



INTERNATIONAL CONFERENCE

HOW TO MANAGE GDPR CHALLENGE EFFECTIVELY ?

GDPR WILL AFFECTS US ALL

Transfers of Personal data

How to manage GDPR challenge effectively?

Int'l Conference JPM

Belgrade, November 14th, 2019

Personal Data Protection Act

Serbian DPAct:

- Adopted in November 2018
- Implemented as of August 2019
- Incorporated GDPR and LED

DPA Authority:

- Commissioner for Information of Public Importance and Personal Data Protection
- Established in 2004 / Competence in DP as of 2009₃

What is a transfer?

- ANY transfer
- ongoing processing or intended processing
- onward transfers included

Basis for a transfer

- “Adequate level of protection”
(not = to adequacy decision)
- Appropriate safeguards
- Specific situations

Transfer based on adequate level of protection

- CoE Convention 108
- Adequacy decision
- Int'l agreement on personal data transfer

List of countries, territories or one of more specified sectors within a country or an int'l organisation published by the Government of Serbia

Transfer based on Appropriate safeguards 1/3

I. Without prior authorisation

1. Legally binding act between public authorities
2. Standard contractual clauses
3. Binding corporate rules
4. Approved code of conduct
5. Approved “compliance certificate”

Transfer based on Appropriate safeguards 2/3

II. Subject to the authorisation

1. Contractual clauses
2. Provisions [to be] inserted into agreement between public authorities
 - Procedure

Transfer based on Appropriate safeguards 3/3

Summary

1. Legally binding act between public authorities
2. *Standard contractual clauses*
3. *Binding corporate rules*
4. *Approved code of conduct*
5. *Approved “compliance certificate”*
6. Contractual clauses
7. Provisions [to be] inserted into agreement between public authorities

Confused?

How about data processing for the purpose
of preventing money laundry



Transfer of personal data special regime 1/2

- LED 681/16/EC

„any other body or entity entrusted by Member State law to exercise **public authority and public powers** for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security”

Transfer of personal data

special regime 2/2

- Serbian DPAct
- „any other body or entity authorised by law to perform task pertaining to the purposes of the prevention, investigation, detection or prosecution of criminal *offences* or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security”
- Definition seems too broad



Transfer of personal data TO Serbia

Transfer of Personal Data from EU Country to Serbia

GDPR Legal basis

- Adequacy decision
- Appropriate safeguards
- Specific situations

Transfer of Personal Data from EU Country to Serbia

Reality

- *Adequacy decision*
- Appropriate safeguards (BCRs, SCC, CoC, Certificates, CC...)
- Specific situations

This is a challenge for the business in Serbia!

*Thank you
for your attention*

Nevena Ružić

Office of the Commissioner for Information of
Public Importance And Personal Data Protection

Republic of Serbia

