

**ANNEX 1.**

**LAW ON PERSONAL DATA PROTECTION**

**UNOFFICIAL TRANSLATION**

## **PARLIAMENT OF THE REPUBLIC OF MACEDONIA**

Pursuant to Article 75, Paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Parliament of the Republic of Macedonia, herewith issue the following

### **DECREE ON THE PROCLAMATION OF THE LAW ON PERSONAL DATA PROTECTION**

We herewith proclaim the Law on Personal Data Protection which the Parliament of the Republic of Macedonia passed on it's session held on January 25, 2005.

No. 07-378/1  
January 25, 2005 Skopje

President  
of the Republic of Macedonia  
Branko Crvenkovski

President  
of the Parliament of the Republic of Macedonia  
Ljupco Jordanovski, Ph.D.

## **LAW ON PERSONAL DATA PROTECTION**

### **1. GENERAL PROVISIONS**

#### Article 1

This Law regulates the protection of personal data as fundamental freedoms and rights of the citizens, and especially the rights to privacy as related to the personal data procession.

#### Article 2

Certain terms used in this Law shall have the following meanings:

1. Personal data is each information pertaining to an identified or identifiable natural person, the identifiable entity being an entity whose identity can be determined directly or indirectly, especially as according to the unique register number of the citizen or on the basis of one or more characteristics, specific for his/her physical, mental, economic, cultural or social identity;
2. "Personal data processing" is every operation or a number of operations performed on personal data, automatically or otherwise, such as: collection , recording, organizing, storing, adjusting, or altering, withdrawing, consulting, using, publishing through transmitting, revealing or making otherwise available, aligning, combining, blocking, deleting or destroying;
3. "Personal Data Collection" is a structured group of personal data available as per specific criteria, regardless if it is centralized, decentralized or dispersed on a functional or a geographical basis.
4. "Personal Data Subject" is any natural person to whom the processed data refer;
5. "Controller of the Personal Data Collection" is any natural or legal person, a State or other body, who, independently or together with others, determines

the purposes and the ways of personal data processing (hereinafter referred to as: the controller). When the purposes and the ways of personal data processing are determined by law or any other regulation, the same law or regulation determines the controller or the special criteria for his/her selection;

6. "Personal Data Collection Handler" is a natural or a legal person or a legally authorized state body processing the personal data on the behalf of the controller;
7. "Third Party", is any natural or legal person, a state body or other body, which is not a personal data subject, a controller, a Personal Data Collection Handler or any person who, under a direct authorization by the controller or by the Personal Data collection Handler is authorized to process the data;
8. "User" is any natural or a legal person, a state or other body, to whom the data are disclosed with the purpose of performing the regular duties pursuant to the law. The bodies to whom the data may be disclosed, as within a special investigation, are not considered as users according to this law;
9. "Consent of the personal data subject" is freely and explicitly given statement of will, of the personal data subject whereby he/she agrees to the processing of his/her personal data for previously determined purposes;
10. "Special categories of personal data" are personal data revealing the racial or ethnic origin, the political views, religious or other beliefs, membership in a trade union and data relating to the health condition or the sexual life.

### Article 3

This law shall be applied:

- to entirely or partly automated personal data processing and
- to manual processing of the personal data which are part of an existing collection of personal data or are intended to be part of a collection of a personal data.

When the controller is located in the Republic of Macedonia and branch offices abroad, he/she must take all the necessary measures to guarantee that each of these branch offices respects the provisions of this law.

The provisions of this law shall be applied in cases when the controller is not located in the Republic of Macedonia, if the equipment which he/she uses for personal data processing is in the Republic of Macedonia, unless the equipment is used solely for transit across the territory of the Republic of Macedonia.

In the cases referred to in Paragraph 3 of this Article, the controller is obliged to appoint representative located in the Republic of Macedonia, responsible to apply the provisions of this law.

