



Republic of Serbia
COMMISSIONER FOR INFORMATION OF PUBLIC IMPORTANCE AND
PERSONAL DATA PROTECTION

REPORT
ON THE ACTIVITIES OF THE COMMISSIONER FOR INFORMATION OF
PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION
FOR 2025

B e l g r a d e
March 2026

COMMISSIONER FOR INFORMATION OF PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION

2025 IN FIGURES

	132 EMPLOYEES		BUDGET APPROVED: RSD 453,602,000.00 EXECUTED: RSD 453,219,125.42
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FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE

	9,817 complaints		610 measures to improve the exercise of rights
	289 opinions		5,394 public authorities submitted their annual reports to the Commissioner
	2,415 statements of defence		137 requests for information about the work of public authorities
	2,524 responses to lawsuits		60 responses to petitions
	502 misdemeanor orders		21 requests to initiate misdemeanor proceedings

PERSONAL DATA PROTECTION

	1,169 inspections		172 complaints
	102 corrective measures		332 opinions
	49 notifications of personal data breaches		632 petitions
	45 requests submitted by the Commission for "Missing Babies"		1,966 checklists
	521 personal data protection cases		22 representatives of foreign companies

BOTH AREAS OF WORK

	18,114 explanations provided by telephone		167 international/domestic cooperation activities
	33 opinions on draft laws and other general acts		69 public announcements
	150 reports and information		716 requests for information from the Commissioner
	400 requests in connection with information on the subject		390 responses to inquiries and other communication with public authorities, supervisors and the public

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INTRODUCTION BY THE COMMISSIONER

This Report of the Commissioner for Information of Public Importance and Personal Data Protection (hereinafter referred to as: “Commissioner”) for 2025 is the twenty-first annual report on the Commissioner’s activities with regard to implementing the Law on Free Access to Information of Public Importance (LFAIPI) and the seventeenth annual report on his activities relative to implementing the Law on Personal Data Protection (LPDP) that the Commissioner submits to the National Assembly of the Republic of Serbia.

The Commissioner’s work in 2025 was characterised by the continued influx of an extraordinarily increased number of cases. This was especially true of the cases in the field of free access to information of public importance, in particular the number of complaints against actions taken by public authorities in response to requests for free access to information of public importance and an increased number of lawsuits filed with the Administrative Court against the Commissioner’s decisions in this area of human rights.

By way of illustration, in 2025 the Commissioner opened a total of 24,875 cases, of which 17,492 cases in the field of free access to information of public importance, 5,310 cases in the field of personal data protection, and 2,073 cases in both fields.

The above data show that the trend of a large influx of cases in the area of access to information of public importance continued in 2025, as a result of the systemic abuse of the right to access such information. This has led to the right itself becoming seriously jeopardised and its protection significantly hindered.

This situation is practically the result of two facts:

1. the deletion of Article 13 of the Law on Free Access to Information of Public Importance, which regulated situations involving abuse of the right to access information of public importance, and
2. revised position of the Administrative Court on the issue of the obligation to bear the costs of filing a complaint by a lawyer.

As a result of the foregoing, similarly to the 2024 Report, the present Report is specific and prepared for a year in which there was not a regular, usual situation in the field of access to information of public importance, as it used to be the case in all previous years.

For this problem to be solved as soon as possible, it is necessary to amend the Law on Free Access to Information of Public Importance. To this end, a working group established by the Ministry of Public Administration and Local Self-Government at the Commissioner’s initiative has drafted amendments to the Law, on the basis of which the Government of the Republic of Serbia has prepared a proposal for amendments to the Law. To prevent further serious harmful consequences of the current situation, it is essential that the proposed amendments to the law, which are intended to resolve the existing problem, be submitted to the National Assembly for adoption as soon as possible.

