and instruction that determines personal data security; They audit premises where personal data are processed and are entitled to audit and confiscate computers and any kind of other equipment, as well as technical documentation; They verify measures and procedures intended to secure personal data and their application; They carry out any other duty considered important to conduct inspections and audits as provided by law.

If during inspections and audits a national supervisor notices violations of this law or of any other law or regulation that determines processing of personal data, he is entitled to immediately impose elimination of irregularities or deficiencies he/she notices in a timely manner. This could include extermination, blocking, shredding, deletion or anonymization of personal data in accordance with the law; To temporarily and decisively ban processing of personal data by controllers and processors in public or private sector, who failed to comply with necessary measures and procedures of securing personal data; To impose a temporary or definite ban on the processing of personal data, their anonymity, classification and blocking whenever he or she concludes that the personal data are being processed in contravention of legal provisions; To impose a temporary or definite ban on the transfer of personal data to other countries or international organizations, or their disclosure to foreign recipients if they are transferred or disclosed in contravention of legal provisions or international agreements; In minor cases of violations the Supervisor can warn or admonish the data controller or data processor in writing. In case of irregularities or deficiencies, a data controller or processor should immediately correct them after reception of written instructions or advice given by the supervisor to ensure a lawful processing of data.

3.3 *Mission*

The National Agency for Personal Data Protection, having an independent status has legal responsibilities to oversee the implementation of personal data protection regulations.

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, in accordance with its strategy (2014-2017), the Agency aims to achieve the following objectives: Complete harmonization of the legal framework with EU Acquis Communautaire; Making citizens aware on their right on privacy and personal data protection; Monitoring data processing through inspections and audits; Deepening cooperation and coordination of activities with other bodies and institutions, as well as with international mechanisms and institutions, with the purpose of protection and promotion of the right on personal data and privacy protection; Agency staff capacity building, making its organizational structure fully operational and obtaining additional working space (premises); Information and awareness campaign for the public opinion via respective activities; Holding meetings, round tables and conferences; Regional cooperation and signing of cooperation memorandums of regional and international character in the area of personal data protection; Registration of all filing systems of public and private institutions.

3.5 *Objectives*

Ongoing monitoring of data processing lawfulness is aimed to be achieved by performing in two directions:

- Education of controllers,
- Direct implementation of the law through inspections and audits,
- Complaint handling,
- Capacity building.

4 Agency Scope

4.1 Organization of the Agency

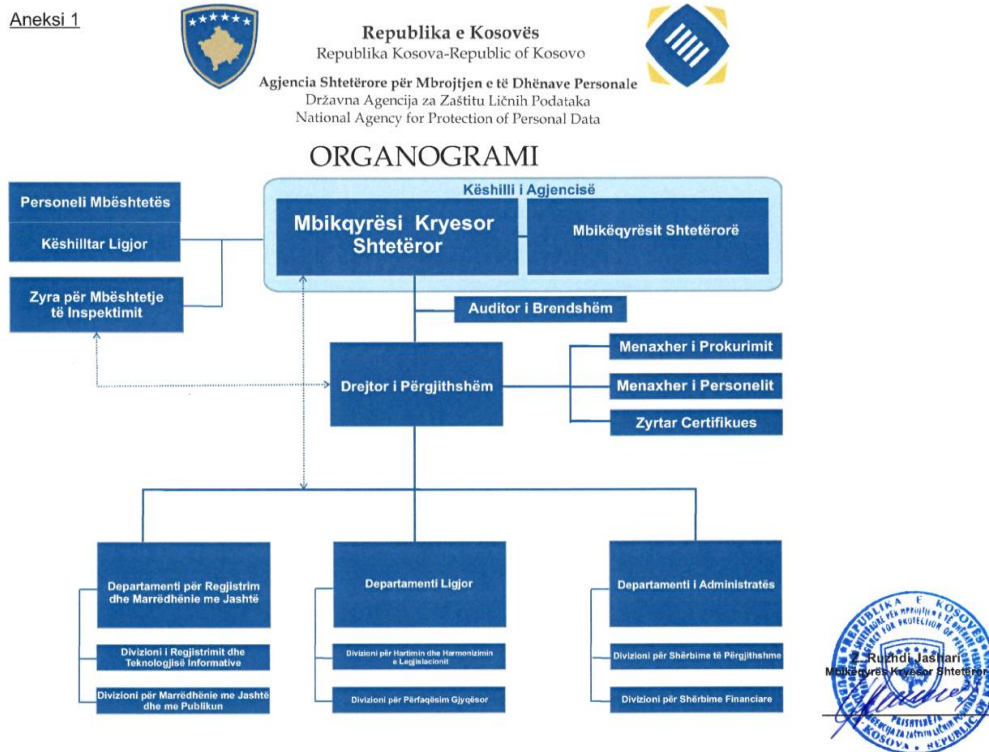


Figure 1 – Organizational Chart of the Agency

The Agency is composed of a council, a general director's office and departments.

The organizational structure is as follows:

- Chief National Supervisor;
- National Supervisors;
- General Director
- Departments;
- Inspection Support Office;
- Legal Advisor to the Chief National Supervisor;
- Support Staff.

4.2 Council

4.2.1 Mandate

The Agency Council is made up of five members nominated by the Assembly of the Republic of Kosovo having a five year mandate with a possibility of renewal for another mandate. The Council is composed of the Chief National Supervisor and four



national supervisors. The Council was nominated by the Assembly on June 23, 2011 whose mandate terminates on June 23, 2016.

4.2.2 Competences

- The Council advises public and private institutions on all matters related to personal data protection including interpretation and implementation of respective laws.
- The Council decides on submission of requests at the Constitutional Court to assess constitutionality of laws, regulations and other acts, when it considers that they are not in harmony with the right on data protection as stipulated by article 36 of the Constitution of the Republic of Kosova.
- The Council decides on submission of indictments at the competent court when it considers that the right on data protection is violated.
- The Council decides on submitted complaints.
- The Council decides on cooperation with state, international and EU bodies regarding issues considered relevant for personal data protection.
- The Council approves the national data protection strategy and Agency's annual work plan.
- The Council approves Agency's annual report.
- The Council decides on publication of Agency's gazette and professional literature.
- The Council issues sub-legal acts, authorizations and decisions.
- The Council approves a proposed budget for the Agency.
- The Council decides on personal data international transfer.

4.2.3 Operationalization

The Agency Council is functional and in full composition of five members. During 2014 were held:

- 21 Agency Council meetings, where 83 decisions were made;
- 3 decisions on granting authorizations for international transfer of data;
- 1 authorization on the use of biometric data;
- 10 opinions.

4.2.3.1 Executive

General Director of the Agency - Organizes and supervise efficient functioning of office of the General Director; Cooperates with departments and offices in accordance with instructions of General Director with regard to coordination on accomplishment of work activities within given deadlines; General Director is responsible for implementation of an internal financial control structure in budgetary organization; General Director has a duty to raise standards in all services provided by Institution; He prepares analysis and makes necessary decisions according to proper legislation to the benefit of work in the institution; Makes decisions in accordance with the respective law on institution's work progress.



1. **Departments** - Departments are organizing units of Agency, directed by directors, who, for their work, report to the Chief National Supervisor, and to the General Director with regard to administrative issue; Director of Department is a civil servant of managing level who manages the work of his department; In agreement with requests and work needs, departments consist of divisions.

There are three (3) departments and one (1) office within the Agency:

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

Registration and International Relations Department (RIRD) - Department for Registration and Foreign Affairs exercise legal functions and duties, conducts a cooperative communication with all departments of Agency and all officials for protection of personal data of public bodies and data controlling entities, administering effectively information on control and processing of personal data so as to guarantee the exercise of legal competences. This department is composed of two (2) divisions:

1. Information Technology and Registration Division;
2. Public and International Relations Division.

Legal Department (LD) - Legal Department is responsible for drafting of legislative policies and strategies in close cooperation with Chief National Supervisor, with departments and other organizing units of Agency, in the field of protection of personal data, drafting and harmonization of primary and secondary legislation. Legal Department is composed of two (2) divisions:

1. Drafting and Harmonization of Legislation Division (D.H.L.D.)
2. Division for Judicial Representation (D.J.R.)

Administration Department - This department is responsible for managing and care of general property of Agency, organizing of working spaces, administrative and logistic support, provision of translation services, archiving and dissemination of material. The department is composed of two (2) divisions:

1. Financial Services Division.
2. General Services Division.

Inspection Support Office - Supports directly Chief National Staff and National Supervisors in completion of duties of inspection and control of public and private controllers. Prepares advices in the field of inspection and controlling to Chief National Supervisor and National Supervisors regarding applicable legislation. Drafts and actively



participates in drafting of by-laws and administrative acts upon completion of inspections and controls.

Chief National Supervisor's Legal Advisor - Legal Adviser to Chief National Supervisor is responsible to provide assistance and legal advices to Chief National Supervisor on issues requested by him concerning legal and administrative issues.

Supporting Staff - Agency may recruit temporal staff to carry out support and maintenance functions. Support (good faith staff) and maintenance staff are not regular employees of Agency.

4.3 Human Resources

Table 1 – Human Resources

NAPDP	No. of employees in the Law on Budget	Current no. of employees in early 2014		Current no. of employees in late 2014	
		Full time	Part time	Full time	Part time
Appointed Public Officials	5	5		5	
Central Administration	18	14		18	
Total	23	19		23	

4.3.1 Needs for New Employees

Ever since its establishment in June 2011, the Agency operated with a limited budget, a rather small number of authorized personnel, not being able to become fully operational, i.e. all foreseen departments according to its organizational structure were not complete.

Due to the limited number of personnel, officials were engaged in (seconded to) up to five functions (positions), by achieving certification in the part of expenditures, which is worth to mention that in 2014 were certified all officials provided by the law on public finance management and by responsibilities deriving by treasury manual, except for the certification of the procurement official.

During 2014 in lack of being operational with internal capacities on procurement procedures, the Agency covered this segment through procurement personnel of the Ministry of Foreign Affairs, based on a memorandum of understanding between the two institutions.

According to the Regulation on Internal Organization and Systematization of Workplaces Approved by the Chief National Supervisor, 37 officials are foreseen to be employed, whilst in 2014 there are only 18 employees (civil servants) approved.

In order to make it fully operational and to be able to carry out its professional and administrative duties, whose scope is determined in line with deriving obligations from the Law 03/L-172, Agency's Internal Regulation and the applicable legislation, in support of the Agency Council, necessary needs are planned for 9 (nine) other workplaces, in which case the total number of employees would reach 27 officials, having planned the need for mandated personnel in offices of public officials, respectively the support staff (personnel of confidence) and legal advisor of the Chief National Supervisor.

4.3.2 Tabular Presentation of the Number and Sort of Trainings and Needs for Other Trainings.

During 2014 the Agency carried out 5 trainings organized by IPA Project. NAPDP approved the Strategy of trainings for 2014-2016, however in lack of budget we could not start implementation of the necessary trainings many of which cannot be attended at the premises of the Agency.

Table 2 – List of trainings conducted during 2014

List of Trainings Attended in 2014					
No.	Name of Training	Venue	Participants	Date	Organizer
1	ISO Standards Training	Istog	Agency Council 4 ZDP 3, DL 2, ZMI 3, DRMJ 2	01-06 September 20014	IPA Project & NAPDP
2	On the job training *Efficient activities of supervision and audit; *Operationability and maintenance of a registry on personal data	IPA Project	Agency Council 4 DRMJ 4	16.09.2014	IPA Project & NAPDP
3	Training on data protection in the law enforcement sector	IPA Project	Agency Council 4 DL 3, ZMI 3	10.10.2014	IPA Project & NAPDP
4	Round table on personal data processing in the law enforcement sector	'Sirius' Hotel	Agency Council 5 DL 1, ZMI 2	17.11.2014	IPA Project & NAPDP
5	Training on administrative procedures and normative acts drafting	IPA Project	DL 3, ZMI 3	12.12.2014	IPA Project & NAPDP

4.3.2.1 Training Plan for the Staff Engaged in NAPDP for 2015

The training plan for 2015 provides needs for capacity building in the aspect of information technology, data processing security and drafting of secondary legislation and other acts. However, the training approved for 2015 is covered by IPA Project (EU) "Support to Kosovo in the Field of Protection of Personal Data". Participation in these training courses depends on two (2) factors: availability of funds and availability of training courses.