#### Article 4

The provisions of this law shall not apply :

- to personal data processing performed by natural persons exclusively for personal or household activities and
- to personal data processing for the purpose of protection of the interests of the security and defence of the Republic of Macedonia or to conduct criminal procedure.

### **PERSONAL DATA PROCESSING**

#### Article 5

Personal data shall be:

- processed pursuant to the law,
- collected for concrete, clear and legally determined purposes and processed pursuant to those purposes. Further data processing for historic, scientific or statistical research shall not be considered as not being in compliance with the primary purposes for which the data have been collected, provided that the appropriate protection measures have been undertaken in accordance with the law;
- appropriate, relevant and not too comprehensive in relation to the purposes for which they are collected and processed,
- accurate , complete and updated, whereby the inaccurate or incomplete data shall be deleted or corrected, taking into account the purposes for which they have been collected or processed and
- stored in a form which allows identification of the personal data subject, not longer than necessary to fulfil the purposes for which the data have been collected for further processing.

The controller shall be responsible for the quality of the personal data in accordance with paragraph 1 of this Article.

#### Article 6

The personal data processing may be performed out upon previously obtained written consent by the personal data subject.

The personal data processing may be also performed without the consent referred to Paragraph 1 of this Article, when the processing is necessary for:

- realization of a contract in which the personal data subject is a Contracting Party or upon a request by the personal data subject prior to his/her accession to the contract;
- necessary fulfilment of the legal obligation of the Controller,
- protection of the life or the physical and moral integrity of the personal data subject.

- realization of issues of public interest or of official authorization of the Controller or of a third party to which the data are disclosed or
- fulfilment of legal rights and obligations of the controller, of a third party or persons to whom the data have been disclosed, unless the freedom and the rights of the personal data subject would be violated in that way.

#### Article 7

Personal data processing that refer to criminal acts, pronounced sentences and security measures for committed criminal acts may be performed by the competent state bodies according to the law.

### **III PROCESSING OF SPECIAL CATEGORIES OF PERSONAL DATA**

#### Article 8

Processing of special categories of personal data is forbidden.  
As an exception to Paragraph 1 of this Article the processing of special categories of personal data may be performed:

- on the basis of an explicit written consent by the personal data subject;
- If it is necessary for carrying out concrete rights and obligations of the Controller in the area of Labour Law, to the extent and with adequate guarantees determined by the laws in this area;
- When it is necessary for the protection of the life, or the physical and moral integrity of the personal data subject or of any other person, if the latter is physically or business incapable to issue a consent;
- If the processing is carried out in the framework of the activities of institutions, associations or any non-profit institutions for political, religious, trade-union or other purpose, provided that the data processing refer exclusively to their members, and such data shall not be disclosed to third parties without the consent of the personal data subject;
- When the processing refers to data which the personal data subject has publicly disclosed;
- When it is necessary for the purpose of acquiring, exercising and protecting the rights of the personal data subject in the procedure before the competent bodies,
- If it is needed for the purposes of medical prevention, diagnosis, treatment or management with a public health institution and is carried out by a person whose profession is to provide medical protection under oath of secrecy to the data revealed to him/her during the performance of his/her profession and
- When it is needed for the performance of matters of public interest determined by a law or based on a Decision of the Directorate for personal data protection (hereinafter referred to as: the Directorate).

The processing of special personal data categories referred to in Paragraph 2 of this Article should be specially marked and protected.

The special categories of personal data referred to in Paragraph 2 of this Article may be transmitted through a telecommunication network only if they are specially protected by cryptographic methods, in a way in which they are not readable when transmitted.

#### Article 9

The unique birth registration number of the citizen may be processed only upon a prior written consent by the personal data subject or under conditions determined by the law.

The unique birth registration number of the citizen may be processed for the purposes of identification of the personal data subject, namely for:

- carrying out of the purposes of this law,
- realization of the rights and obligations of the personal data subject and of the controller and
- for the purposes of historical, scientific research or for statistical purposes.

The unique birth registration number of the citizen may be processed while carrying out activities which refer to the acquisition of credit or for debt payment, insurance, renting or establishing a trading company, in credit related matters, health and social protection, employment and other services in favour of the personal data subject.

