

Zagreb, 4 February 2019

Based on frequent media inquiries and articles related to the publication of personal data of citizens on the website e-oglasna.pravosudje.hr, the Agency for Personal Data Protection responds as follows:

First of all, we emphasize that the General Data Protection Regulation is directly applicable and is fully binding in all Member States of the European Union, including the Republic of Croatia, equally for all legal and natural persons who process personal data.

With regard to the processing / publication of personal data by courts, we state that recital (20) of the General Data Protection Regulation states that this Regulation applies, inter alia, to the activities of courts and other judicial bodies, in Union law or in Member State law. would specify the actions and procedures of processing related to the processing of personal data by courts and other judicial bodies.

Personal data of citizens are processed on the basis of various legal bases, for example when it is prescribed by a special law, when there is a contractual relationship, legitimate interest, etc.

There must be a legitimate purpose and a relevant legal basis for any processing, including the publication of personal data, (Articles 5 and 6 of the General Data Protection Regulation). Thus, Article 6 (1) of the General Regulation provides that "processing is lawful only if and to the extent that at least one of the following is met:" specifically point... "(c) processing is necessary to comply with the legal obligations of the controller;" ... And... "(e) processing is necessary for the performance of a task in the public interest or in the exercise of the official authority of the controller;"...

Public disclosure of personal data of natural persons by courts via e-bulletin board, for the purpose of delivery, is the exercise of official powers of courts and compliance with their legal obligations under Article 6 of the General Data Protection Regulation, which disclosure is detailed by the Courts Act, Decision of the Minister (adopted in accordance with the powers deriving from Article 71, paragraph 4 of the Courts Act), the Court Rules of Procedure, the Civil Procedure Act and the Consumer Bankruptcy Act.

From the aspect of personal data protection, the conduct of courts in this case, taking into account the scope of personal data that become publicly available, is also defined by these regulations, as well as that they are removed after the purpose for which they were published.

In addition to the publication of personal data of consumers, we state that the Consumer Bankruptcy Act is applied as a special

law, which, among other things, stipulates that documents in consumer bankruptcy proceedings are published via the e-bulletin board of courts. It is considered that the delivery of the letter was made on the eighth day from the day of publication of the letter on the website e-bulletin board of courts and the publication of the letter on the website e-bulletin board of courts is considered proof that the delivery was made to all participants. delivery.

In conclusion, recital (20) of the General Data Protection Regulation also states that the jurisdiction of supervisory authorities should not include the processing of personal data when courts act in a judicial capacity in order to protect the independence of the judiciary in its judicial functions. decision making. It should be possible to entrust the supervision of such data processing activities to specific bodies within the judicial system of a Member State, which should in particular ensure compliance with the rules of this Regulation, promote awareness of judicial staff of their obligations under this Regulation and resolve complaints personal data. Therefore, in accordance with the above, and due to the independence of courts in performing their tasks, data processing by courts is not within the supervisory jurisdiction of the Agency for Personal Data Protection.

Personal Data Protection Agency