In view of these issues the training plan is divided into three parts:

- I. Training plan for the personnel engaged in NAPDP for the period January 2015 – December 2015, main training activities planned for certain months or a deadline for their completion.
- II. On the job training activities ongoing are usually offered upon demand.
- III. Further courses to be considered depending on sources available and courses offered.

4.3.3 Assets

4.3.3.1 Assets in Possession of the Agency

NAPDP possesses nonfinancial assets purchased for operational needs by the end of 2011 divided into two collections:

1. Collection of nonfinancial assets amounting €1000 with time limits of usage less than a year, total 223 items with a purchasing value of **€69.888,69** and their current value after depreciation amounting **€37.769,59**. NAPDP possesses necessary equipments for work for the current number of employees, (computers, printers, laptops, desks, cabinets, etc).
2. Collection of capital nonfinancial assets (amounting over €1000) in possession of the budgetary organization, total 18 items with a purchase value of **€129.612,67** and current value of the capital assets after depreciation in years amounts **€88.279,24**.

No.	Name	Date of Purchase	Quantity
1	KIA RIO	19/07/2012	1
2	KIA CEED	19/07/2012	1
3	Digital Sender Flatbed, ADF	26/12/2013	2
4	Dell Poweredge R515, Server RACK	26/12/2013	2
5	Sonic Wall NSA 2400	26/12/2013	1
6	Dell Rack 2420	26/12/2013	1
7	HDD Statin- Fantec 8*4TB	26/12/2013	1
8	Digital Camera Canon EOS 600D	26/12/2013	1
9	Photocopy Digital MFP Canon IRC35*)NE	26/12/2013	1
10	Notebook	27/01/2014	4
11	Peugeot 3008	27/11/2014	1
12	Peugeot 301	24/12/2014	2
			18

Table 3 – List of Capital Assets in value over €1000

4.3.3.2 New Assests Planning

The seat of NAPDP is in a governmental building since early 2014 located behind the Ministry of Foreign Affairs, respectively in the annex premises of the former Army House. NAPDP lacks sufficient working space, and we have received by the Ministry of Public Administration a notification on the release of another annex next to our courrent premises so far used by EULEX, so upon release of that annex, it is Agency's obligation to prepare four offices with sufficient working equipments (computers, printers, desks, cabinets, etc).

5 Agency Activities in the Field of Personal Data Protection

5.1 *Advices and Opinions*

The Agency has given advices and opinions to private and public institutions on all issues related to personal data protection, including interpretation and implementation of the law and of all laws and regulations pertaining personal data protection.

During 2014, the Agency gave ten (10) opinions to public and private institutions lregarding personal data protection including interpretation and implementation of respective laws.

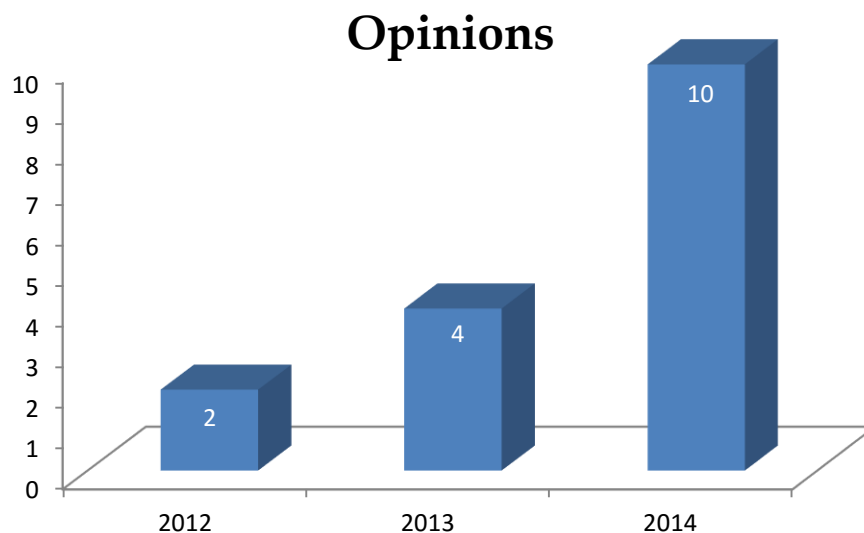


Figure 2 – Opinions given in years

Institutions that demanded opinions by the Agency in relation with the abovementioned issues are the following:

- The opinion on the request of the Ministry of Diaspora to interpret the Law on Access to Public Documents, based on a request of a candidate who participated in the recruitment procedures based on a public vacancy announcement.
- The opinion on the request of BIRN regarding the access on personal documents of imprisoned claimants for remission by the President.
- The opinion on a question submitted by NLB Bank rregarding two (2) issues: acquirement of the consent by the candidate for employment on the investigation

about his/her past and about exchange of information between banks regarding their employees.

- The opinion on Rahovec Municipality that demanded interpretation in relations with the lawfulness in access of the committee in personnel files.
- The opinion for the Ministry of Environment and Spacial Planning where access on documents was demanded upon evaluation of recruitment committee.
- The opinion on the demand of ProCredit Bank on the use of "electronic signature" based on "pad".
- The opinion on the demand of ProCredit Bank for personal data processing for a scientific study purposes.
- The opinion on the request of Prizren Municipality regarding publication of professional qualifications of some teachers employed in two of Prizren Secondary Schools, in which universities and which courses they teach.
- The opinion on the request of Prizren Municipal Education Directorate on giving an opinion if access in public documents in Prizren Municipality, respectively in lists of wages of all elementary and secondary schools teachers of Prizren Municipality from January to December 2013 required by "Ec Ma Ndryshe" NGO.
- The opinion on the request of DMTH sh.p.k for acquiring an opinion about the obligation to act in accordance with article 17 (paragraph 6, sub-paragraph 6.1, 6.2) of the Law No. 03/L-196 on Prevention of Money Laundry and Financing of Terrorism, if it contradicts provisions of the Law on Personal Data Protection.

5.2 Direct Advices given by Supervisors

Within its responsibilities, supervisors have given 26 advices during this year to various institutions on implementation of the Law on Personal Data Protection.

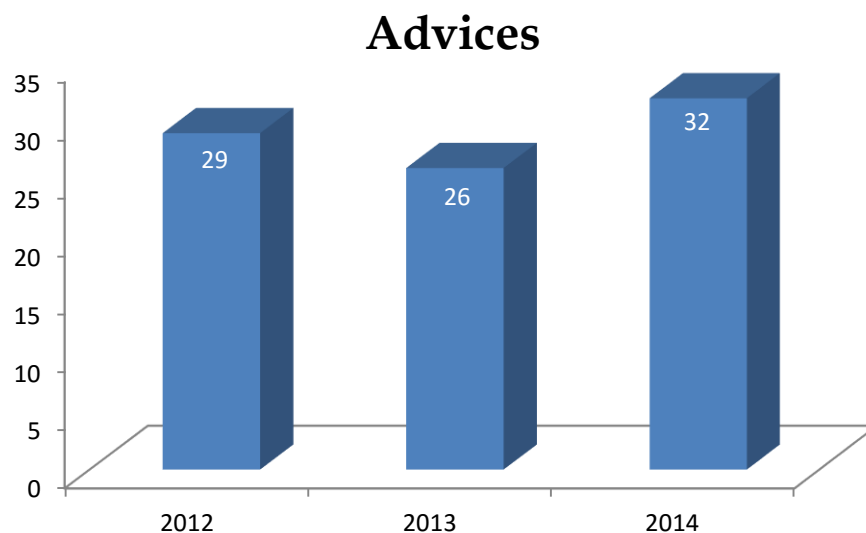


Figure 3 – Advices given in years

National Supervisors have given advices in continuity upon inspections, audits and visits conducted during 2014.

5.3 Consultation upon Drafting Legal and Administrative Measures

According to article 39 of the Law 03/L-172 on Personal Data Protection, stipulating that Kosova Assmebly and Government shall inform the Agency upon drafting legislative and administrative measures pertaining personal data processing, the Agency, during 2014 handled and gave its opinions regarding the laws and other sub-legal acts submitted for consultation to the Agency, such as: for 4 draft-laws, 4 draft-regulations, 27 administrative instructions and 9 other acts, including explanatory memorandums, draft-agreements, memorandums of understanding, concept documents, and other administrative acts.

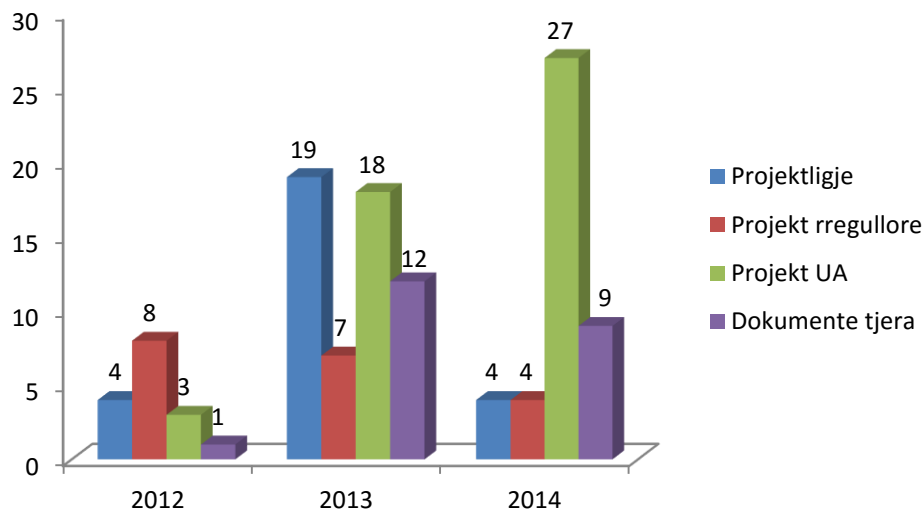


Figure 4 – Consultations on drafting legal and administrative measures in years

The National Agency for Personal Data Protection handled and gave its opinions on the following acts:

- **Draft – Laws**

1. Draft-law on amending and supplementing the Law no. 04-L-029 "On Patents"
2. Draft-Law on Forests;
3. Draft-Law on General Administrative Procedures;
4. Draft-Law on amending and supplementing the Law no. 02/L-31 on Religious Liberties in Kosova.

- **Draft – Regulations**

1. Draft-Regulation on the Central Registry for Missing Persons.
2. Draft-Regulation (MTI) No.00/2014 on the Manner of Assessment of Conformity for Construction Products;
3. Draft-Regulation on the Type of Buildings, Spacial Measures, Urbanistic, Construction and other protective measures by FNFT 17.07.2014
4. Draft-Regulation no. Xx/ 2014 MF for allocation of funds.



- **Draft – Administrative Instructions**

1. Administrative Instruction on Employment Activities, its Types and Issuance of Certificates and Confirmations for Foreigners in the Republic of Kosova;
2. Administrative Instruction on Responsibilities and Procedures for Participation of the Public in Spatial Planning;
3. Instruction on Registration and Maintenance of Assets in Kosova Cultural Centers for Diaspora;
4. On amending and supplementing the Instruction no. 03/2012 on Determining and Stipulating Criteria and Procedures for Registration of Unions in Kosova;
5. Administrative Instruction no. MIA on Procedures of Issuing Stay Permits for Foreigners and Certificate of Employment Notification;
6. Administrative Instruction No. 0/2014 – MIA on the Type and Quantity of Information that could be given to institutions and demanding bodies;
7. Administrative Instruction (MIA) no. xx/2014 on the Management and and Protection of Personal Data in the Process of Readmission;
8. Administrative Instruction on Procedures of Institutional Support for Training, Retraining and Professional Training Suitable for Persons with Disabilities;
9. Administrative Instruction no. 13/2013 on Subventions of Volatile Economic Lines;
10. Administrative Instruction on the Official Escort of the President of the Republic of Kosova after Termination of his/her Mandate;
11. Administrative Instruction (MLSW) No.xxx/ 2014 on Amending and Supplementing the Administrative Instruction no.07/2010 on Determination and Definition of Application Procedures for Attaining the Right on Material Support for Families with Children having Permanent Disabilities;
12. Administrative Instruction No. Xx/2014 on Licencing Train Machinists (Drivers);
13. Administrative Instruction on Determining Procedures of Adoption for Children without parental custody.
14. Administrative Instruction (MIA) no. 00/2014 on establishing a database system of driving licenses.
15. Administrative Instruction (MIA) no. 00/2014 on Procedures and Criteria of defining the status of stateless persons and the manner of gaining citizenship for the stateless person and the person having a refugee status.
16. Administrative Instruction (MIA) no. 00/2014 on vehicles central registry.
17. Administrative Instruction (MD) - no. .../2014 on the use of force, permitting coercive means, use and storage of fire arms in correctional institutions.
18. Administrative Instruction (MTI) - nr.00/2014 on terms for subjects carrying out evaluation procedures of conformity for construction products.
19. Draft-Administrative Instruction no. Xx/2014. Recongnition by Kosova Agency for Medical Products and Equipments of authorizations for marketing



- of medical products for human and veterinary usage approved by the Regulatory Authority for Medical Products and Healthcare in Great Britain.
20. Draft Administrative Instruction (MH) no. Xx/2014 on definition of the list of medical products, medical equipments and border line products which need authorization to be imported or exported.
 21. Administrative Instruction for the Committee of Complaints by Foreigners
 22. Administrative Instruction no. Xx/2014 on Contents, duties, responsibilities and decisionmaking procedure of the Committee of Complaints by Foreigners.
 23. Administrative Instruction No.____/2014. Criteria and time frame of drafting reports and monitoring persons on bail.
 24. Administrative Instruction (MIA) no. 00/2014 - on the basic register of civil status.
 25. Administrative Instruction (MIA) No. 00/2014 on Late Registrations in Civil Status Registers.
 26. Administrative Instruction (MIA) No. 00/2014 on Terms and Procedures of Changing Personal Names.
 27. Administrative Instruction (MIA) no. 00/2014 on the procedure of gaining citizenship of the Republic of Kosova by a decree of the President of the Republic of Kosova.

