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The Agency received an inquiry in which it was stated that, in accordance with the legal obligation, local administration units and regional (regional) self-governments publish candidate lists on their official websites. In relation to the above, the Agency carried out indirect monitoring activities in order to determine the justification of the public availability of candidate lists in certain units of local administration and regional self-government, from which it was determined that they are still publicly available despite the passage of time for the purpose for which they were supposed to be publicly available, i.e. as they were not removed from the website in a timely manner.

First of all, we consider it important to point out that the Regulation on the protection of individuals in connection with the processing of personal data and on the free movement of such data (hereinafter referred to as the General Data Protection Regulation, abbreviated as GDPR) has entered into force and is directly applicable in all EU member states, so as well as in the Republic of Croatia from May 25, 2018.

Article 4.1.(1) of the General Regulation on Data Protection stipulates that personal data is all data relating to an individual whose identity has been determined or can be determined, and an individual whose identity can be determined is a person who can be identified directly or indirectly, especially with the help of identifiers such as name, identification number, location data, network identifier or with the help of one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual.

Pursuant to Article 5 of the General Regulation, personal data must be: (a) lawfully, fairly and transparently processed with respect to the data subject ("lawfulness, fairness and transparency"); (b) collected for specific, explicit and lawful purposes and may not be further processed in a manner inconsistent with these purposes; further processing for the purposes of archiving in the public interest, for the purposes of scientific or historical research or for statistical purposes, in accordance with Article 89, paragraph 1, is not considered inconsistent with the original purposes ("purpose limitation"); (c) appropriate, relevant and limited to what is necessary in relation to the purposes for which they are processed ("data reduction"); (d) accurate and as necessary up-to-date; every reasonable measure must be taken to ensure that personal data that is inaccurate, taking into account the purposes for which it is processed, is deleted or corrected without delay ("accuracy"); (e) kept in a form that enables the identification of the subjects only for as long as is necessary for the purposes for which the personal data is processed; personal data may be stored for longer periods if the personal data will be processed exclusively for the purposes

of archiving in the public interest, for the purposes of scientific or historical research or for statistical purposes in accordance with Article 89, paragraph 1, which is subject to the implementation of appropriate technical and organizational measures prescribed by this Regulation in order to protect the rights and freedoms of respondents ("storage limitation"); (f) processed in a way that ensures adequate security of personal data, including protection against unauthorized or illegal processing and against accidental loss, destruction or damage by applying appropriate technical or organizational measures ("integrity and confidentiality");

The legal bases for the processing of personal data are prescribed in Article 6 of the General Regulation, which stipulates that the processing is lawful only if and to the extent that at least one of the following is fulfilled: a) the respondent has given consent for the processing of his personal data for one or more special purposes, b) processing is necessary for the execution of a contract in which the respondent is a party or in order to take actions at the request of the respondent before concluding the contract, c) processing is necessary to comply with the legal obligations of the controller, d) processing is necessary to protect key interests data subjects or other natural persons, e) the processing is necessary for the performance of a task in the public interest or in the exercise of the official authority of the data controller, f) the processing is necessary for the legitimate interests of the data controller or a third party, except when those interests are stronger interests or fundamental the rights and freedoms of respondents who require the protection of personal data, especially if the respondent is a child.

In the described case, the processing of personal data is subject to a special law on elections, i.e. the Law on Local Elections ("Narodne novine" no. 144/12, 121/16) and by-laws.

In this regard, Article 18, Paragraph 7 of the Act on Local Elections (Official Gazette, No. 144/12) stipulates that for each candidate in the proposal of the candidate list, the candidate's first and last name, nationality, place of residence, date of birth must be stated, personal identification number (OIB) and gender, and in accordance with Article 26, paragraph 1 of the same Act, that competent election commissions, within 48 hours from the expiration of the deadline for candidacy, publish in the local media and press, on the bulletin board and on the website of the unit :

- all validly proposed candidate lists and the summary list for the election of members of the representative body of the unit,
- a summary list of validly proposed candidacies for municipal head, mayor and prefect and their deputy.
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Following the above, the position of this Agency is that in order to inform citizens about the conduct of elections and the possibility of exercising and protecting the right to vote in the electoral process, there is an obligation to perform tasks of public interest or when exercising the official authority of the processing manager, and in addition to the above, the same is also prescribed by a special law, which represents the legal basis prescribed by Article 6 of the General Data Protection Regulation. Therefore, we believe that the publication of candidate lists for the purpose of informing citizens is in accordance with the cited provisions of the General Regulation.

Regarding the scope of the published data, please note that Article 18, Paragraph 7 of the Law on Local Elections stipulates that for each candidate in the candidate list proposal, the name and surname of the candidate, nationality, place of residence, date of birth, personal identification number (OIB ) and gender.

In this regard, we note that the personal data on the candidate list, published by the competent election commissions on the websites of the units (counties, cities and municipalities), were not published to an excessive extent, but to the extent necessary to achieve the purpose in accordance with the provisions of Articles 5 and 6. General regulations on data protection, as defined in the law of the member state, i.e. in the Act on Local Elections.

Finally, we would like to point out that the mentioned special law (Law on Local Elections) does not prescribe a deadline until which the published data remains publicly available, i.e. at which point it should be removed. Regardless of the fact that the deadline for the removal of candidate lists and personal data is not prescribed by a special law, the obligations of the competent election commissions, more specifically local administration units and regional (regional) self-governments that have published candidate/collective lists on their websites, derive directly from the General Regulation on Data Protection , especially in the sense of respect for the principles of processing from Article 5. Therefore, after the passage of time that is necessary to achieve the specific purpose for which personal data were collected and processed (publicly published), each manager of personal data must remove them, which ensures adequate security of personal data (Article 5 (e) and (f) of the General Data Protection Regulation). Thus, in the aforementioned case, the very purpose of publishing the candidate's personal data would end with the completion of the election process, and it would be necessary to remove the published candidate/collective lists containing personal data from the websites after the end of that (election) process.