REGULATION
ON THE MANNER OF KEEPING THE RECORDS OF PERSONAL DATA FILING SYSTEMS AND THE PERTINENT RECORDS FORM

I. GENERAL PROVISIONS

Article 1
(Subject of the Regulation)

This Regulation lays down the manner of keeping the records of personal data filing systems managed by controllers, submission of the data from the records of the Agency for the Protection of Personal Data of Bosnia and Herzegovina (hereinafter "Agency"), exceptions to the obligation to report certain records and prescribes the forms for such records.

Article 2
(Manner of records keeping)

1. Records of personal data filing systems can be kept manually or by means of automatic data processing tools, unless otherwise specified by a special act.

2. Each record of the personal data filing system as well as any amendment thereto shall be assigned a numerical code determined by the personal data filing systems controller in accordance with the time of origin and establishment of the personal data filing system.

II. CONTENTS OF RECORDS

Article 3
(Contents of records)
(1) The records of each personal data filing system shall contain the basic information about the data filing system, namely:

a) The name of the personal data filing system;

b) The name of the controller and the data filing system processor and his address and head office;

c) The purpose of data processing;

d) The legal grounds for the data processing;

e) The types of the data in the personal data filing system;

f) The categories of data subjects;

g) The source and manner of data collection;

h) The kind of exported data, data users and legal grounds for data export;

i) The deadlines for data deletion;

j) The reference to data import and data export in and out from Bosnia and Herzegovina with reference to the country, international organization and foreign personal data user and purposes for such import or export laid down by the international treaty, law or other regulation, or by written consent of the data subject;

k) The reference of the measures undertaken to protect personal data.

(2) The personal data records form is printed and attached to this Regulation and makes an integral part thereof.

Article 4
(The name of the filing system)

If the name of the filing system is not determined by a special law, the name is determined by the personal data controller by way of a special decision setting forth the manner and purpose of the personal data processing. The content thereof must match the group of personal data contained in the filing system concerned or the category of the data subjects.
Article 5
(Name of the filing system controller, the head office and the address)

(1) The name and the seat of the personal data filing system controller shall comply with the registered name and the seat of the legal or natural person or legally established name for the state authority.

(2) In the case of entrusting the data processor with certain operations of personal data processing, the records of the personal data filing system shall, in addition to the information referred to in paragraph 1 of this Article, state the processor’s name and his head office or address as well as the reference to the processing operations entrusted to the data processor.

Article 6
(The purpose of processing)

The information about the purpose of processing shall contain the description of the purpose of collection of personal data in a particular personal data filing system and it shall indicate whether this purpose is established by law or by the personal data filing system controller upon the data subject’s consent.

Article 7
(The legal grounds for the establishment of the personal data filing system)

(1) If the collection and processing of personal data are established by law, the records shall indicate the name of the relevant act and its provisions laying down the collection of personal data.

(2) The information about the legal grounds for the establishment of the filing system for personal data, collected and processed upon the data subject's consent, shall contain the description of the manner in which the data subject gave his/her consent for the collection and further processing of personal data.

Article 8
(The types of data in the personal data filing system)

(1) The information about the types of personal data shall contain the list of all types of personal data stored in the personal data filing system.

(2) The list of types of special categories of personal data contained in the personal data filing system shall be given separately.
Article 9
(The categories of data subjects)

The information about the categories of data subjects shall contain the name of the group or groups of data subjects.

Article 10
(The source and manner of personal data collection)

(1) The manner of collecting personal data shall contain the data about the origin of personal information and the manner of collection of the personal data.

(2) The data about the origin of the personal information shall be given in the records by indicating the source of information (directly from the data subject; from other data filing systems kept by the same personal data filing systems controller; from a third party whose name shall be given; by import from another personal data filing systems controller whose name shall be given; by personal observation, research or from other sources that shall be specified in the records).

(3) The manner of collecting the information shall refer to the data medium from which the information is obtained (e.g. cassette, floppy disk, web, information given orally or in writing, medical check-up or any other manner of obtaining the personal data information that is specified in detail in the records).

Article 11
TYPES OF EXPORTED DATA, USERS AND LEGAL GROUNDS

The information on exported data shall contain the list of all types of personal data accessible to users, with user's references and the title of the law governing the access to such personal data.

Article 12
(The period of data storage and processing)

(1) The data about the period of storage and processing of personal data shall consist of the date of establishment of the personal data filing system and the period of storage and processing of personal data.

(2) If the period of use of personal data is not stipulated by a special act, the records shall contain the period necessary for the realization of the purpose for which the personal data were collected.
Article 13
(Export of personal data abroad)

In the event of import or export of personal data to and from Bosnia and Herzegovina, the records of the personal data filing system shall indicate the name of the country or international organisation and foreign user of personal data, as well as the purpose of import or export stipulated by an international agreement, act or any other regulation, or by the data subject's written consent.

Article 14
(The measures taken to protect the personal data)

The reference to all measures taken to protect the personal data includes information on the regulation to be passed by the government authority and on the data security plan to be adopted by all controllers and data processors in accordance with the article 11 of the Law on Personal Data Protection.

III. PROVISION OF DATA FROM THE RECORDS AND EXCEPTIONS

Article 15
(Provision of data)

(1) Prior to the processing or establishment of the personal data filing system, the filing system controller shall submit to the Agency the letter of intention to establish the personal data filing system containing information from the Article 13 of the Law on Personal Data Protection.

(2) The filing system controller shall establish the records on each personal data filing system immediately upon establishment of the personal data filing system and shall submit the records on the personal data filing system to the Agency within 14 days from the establishment of the filing system.

(3) The filing system controller shall promptly record any change of the basic data contained in the personal data filing system in the records thereof and submit it to the Agency within 14 days from the change thereof.

Article 16
(Ex-ante controls)
(1) Upon receipt of the notice from the Article 15 of this Regulation and prior to establishment of the personal data filing system, the Agency shall conduct the control of the processing operations likely to result in violation of the personal data subject's rights.

(2) The manner of the control from the paragraph 1 of this Article shall be regulated by the regulation to be passed by the director of the Agency.

Article 17
(Exceptions to obligation of provision of the data contained in the records)

The filing system controller shall not be liable to make and keep the records of the personal data filing systems which:

a) Solely process the family and other personal needs;

b) Process in order to keep registers prescribed to be kept by the law;

c) Process only the data published in public.

III. TRANSITIONAL AND FINAL PROVISIONS

Article 18
(Entry into force)

This Regulation shall enter into force on the eighth day following its publication in the "Official Gazette of Bosnia and Herzegovina".

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Chairman
of the Council of Ministers of B&H
Nikola Spiric, PhD