- **Other Acts**

1. Certificate on Annual External Quote;
2. Certificate on Notification of Employment for Foreigners;
3. Sectoral Strategy 2014-2020;
4. Sectoral Strategy for Employment, Social and Welfare Inclusion 2014-2020;
5. Concept-Document on Amending and Supplementing the Law on Protection of Air from Pollution, No.03/L-160;
6. Consultation Document for amending and supplementing the Law no. 04/L-029 on licenses;
7. Draft-Agreement FATCA
8. Concept document on drafting the draftlaw on amending and supplementing the Law no. 04/L-049 on Firefight and Rescue;
9. Explanatory Memorandum on the draft-law on forests.

5.4 *Complaints*

According to the Law on Personal Data Protection each person considering that his/her on privacy was violated in the sense of personal data, can submit a complaint at the Agency. Complaints were submitted verbally through telephone, in written via electronic means, etc. The Agency has also drafted an electronic complaint form downloadable from its official web-page.



During 2014 the Agency submitted 123 complaints in total. For 25 complaints submitted by citizens subsequent inspections were conducted and cases were preceded in line with the procedures of the Law on Personal Data Protection. The Agency handled 19 complaints related to the social network 'Facebook'. Out of the total, 79 of them were addressed to certain candidates for members of the assembly during the last election campaign that practiced sending SMSs to citizens without their prior consent.

Citizens of the Republic of Kosova have mainly complained about misuse of their personal data by controllers where their data were misused for direct marketing purposes, unauthorized disclosure of data, processing of data without the consent of data subject, misuse of personal data in social networks, as well as processing of incorrect data.

Such complaints were generally addressed to central institutions, local institutions, banking sector, microfinancial sector, insurance companies, health sector, trade centers, social networks and candidates for assembly members.

Constant increase of complaints indicates that citizens of the Republic of Kosova are every day getting more and more informed about their rights guaranteed by law. The Agency shall continue organizing awareness campaigns with citizens during incoming with the purpose of making citizens aware of their rights.

Complaints

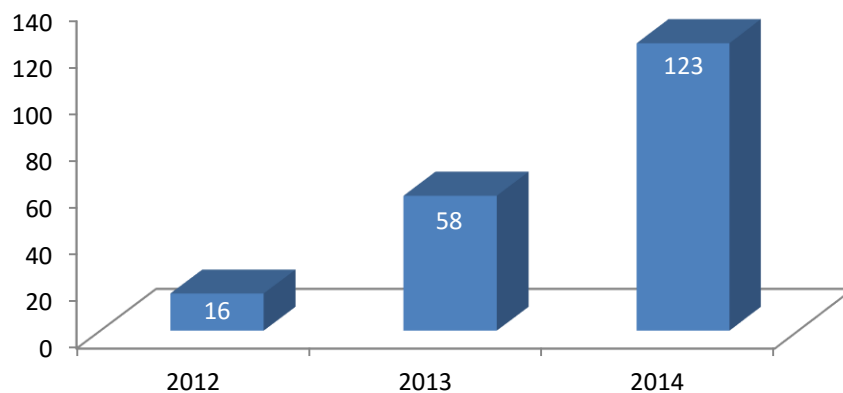


Figure 5 – Complaints Considered in years

5.5 Questions Submitted by Natural and Legal Subjects

During 2014, the Agency received in total 61 questions through its official web page submitted by citizens and various legal subjects. For all these questions, the Agency provided proper explanations in harmony with procedures and the Law on Personal Data Protection.



Facilitated manner of submitting questions through the official web page of the Agency, resulted in the increase of submitted questions in years.

Web Questions

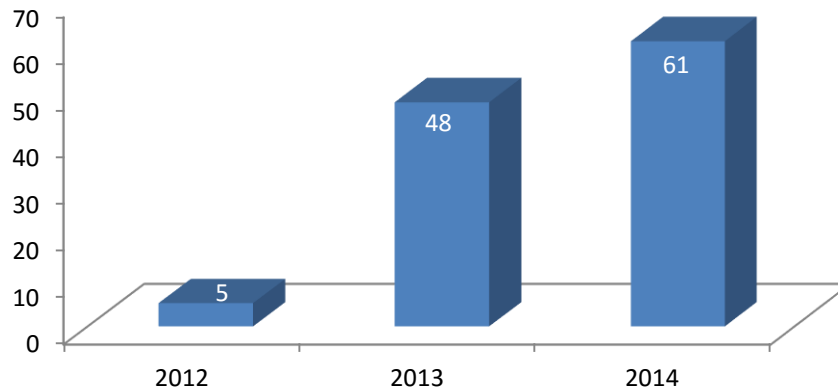


Figure 6 – Agency web site submitted questions in years

5.6 Inspection and Auditing

The Agency is mandated for monitoring the legitimacy of personal data processing, which is conducted through direct inspections and audits by national supervisors. The Agency conducts ordinary inspections *ex officio* and upon complaints.

The Agency completed its entire necessary framework to conduct inspections and audits. The Agency accordingly issued a regulation on inspection, check list and the respective form for minutes.

During 2014 were conducted 114 inspections and 29 audits. According to the number of inspections and audits conducted in recent years including this year's, it turns out that the number of inspections is higher in both quantity and quality, while the number of audits is far higher than that of the previous year.

Inspections

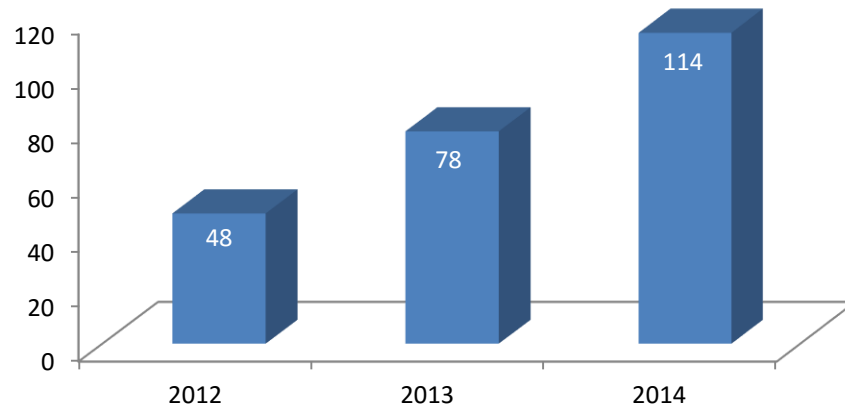


Figure 7 – Inspections in years

5.6.1 Inspections

Inspections during 2014 conducted by bodies inspected are shown below:

- Central public bodies 26
- Local public bodies 26
- Private bodies 64

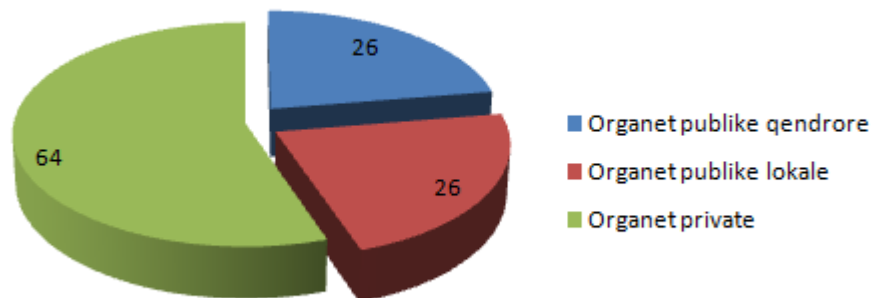


Figure 8 – Inspection by institutions

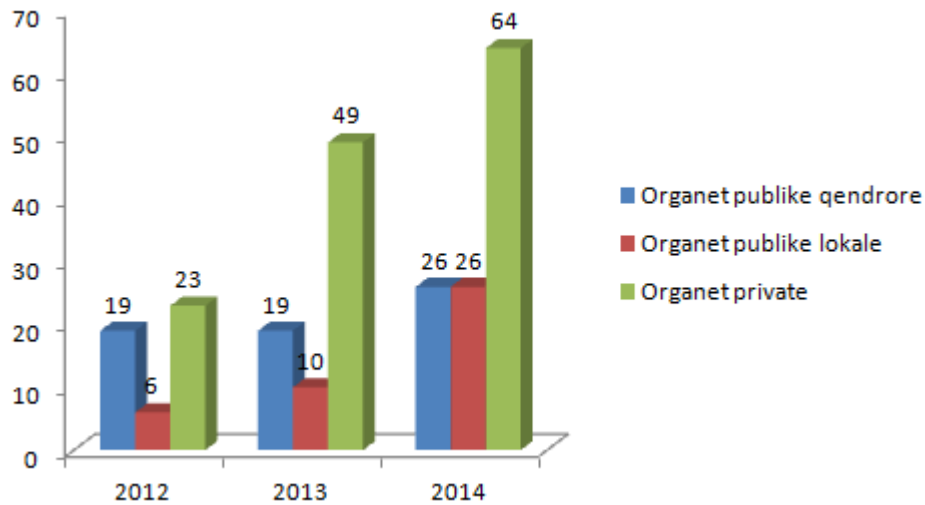


Figure 9 – Inspections by institution in years

Statistical data on types of inspections:

- Ordinary inspections 76
- Inspections upon complaint 28
- *Ex officio* inspections 28

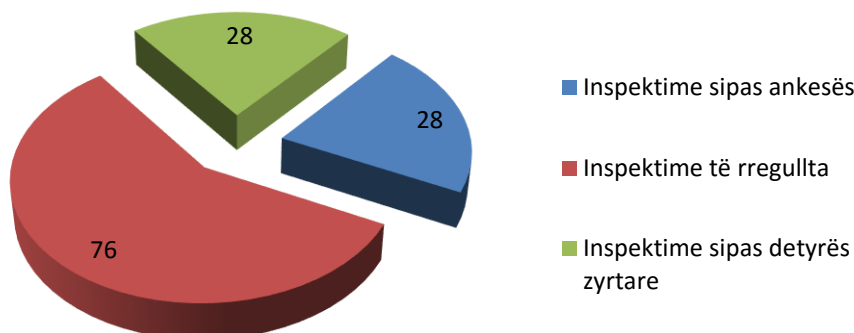


Figure 10 – Inspections by kind for 2014

5.6.1.1 Ordinary Inspections

Data processing lawfulness, data security, registration of filing systems, data transfer, direct marketing, video surveillance, biometric data, login-out books upon entering building, connected systems and accomplishment of personal data subject's right were monitored within ordinary inspection procedures.

In 2014 ordinary inspections were conducted according to the work plan. In view of the work plan for 2014 ordinary inspections were oriented in areas like: video surveillance, log books upon entry into buildings, biometric data processing, personal data processing with the purpose of direct marketing and personal data transfer to foreign countries and international organizations.