With regard to the state of play in the field of personal data protection, the most significant activity in 2025 was the work on drafting a new Law on Personal Data Protection, which will

address the existing shortcomings of the current legislation, resolve ambiguities in its implementation, and regulate the processing of personal data through video surveillance, the processing of biometric personal data, the processing of genetic and biomedical data, as well as the processing of personal data by artificial intelligence. We especially emphasise that in 2025, in the field of personal data protection, the Commissioner's Office conducted a record number (1.169) of inspection supervisions over the processing of personal data by controllers from various sectors of life.

In addition, during the previous year, the Commissioner carried out a wide range of activities aimed at raising awareness among citizens, public authorities, and all personal data controllers about the importance of protecting the right of access to information of public importance and the right to personal data protection.

With regard to the Commissioner's international cooperation, particular emphasis should be placed on the establishment of the "Privacy4Balkans" initiative, which brings together the heads of the personal data protection authorities of Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia.

The statistical section of this Report illustrates the volume of cases processed by the Commissioner's Office in 2025, reflecting the exceptional efforts and dedication of all employees of the Commissioner's Office, particularly at a time of significant challenges to the protection of both human rights falling within the Commissioner's remit.

Overall, despite the enormous efforts made by the Commissioner's Office in 2025 to resolve as many received cases as possible, the status in the areas of human rights protected by the Commissioner remains such that the Commissioner's work and the protection of the rights under his mandate are significantly hindered due to the aforementioned abuse of rights.

I am hopeful that the problem with the abuse of the right to access information of public importance will be solved in the shortest possible time in a systemic and adequate way, that the competent authorities will recognise the importance and urgency of promptly amending the Law on Free Access to Information of Public Importance, and thus enable progress in improving the exercising of the rights protected by the Commissioner.

COMMISSIONER

Milan Marinović

General Information

- **Name of the authority:** Commissioner for information of public importance and personal data protection (the Commissioner)
- **Status:** An autonomous public authority, independent in the exercise of its powers
- **Seat address:** 15 Kralja Aleksandra Boulevard, 11000 Belgrade
- **Field office outside of the Commissioner's seat:** 21 Vojvode Šupljikca St., 21101 Novi Sad, 26 Generala Milojka Lejšjanina St., 18000 Niš, 1 Liceja Kneževine Srbije St., 34000 Kragujevac
- **Registration number:** 17600524
- **Tax Identification Number:** 103832055
- **Address for receiving the submissions:** 15 Kralja Aleksandra Boulevard, 11000 Belgrade
- **Address for receiving electronic submissions:** office@poverenik.rs
- **Founding:** The Commissioner was established as an autonomous public authority, independent in the exercise of his powers, under the Law on Free Access to Information of Public Importance (LFAIPI)¹ of 2004. The Law on Personal Data Protection (LPDP)² of 2008 expanded the Commissioner's mandate to the area of personal data protection.

Commissioner's Mandate

The Commissioner is entrusted with a twofold mandate: to protect the right of free access to information of public importance under the LFAIPI and to protect personal data and supervise compliance with the LPDP.

1. Under the Law on Free Access to Information of Public Importance, the Commissioner³:

- monitors the compliance of public authorities with their obligations laid down in this Law and reports to the public and the National Assembly thereof;
- submits initiatives to adopt or amend legislation to implement and forward the right to access information of public importance;
- proposes the measures that public authorities need to take in order to improve their actions in compliance with this Law;
- undertakes the necessary measures to train the staff of public authorities and introduce them to their obligations with regard to the right to access information of public importance, to ensure effective application of this Law;
- decides on complaints against decisions of public authorities which violate the rights governed by this Law;
- informs the public about the substance of this Law and the rights governed by this Law;
- gives opinions on draft laws and proposals of other regulations, as well as public policy documents, if these govern issues relevant for exercising the right to access information of public importance;

¹ "Official Gazette of the Republic of Serbia" Nos. 120/2004, 54/2007, 104/2009, 36/2010 and 105/2021

² "Official Gazette of the Republic of Serbia" Nos. 97/2008, 104/ 2009 - new law, 68/2012 - Constitutional Court decision, 107/ 2012, Article 1, paragraph 3.

