

Following the announcement of the Association BLOKIRANI (hereinafter: the Association), which was published on June 26, 2018 on the website of the Association, entitled "Association Blokirani sent an urgent message to AZOP: Consider our complaint, the deadline expires", in which, between among other things, states that on May 25, 2018, the Association submitted a complaint to the Personal Data Protection Agency (hereinafter: the Agency) on behalf of 326,000 members of the Association, and that the "reaction of the supervisor - AZOP" within the supervisory activities should follow within 72 hours, the Agency states as follows:

The provisions of the General Regulation on Data Protection (hereinafter: the Regulation), nor the provisions of the Act Implementing the General Regulation on Data Protection (Official Gazette 42/2018) did not stipulate that the Agency's "reaction" within supervisory activities should follow of 72 hours. Namely, it can be assumed that the Association misinterpreted the provisions of Art. 33 of the Decree, which regulates the reporting of personal data breaches to the supervisory body. It follows from the stipulation of Article 33 (1) of the Regulation that the controller, in the event of a personal data breach, is without undue delay and, if practicable, obliged to inform the supervisory authority no later than 72 hours after learning of the breach. Therefore, the stated deadline of 72 hours does not refer to the actions of the supervisory authority, but to the obligations of the controller to inform the supervisory authority about the violation of personal data within the stated deadline.

However, it should be noted that the Agency, immediately after receiving the complaint of the Association, began to perform supervisory activities, of which the Association was informed in a timely manner. Also, as prescribed by the provision of Article 57, paragraph 1, item f. Regulation, the complainant will be informed of the progress and outcome of the investigation within a reasonable time.