Some of inspected private and public institutions:

- Kosova Presidency
- Ministry of Foreign Affairs
- Ministry of Labor and S. Welfare
- Ministry of Culture, Youth & Sports
- Ministry of Education, Science & Tech
- Kosova Central Bank
- Viti Municipality
- Suhareka Municipality
- Rahovec Municipality
- Prizren Municipality
- Podujeva Municipality
- Peja Municipality
- Obiliq Municipality
- Malisheva Municipality
- Lipjan Municipality
- Kllokot Municipality
- Kaçanik Municipality
- Hani i Elezit Municipality
- Graçanica Municipality
- Fushë Kosova Municipality
- Drenas Municipality
- Dragash Municipality
- Heritage Regional Centre – Prishtinë
- Kosova Cinematographic Centre
- Students' Centre Prishtinë
- Youth, Culture & Sports Palace Prishtinë
- Kosova Embassy in Italy
- Water & Sewage Regulatory Office
- Energy Regulatory Office
- Administrative Office in Mitrovica North
- 'Viva Fresh' Pejë
- 'Viva Fresh' Gjakovë
- "Hasan Prishtina" Public University
- "Ukshin Hoti" Public University
- Financial Union
- TRAINKOS SH.A.
- Kosova National Theatre
- Peja Regional Hospital
- Gjakova Regional Hospital
- Ferizaj Regional Hospital
- Heart Hospital 'Intermed' SH.P.K.
- Bahceci Health Care SH.P.K.
- American Hospital
- SH.P.K "Camell"
- QKMF- Vushtrri
- "Herta Center" Shopping Centre
- "Emona" Vushtrri Shopping Centre
- 'Nora' Market, Klinë
- Kosova Museum
- "Mehmet Akif" College
- KLM Enterprises
- Kavaja Hospital
- International Hospital Pejë
- INTEREX CDE-K
- Kosova Archeological Institute
- 'Start' Microfinancial Institution
- INFRAKOS SH.A
- IM Hospital
- 'Hasan Nahi' Secondary School
- Kosova National Gallery
- Kosova Philharmony
- DPT 'Malvesa' Gjakovë
- D.M.TH. SHPK 'Moneta'
- 'Buçaj' Sh.p.k
- Kosova National Ballet
- 'Baby Land' Kindergarden
- 'B&M Group' Prishtina International Aerop

Irregularities were ascertained upon inspecting public and private bodies in the above-mentioned areas, on which the Agency made decisions based on the findings, by which the above institutions were ordered or advised to eliminate ascertained irregularities.

Ordinary inspection conducted according to the workplan for 2014, focused in the area of video surveillance, registry in log books of entries in buildings, biometric data processing, personal data processing with the purpose of direct marketing and personal data transfer to



foreign countries and international organizations, were conducted in almost all public and private institutions assessed by the Agency as big processors of personal data.

In terms of video surveillance, the above institutions were inspected and after verifying procedures and documents required by law, as well as verifying camera monitoring systems reflecting camera positioning, decisions were made through which orders or advice were issued to law enforcement institutions in the area of video surveillance. It can be concluded that after inspections and the following audits on implementation of decisions, inspected institutions installed and continues to use video surveillance system pursuant to the Law on Personal Data Protection.

Log books in buildings were also part of the plan for inspections in the year 2014. Irregularities were found during inspections, starting from taking unnecessary personal data up to keeping data registry longer than the provided period of time by the Law on Personal Data Protection. The Agency made decisions for elimination of such irregularities to each inspected institution. After audits on decision implementation it can be ascertained that inspected institutions keep log books in their premises for visitors pursuant to the Law on Personal Data Protection.

Knowing that biometric data are categorized as sensitive personal data, the Agency estimated that in 2014 it should focus on inspecting this area. In all inspected institutions processing biometric data pursuant to the Law on Personal Data Protection, the Agency granted authorizations for processing. In all other cases where biometric data were being processed in contradiction with the law, the Agency decided and then ordered intermission of this processing. After audits on decision implementation it can be ascertained that inspected institutions are processing biometric data pursuant to the Law on Personal Data Protection.

Direct marketing is quite used by private companies with the purpose of promoting their products and services, so in its work plan for 2014 the Agency decided to inspect the above institutions. Irregularities were found upon inspections starting by sending e-mails and SMSs without getting prior consent of the receiver and up to sending various offers to citizens who are not their clients. In such cases the Agency issued decisions ordering intercession of such an activity by providing advice simultaneously on how to use personal data for direct marketing purposes. It is worth to mention that improvements are apparent when it comes to using direct marketing in banking sector.

Personal data transfer to foreign countries and international organizations is assessed by the Agency as a challenge we should start facing in 2014. The above institutions were apropos inspected to check if this was being conducted pursuant to the law. The Agency made a decision in advance about the list of countries providing an adequate level of personal data protection. Irregularities we came across while inspecting the above-mentioned institutions were corrected after decisions the Agency issued for their elimination. In such cases,



institutions were advised that all transfers being carried out to countries that are part of this list to harmonize their contracts or agreements with the Law on Personal Data Protection. Whereas, for transfers of personal data being made to countries that do not provide an adequate level of protection the Agency granted authorizations upon completion of criteria by controllers. After the audits conducted to check implementation of decisions it can be ascertained that all above-mentioned institutions carry out international transfer of personal data pursuant to the law.

5.6.1.2 Inspections upon Complaints

With the purpose of verifying claimants' assertions, after an analysis and assessment process, during 2014 the Agency conducted 25 inspections to institutions subject of those complaints. Some of inspected institutions subject to such complaints are the following:

- Ministry of Foreign Affairs
- 'Mini Max' Shopping Center
- 'Viva Fresh' Prishtinë
- 'TEB' Bank
- 'Bahçeçi Health Care' SH.P.K.
- 'Raiffeisen' Bank
- Moda Italia
- Mini Max
- 'Meridian Express'
- 'Marketingu Online'
- Market "Ani"
- 'Mana'
- Rahovec Municipality
- Prizren Municipality
- Central Election Commission
- "Mehmet Akif" College
- 'Kajallar'
- ACP Microfinancial Institution
- 'Exclusive Group' SHPK
- 'E Pay Tech'
- NLB Bank
- National Commercial Bank
- '6 Vllazërit Batatina'

Complaints were principally related to direct marketing, data authenticity, data disclosure and usage of data for other purposes than those for which were collected, video surveillance etc. After inspected the above-mentioned institutions, the Agency issued decisions, by which the above institutions were ordered or advised to eliminate found irregularities.

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

5.6.1.3 *Ex Officio* Inspections

During 2014 the Agency carried out ten (10) *ex officio* inspections. These inspections were carried out principally based on information on potential violation of the Law on Personal Data Protection, mainly obtained by media and in a direct manner. *Ex officio* inspections include those inspections carried out upon handling requests of bodies seeking authorization for use of biometric data, transfer of data to foreign countries and international organizations that do not provide adequate level of data protection as required by the Law on Personal Data Protection. The Agency has for each case carried out



inspections to below-mentioned institutions to verify if they are processing data in accordance with the law. Institutions where *ex officio* inspections were conducted are following:

- Kosova Tax Administration
- Customs
- ÇAK
- IPKO
- 'Che-BAR' Café
- Vushtrri Municipality
- Gjilan Regional Hospital
- "SOS" Village
- 'Union' Vushtrri
- Z-Mobile

Ex officio inspections were carried out in areas like video surveillance, biometric data usage, access to personal data, direct marketing, personal data transfer, etc. After inspecting the above-mentioned institutions, the Agency took decisions by which the above institutions were ordered or advised to eliminate found irregularities.

5.6.2 Audits

During 2014 the Agency carried out twenty nine (29) audits conducted to institutions for which decisions were brought right after inspections according to which orders or advices were issued to eliminate found irregularities. In cases when the Agency issued decisions advising institutions to eliminate minor irregularities, the Agency did not carry out audits since the institution accomplished the advice and written proof was provided for its implementation.

Institutions where the Agency carried out audits are the following:

- Kosova Presidency
- Kosova Assembly
- Ministry of Education Science and Technology
- Ministry of Labour and Social Welfare
- Ministry of Foreign Affairs
- Energy Regulatory Office
- Water Supply and Sewage Regulatory Office
- "Hasan Prishtina" Public University
- "Ukshin Hoti" Public University
- American Hospital
- 'Bahçeçi Health Care' SH.P.K.

- Intermed Heart Hospital SH.P.K.
- "Mehmet Akif" College
- C&E Window Decoration
- D.M.TH. SHPK 'Moneta'
- 'Vita' Hotel - Fushë Kosovë
- 'Start' Microfinancial Institution
- 'IP-KOS' SHPK Fushë Kosovë
- 'Che-BAR' Café
- 'Kavaja' Hospital
- 'Raiffeisen' Bank
- 'Black and Red' Restaurant Prishtina
- International Aeroport
- 'Seco Cafe' - Prishtina International Aeroport

Audits

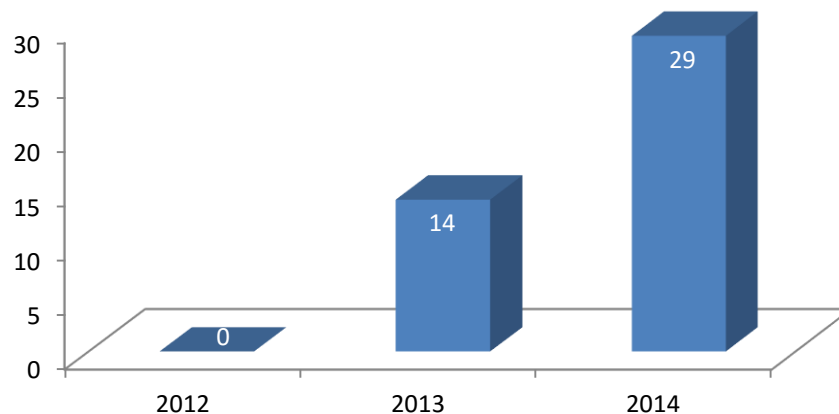


Figure 11 – Audits conducted in years

5.6.3 Biometric Data Processing

Pursuant to the Law on Personal Data Protection biometric data are considered sensitive personal data and as such they are to be protected in a special way and be classified to prevent unauthorized access and processing.

Public and private sector may use biometric characteristics only if necessary for human safety, property safety or protection of confidential data and business secrecy.

According to the Law on Personal Data Protection, it is the Agency that assesses necessity of biometric data usage by granting authorization for use, except for cases provided by law.

All private and public bodies wishing to process biometric data, except for cases provided by law, according to the Law on Personal Data Protection they should apply for authorization at the Agency before using biometric.



In 2013 the Agency received one (1) request for authorization of iometric data usage:

- *Republic of Kosova Central Bank (KCB) submitted an application seeking authorization to process biometric data of some employees to control access inside specific areas of KCB.*

The Agency considered the submitted documentation, carried out inspection in line with internal procedures and found that the criteria deriving from the Law on Personal Data Protection provisions were met. The Agency issued a decision granting authorization for the use of biometric data.

5.6.4 International Transfer of Personal Data

Pursuant to the Law on Personal Data Protection personal data transfer processed or about to be processed in foreign countries or international organizations may be carried out only to countries providing adequate level of data protection. For all those countries or international organizations that do not provide adequate level of data protection, the public or private body requiring making the transfer of data should follow procedures of obtaining an authorization from the Agency.

The Agency has approved its secondary legislation by which personal data transfer to foreign countries is settled. Within this secondary legislation the Agency has approved a regulation on internal procedures of considering requests for permitting international transfer of personal data as well as its respective application form that needs to be filled in upon submitting a request by an institution seeking international data transfer.

With the purpose of accomplishing its legal obligation and to contribute in facilitation of data transfer, by a formal act the Agency approved the list of countries and international organizations providing adequate level of data protection meaning that no prior authorization by the Agency is needed for those.