³ Law amending the LFAIPI ("Official Gazette of the Republic of Serbia" No. 105/21)

- initiates constitutional and legal reviews of laws and other general legal documents governing issues relevant for exercising the right to access information of public importance;
- issues and updates a guidebook with practical instructions for the effective exercising of rights governed by this Law, in the Serbian language and in other languages which are officially used under the law, and introduces the public to the substance of this guidebook on implementation of the law through the press, electronic media, the internet, public debates and in other ways;
- issues instructions for compiling and publishing directories on the activities of public authorities and, at their request, provides advice to ensure proper, complete and timely compliance with the obligation to publish the directories;
- keeps and maintains a single information system on the directories;
- files petitions for institution of misdemeanour proceedings if public authorities fail to update and produce directories on their activities;
- lays down in detail the form and manner for the submission of annual reports by public authorities about their activities undertaken to comply with the Law and files petitions for institution of infringement proceedings against the responsible person if a public authority fails to submit an annual report to the Commissioner;
- submits an annual report to the National Assembly on the activities undertaken by public authorities to comply with the LFAIPI, as well as on his activities and expenses, in accordance with Article 36 paragraph 1 of the LFAIPI;
- orders public authorities to declassify requested data and takes decisions upholding the complaints and ordering the public authorities to grant the requester access to such data, in the procedure in response to complaints against decisions to deny requests concerning classified data referred to in Article 9, item 5, of the Law, if he finds that the reasons for classification are no longer applicable or that the data was not classified in accordance with the law governing data classification and protection of classified data, after reviewing the case file that the complaint pertains to in order to establish all relevant facts for deciding on the complaint;
- issues misdemeanour notices, in accordance with the law governing misdemeanour proceedings, after determining that a complaint lodged on the grounds of failure of a public authority to process the request (“administrative silence”) is founded;
- administratively enforces his decisions by imposing enforcement measures and/or by fining the offending public authorities for failure to comply with the obligations set out in the Commissioner’s decision;
- files petitions for institution of misdemeanour proceedings for the misdemeanours under the Law on Free Access to Information of Public Importance, when in processing a complaint it is established that a misdemeanour has occurred;
- performs other duties provided for in this Law.

2. Under the Law on Personal Data Protection, the Commissioner:

- supervises and enforces the LPDP within his powers;
- raises public awareness on the risks, rules, safeguards, and rights concerning data processing, especially where the data subjects are minors;

- gives opinions to the National Assembly, the Government, and other public authorities and organizations, in accordance with the regulations governing statutory and other measures relating to the protection of natural persons' rights and freedoms concerning data processing
- raises the awareness of data controllers and processors of their obligations under this Law;
- at the request of data subjects, provides information on their rights under this Law;
- processes complaints of data subjects, determines whether the LPDP was breached and notifies the complainant on the course and outcome of the procedure he conducts in accordance with Article 82, of the LPDP;
- cooperates with the oversight authorities of other countries in connection with personal data protection, including in particular information exchange and provision of mutual legal assistance;
- performs inspection of compliance with the LPDP, in accordance with the LPDP and, correspondingly, the law governing inspection;
- files petitions for institution of misdemeanour proceedings if he establishes breaches of the LPDP, in accordance with the law governing misdemeanours;
- keeps current with the development of information and communication technologies, as well as commercial and other practices relevant for personal data protection;
- develop the standard contractual clauses (referred to in Article 45, paragraph 11, of the LPDP);
- makes and publishes the List of Types of Personal Data Processing Activities that require a Data Protection Impact Assessment and an Opinion of the Commissioner for Information of Public Importance and Personal Data Protection (referred to in Article 54, paragraph 5, of the LPDP);
- issues the opinions in writing (referred to in Article 55, paragraph 4 of the LPDP) when he considers that intended processing actions could give rise to risks unless risk mitigation measures are implemented;
- keeps records on personal data protection officers (referred to in Article 56, paragraph 11, of the LPDP);
- promotes the development of codes of conduct (in accordance with Article 59, paragraph 1, of the LPDP) and gives opinions on and approves codes of conduct (in accordance with Article 59, paragraph 5, of the LPDP);
- obtains evidence of independence and expertise of legal entities and of absence of conflict of interest in the process of accrediting the legal entities tasked with supervising compliance with the codes of conduct (in accordance with Article 60, of the LPDP);
- promotes the issuing of personal data protection certificates and relevant trademarks and labels (in accordance with Article 61, paragraph 1), and lays down certification criteria (in accordance with Article 61, paragraph 5, of the LPDP);
- conducts periodic reviews of the certificates (in accordance with Article 61 paragraph 8 of the LPDP);
- lays down and publishes accreditation criteria for the certification body and obtains evidence of independence and expertise of legal entities and of absence of conflict of interest in the process of accrediting the certification body (in accordance with Article 62, of the LPDP);