The controller shall ensure that the unique birth registration number of the citizen is not unnecessarily visible, printed or taken from the personal data collection.

### **IV. RIGHTS OF THE PERSONAL DATA SUBJECT**

#### Article 10

When the data are collected from the personal data subject, the latter must be informed on the identity of the controller and of its representative in the Republic of Macedonia, if any, as well as on the purposes of the processing, unless he/she is already aware of them.

In the cases under Paragraph 1 of this Article, when the data are collected by means of a questionnaire, the latter should state whether the answers to the questions are compulsory or voluntary, the possible consequences if not answered, data on the users or categories of users of the data as well as the right not to agree that the data shall be used in commercial purposes.

The controller shall inform the personal data subject on the right of access and correction of the data, if this is necessary, taking into account the special circumstances under which the personal data are collected and with the purpose to ensure the fair processing of his/her personal data.

#### Article 11

When the data are not collected from the personal data subject, the controller shall at the time of the recording of the personal data or if disclosure of the personal data to a third party is envisaged, no later than the time when the data

are firstly disclosed, inform the personal data subject on his/her identity and that of his/her representative in the Republic of Macedonia, if any, of the purposes for the processing, the data categories, the users or categories of users of the data, the right to oppose to any use of such data for commercial purposes or their transmission to third parties for such purposes, unless he/she is already aware thereof.

The controller shall inform the personal data subject on the right of access and correction of the data, if necessary, taking into account the special circumstances under which the personal data are collected in order to ensure the fair processing of his/her personal data.

As an exception to Paragraph 1 of this Article, the controller shall not inform the personal data subject about the processing of personal data for the purposes of historical and scientific researches or statistical purposes, if it is impossible or if the collection or disclosure of personal data is explicitly stipulated by the law.

#### Article 12

The personal data subject may realize his/her right to insight into the Personal Data Collection by means of a written request upon a prior stating the data from the Collection which are required to be seen.

The controller should, in the course of thirty days from the day of the submission of the written request by the personal data subject, inform in writing the latter on the following:

- 1.) Whether and which of the personal data referring to him/her are processed,
- 2.) The purposes and the legal basis for the personal data processing;
- 3.) The users and the categories of users, the purpose and the legal basis on which the use of the personal data referring to him/her, were given
- 4.) The sources of personal data and when they were gathered and updated and
- 5.) The reasons for the automatic data processing as pursuant to Article 22 of this Law.

#### Article 13

When the controller has responded to the request of the personal data subject for insight into his/her personal data, the controller has no obligation to respond again to the same or similar request submitted by that subject, if, the personal data have not been changed in the meantime, unless six months have passed from the day of the submission of the previous request until the submission of the new one.

#### Article 14

Upon the request of the personal data subject, the controller is obliged to supplement, amend, delete or prevent the use of the personal data, if they are incomplete, incorrect or not updated and if their processing is not in conformity with the provisions of this Law.

In cases when the controller determines that the personal data are incomplete, incorrect or not updated, he is obliged to supplement, amend or delete them, regardless of whether the personal data subject has submitted a request for their supplement or amendment.

For the performed supplement, amendment or deletion of personal data, as pursuant to the Paragraph 2 of this Article, the controller is obliged within 30 days from the day of submission of the request to inform in written the personal data subject, the

personal data users or third parties to whom the personal data have been disclosed to unless when it is not possible.

#### Article 15

The rights and the obligations, defined in the provisions of Articles 10, 11, 12 and 14 of this Law may be restricted in the way and under the conditions determined by a law to the extent which is necessary for the realization of the purposes due to which this restriction has been determined, and if necessary:

- for protection of the security and defence of the state,
- for prevention, detection and prosecution of the perpetrators of criminal acts,
- for protection from infringement of ethic rules of a certain profession,
- for protection of important economic or financial interests of the State,
- for protection of the personal data subject or of the rights and freedoms of the citizens.