The list of countries and international organizations providing adequate level of personal data protection comprises countries below:

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

Member countries of the "European Economic Zone" are listed as below:

- Iceland
- Lichtenstein
- Norway



- Switzerland

Pursuant to Article 53 (paragraph 2) “The Agency may implement decisions taken by a Euran Union organ in charge if such countries and international organizations provide adequate level of data protection”, and the European Commission has so far taken the following decisions on the appropriateness of personal data protection in third countries:

- | | |
|-------------|-----------------------------|
| • Argentina | • Isle of Man |
| • Australia | • Jersey |
| • Andorra | • Faroe Islands |
| • Canada | • New Zealand |
| • Guernsey | • “SAFE HARBOUR”
Program |

Pursuant to the Law on Personal Data Protection, the Agency published the list of countries and international organizations providing adequate level of personal data protection in the Official Gazette and on its official web site. In 2014 the Agency received three (3) requests demanding authorization for international transfer of personal data and granted three (3) authorizations for personal data transfer:

- **National Commercial Bank (BKT)** – Kosova Branch requested authorization to transfer personal data to the National Commercial Bank’s seat in Albania. After reviewing the submitted documentation by the applicant, the Agency concluded that provided criteria by the Law on Personal Data Protection were met and granted authorization for transfer of personal data.
National Commercial Bank (BKT) – Kosova Branch requested authorization to transfer personal data to ‘Provus Bilişim Hizmetleri A.Ş’ seated in Turkey. After reviewing the submitted documentation by the applicant, the Agency concluded that provided criteria by the Law on Personal Data Protection were met and granted authorization for transfer of personal data.
- **‘Deltapharma-KS’ representing ‘Novartis Pharma Services AG’** requested authorization for personal data transfer to ‘HCL Technologies Limited’ in New Delhi, India. The request for personal data transfer was approved on behalf of “Deltapharma-KS” sh.p.k Distributor of ‘Novartis Pharma Services AG’, excluding sensitive data (race, political opinion, religion, health, sexual life, membership in unions, judicial data).

5.7 Information and Promotion

The National Agency for Personal Data Protection continued considering of special importance to public relations during 2014, too. In terms of this area all local electronic and printed media were kept timely informed for each activity planned and conducted by the Agency, primarily using its official web page and direct contacts.

During the first months of the year, in terms of its traditional organizations of celebrating the 28th of January – European Privacy Day, the Agency organized a conference named “My Privacy”, inviting diplomats accredited in our country, EU Office, Kosova Assembly, governmental institutions, civil society, representatives of schools from ten municipalities where the awareness campaign was conducted during the last months of the previous year and so on.

This conference was a continuity of the awareness campaign named ‘My Privacy Ime’ conducted by the Agency in schools of ten (10) municipalities of the country. In ten (10) secondary schools around Kosova were organized lectures for students regarding personal data protection, including a competition for best painting and/or essay with the topic *My Privacy*. First three teams of students that participated in this competition were rewarded with different rewards and a certificate granting them the title of the *Ambassador of Privacy*.



Figure 12 – Certificate issued for the competition winners

In the activity organized by the Ministry of Local Government Administration and OSCE workshops whose objective was supporting municipal institutions for strengthening their capacities to practice their mandate in terms of the legal framework and principles of good governance. To achieve this objective the above-mentioned workshops offered an opportunity for municipal officials with knowledge in relation to the overall process of information classification and access to public documents and personal data protection. Workshops were organized in five (5) regions of the Republic of Kosova where representative from municipalities and nongovernmental organizations from regions took part. In this regard, national supervisors contributed by providing advices and further instructions regarding personal data protection in relation with access to public documents, classification of documents and personal data protection.

With the purpose of making private and public institutions aware of legal obligations for personal data protection, the Agency continued during the whole year by organizing awareness seminars and gave contribution in all events on personal data protection. It is worth to mention that awareness seminars organized by Kosova Judicial Institute for judges

and prosecutors where national supervisors held seminars on personal data protection with the main focus on judicial system and prosecution.

A special event for 2014 in terms of public relations is this year we opened a new special web page of the Agency (www.pda-ks.com) which is operational since last trimester of 2014. This window of communication with the public initially served to inform the public about Agency activities for the awareness campaign, especially for the regional conference. This web page will remain open, active and functional where information and awareness activities with special categories of citizens of the Republic of Kosova will be displayed in general.

Within its concrete activities on public information the Agency opened another special page in 'Facebook' named '*Privacy in Digital Age*'.

In order to be closer to the public, in cooperation with IPA Project, the Agency produced a TV spot of awareness character through which it was aimed to make aware and inform different categories of citizens about personal data protection. This sport was emitted for more than a month on RTK1 and Radio Kosova.



Figure 13 – Movie still from the TV spot of the awareness character launched in December 2014

Within its promoting campaign the Agency in cooperation with IPA Project is materialized through promotion spots with special and clear messages on personal data protection and privacy even in electronic media, i.e. in news portals, through which the public among other daily news was able to follow best practices on privacy. This is the first year since Agency began applying this new practice to raise awareness in respect of privacy.

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



Within its annual work plan, the Agency organized an awareness campaign that lasted for three months named '*Privacy in Digital Age*' with the education sector, respectively with students of the twelfth grade in twenty municipalities:

- | | | | |
|-----------------|--------------|-------------------|--------------|
| 1. Deçan | 2. Junik | 3. Obiliq | 4. Viti |
| 5. Drenas | 6. Kaçanik | 7. Prishtina | 8. Vushtrri |
| 9. Fushë Kosovë | 10. Kamenicë | 11. Prizren | 12. Gjakova |
| 13. Klinë | 14. Rahovec | 15. Hani i Elezit | 16. Lipjan |
| 17. Skenderaj | 18. Istog | 19. Mitrovicë | 20. Shtërpçë |

The aim of this campaign was to reach an adequate level of knowledge by citizens on their rights guaranteed by Constitution, international instruments and legal and sub-legal acts applied in the Republic of Kosova when their data are processed, as well as their right to complain any time they consider that their data are not being processed in accordance with the legislation in effect. The Agency aimed students' awareness raising regarding personal data processing in all cases when information technology is used, social networks, Internet etc., and the outcomes at the end of the campaign by introducing activities developed within the Facebook account the Agency had opened with the aim of posting pictures of its activities, videos and presentations and lectures conducted in front of other students and citizens showed that aimed objective was achieved in a very satisfactory level.

The above-mentioned awareness campaign was used to conduct a survey with students of twelfth grade, to whom a questionnaire was distributed whose aim was to get answers from this focus group regarding the use of Internet in general and social networks in particular.

With the purpose of making institutions aware of their obligations toward the Law on Personal Data Protection the Agency organized awareness raising seminars. Most of public and private institutions' officials having access in one or another way to personal data participated in such seminars organized by the Agency.

In the aspect of presentations in media the Agency was present in electronic and printed media, too. All this was done with the aim of informing the public opinion on the need personal data protection and the role and activities of the Agency in this area. The second part of the year was the period when Agency representatives were present in media most often especially about the ongoing awareness raising activities.

Tens of publications aiming information and promotion of personal data protection rights were made during 2014 of various topics related to personal data protection. News articles



were mainly published on the official web page of the Agency, although there were also articles published in electronic news portals and daily newspapers, depending on events organized by the Agency or where its representatives were present.

We have come to a conclusion that making the Agency web page functional affected awareness for data protection for all those who had a chance to visit this page.

The official web page of the Agency is **www.amdp-rks.org**, which has become an important window of communication between the public and the Agency through **info.amdp@rks-gov.net**, which is best proven by the great number of complaints received, being addressed to the Agency on daily basis.

5.8 *Local and International Cooperation*

Having as a primary objective the expansion of cooperation with regional and international counterpart authorities, as well as with European and international organizations dealing with promotion of privacy right the Agency was quite active by attending all forums in which it has a defined status and in workshops with subject matters related to personal data protection.

In its objectives for 2014 the Agency, among others, was focused on enlargement and intensification of contacts, cooperation and collaboration in international level and with EU bodies. Participation in the Spring Conference of the European Authorities for Personal Data Protection organized by the European Council held in Strasbourg on June 5th, 2014 was the first important event of this year where the Agency got represented by three national supervisors.

During the second half of 2014, respectively on 13th-14th of October, the Agency in the capacity of a member participated in the 36th International Conference of Privacy and Data Protection Commissioners, this year held in Mauritius.

With the international cooperation the Agency got the confirmation for its full membership with equal rights in the mechanisms of the Central Europe and Eastern Data Protection Authorities. The Agency also became member in the Global Privacy Enforcement Network ("GPEN")² of authorities of 38 countries. For the first time it participated in the annual case handling workshop (CHW), which is part of EU data protection authorities known as Spring Conference, the 26th organized in the Republic of Macedonia, where twenty seven (27) member countries were present. The Agency got accepted as a permanent observer in francophone authorities for personal data protection.

Within its objectives for 2014 the Agency, among others prioritized continuation of contacts and cooperation with counterpart agencies of the region and wider.

² <https://www.privacyenforcement.net/public/members>



Within this the Agency paid visits to the following authorities:

- Albanian Personal Data Protection and Information Commissioner;
- Macedonian Directorate for Personal Data Protection;
- Polish General Inspectorate for Personal Data Protection (a memorandum of cooperation in the field of data protection was apropos signed).

Besides the cooperation with authorities of other countries the Agency during this year was focused on strengthening its connections with local institutions. In this aspect it is worth to mention the signed memorandum of understanding between NAPDP and the 'UBT' University College regarding a more efficient enlargement of inter-institutional cooperation, as well as giving lectures by Agency staff to College students and staff, including granting scholarships by the College. Parts of cooperation items with this institution of superior education were materialized during the awareness campaign with 20 secondary schools' students by granting 6 scholarships for the most active students during the campaign.

5.9 Cooperation with Data Protection Officials

The Agency finds the appointment of personal data protection official very important for institutions appointing him/her and the Agency itself. Coordinative activities conducted through this category of accredited officials in public and private institutions were proved to be practical and fruitful. Data protection officials in municipalities planned to be included in the awareness raising campaign of this year have served as a bridge before, during and in the very conclusion of the awareness raising campaign with teenagers conducted in the second half of the reporting year. During our three years' experience it was ascertained that all institutions with a DPO appointed, not only have they shown commitment in implementation of the law provisions to appoint the DPO, but they have also shown a good will for further cooperation in respecting the Law on Personal Data Protection. It could be apropos distinguished a great engagement of the majority of DPOs in protecting and promoting privacy and personal data protection right, which not rarely found to be contradictory with policies of the body they represented.

Unlike practices of earlier years, during the reporting year, national supervisors of the Agency began using a policy of direct communication and collaboration with data protection officials by conducting frequent meetings at institutions they have their primary duties.

It is worth to emphasize that during a year's period, Registration Division received 36 decisions on appointment of data protection officials in public and private institutions. This leads to the conclusion that all local and central public institutions have appointed the internal personal data protection official. Commitment of the following institutions is to be appreciated: Ministry of Education Science and Technology, Ministry of Internal Affairs, Ministry of Labour and Social Welfare, Civil Registration Agency, AP and Customs, who have appointed DPOs having this position as a primary duty.



5.10 *Registration of Filing Systems*

According to the Law on personal Data Protection the Agency is obliged to establish and maintain a registry of filing systems. Within 2014 we received twenty-six (26) notifications in total for registration of filing systems by controllers. Sixteen (16) of such notifications are from public bodies and ten (10) from the private sector.

5.11 *Video Surveillance*

With the purpose to respect legal provisions determining video surveillance in the public and private sector, this year, respectively during last months of the year the Agency with the initiative of the Registration and International Relations Department started its work drafting a special instruction about installing/use of video surveillance systems in education institutions. Agency plan is that this instruction, upon adoption by the Agency Council, to be printed and distributed to all institutions of elementary, secondary and high education, with the purpose of facilitating and using adequate system of video surveillance in education buildings.

As a result of a great interest in obtaining the video surveillance notifying sign by citizens for buildings where they work and apply video surveillance as a security measure, the Agency, at the end of 2014 initiated reprinting video surveillance notifying signs, since the existing stock printed about two years ago was entirely distributed.

Special attention was given to the issue of video surveillance during this year, too by having this issue as a permanent subject when giving lectures during workshops organized in secondary schools during the awareness campaign.

5.12. *IPA Project*

Since January 2014 the Agency is supported by IPA Project (a project financed by EU) in technical assistance in the field of personal data protection for the two-year period 2014-2016.

Since January 2014 the Agency is being supported by IPA Project (a project financed by EU, No. Ref. EuropeAid/133806/c/SER/XK), in the field of personal data protection and support to institutions of the Republic of Kosovo for the two-year period 2014 – 2016.

The amount of the project is €1.349.500,00 and it is an attempt lasting twenty-four (24) months in capacity building in which the main objective is supporting authorities of Kosovo to strengthen the sector of law enforcement in Kosovo.

The project aims to support NAPPD in becoming fully functional and in an efficient implementation of legislation of personal data protection in cooperation with other relevant institutions and strengthening capacities of the National Agency for Personal Data Protection and internal officials for personal data protection for public and private institutions.