- approves provisions of the contracts or agreements (referred to in Article 65, paragraph 3, of the LPDP), which provide for personal data protection measures when such data are transferred in accordance with the law;
- approves binding corporate rules (in accordance with Article 67, of the LPDP).
- keeps internal records on breaches of this Law and measures undertaken in the course of inspections (in accordance with Article 79, paragraph 2, of the LPDP);
- compiles annual reports on his activities (in accordance with Article 81, of the LPDP), and submits it to the National Assembly;
- performs other duties provided for in the Law.

Inspection and other powers

The Commissioner is authorized to:

- order the controller and the processor, and where necessary also their representatives, to provide him with any information he may request in the exercise of his powers;
- verify and assess the compliance with the provisions of the law and otherwise supervise personal data protection using his inspection powers;
- verify compliance with the certification requirements (in accordance with Article 61, paragraph 8, of the LPDP);
- notify the controller or processor of any potential breaches of the LPDP;
- request from the controller and the processor and subsequently gain access to all personal data and information necessary for the exercise of his powers;
- request and gain access to all premises of the controller and the processor, including access to all devices and equipment.

The Commissioner is authorized to undertake the following corrective actions:

- to warn the controller and the processor by providing an opinion in writing that the intended processing activities may breach the provisions of the LPDP (in accordance with Article 55, paragraph 4, of the LPDP);
- to issue a warning to the controller and/or the processor, if processing breaches the provisions of the LPDP;
- to order the controller and the processor to take action on the request of the data subject concerning the exercise of his/her rights, in accordance with the LPDP;
- to order the controller and the processor to bring processing activities in compliance with the provisions of the LPDP in a precisely specified manner and within a precisely specified time period;
- to order the controller to inform the data subject of the personal data breach;
- to impose a temporary or permanent restriction on processing activities, including a ban on processing;
- to order personal data to be corrected or deleted or restrict processing activities (in accordance with Articles 29 through 32, of the LPDP), and order the controller to inform thereof other controllers, the data subject, and the recipients to whom personal data have

been disclosed or transferred (in accordance with Article 30, paragraph 3, and Articles 29 and 32, of the LPDP);

- to revoke a certificate or order the certification body to revoke a certificate (issued in accordance with Articles 61 and 62 of this Law), and to order the certification body to refuse to issue a certificate if the requirements for its issuance are not met;
- to impose a fine on the basis of a misdemeanour notice if it is found in the course of an inspection that a misdemeanour occurred, which is punishable by a fixed fine under this Law, in lieu of or in addition to other measures provided for therein, depending on the facts of each individual case;
- to terminate the transfer of personal data to a recipient in a foreign country or an international organization.

The Commissioner is also authorized to:

- develop the standard contractual clauses (referred to in Article 45, paragraph 11, of the LPDP);
- issue opinions to controllers in the process of obtaining the Commissioner's prior opinion (in accordance with Article 55, of the LPDP);
- issue opinions to the National Assembly, the Government, and other authorities and organizations, on own initiative or at their request, as well as to the public, on all issues concerning personal data protection;
- register and publish previously approved codes of conduct (in accordance with Article 59 paragraph 5 of the LPDP);
- issue certificates and lay down the criteria for the issuing of certificates (in accordance with Article 61 paragraph 5 of the LPDP);
- lay down the accreditation criteria (in accordance with Article 62, of the LPDP);
- approve contractual provisions and provisions of agreements (in accordance with Article 65, paragraph 3, of the LPDP);
- approves binding corporate rules (in accordance with Article 67, of the LPDP).

