

Twinning project in North Macedonia

In the period from July 26-30, 2021, representatives of the Personal Data Protection Agency performed the first expert mission within the framework of the Twinning project "Providing support in the implementation of the modernized legislative framework for the protection of personal data" in North Macedonia. The general goal of the project is to improve the area of personal data protection and the national personal data protection system in North Macedonia in accordance with the European acquis.

The specific goal of the project is to improve the work of the Macedonian Personal Data Protection Agency and facilitate the implementation of the new modernized framework for data protection through the strengthening of institutional capacities, the legal and regulatory framework, and raising awareness of data protection among the general public.

Technological progress and globalization have completely changed the way of collecting data and using personal data. The economic and social integration resulting from the functioning of the internal market resulted in an increased cross-border data flow, the exchange of personal data between public and private participants, and data ultimately became the driver of the new economy. With the adoption of the General Data Protection Regulation in 2016, the EU legislation on data protection was modernized and the protection of fundamental rights was enabled in the context of the economic and social challenges of the digital age.

The goal of the General Data Protection Regulation is to protect the personal data of natural persons, provide citizens with control over their personal data and create a high and uniform level of data protection in the European Union. In addition to the above, the intention of the General Regulation is to make it easier for companies to operate on the single digital market and to facilitate the cross-border flow of personal data and the use of information society services. The General Data Protection Regulation determines the rights of individuals and, accordingly, the obligations of entities that process personal data, as well as the powers and tasks of supervisory bodies for the protection of personal data.

In order for citizens of North Macedonia to enjoy the same protection of their personal data as EU citizens, it is necessary to implement a modernized national data protection framework harmonized with European standards. It is for this reason that in February 2020, a new Personal Data Protection Act was adopted in North Macedonia, which transposes the General Personal Data Protection Regulation (GDPR) into the national legislation.

The new Personal Data Protection Act (as well as the GDPR) introduces significant changes: it introduces new definitions and concepts, introduces new obligations for managers and executors of data processing, and improves data subjects' rights.

Managers and processors have a period of 18 months for the adjustment process, which ends on August 24, 2021, after which the Personal Data Protection Act goes into full application.

This will be a significant challenge for managers and processors as they will have to be proactive and improve their transparency mechanisms, implement new concepts such as data protection impact assessment, technical and integrated personal data protection, personal data breach reporting, etc. Additional concerns with processing managers are also subject to high fines that will follow if they do not harmonize their personal data processing procedures with the provisions of the Personal Data Protection Act.

The purpose of implementing this Twinning project is to facilitate the implementation of the Personal Data Protection Act through the creation of standard operating procedures, guidelines and holding educational activities for employees of the Agency for the Protection of Personal Data in North Macedonia, and through the creation of guidelines, guides and educational materials and the holding of educational activities that will facilitate compliance with the Personal Data Protection Act for managers and processors. It is also necessary to raise the level of awareness of the importance of personal data protection as a fundamental right among the general public, to inform citizens about their rights related to the protection of personal data and to encourage citizens to use their rights, and in the event of a violation of the right to personal data protection to contact the Agency . In all the mentioned activities, the employees, personal data protection experts from the Personal Data Protection Agency in North Macedonia, will be supported by AZOP experts and experts from several German data protection supervisory authorities.

In its first project mission, the AZOP team consisting of Deputy Director Igor Vulje, Senior Advisor Specialist Anamarija Mladinić, Senior Advisor Dijana Cepić and Senior Advisor Iva Ivanković were in charge of implementing activities within components 1, 2 and 3.