5.13. European Commission Progress Report 2014 on Kosova

European Commission Progress Report 2014 on Kosova in item 4.3.6 on personal data protection emphasizes the following:

"The strategy on personal data protection 2014-17 was adopted in January. The National Agency for Protection of Personal Data is operational and was relocated to a government-owned building, enabling more funding to be devoted to its core activities. The agency has continued to raise awareness of its work, and media coverage of its activities has visibly improved, resulting in an increase of complaints submitted to the Agency. Working relations with data protection officials appointed in central governmental institutions have been established. An IT system for registration has been developed, so there are no technical obstacles to receiving notifications by data controllers about the data files and activities processed or carried out by them. Three additional staff were hired and the number of site inspections increased, also outside Pristina, which is a positive development. The government consults the agency on some draft legal acts. The agency has been active at international level and continued to build close working relations with countries in the Western Balkans.

There is a need to develop general and specific data security provisions and to ensure their implementation. In this context, the continued lack of IT competence within the agency is an issue that needs to be addressed quickly. A more pro-active approach by both the agency and the government is needed to ensure the appointment of data protection officials in the municipalities. Data-sharing concerns, in particular in the law enforcement sector, need to be swiftly addressed. Consultation of the agency on draft legislation needs to be further improved to ensure that all draft legal acts, in particular codes of procedure, are reviewed, taking data protection concerns into account.

Overall, Kosovo has made some progress, but it is still at an early stage when it comes to implementing provisions on personal data protection. This is still a developing area of expertise in Kosovo. Sufficient human and financial resources need to be provided to the personal data protection agency so that it can pro-actively address new challenges, in particular data security issues, and to ensure that enforcement measures are implemented."

It can be concluded from the progress report that Agencies' commitment during this period of time was appreciated and recommendations were given to further improve personal data protection field. It is important to mention that all raised recommendations in the progress report were accomplished by the Agency, except for personnel increase and the budget for which the Agency submitted a request to respective institutions.

In accordance with recommended above-mentioned addressings we undertook the following actions:

- 1) Data Security Measures Regulation was drafted;
- 2) There was capacity building in IT and a special IT official was employed;
- 3) The process of appointment of data protection official in local and central public institutions was completed;



- 4) Conducting activities in law enforcement institutions was included in the work plan for 2015;
- 5) Addressing of legislative and administrative measures for consultation related to personal data processing was raised in continuity. Since September 2014 the Agency is part of the obligatory list of institutions for consultation by the Government of the Republic of Kosovo.
- 6) The Agency sent a request for additional personnel and budget in respective institutions.



6 General Assessment and Recommendations on Personal Data Protection

Concerns regarding privacy violations are increasing in the Republic of Kosova. This kind of upgrowth was affected by rapid development of information technology, Internet, search engines, social networks etc. As a consequence of this development, personal data protection is becoming more challenging every day.

The Agency was focused to increase its capacities from year to year in the aspect of completing its professional staff including the training aspect in enforcement of the personal data protection law. This resulted in increase of Agency activities this year both in quantity and quality.

The total number of inspections this year was one hundred and fourteen (114), which compared to the number of inspection of the previous year shows an increase of 46%. Ordinary inspections were carried out especially in the following areas: video surveillance, log books in buildings, biometric data processing, personal data processing for direct marketing and transfer of personal data to foreign countries and international organizations. It is worth to mention that in most institutions where the Agency identified big processors of personal data in certain areas, it carried out inspections in timely manner.

Video surveillance systems in private and public bodies inspected is being conducted in accordance with lawful requirements, which means that notifications are already stuck in visible areas of buildings applying video surveillance for purposes set out in the law. During inspections a tendency was noticed to use such video surveillance systems for other purposes like monitoring the personnel. This phenomenon was especially noticed in elementary and secondary schools, health care institutions, etc.

Log books of buildings were not so often used private and public bodies. In some public and private bodies was noticed a tendency of exceeding the quantity of collected data and time of their storage. After inspections and measures taken by the Agency, data in registers (log books) are processed pursuant to the law.

The use of biometric data in private and public bodies is not so big. Right after inspections the Agency granted authorizations for usage when estimated that legal demands were met and in some cases ordered prohibiting biometric data when estimated that other means could be used to achieve the aim as the case is with the use of fingerprints to track employees' presence at work.

In terms of data transfer to foreign countries and international organizations, inspections were conducted in most of institutions except for the Police, Prosecution and Judiciary. After inspections it was noticed that the number of transfers they carry out is not big. In all cases of transfer it was required by the Agency to make it in accordance with the law.

The easiest and with lowest cost it offers made that direct marketing through SMSs and e-mails to have a continuous growth. Direct marketing is one of areas with potential in personal data protection as a consequence of which series of inspections were conducted. The big number of inspections in this area was conducted upon complaints submitted by



citizens. Within this number of complaints were included complaints submitted by citizens for direct marketing made by national assembly candidate members. In sectors where inspections were conducted, the way direct marketing is applied is in accordance with requirements set out by the law. The application of direct marketing by private companies will be challenging in continuity, because this form of product and service promotion is growing due to the above reasons. In its annual work plan for 2015 the Agency prioritized treatment of this kind of data processing.

Audits to verify implementation of decisions were conducted according to cases. There were twenty-nine (29) audits carried out, which expressed in percentage and compared to the previous year indicates an increase of 107%.

In cases when the Agency found violations that could not be improved and in cases when controllers did not follow decisions, the Agency sent the cases to the competent court for punitive measures in 16 cases.

In reference to a situation when citizens are not satisfactorily informed on their guaranteed rights on personal data protection, the Agency launched several information and awareness raising campaigns. In 2014 was completed the awareness raising campaign named "My Privacy" which had begun in 2013 and then started the new campaign named "Privacy in Digital Age" expected to end in the first trimester of 2015. Agency's engagement in this area resulted in the increase of the number of complaints and questions of citizens in comparison with the previous year. Thus, this year we have 123 complaints, which is 112% more than the previous year with 61 questions, expressed in percentage is 27% higher than that of the previous year.

Providing comments regarding legislative and administrative measures is increasing in the aspect of quantity and quality. This year the Agency was included on the list of institutions the Government of the Republic of Kosovo should make consultations with.

After legal and technical preparations, registration of notifications for filing systems began. This will be an ongoing process for the incoming years, too.

The process of appointing internal data protection officials is almost complete. After training these officials cooperation between the Agency and private and public bodies was consequently increased making the Agency to be more proactive in prevention of potential violations. This can be noticed in the increase of advices and opinions given by the Agency.

In order to be part of regional and international initiatives, the Agency signed cooperation memoranda with almost all countries of the region (except for Serbia and Bosnia), including some European countries. The Agency is member in many regional and international mechanisms, in some as a member and in some as an observer. Memberships and signing cooperation memoranda with the region and European countries' DPA shall remain a priority for the Agency in the incoming years.



The Agency approved its annual work plan for 2015. Continuing with inspections and audits to controllers and areas not inspected so far will be within its priorities for 2015. Awareness raising campaigns will continue with the purpose of informing citizens on their rights on personal data protection. It will continue with capacity building through trainings for employees and getting best experiences from other authorities.

Activities through EU-IPA Project will continue to train the staff in the protection of data in various sectors as well as in other activities described in the project.

Lack of specifying categories of personal data necessary for processing of personal data private and public bodies is one of the biggest deficiencies of the legislation in effect. Absence of this specification leaves space to public and private bodies to collect big quantities of personal data, which are unneeded and in contradiction with principles of data processing stipulated by the Law on Personal Data Protection.

We recommend that all laws and sub-legal acts where personal data processing are define to clearly determine categories of data processed.

Except for the lack of a clear legal framework determining categories of data that might be processed, in most cases the storage period is simultaneously deficient, as a consequence of which we have collection and storage of personal data with years notwithstanding completion of the purpose initially collected.

We recommend that for all laws and sub-legal acts where personal data processing is defined to clearly determine data storage timing.

By not ractifying the Convention 108 on protection of individuals upon automatic processing of personal data by the Assembly of Kosova precludes the Agency to get membership in European and international bodies in the field of personal data protection. Also, in lack of having this convention ractified, Kosova cannot become part of the list of countries providing adequate level of personal data protection in the level of European Union. As a consequence to this personal data transfer to the Republic of Kosova encounters difficulties.

We recommend the Government of the Republic of Kosova and Kosova Assembly to consider the matter of ractifying Convention 108 of 1981 as a high priority.



6 Financial Report

6.1 *Summary of Key Budgetary Developments*

NAPDP has had a budget of €396,000.00 for 2014 allocated pursuant to the law on budget and after the shortening of the budget (Governmental decision no. 07/1272 dated 27.02.2014 on savings for 15%), Agency's budget was cut off for €24,300.00.

NAPDP was operational with a final budget of €371.700.00, according to this distribution: wages and salaries €184.000.00; goods and services €133.040.00; utilities €4.660.00 and capital expenses €50.000.00.

In 2014, NAPDP spent about 99,46% of its general budget or €369,681,57 from the following categories: wages and salaries 99,76% or €183,567,36; goods and services 99,77% or €132,737,97; utilities 74,81% or €3,486,24 and capital expenses 99,78% or €49,890,00.

By the end of December 2014 we obtained a small scale grant amounting €4.196.08 to print necessary materials for the Privacy Week event, which were transferred to budgetary codes of the Agency for 2015 in goods and services by increasing the budget of the Agency for 2015. As a consequence of an insufficient budget for 2013/2014 and in disharmony with the needs and demands to accomplish its responsibilities the Agency could not achieve some of its basic goals.

In 2014 were allocated €371.700.00 notwithstanding Agency's demand for its necessary budget of €862.522.87. Having this allocated budget and eighteen (18) permitted employees the Agency will not be able to become operational specific sectors within its structure as determined by law.

In lack of budget, human and infrastructure capacities the Agency faced a situation in which in the early 2014 we had unpaid obligations from earlier stages of 2013 amounting €15.000.00, which situation produced excesses in other budgetary codes like goods and services of 2014.

In 2014 the Agency's budget was cut off for €24,300.00, whilst no budgetary review appeared in 2014 to arrange internal divisions and the only chance was transfer of budgetary means of €1.790.00 from utilities into the category of goods and services based on the law on budget.

6.2 *Summary of Incomes and Special Categories of Expenses*

- a) **Incomes** – The Agency, on the basis of the Law on Personal Data Protection established and is maintaining a central registry of filing systems. There were twenty six (26) notifications for filing systems by data controllers within 2014 of which, sixteen (16) notifications were submitted by public bodies and ten (10) by the private sector. By the end of 2014 began registration of controlling subjects and the pending



payments according to Regulation No. 02/2012 on the manner of keeping the registry personal data filing systems and its respective application form.

b) Wages and Salaries – In this category we had an allocated budget of €184,000.00, whilst in 2014 NAPDP spent about 99.76% of its budget, i.e. €183,567.36. NAPDP has 23 officials allowed for employment, out of which 5 public functionaries appointed by the National Assembly and eighteen (18) civil servants. The number of employees in January was 19, while in December it was 23 employees. Four (4) officials were employed during the year and one (1) official suspended his/her position. There were sufficient funds for wages (even after the increase of wages) for this number of employees, however having this small number of positions allowed the organizational structure cannot be become fully functional with three departments which derives from the Law on Personal Data Protection and other laws on building internal control, then execution of expenditures and uplifting the full functionalization of the Agency. We have demanded in continuity the increase of the number of officials for nine (9) more positions and an increase of wages based on the specific scope of the Agency, as well as the multiple engagement of officials in more than one position employees of the Agency currently have.

c) Goods and Services – In the category ‘goods and services’ we’ve had an allocated budget of €133,040.00 and in 2014 we spent €132,737.97 or 99.77% the budget.

Following sub-categories were spent during this period of time:

Travel expenses for 2014 were: €26,368.63 (within the sub-category ‘travel expenses’ and expenses on travel ticket for abroad as a consequence of a favourable contract absence. We’re herein informing providing the information that our current budget for travels of €20,000.00 does not satisfy the needs and demands being aware of our legal obligation pursuant to the Law 03/L-172 on Personal Data Protection, article 4, this law is applicable in diplomatic and consular offices and in all other legations of the Republic of Kosova, too.

Telecommunication services €4,517.93 (within the sub-category ‘telecommunication services’ were spent only 37,64% and the reason for not spending it was a consequence of not submitting bills in time by ‘Vala’ Operator and the technical problems in billing this operator had. In lack of budgetary revision and after our demand for revision, we covered other expenses within the organization of the conferences for 28.01.2014 (The European Day of Personal Data Protection) and 30.06.2014 (Celebration of Agency’s Anniversary).

Expenses for services €29,810.41 (within the sub-category ‘service expenses’ were spent only 99,36% and we’re within the planning of the budgetary code, but expenses in sub-codes have moved due to the continuous need for various intellectual and advisory services for personal data security, IT, legal advisory and support services). Furniture and equipments €7,607.40.