#### Article 16

The controller shall not act in accordance with the request of the personal data subject as pursuant to Article 12 of this Law, when authorized as according to a law and if the personal data are processed exclusively for the scientific research purposes, or if they have been collected exclusively for defined statistical purposes and are kept for a period not exceeding the one necessary for the sole purpose of creating statistical data.

#### Article 17

The personal data subject shall be entitled, at any time, to request in writing from the controller, not to use the data from the collection for the purposes of advertising material referring to this subject.

The controller shall be obliged to previously inform the personal data subject, in written, about the intention and the legal basis of the personal data processing for advertising purposes.

#### Article 18

Any natural person who considers that his/her right, guaranteed by this law, is violated may submit a request for determining the violation of the right to the Commission of the Directorate for Personal Data Protection (hereinafter referred to as: the Commission).

The Commission, referred to in the Paragraph 1 of this Article consists of a President and two members nominated by the Directorate Director.

The Commission shall decide upon violation of the right referred to in Paragraph 1 of this Article.

The Decision referred to in the Paragraph 3 of this Article is an administrative act. The complaint against the decision from Paragraph 3 of this Article shall be submitted to the Director of the Directorate.



An administrative dispute may be initiated against the decision of the Director of the Directorate taken upon the complaint.

#### Article 19

The Commission, acting upon the request by a natural person for determining a violation of a right may prohibit, by a temporary decision, the further personal data processing to which the request refers, until the valid completion of the procedure.

A complaint against the Decision mentioned in Paragraph 1 of this Article shall be submitted to the Director.

An administrative dispute may be initiated against the decision of the Director of the Directorate taken upon the complaint.

#### Article 20

The expenses from the Articles 10, 11 and 12 of this Law shall be born by the controller, unless otherwise stipulated by a Law.

#### Article 21

The controller shall be liable for any damage caused to the personal data subject by the personal data processing or by other activity, carried out contrary to the provisions of this Law, unless he/she proves that the damage did not arise due to his/her fault.

The right of compensation for damage by the controller may be also requested in the case of unauthorized use i.e. unauthorized permission to use personal data to other users or natural and legal entities.

#### Article 22

The Court decision which contains an estimation of a person's behaviour can not be based solely on automatic data processing intended for an estimation of certain aspects of the person's character.

Any other decision producing legal effects against a person or affecting him/her significantly, can not be based solely on an automatic data processing, intended to define his/her profile or to estimate certain aspects of the person's character.

The Paragraph 2 of this Article shall not apply, if the decision has been taken:

- in the course of signing or implementation of a contract, provided that the person in question has been allowed to present his/her point of view or if that decision is taken according to his/her request, or
- in accordance to a separate law.

## **V. SECRECY AND PROTECTION OF PERSONAL DATA PROCESSING**

#### Article 23

Any person having access to the personal data collection on behalf of the Controller or the Handler of the personal data collection, including the Handler of a personal data collection himself/herself shall be obliged to maintain the secrecy and protection of the personal data and to process them according to the authorizations and the instructions received by the controller, unless otherwise stipulated by separate law.

#### Article 24

In order to ensure secrecy and protection of the subject's personal data processing the controller must apply adequate technical and organizational measures which correspond to the equipment and expenses necessary for their implementation and refer to:

- disabling any accidental or illegal destruction of data from the personal data collections,
- disabling unauthorized alterations, disclosure or access when processing personal data from the personal data collections,
- disabling any illegal processing of personal data from the personal data collections, especially when it involves transmission through a network;
- disabling access of unauthorized persons to the equipment used for processing of personal data collection;
- disabling unauthorized reading, copying, altering or removing the medium on which the personal data collection is stored,
- disabling unauthorized reading, entering, altering or deleting data from the personal data collection,
- disabling access of the users of personal data collection, to the data that they do not have the right to process;
- the possibility to additionally check who had an access to the system and which data from the personal data collection were read, entered, altered or deleted, the time when it happened and which device was used to access;
- disabling unauthorized access to the personal data collection from other location through communication devices;
- disabling reading, copying, altering or deletion of the data while they are transferred through communication devices or while transporting the medium on which the personal data are stored;
- the possibility to check the locations from one can access the data through communication devices;
- the possibility of making security copies of the data from the personal data collection on a regular basis,
- organizing the work in compliance with the specific requirements for protection of the personal data collection; and
- disabling other forms of illegal processing.