1. SUMMARY OF THE 2025 ANNUAL REPORT OF THE COMMISSIONER FOR INFORMATION OF PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION

This summary of the Commissioner's 2025 Annual Report presents the state of play regarding the application of the LFAIPI and the LPDP, measures and activities undertaken by the Commissioner, as well as obstacles and challenges in the exercise of the rights to access information of public importance and personal data protection. **In 2025, the Commissioner opened 24,875 cases, including 17,492 cases in the field of access to information of public importance, 5,310 cases in the field of personal data protection and 2,073 cases in both fields of activities of the Commissioner.**

The Commissioner concluded the procedure in 23,701 cases in total, including 16,602 cases in the field of access to information of public importance, 5,112 cases in the field of personal data protection, and 1,987 cases in both fields.

The majority of the cases pertained to: **handling of complaints against breaches of the right to free access to information of public importance (9,817); supervision of personal data processing (1.169); processing of checklists sent to controllers (1.966); implementing measures to improve transparency of the activities of the authorities** in connection with the determination of status of public authority bodies, comments and suggestions concerning registration with the Single Information System of Directories, as well as compiling the directories and the submission of annual reports to the Commissioner (**610**); **misdemeanours prosecution** due to breaching the provisions of the LFAIPI (**526**), **responses to the lawsuits** filed with the Administrative Court (**2,542**); **providing assistance to citizens regarding their requests for access to information of public importance** that were: referred to the Commissioner by authorities that did not possess the requested information, so that such requests could be forwarded to the authorities from which the required information could be obtained; or submitted to the Commissioner instead of to the competent public authority (**2,552**). A considerable part of the activities pertained to: trainings on application of the LPDP and the LFAIPI; cooperation with relevant Serbian, international, and regional authorities and contribution to reporting activities in connection with Serbia's EU association process.

Full visibility of the role and the activities of the Commissioner, both in the field of free access to information of public importance and in the field of personal data protection, is an ongoing task for the Commissioner that he continued to perform in 2025 through the media, on websites, on the Open Data Portal, on social networks, etc. The media have attached much attention to the Commissioner's statements concerning the application of the LPDP and the need for passing a new Law on Personal Data Protection, as well as the application of the Law on Free Access to Information of Public Importance, including in particular the issue of abuse of the right to access information of public importance, as well as individual cases of violation of the rights, the exercising of which is protected by the Commissioner.

In the course of 2025, the Commissioner issued **26 opinions** on draft laws from the viewpoint of the Commissioner's mandate pursuant to requests submitted by public authorities and **7 opinions** on other general legal documents. The Commissioner also issued **289 opinions** on

correct application of the LFAIPI and **332 opinions** on correct application of the LPDP, and **7 prior opinions** (Art. 55, LPDP), in the course of 2025.

The job positions classification for the Commissioner's Office identifies 110 posts, which are staffed by 156 incumbents in total. The job positions classification for the Commissioner's Office also includes an advisor post staffed by 3 employees, in accordance with Article 5, paragraph 5, of the Decision on Operation of the Office of the Commissioner for Information of Public Importance and Personal Data Protection, under which the Commissioner can have up to four advisors to the Commissioner, some of whom may be employed at this institution.

Under the Proposal of the Human Resources Plan for 2025 No. 11-04-8/2024-04/1 dated 12 December 2024., the Commissioner found that powers of the Commissioner require 3 elected officials, 10 senior civil servants and a total of 138 civil servants in executive roles, 3 employees, as well as 3 advisors to the Commissioner, and forwarded the request to the Ministry of Finance for approval.

The Ministry of Finance did not grant approval to the Commissioner's Human Resource Plan for 2025, which is contrary to all strategic documents cited by the Commissioner in the Proposal for the 2025 Human Resource Plan.