Other purchases €11,298.87 (within the sub-category 'other purchases'), needs for stationary and necessary materials to organize conferences and awareness raising campaigns exceeded the allocated budgetary means for this sub-category).

Fuels and combustibles €9,397.44; vehicle insurance services €1,523.80, vehicle maintenance and repair €12,015.58; rent €8,700.00 (unpaid debt transferred from 2013); and marketing expenditures €3,358.70.

By representation expenditures of €15,544.12 (within the sub-category 'representation expenses' we have covered representation expenses, expenses for organization of conferences, twenty (20) workshops with secondary schools' students during awareness raising campaigns, therefore we exceeded the allocated budgetary means in this category saved from other budgetary categories, but in absence of revision we could not adjust it with the initial state).

During this year we have used current contracts of the Ministry of Foreign Affairs in compliance with agreements as well as contracts of Constitutional Court for January and February 2014.

We have demanded a supplementary budget during 2014 knowing our obligations, but no additional budget was allocated to us in this category and being aware the cut off of €24,300.00 on behalf of savings, we have remained in an unfavourable situation to normally function as an institution.

In lack of budget in the category 'goods and services' in the beginning of 2014 we have had unpaid obligations from 2013 amounting €15,000.00 which situation derive budgetary sub-codes in goods and services in 2014 and in January 2015 we came out with €15,885.88 obligations from November and December 2014 since the current budget of €133,040.00 does not meet Agency's demands and obligations of unpaid bills following us year by year.

- d) **Utilities** - in the category of utilities we have had an allocated budget of €4,660.00 and in 2014 we spent €3,486.24 or 74.81% of the budget. During this period of time in sub-categories we have made the following expenditures: water supply €1,001.84 and land line telephony €2,484.40. These expenditures, except for the land line telephony, were utility obligations covered by the Agency since we used to be seated in a private property until December 2013.
- e) **Capital Investment** - In the category of 'capitals' we have had a budget of €50,000.00 for the project 'purchase of vehicles' and in December we spent €49,890.00 or 99.78% of the budget. The project was executed during December 2014 when three vehicles were purchased based on the Council decision no.03/09 dated 18.04.2014.
- f) **Subvencionet dhe Transferet** - There were no expenditures in this category.

6.3 *Summary of Concluding Comments and Views for Future Developments*

The National Agency for Personal Data Protection was allocated a budget of €371,700.00 after



the cut off, notwithstanding Agency's demand for €862,522.87.

Having this allocated budget and eighteen allowed employees, the Agency will not be able to become fully functional or make specific sectors within its structure operational in accordance with the law. Due to the insufficient budget in 2013 and 2014 as well as in disharmony with the needs and requirements to accomplish its responsibilities, the Agency could not fulfill some of its basic tasks.

Prolonged objectives in 2014 due to budgetary insufficiencies are the following:

- 1) Awareness raising campaign for citizens, controlling subjects, as a consequence of which registration of controlling subjects could not be initiated until the end of 2014.
- 2) Capacity building knowing the nature of Agency's scope and inability for trainings inside the country for data protection officials accredited to public and private institutions.
- 3) Lack of financial means in the category 'goods and services' to translate necessary documents into official languages.

6.3.1 Continuous Objectives 2014-2016

Continuous monitoring of data processing lawfulness is aimed to be achieved by conducting activities in the following areas:

1. Education of data controllers;
2. Direct implementation of lawfulness through inspections and audits,
3. Complaint handling;
4. Capacity building.

Rapid development in personal data management in technology and inability to follow the trends of time, as well as execution of objectives accomplishing Agency's scope and the budgetary insufficiency itself in the category 'goods and services' determines projects destiny the Agency cannot execute itself. The need to organize continuous awareness raising campaigns in other sectors (areas) except for the education sector, like in healthcare, civil services and other segments, the budget remains a core element to keep the Agency functional and increase human resources in departments whose scope derives from the Law in effect 03/L-172 on Personal data Protection.

6.4 Tables - Details of Expenses by Economic Codes

6.4.1 Incomes

Economic Code	Economic Category	Planned Incomes/ Predicted for 2014	Personal Incomes transferred from 2013	Incomes executed in 2014
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1	2	3	4	5
5600	Incomes from the Grant given by the Royal Norwegian Embassy in the category 'goods and services' in the end of December 2014 destined to organize the Privacy Week, January 2015	4,196.08		0.00



6.4.2 General Expenditures

Economic Code	Economic Category	Budget and Expenditures 2013			Annual Budget according to the Law on Budget (2014)	Reviewed Budget 2014	Final Budget 2014	Expenses until December 31	Commitments until December 31	Committed Budget (in %)	Spent Budget
		Budget (2013)	Expenditures (2013)	% Of expenses		(if changed)		2014	2014		(in %)
1	2	3			4	5	6	7	8	9	10
11000	Wages and Salaries	160,000.00	159,771.68	99.68 %	184,000.00	184,000.00	184,000.00	183,567.36	183,567.36	99.76 %	99,76%
13000	Goods and Services	159,593.90	156,401.44	97.99 %	150,000.00	133,040.00	133,040.00	132,737.97	133,040.00	100 %	99,77%
13200	Utilities	12,000.00	11,569.04	96.41 %	12,000.00	4,660.00	4,660.00	3,486.24	3,486.24	74,81%	74,81%
21000	Subventions and Transfers										
30000	Capital Investment	50,000.00	43,359.27	86.72 %	50,000.00	50,000.00	50,000.00	49,890.00	50,000.00	100 %	99,78 %
	Total	381,593.90	371,101.43	97.25%	396,000.00	371,700.00	371,700.00	369,681.57	370,093.60	99,57%	99,46%



6.4.3 Goods and Services

		Budget 2013			Budget 2014		
13000	GOODS AND SERVICES Name of Economic Category	Planning 2013	Expenditures in (2013)	% of expenses	Planning 2014	Expenditures in (2014)	% of expenses
	Total Goods and Services	159,593.90	159,771.68	97.99%	133,040.00	132,737.97	99,77 %
1310	TRAVEL EXPENSES (SUBTOTAL)	14,700.00	19,570.26	133.13%	20,000.00	26,368.63*	131,84 %
13130	Expenses of Official Trips in the country	2,700.00	0	0%	-	-	-
13131	Per Diems of official trips in the country	-	-	-	-	-	-
13132	Accommodation during the official trip in the country	-	-	-	-	-	-
13133	Other expenses of the official trip in the country	-	-	-	-	-	-
13140	Expenses of Official Trips abroad	12,000.00	0	0 %	5,000.00	5,052.43	101 %
13141	Per Diems of official trips abroad	-	9,729.77	+	10,000.00	11,096.01	110 %
13142	Accommodation during the official trip abroad	-	5,189.64	+	5,000.00	7,161.17	143,2 %
13143	Other expenses of the official trip abroad	-	4,650.85	+		3,059.02	+

* Travel expenses for 2014 are as follows: €26,368.63 (within the sub-category 'Travel Expenses' are also expenses made for travel tickets for trips abroad due to the lack of a valid contract. Please note that the current budget for travelling needs is €20,000.00, which does not satisfy the needs and demands knowing the legal obligation based on the Law 03/L-172 on Personal Data Protection, Article 4 – this law is applicable at diplomatic and consular offices of Kosova abroad, too).



1330	TELECOMMUNICATION SERVICES (SUBTOTAL) *	9,800.00	7,212.30	73.59%	12,000.00	4,517.93	37,64 %
13310	Internet Expenses	400.00	-	0%	2,000.00	233.88	11,69 %
13320	Mobile telephony expenses	9,000.00	7,180.00	79.77%	9,000.00	4,194.35	46,60 %
13330	Postal expenses	400.00	32.30	8.07%	1,000.00	89.70	8,97 %
13340	Cable usage expenses						

1340	SERVICE EXPENSES (SUBTOTAL) *	29,093.90	32,987.67	113,38%	30,000.00	29,810.41	99,36 %
13410	Education & Training Expenses	10,000.00	9,552.00	95.52%	12,000.00	2,770.00	23,08 %
13420	Representation & Advocacy Expenses	-	-	-	-	-	-
13430	Various medical expenses	-	-	-	1,000.00	180.00	18 %
13440	Various Intellectual & Consulting Expenses	11,593.39	11,000.04	94,88%	2,000.00	12,545.00	627,25 %
13450	Printing – no marketing Expenses	1,000.00	430.00	43%	3,000.00	2,980.00	99,33 %
13460	Other Contractual Services	4,000.00	11,055.63	276,39%	10,000.00	10,985.41	109,8 %
13470	Technical Services	2,500.00	950.00	38%	2,000.00	350.00	17,5 %
13480	Membership Expenses	-	-	-	-	-	-

* Telecommunication expenses €4,517.93 (within the sub-category ‘Telecommunication Expenses’ are spent only 37,64 % and the reason for not spending the total was because of billing delays by ‘Vala’ Operator and technical problems in billing issues this operator had. In lack of budgetary review and after our request for revision, we have covered other expenses upon organizing conferences for 28.01.2014 (European Privacy Day and 30.06.2014 (Agency Anniversary).

* Service Expenses €29,810.41 (within the sub-category ‘Service Expenses’ were spent only 99,36 % of the allocated budget. However expenses in sub-codes moved due to the continuous need for various intellectual and consulting services in personal data security, IT, legal consulting services etc.



1350	PURCHASE OF FURNITURE AND EQUIPMENTS (LESS THAN SE €1000)	6,400.00	8,296.00	129.62%	8,750.00	7,607.40	86,94 %
13501	Furniture (less than €1000)	-	1,045.00	+			
13502	Telephones (less than €1000)	1,000.00	0	0%	1,750.00	1,680.00	96 %
13503	Computers (less than €1000)	2,000.00	6,875.00	343.75%	4,000.00	3,830.00	95,75 %
13504	IT Hardware (less than €1000)	3,400.00	0	0%	3,000.00	2,097.40	69,91 %
13505	Photocopy Machines (less than €1000)	-	-	-			
13506	Special Medical Equipments (less than €1000)	-	-	-			
13507	Police Equipments (less than €1000)	-	-	-			
13508	Traffic Equipments (less than €1000)	-	-	-			
13509	Other Equipments (less than €1000)	-	376.00	+	2,000.00	2,595.00	129,75 %

1360	OTHER PURCHASES - GOODS AND SERVICES (SUBTOTAL)	4,500.00	9,573.02	212.73%	9,000.00	11,298.87	125,54 %
13610	Office Supplies	4,500.00	9,573.02	212.73%	9,000.00	11,298.87	125,54 %
13620	Food and Drinks Supplies (no official lunches)	-	-	-			
13630	Medical Supplies	-	-	-			
13640	Cleaning Supplies	-					
13650	Clothing Supplies	-					
13660	Accommodation	-	-	-	-		
13670	Ammo and fire arms	-	-	-	-	-	-
13680	Safety Tickets (banderollas)	-	-	-	-	-	-
13681	Seals	-	-	-	-	-	-

* Other purchases €11,298.87 (within the sub-category 'other purchases', the need for stationery and other necessary materials for organization of conferences and awareness campaigns exceeded the allocated budget in this category).