The measures under Paragraph 1 of this Article should provide a level of personal data protection, corresponding to the risk arising from the processing and the nature of the data subject to processing.

The Director of the Directorate shall prescribe the application of the adequate technical and organizational measures referred to in the Paragraph 1 of this Article.

#### Article 25

The controller may delegate certain matters under his/her competence in relation to the personal data processing to the Handler of the personal data collection, on the basis of a signed contract, provided that the Handler will guarantee that he/she shall undertake technical and organisational measures referred to in Article 24, Paragraph 1 of this law on the protection and processing of personal data and shall respect them in full.

While processing personal data, the Handler of the personal data collection shall be obliged to act according to the authorizations and the instructions received by the controller and with the provisions set forth by this Law.

#### Article 26

The controller and the Handler of the personal data collection are obliged to keep records of the undertaken technical and organizational measures, under Article 24 of this Law, as well as records on signed contracts according to Article 25 of this law.

### **VI. RECORDS ON PERSONAL DATA COLLECTIONS AND A CENTRAL REGISTER**

#### Article 27

The controller shall keep records of each personal data collection which shall contain:

- 1) the name of the personal data collection,
- 2) name i.e the personal name of the controller and his/her seat or address, as well as the name and the address of his/her representative, if any,
- 3) purpose or purposes of the processing,
- 4) legal basis for the establishment of a personal data collection;
- 5) category or categories of the personal data subjects and personal data i.e categories referring to him/her or them;
- 6) the users or the categories of users to whom the personal data are disclosed;
- 7) the period allowed for personal data storage and usage;
- 8) transfer of personal data to other states;
- 9) description of the measures taken in view of the personal data protection and their processing.

#### Article 28

The way of keeping records under Article 27 of this Law and the form of the records shall be prescribed by the Director of the Directorate by a sub-legal act.

#### Article 29

The controller shall be obliged to submit notification to the Directorate, containing the data in accordance with the Article 27 of this Law, before performing the process of a complete or partial automated personal data processing, when the data processing should accomplish one or more similar purposes. The controller is also obliged to notify the Directorate for each change of data contained in the notification.

The obligation from the Paragraph 1 of this Article shall not be applied to the already established personal data Collection for which a separate law shall define the purpose of processing, the data and the category of processed data, the categories of the personal data subjects, the users or the categories of users to whom the data shall be disclosed as well as the period during which these data shall be stored.

In the cases referred to in Paragraph 2 of this Article, the controller is obliged to submit the data on the newly opened personal data Collection and the change of the data from the existing personal data Collections to the Directorate no later than fifteen days from the day of opening or change of the Collection.

#### Article 30

The records from Article 27 of this Law are united into a Central Register, kept by the Directorate.

The records from the Central Register shall be available to the public.

The Directorate shall publish the records from the Central Register in the "Official Gazette of the Republic of Macedonia" or shall make them otherwise available to the public.

### **VII. TRANSFER OF PERSONAL DATA TO OTHER STATES**

#### Article 31

The personal data transfer to other countries may be carried out only if the other state provides adequate degree of personal data protection.

During the evaluation of degree of appropriateness of the personal data protection, all circumstances will be separately addressed which refer to the operation or operations for personal data transmitted, especially the nature and the origin of personal data which are transmitted, the goals and duration of operational processing, the state where they are transmitted, the rules regulating for personal data protection in that state and regulations regulating the rules of the profession and the security measures.

The degree of appropriateness of the personal data protection of other state is estimated by the Directorate.