As of 31 December 2025, the Commissioner's Office had 132 persons employed on permanent contracts for an unlimited period, 7 persons hired on fixed-term contracts (of whom 1 in peak periods to handle increased workload, 3 as replacements for absent civil servants, 1 hired on fixed-term contract in the Office and 2 advisors to the Commissioner on fixed-term contracts). In addition, four (4) persons were hired based on temporary duty short-term contracts.

The activities of the Commissioner and his Office are funded under the law from the national budget of the Republic of Serbia. The Law on the Budget of the Republic of Serbia for 2025 allocates funding to the Commissioner for the funding source 01 – Budget Revenue in the amount of RSD 453,602,000.00.

In 2025, activities related to the maintenance and improvement of the Single Information System of Directories also continued. In this system, the Directory is created in an electronic and machine-readable form, in accordance with the Guidebook for Publishing the Directory of Public Authority Bodies ("Official Gazette of the RS", No 10/22).

At the time of writing this Report, a total of 7,328 (seven thousand three hundred and twenty-eight) public authority bodies published the Directories on their activities, including 2,330 local communities, 1,697 schools, 434 public companies (republic and local), 158 courts, and all public prosecutor's offices. As regards the country's highest public authorities, the President of the Republic of Serbia, the Government of the RS, the Constitutional Court, the Supreme Court, the Prosecutor General's Office, and the National Bank of Serbia published their Directories. A total of 24 out of 25 ministries have prepared their directories.

The web portal "Commissioner's e-Government" has not yet been released into production for objective reasons.

In the course of 2025, the Commissioner continued to support the Open Data Portal at <https://data.poverenik.rs>, through which he makes the numerous data created in his work available to the general public, in a machine-readable format and in the form of visualizations.

In 2025, the Commissioner continued his successful cooperation with international organizations and forums, as well as with representative offices of numerous international or transnational organizations in Serbia. The Commissioner cooperated in particular with the competent institutions across the region and the territory of the former Yugoslavia in the fields of free access to information of public importance and of personal data protection. Among the most

common reports submitted by the Commissioner to the competent public authorities are the reports and contributions to reports pertaining to progress in Serbia's EU integration processes.

I Commissioner's Activities in the Field of Free Access to Information

- **The right to free access to information protected by the Commissioner**

In the field of free access to information of public importance, in 2025 the Commissioner **handled 34,002 cases** concerning the protection and promotion of rights. Of these, **16,510** cases are old cases from the previous year, while **17,492** cases were received in 2025. The Commissioner **completed 16,602 cases**, while **17,401** cases remained pending and have been carried forward to 2026.

The most common activities of the Commissioner in this field included **handling complaints filed by citizens, citizens' associations, journalists and other requesters of information of public importance for failure of public authorities to comply with requests for access to information or their refusal to provide information.**

In 2025, the Commissioner issued **502 misdemeanour notices and filed 21 petitions for institution of misdemeanour proceedings** due to breaching the provisions of the LFAIPI.

Other activities included: providing assistance to citizens in the exercise of this right through written opinions and clarifications for action, as well as provision of assistance to public authorities in complying with the law, in particular by issuing opinions and providing training; monitoring the compliance with the statutory obligation of public authorities pertaining to proactive publishing of information, specifically their information directories, in the Single Information System for Information Directories, and measures undertaken in this regard; issuing of opinions concerning the enactment of regulations and other legislative initiatives; measures relating to administrative enforcement of the decisions; preparation of publications and other means of publishing positions from the Commissioner's practice; participation in conferences and other expert events; communication concerning requests by information requesters filed with or referred to the Commissioner. The Commissioner was also processing the requests for access to information in which citizens and the media requested information of public importance created in the Commissioner's work.

The main hindrances to the exercise of the right to access information in 2025 included: abuse of the right to access information, impeded exercising of the right to access information for journalists, obstructed exercise of the right to access information in public enterprises and non-enforcement of the Commissioner's decisions.