Namely, this Twinning project includes 3 components:

COMPONENT 1

Strengthening the legal and institutional framework for the implementation of the new Personal Data Protection Act

Igor Vulje, deputy director of the Personal Data Protection Agency, was in charge of creating a methodology for the implementation of monthly monitoring activities, which includes the creation of forms for the implementation of monitoring and the creation of minutes, as well as the creation of self-assessment questionnaires related to risk assessment in personal data

processing procedures. Namely, when processing personal data, every controller must take into account the nature, scope, context and purposes of the processing, as well as risks of different levels of probability and severity for the rights and freedoms of individuals. Furthermore, the Law on the Protection of Personal Data of the Republic of Macedonia, as well as the General Regulation on Data Protection, stipulates that each controller must take appropriate technical and organizational measures to ensure that the processing of personal data is carried out in accordance with the Law on the Protection of Personal Data.

COMPONENT 2

Improved and strengthened capacities of employees of the Personal Data Protection Agency and relevant institutions of North Macedonia for the implementation of the new legislative framework on personal data protection in accordance with European best practice

Dijana Cepić, senior advisor in the Supervision Service and the Central Registry, through in-depth interviews and the implementation of a survey among the Agency's employees, conducted an analysis of existing capacities with the aim of assessing and identifying the level of experience and knowledge about the General Data Protection Regulation and the revised legislation in terms of transparency, data subject rights, reporting on personal data breaches, data protection impact assessment, technical and integrated data protection, pseudonymization and anonymization, data controller responsibilities, transfer of personal data to third countries or international organizations, accreditation and certification procedures, and new enforcement powers. The result of this activity is a good understanding of the specific needs of employees for training, on the basis of which experts will create a training program, especially emphasizing the supervision and investigative powers of the Agency of North Macedonia in relation to government institutions and bodies responsible for law enforcement, issuing approvals and imposing administrative fines. .

COMPONENT 3

Raising the level of awareness about the protection of personal data, i.e. about the rights and obligations arising from the new legislative framework on data protection

Anamarija Mladinić, senior adviser specialist in the Service for International Cooperation, EU and Legal Affairs, conducted an analysis of the needs of different target groups through interviews with the Agency's employees: managers and processors in the private and public sector, data protection officers, small and medium-sized entrepreneurs, non-governmental

organizations, parents, children, the media and the general public regarding activities to raise the level of awareness of personal data protection. It was established that the Agency is already carrying out numerous educational activities for the purpose of informing data processors about their new obligations arising from the Personal Data Protection Act, and citizens about their new rights and the importance of self-protective behavior. In addition to the activities already carried out by the Agency, within the framework of the Twinning project there will be organized activities intended for micro, small and medium-sized entrepreneurs, children and parents, as well as 2 events intended for managers and executors of processing and the general public. Also, a questionnaire was created that will be distributed to data controllers in North Macedonia in order to determine the level of knowledge of the obligations arising for them from the Personal Data Protection Act. Based on the results of the aforementioned questionnaire, Croatian and German data protection experts, in cooperation with their Macedonian colleagues, will create a whole series of manuals and guidelines that will make it easier for them to comply with the provisions of the Act. Furthermore, an awareness-raising plan was prepared, which foresees the implementation of various activities intended for specific target groups, as well as a self-assessment questionnaire on compliance with the Personal Data Protection Act.

After conducting interviews with the Agency's employees and determining priorities and needs, Iva Ivanković, senior adviser in the Service for International Cooperation, EU and Legal Affairs, created a Guide on the legal basis for processing personal data, a Guide on legitimate interest, an infographic on the rights of respondents and the obligations of managers and of the personal data processor, Guidelines for creating a privacy policy, consent form, form for the implementation of the legitimate interest test, form for the implementation of the impact assessment on data protection and records of processing activities. All the above-mentioned materials have been created for the purpose of facilitating the understanding and fulfillment of the obligations of the manager and processor in relation to compliance with the Personal Data Protection Act.

For the next year, AZOP's project team, in cooperation with the project team of the Agency for the Protection of Personal Data in North Macedonia, will continue with project activities aimed at making it easier for processing managers to comply with the Personal Data Protection Act, to harmonize the legal system of North Macedonia with the European legal system. acquisition and to strengthen the rights and awareness of citizens regarding the protection of their own and other people's personal data.