#### Article 32

If the state where the data are to be transmitted does not provide appropriate degree of personal data protection, the Directorate shall not allow transmission of personal data.

#### Article 33

As an exception to the Article 31 of this Law, the transmission of personal data transfer may be realized in the following cases:

- if the personal data subject had explicit written consent on the data transmission ;

- when the transmission is necessary for realization of the contract between the personal data subject and the controller or realization of the pre-agreed measures undertaken as a reply to the personal data subject's request
- the transmission is necessary for signing or realization of the contract concluded in the interest of the personal data subject, the controller and a third party.
- the transmission is necessary for protection of the public interest or protection of the fundamental freedoms and rights of the citizens, and
- the transmission is necessary for protection of the life or the physical and moral integrity of the personal data subject.
- The Directorate may allow personal data transmission in other state which does not provide appropriate degree of their protection if the controller states the existence of adequate restrictions for privacy protection, the fundamental rights and freedom of the personal data subject, arising from valid provisions of the contract.

## **VIII REVEALING PERSONAL DATA TO USERS**

### Article 34

The controller shall reveal the personal data to a user upon the user's written request if needed for performing matters within legally determined competency of the user.

The written request from paragraph 1 of this Article must contain the reasons, legal basis for usage of the personal data and personal data category which are requested.

It is forbidden to reveal personal data for usage to a user the processing of which or usage of which cannot be performed according to the provisions from Article 6 and Article 8 paragraph 2 of this Law and if the purpose for which the personal data are requested is opposite to Article 5 paragraph 1 line 2 of this Law.

The personal data processed in scientific researches and statistical purposes shall not be revealed to the user in a form which enables identification of the person to whom the personal data refer.

The mutual rights and obligations of the subjects under paragraph 1 of this Article are regulated by contract.

In cases under paragraph 1 of this Article, the Controller keeps separate records on the personal data which are revealed for usage, for the user of personal data and the reason for the revealing of these personal data to the user.

### Article 35

The personal data under Article 34 of this Law may be used solely for the period necessary for the realization of the specified purpose.

After the expiration of the period under paragraph 1 of this Article the personal data must be deleted, unless otherwise regulated by a law.

#### Article 36

The provisions of this Law for revealing personal data for usage refer to the personal data exchange between the state bodies unless otherwise regulated by a law..

### **IX. ESTABLISHMENT AND COMPETENCIES OF THE DIRECTORATE FOR THE PERSONAL DATA PROTECTION**

#### Article 37

For the purpose of supervision over the legality of the undertaken activities while personal data procession and their protection, on the territory of the Republic of Macedonia a Directorate for personal data protection is established as an independent state body acting as legal person.

The Directorate is managed by Director which is appointed and dismissed by the Parliament of the Republic of Macedonia upon the proposal of the Government of the Republic of Macedonia.

The Director is appointed for a period of five years with a right to be re-appointed, but no more than twice.

The Director of the Directorate has his/her Deputy appointed and dismissed by the Parliament of the Republic of Macedonia upon the proposal of the Government of the Republic of Macedonia for a period of five years.

For their work, for the work of the Directorate, both the Director and the Deputy Director of the Directorate report to the Parliament of the Republic of Macedonia.

#### Article 38

A Director i.e. Deputy Director may be appointed if he/she fulfils the following conditions:

- To be a citizen of the Republic of Macedonia
- To be outstanding law worker and
- not to have a ban issued on performing his/her profession, activity or duty

The Director's or the Deputy Director's function may be terminated by his/her dismissal or in case of death.

The Director or the Deputy Director may be dismissed if:

- at personal request
- he/she is convicted for a criminal act to an unconditional prison sentence in a period of at least six months and
- due to unprofessional, biased and unscrupulous performance of his/her work.
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#### Article 39

Prior taking the position, the Director i.e the Deputy Director declares and signs the following ceremonial statement before the President of the Parliament of the Republic of Macedonia, which states:

"I hereby state that I shall perform the function of a Director diligently, impartially and responsibly, I shall protect the rights of the citizens relating to the protection of their personal data and I shall respect the Constitution and the Laws of the Republic of Macedonia."