- ***Handling of complaints***

The number of complaints formally lodged with the Commissioner on the grounds of violation of right to access information of public importance remains high continually, showing a year-over-year uptrend, while starting from 2022, the increase in the number of complaints has primarily been the result of the abuse of the right to access information. In 2025, this institution received 8,802 complaints, which was a decrease of **19.4%** compared to the previous year, while **12,302** complaints from the previous period, in which proceedings had not been completed, were

carried over. The reason why, despite the abuse of the right to access information, there was a decrease in the number of complaints lies in the fact that the Commissioner directed significant resources toward addressing this issue in a systemic manner. This included advocating for appropriate amendments to the Law on Free Access to Information of Public Importance, issuing decisions rejecting complaints submitted by individuals who were clearly abusing the right in order to protect the public interest, providing training to employees of public authorities on how to respond to requests promptly and correctly, and conducting a large number of media appearances to raise awareness of the problem. The complainants/information requesters in 2025 were mostly **individual citizens and attorneys, other citizens' associations, and the media.**

The Commissioner resolved 9,817 complaints in 2025. 5,528 or **56.31%** complaints were lodged due to public authorities completely ignoring the freedom of information requests ("administrative silence"). **911** complaints or **9.28%** of the total number of resolved complaints, were lodged against decisions of public authorities which rejected the applicant's requests as unfounded and provided a statement of reasons. In **2,512** cases, which is **25.59%** of total resolved complaints, the public authorities provided incomplete replies, while in **842** cases or **8.58%** of the total number of resolved complaints in 2025, public authorities responded to requests for information with a statement of reasons and elements of the decision. In **24** cases, or **0.24%** of all complaints, the complaints were lodged on the grounds of the applicant's request for reimbursement of procedural costs, as no decision on the request for costs, as an ancillary matter, had been made during the earlier stages of the procedure for exercising the right of access to information.

The complaints were mostly founded – **4,380** complaints or **44.62%** of the total resolved cases. In 2025, as in previous years, the trend of many procedures pursuant to founded complaints lodged with the Commissioner ending in **termination of the procedure** continued. In **2,133 cases (48.7%)** out of the total number of founded complaints (**4,380**) the procedure was terminated, because the public authorities had in the meantime complied with the information request, upon learning of the complaint and receiving a request for a reply from the Commissioner, but before a decision could be taken pursuant to the complaint, with the complainants formally withdrawing their complaints in **248** cases.

Out of the 604⁴ rulings passed by the Commissioner pursuant to complaints filed by information requesters, in which he ordered public authorities to make information available, the authorities failed to comply in 122 cases or 20.2%, which means that the average rate of compliance with the Commissioner's decisions was 79.8%.

In the structure of complaints resolved in 2025, the majority were lodged against national government and other authorities and organizations, namely 3,617 complaints or 36.84% out of the total number of resolved complaints, of which 1,102 complaints were resolved against the ministries and bodies subordinated to them, which is 30.47% of the complaints resolved against the national government authorities.

Also, in 2025, the Commissioner resolved 2,821 complaints against local self-government authorities or 28.74% of the total number of resolved complaints, while the Commissioner resolved 2,480 complaints against public companies or 25.26% of the total number of resolved complaints.

⁴ In a total of 1022 complaints, the Commissioner ordered the first-instance authorities to provide information to the applicant, more precisely 604 rulings were taken in those cases, and 418 cases were joined during resolution.

Also, the Commissioner resolved 581 complaints against judicial authorities or 5.92% of the total number of resolved complaints in 2025.

Namely, when resolving complaints for breaches of freedom of information in the course of 2025, the Commissioner used the power granted to him under Article 26 of the LFAIPI in **11** cases and requested the respondent public authority to grant him, for consultation, access to documents containing the information requested by the requesters, so he could determine whether the information contained in such documents can be made available pursuant to the freedom of information requests or not. In 5 cases, the public authorities failed to comply with the Commissioner's request, prompting the Commissioner to submit one motion to the competent misdemeanour court to initiate misdemeanour proceedings, while in 6 cases the authorities provided the requested documents to the Commissioner.

