



# **INTERNATIONAL CONFERENCE**

**HOW TO MANAGE GDPR CHALLENGE EFFECTIVELY ?**

**GDPR WILL AFFECTS US ALL**

# Transfers of Personal data

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How to manage GDPR challenge effectively?

Int'l Conference JPM

Belgrade, November 14<sup>th</sup>, 2019

# Personal Data Protection Act

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## Serbian DPAct:

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

## DPAuthority:

- Commissioner for Information of Public Importance and Personal Data Protection
- Established in 2004 / Competence in DP as of 2009<sub>3</sub>

# What is a transfer?

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

# Basis for a transfer

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

# Transfer based on adequate level of protection

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- 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

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## 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

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## 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

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## 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

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- 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

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- 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

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## GDPR Legal basis

- Adequacy decision
- Appropriate safeguards
- Specific situations

# Transfer of Personal Data from EU Country to Serbia

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## 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*

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