#### Article 40

The function of a Director i.e. Deputy Director is incompatible with other public functions or professions.

#### Article 41

The Directorate has the following competencies:

- evaluation of the legality of the personal data processing
- promotion of the principles of personal data processing and taking care that they are respected by the controllers
- researches and access to personal data Collections created by the Controller by types of subjects and purposes;
- controlling the personal data processing applied by the Controllers;
- collecting necessary data for regularly performance of its activities ;
- keeping the Central Register
- keeping records for personal data transmission to other states;
- receiving reports or complaints with regard to the personal data processing by the Controller;
- acting upon complaints of individuals or associations representing a certain individual with regard to violation of the person's rights in relation to the personal data processing
- providing assistance to all interested persons with regard to personal data processing;
- checking all cases of cessation of the personal data processing regardless of the reasons which caused the cessation;
- intervenes in the process of the personal data processing, as well as archiving, deleting, destroying the personal data collections, entirely or partially, if there is a justified risk of violation the rights of one or more personal data subjects evaluating the type of the personal data or the modalities of the procession;
- issuing a ban on the further personal data processing by the Controller;
- delivering opinion regarding bylaws of the Controllers;
- confirming that the by-laws of the Controllers are in conformity to this law;
- acting upon the requests from the foreign supervisory body of another state for exercising its competencies on the territory of the Republic of Macedonia;
- realizing international cooperation in the field of personal data protection and participating in the work of the international organizations and institutions dealing with personal data protection and
- carrying out other activities defined by law.

Beside the competencies under paragraph 1 of this Article, on the basis of a notification submitted by the Controller before he/she commences the operations for the personal data processing, the Directorate shall provide opinion whether certain operations of personal data processing present a special risk against the freedoms and rights of the personal data subject.

The Director will prescribe the operations for personal data processing which present special risk against the freedoms and rights of the personal data subject., The Director shall prescribe the form, content and modality for running a Central Register under paragraph1 line 6 and 7 of this Article.

#### Article 42

The Director submits annual report on the work of the Directorate to the Parliament of the Republic of Macedonia. When needed and upon a request of the Parliament of the Republic of Macedonia, the Director submits additional reports.

The annual report on the work of the Directorate shall be published in the "Official Gazette of the Republic of Macedonia".

#### Article 43

The Director and the employees in the Directorate are obliged to keep as a secret the data which they came across during their work, as well as during their mandate, i.e. their employment in the Directorate and upon the termination of their mandate. .

#### Article 44

For the purpose of regular and efficient performance of the work within the competence of the Directorate, the Director and the employees in the Directorate are authorized:

- to enter any premises and to perform insight into the personal data Collections where a registered systems of personal data Collections is being processed upon presenting adequate individual authorisation and document for official identification;
- to ask for written or oral explanation and to call and interview persons in relation to the personal data Collection which is under examination;
- to ask for presentation of documentation and other data in relation to the subject of control;
- to check the equipment for personal data processing and the equipment where the personal data Collections are stored and
- to order an expert analysis and opinion to be prepared in relation to the work the Controller.

#### Article 45

Upon the completion of the control under Article 44, a minutes is prepared a copy of which shall be submitted to the Controller who was the subject of the control.

The minutes under paragraph 1 of this Article shall be signed by the employee of the Directorate who has performed the control and by the Controller who was the subject of the control

If the controller refuses to sign the minutes, the employee of the Directorate includes that in the minutes and has a right within seven days from the day when the control was performed to submit the remarks in a written form to the Director.

#### Article 46

In case the control determines violations of the provisions of this Law during the personal data processing, the employee of the Directorate who performed the control notifies the Director of the Directorate in order to initiate a procedure. .