1370	FUEL (SUBTOTAL)	16,500.00	7,422.18	44.98%	14,000.00	9,397.44	67,12 %
13710	Oil	500.00	0	0%			
13720	Central heating Gas	2,000.00	1,721.60	86.08%		409.45	+%
13730	Heating Oil	-	-	-			
13740	Oil Fuel	-	-	-			
13750	Coal	-	-	-			
13760	Wood	-	-	-			
13770	Generator Fuel	2,000.00	65.58	3.27%			
13780	Vehicle Fuel	12,000.00	5,635.00	46.95%	14,000.00	8,987.99	67,12 %

1380	ADVANCE ACCOUNTS (SUBTOTAL)	-	-	-	-	-	-
13810	Advance for petty cash						
13820	Advance for official trip						
13821	Advance						
13830	Advance for goods and services						
13850	Advance for Embassies						

1390	FINANCIAL SERVICES (SUBTOTAL)	-	-	-	-	-	-
13911	Bank Provision - Central Bank						
13912	Bank Provision -Raiffeisen Bank						
13913	Bank Provision -ProCredit Bank						
13915	Bank Provision -Private Bank of Business						
13916	Bank Provision - Economic Bank						
13917	Bank Provision -NLB Prishtina Bank						
13918	Various Tariff Provision						



13940	KPA- Bank Provision						
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1395	REGISTRATION AND INSURANCE SERVICES (SUBTOTAL)	3,800.00	516.52	13.57%	5,000.00	1,523.80	30,47 %
13950	Vehicle Registration	-	150.00	+	3,500.00	540.00	15,42 %
13951	Vehicle Insurance	3,800.00	346.52	9.11%	1,000.00	963.80	96,38 %
13952	Municipal Tax of Vehicle Registration	-	20.00	+	500.00	20.00	4,00 %
13953	Building Insurance and others	-	-	-			

1400	MAINTENANCE (SUBTOTAL)	5,400.00	5,154.65	95.45%	12,790.00	12,015.58	93,94 %
14010	Vehicle Maintenance and Repair	3,000.00	4,654.65	155.1%	5,000.00	5,315.58	106,31 %
14020	Premises maintenance	2,000.00	0	0%			
14021	Residential Building Maintenance	-	-	-			
14022	Maintenance of Administrative – Commerical Buildings	-	-	-	-	-	-
14023	School Maintenance	-	-	-	-	-	-
14024	Health Buildings Maintenance	-	-	-	-	-	-
14030	Highways Maintenance	-	-	-	-	-	-
14031	Maintenance of Regional Roads	-	-	-	-	-	-
14032	Maintenance of Local Roads	-	-	-	-	-	-
14040	IT Maintenance	400.00	500.00	125.00%	5,790.00	5,000.00	86,35 %
14050	Furniture and Equipments Maintenance	-	-	-	2,000.00	1,700.00	85,00%



1410	RENT (SUBTOTAL)	49,700.00	47,203.70	94.97%		8,700.00	+ %
14110	Rent for Buildings	49,700.00	47,203.70	94.97%	0	8,700.00	+ %
14120	Rent for Land (lot)	-	-	-			
14130	Rent for Equipments	-	-	-	-	-	-
14140	Rent for Machinery	-	-	-	-	-	-
14150	Rent for other Premises	-	-	-	-	-	-

1420	MARKETINGU EXPENSES (SUBTOTAL)	9,800.00	5,620.00	57.34%	10,500.00	3,358.70	33,58 %
14210	Ads and job vacancies	5,000.00	-	-	5,000.00	3,358.70	33,58 %
14220	Botimet e publikimeve	4,000.00	500.00	12.50%	4,000.00		0%
14230	Public Information expenditures	800.00	2,120.00	265.00%	1,500.00		0%

1430	REPRESENTATION EXPENSES (SUBTOTAL)	9,900.00	10,845.14	109.54%	11,000.00	15,544.12	141,3 %
14310	Official Lunches	9,900.00	10,845.14	109.54%	11,000.00	15,544.12	141,3 %

1440	EXPENDITURE-COURT DECISIONS (SUBTOTAL)	-	-	-	-	-	-
14410	Expenditure-Court Decisions						

1700	SERVICE OF DEBT (SUB-TOTAL)	-	-	-	-	-	-
17000	Governmental Debt Payment						



* Representation expenses €15.544,12 (within representation expenses sub-category we have covered representation expenses, expenses for conferences, twenty (20) workshops with students during awareness raising campaigns in high schools, therefore we had to exceed the allocated budgetary means in this category, which we had saved from other categories – but in lack of a budgetary review we couldn't adjust it with the initial situation).

6.4.4 Utility Expenditures

		Budget 2013			Budget 2014		
1320	Utilities	2013 Planning	Expenditures (2013)	% of expenses	2014 Planning	Expenditures (2014)	% of expenses
	Total Utilities Expenditure	12,000.00	11,569.04	96.40%	4,660.00	3,486.24	77,81 %
1320	UTILITIES (SUB-TOTAL)	12,000.00	11,569.04	96.40%	4,660.00	3,486.24	77,81 %
13210	Power	5,000.00	3,904.41	78.08%			
13220	Water	1,000.00	3,914.27	391.42%	1,000.00	1,001.84	100,18 %
13230	Garbage	1,000.00	350.30	35.03%			
13240	Central Heating	-	-	-			
13250	Telephony Expenditure	5,000.00	3,400.06	68.00%	3,660.00	2,484.40	67,88 %



6.4.5 Capital Investment

		Budget 2013			Budget 2014			
3000	CAPITAL INVESTMENT	Planning	Expenses	% of Expenditures	Planning	Expenses	Commitments until 31.12.2013	% of expenditures
Total Capital Investment		50,000,00	43,359.27	86.71%	50,000,00	49,890.00	50,000,00	99,78 %
3110	BUILDINGS (SUB-TOTAL)	-	-	-	-	-	-	-
31110	Residential Buildings							
31120	Administrative Commercial Buildings							
31121	Educational Buildings							
31122	Health Buildings							
31123	Cultural Buildings							
31124	Sports Buildings							

3120	CONSTRUCTION OF ROADS (SUB-TOTAL)	-	-	-	-	-	-	-
31210	Construction of Highways							
31220	Construction of Regional Roads							
31230	Construction of Local Roads							
31240	Sidewalks							
31250	Sewage							
31260	Water Supply							



3150	POWER SUPPLY (SUBTOTAL)	-	-	-	-	-	-	-
31510	Power Supplu & Generation & Transmission							

3160	EQUIPMANTS (VALUE OVER €1000) (SUBTOTAL)	50,000.00	43,359.27	86,71 %				
31600	Information Technology Equipments (over €1000)				-	-	-	-
31610	Information Technology Equipments	18,000.00	14,988.00	83.26%				
31620	Furniture	-	-	-				
31630	Telephone sets	-	-	-				
31640	Computers	27,000.00	24,411.27	90.41%				
31650	Photocopy Machines	5,000.00	3,960.00	79.20%				
31660	Medical Special Equipments	-	-		-	-	-	-
31670	Police Equipments				-	-	-	-
31680	Souftware				-	-	-	-
31690	Other Equipments				-	-	-	-

3170	MEANS OF TRANSPORT (SUB-TOTAL)				50,000.00	49,890.00	50,000.00	99,78 %
31700	Official Vehicles				50,000.00	49,890.00	50,000.00	99,78 %
31701	Trucks	-	-	-				
31702	Jeeps and vans	-	-	-				
31703	Ambulance Vehicles	-	-	-				
31704	Police Vehicles	-	-	-				
31705	Motorbykes	-	-	-				
31706	Other Means of Transport	-	-	-				

3180	MACHINERY (SUB-TOTAL)	-	-	-	-	-	-	-
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31800	Machinery							
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3190	OTHER CAPITAL (SUBTOTAL)	-	-	-	-	-	-	-
31900	Other Capital							
31910	Advance Payment for Investment							

3210	LOT (SUBTOTAL)	-	-	-	-	-	-	-
32100	Land							

3220	REAL ESTATES (SUBTOTAL)	-	-	-	-	-	-	-
32200	Intangible Assets							

3310	CAPITAL TRANSFER-ENTITIES (SUBTOTAL)		-	-	-	-	-	-
33100	Capital Transfer- Public Entity							



6.4.6 Subventions and Transfers

		Budget 2013			Budget 2014		
21000	Subventions and Transfers	Planning	Expenses	% of expenditures	Planning	Expenses	% of expenditures
Total Subventions and Transfers							
2100	SUBVENTIONS	-	-	-	-	-	
21110	Subventions for Public Entities						
21120	Subventions for Public Entities						
21200	Subventions for Entities						
2200	TRANSFERS	-	-	-	-	-	
22100	Transfers for other governments						
22110	UNOPS - Administration Project - Kosova Property Agency						
22200	Payments for individual beneficiaries						
22210	Basic Pension						
22220	Pensions for Disabled Persons						
22230	Social Welfare Pensions						
22235	KPC Pensions						
22240	Pensions-Category I						
22250	Pensions-Category II						
22260	Payments for War Invalids						
22270	Payments for Civil Invalids						
22280	Payments for families of the fallen in war						



22300	Payments – Court Decisions						
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6.4.7 Staff and Structure of Wages

Level	Positions approved By the Law on Budget Budget for 2014	Occupied Positions	Approved Budget by the Law Budget for Wages and Salaries	Budget spent for wages until December 31, 2014	Total of supplementary payments	Total number of employees receiving supplementary wages	a). Working hours (full/part time) b). Specify type of supplementary payment
1	2	3	4	5	6	7	8
Board Level	5	5	82,530.00	82,530.00	0	0	Full working hours
High Management Level	1	1	11,351.34	11,351.34			Full working hours
Management Level	5	5	27,568.68	27,568.68			Full working hours
Professional Level	10	10	55,511.17	52,558.53	2,520.00	2	Full working hours
Support Level	2	2	7,038.81	7,038.81			Full working hours
Total	23	23	184,000.00	181,047.36	2,520.00		Full working hours



7 Report on Addressing Recommendations of the General Audit

NAPDP management continuously monitored addressed recommendations given in 2013 and marked distinguished progress in this regard. For a short period of time we managed to address half of recommendations. This indicates our good will and engagement to improve audits in general.

The Audit Report for PVF of NAPDP for 2013 resulted in eight recommendations, five of which are completely addressed, while three other recommendations are in the process of addressing.

The initiated process about addressing recommendations and implementation of recommendations is ongoing, but two ongoing recommendations (7 and 8), NAPDP has accomplished with current human professional resources, whereas their complete addressing will be made upon augmentation of staff for at least nine (9) more employees necessary to complete the planned structure of 18 civil servants into 27 civil servants. This demand to have augmented staff is based on real needs to make NAPDO fully operational.

Below is a tabular report on actions taken and proposed about findings and recommendations by the General Auditor for the previous year.

No	Recommendation or Finding	Actions Taken or Proposed	Implementation Terms	Effect
1	Chief National Supervisor is to ensure accomplishment of accountability and transparency obligations through regular and timely reporting in accordance with the framework for financial management and control.	During this year we have accomplished accountability obligations by appointing staff in secondary positions for the Chief Financial Officer and other financial positions	January – December 2014	Accomplished recommendation
2	ChNS is to ensure that the action plan determines a specific timeframe for addressing recommendations of ZAP with members of the responsible staff identified and with initial focus on areas of special importance. Implementation of this plan should be reviewed by the management on regular basis.	Lack of employees according to LMFPF, directly affects inability of addressing recommendations and their timely implementation. Actually by appointment of employees up to five positions we have managed to temporarily accomplish such authorizations until the staff number is increased.	January – December 2014	Accomplished recommendation



3	ChNS is to ensure that detailed analysis is made upon budgetary plannings and real expenditure needs are identified, including their categorization. Furthermore, he is to make sure that all expenses are registered in adequate economic categories.	Upon budgetary planning we have created a working group and have identified real needs, and the Agency Council made decisions for each purchase and expenditures were registered in adequate economic categories.	January – December 2014	Accomplished recommendation
4	ChNS is to reconsider application of the post paid system of monthly bills. This should ensure more efficient services with lower expenses.	In early 2014 we issued the Administrative Instruction no.01/2014, on cellular and land-line telephony; whilst as per the transfer into Post Paid, this recommendation is in the phase of consideration by the Council.	January – December 2014	On going, a part of staff turned into 'top-up' electronic system
5	ChNS should strengthen the control in the process of payment execution. This process should be made in full compliance with Treasury regulations. Also, salaries (per diems) are to be given in full compliance with the administrative instruction on official trips.	In the beginning of 2014, we issued the Administrative Instruction no.01/2014 on advance payments and official trips. Budgetary deficiency and lack of allocations was the reason for the delay of some bills' payments for 30 days.	January – December 2014	Accomplished recommendation
6	ChNS is to make sure that all needs for the work extraordinary working hours are identified during the phase of budgetary preparations. Furthermore he is to enforce expenditure management to ensure that all payments are made in accordance with the Law on Budget.	NAPDP has service contracts, translation contract, etc. Upon latest recruitments in the Agency, now all the payments are made in line with the LB.	January – December 2014	Accomplished recommendation
7	ChNS should make sure that recruiting procedures have been initiated to occupy the position of the General Director	We have made requests for additional staff members and we are currently considering the organizational structure to have it fused not being able to recruit 9 more needed people, therefore internal promotion was the only way to carry out duties.	January – December 2014	On going



8	ChNS should ensure additional controls on manageing and reporting on assests, including the continuous update of Agency asset register as well as having 'e-pasura' program functional.	During September our staff attended a training program, and we are currently awaiting MPA - ISA, to grant us the access on the 'e-Pasuria' database. Training capacities have been built in order to use and make the databse functional.	January - December 2014	On going
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