#### Article 47

In case the control determines violations of the provisions of this Law during the personal data processing, by a decision of the Director of the Directorate, the controller is obliged within 30 days from the day when the violations were noted to harmonize his/her work according to the provisions of this law, and specially:

- to eliminate the reasons of the violation;
- to complete, to bring up to date, correct, reveal or keep the secrecy of the personal data ;
- to adopt additional protective measures of the personal data Collection;
- to stop the transmission of the personal data to other states;
- to secure the data or their transmission to other subjects or



- to delete the personal data;

An administrative dispute may be initiated against the Director's decision.

#### Article 48

The financial means for the work of the Directorate shall be provided from the Budget of the Republic of Macedonia.

### **X. PENAL PROVISIONS**

#### Article 49

The natural person- the Controller will be fined for an offence with 40,000 to 50,000 Denars if he/she:

- Collects and processes personal data contrary to the provisions of Article 5 of this Law;
- Processes personal data contrary to the provisions of Article 6 of this Law;
- Processes personal data contrary to the provisions of Article 7 of this Law;;
- Processes special categories of personal data contrary to the provisions of Article 8 of this Law;
- Processes the Unique Birth Registration Number of the citizen contrary to the provisions of Article 9 of this Law;
- Acts in a manner contrary to the provisions of Article 10 of this Law;
- Acts in a manner contrary to the provisions of Article 11 of this Law;
- Acts in a manner contrary to the provisions of Article 12 paragraph 2 of this Law;
- Acts in a manner contrary to the provisions of Article 13 of this Law;
- Acts in a manner contrary to the provisions of Article 14 of this Law;
- Enables usage of the personal data for the purposes of advertising material contrary to the request of the personal data subject (Article 17);
- Acts in a manner contrary the provisions of Article 24 of this Law;
- Transmits certain issues of his/her scope of work to the Handler of the personal data Collection without signed contract (Article 25 paragraph1);
- Does not keep records on the undertaken technical and organizational measures i.e. records on signed contracts (Article 26);
- Does not keep records of the personal data Collection (Article 27);
- Does not submit a report to the Directorate for each complete or partial personal data processing and change of the data in report (Article 29 paragraph1);
- Does not submit the data of the newly opened personal data Collection and the change of data in the existing personal data Collection (Article 29 paragraph3.)
- Acts in a manner contrary to the provisions of Article 31 of this Law and
- Reveals personal data to users the processing of which i.e. the usage is forbidden (Article 34 paragraph 3)

A natural person – the Controller will be fined for an offence of paragraph 1 of this Article with 200.000 to 300.000 Denars

#### Article 50

A natural person – the Handler of the Personal Data Collection will be fined for an offence with 40,000 to 50,000 Denars, who:

- acts contrary to the provisions of Article 23 of this Law;
- does not respect the adequate technical and organizational measures for protection of the personal data procession during the personal data processing that is carried out on the behalf of the Controller (Article 25 paragraph1) and

- performs personal data processing contrary to the authorizations and instructions of the Controller or the provisions from this Law (Article 25 paragraph 2)

A natural person- the Handler of Personal Data Collection will be fined for an offence from paragraph from this Article with 200,000 to 300,000 Denars.

## XI. TRANSITIONAL AND FINAL PROVISIONS

### Article 51

The Directorate starts the work on the day of the appointment of its Director.

The Parliament of the Republic of Macedonia will appoint a Director in a period of six months after this Law enters into force.

Within 30 days from the day of appointment of the Director of the Directorate, the Director will pass the acts for organization and systematization of the working positions of the Directorate.

Other sub-legal acts foreseen with this law, the Director of the Directorate will pass within a period of six months from the day of his/her appointment.

### Article 52

The natural and legal persons who perform personal data processing shall harmonize their work according to the provisions of this law in a period of two years after the Director of the Directorate passes the sub-legal acts foreseen by this Law.

### Article 53

With the day of entry into force of this Law, the Law on Personal Data Protection ceases to be valid (Official Gazette of the Republic of Macedonia no.12/94 and 4/2002).

### Article 54

This law enters into force on the eighth day from the day of its publishing in the Official Gazette of the Republic of Macedonia.