The rate of successfully concluded administrative disputes in favour of the Commissioner (in cases in which the Commissioner was the defendant) has remained consistently high since the beginning of the Commissioner's work, amounting to **93.97%**, which is the best indicator of the quality of work performed by this public authority.

Enforcement of the Commissioner's decisions

The Commissioner received 43 motions for administrative enforcement of the Commissioner's decisions in 2025.

In 2025, the Commissioner issued 9 decisions authorising enforcement and imposed one fine in the amount of RSD 50,000.00, which was paid by the first-instance authority.

- **Public Authorities' Compliance with Their Legal Obligations, Supervision, and Accountability**

The adoption of the Law on Amendments to the Law on Free Access to Information of Public Importance ("Official Gazette of the RS" No. 105/21) overhauled the manner in which information directories on the activities of public authorities are compiled, published and updated. It also increased the number of authorities required to produce such information directories. The most significant change concerns the manner in which such information directories are produced: they are now created on a platform kept and maintained by the Commissioner, namely the Single Information System of Information Directories (SIS). At the time of writing of this Report, **7,328⁵** information directories by public authorities are available in the SIS, while the total number of public authorities registered in the system is **7,574**.

All public authorities referred to in Article 3, of the LFAIPI, are obliged to submit an annual report to the Commissioner. Based on the Commissioner's records, it was determined that, at the moment of drafting the present Report, 12,360 public authorities have this obligation. The number of submitted reports for 2025 is 5,394, while the number of registered public authorities for access to the Portal for submitting annual reports is 6,863.

According to the information provided in the reports submitted by public authorities for 2025 (5,394 reports), 4,766 public authorities published their Directory in the Single Information System and thus fulfilled their legal obligation. Also, it would appear that compliance with the

⁵ Number of published information directories in the Single Information System on 5 February 2026.

legal obligation to provide training for employees on proper application of the Law on Free Access to Information has improved compared to previous years, given that the number of authorities that submitted their reports is much higher than in the past years (with 3,323 authorities reporting they have complied with this obligation).

The number of reports submitted by authorities falling within the category of education institutions (schools, preschool facilities) is higher compared to 2024 (when this number was **1,355**), while in 2025 this number is **1,519**. The number of reports submitted by local self-government authorities in 2025 amounted to **530**, representing a decrease compared to the previous year, when the number stood at **584**. An increase has also been noted in the number of reports submitted by national-level authorities and organizations (agencies, directorates, institutes, funds, chambers, etc.). - **481 authorities** Hunters' associations have mostly complied with this statutory duty, with **189** of them submitting reports, which is approximately 5% more as compared to 2024. This year, it is also important to highlight that a large number of local communities fulfilled this legal obligation—no fewer than **1,125**.

The Administrative Inspectorate of the Ministry of Public Administration and Local Self-Government, which is responsible for inspecting the compliance with the Law on Free Access to Information of Public Importance, informed the Commissioner that **the Administrative Inspection had not conducted any inspections** related to the implementation of the regulations governing free access to information of public importance. It also stated that, **in 2025, the Administrative Inspectorate had not filed a single request for the initiation of misdemeanour proceedings for violations of rights or for failure by public authorities to comply with their statutory obligations under the Law on Free Access to Information of Public Importance**. This leads to the conclusion that non-compliance with these legal obligations remains unsanctioned.

According to the data provided by Serbian misdemeanour courts which delivered such data to the Commissioner, **in 2025 these courts received a total of 100 petitions for institution of misdemeanour proceedings for the violation of the right to access information and 37 requests for judicial determination**. During 2025, the Misdemeanour Courts **resolved a total of 107 cases**. According to the data of the Misdemeanour Appellate Court in Belgrade, in 2025, that court received 92 cases of appeals against the decisions of misdemeanour courts in the matter of freedom of access to information (of which 45 cases concerned procedural costs) concluding 151 cases.

Table No. 1 - Summary of the types and scope of the Commissioner's activities and measures in 2025 in the field of access to information of public importance

No.	Types of activities and measures	Total
1.	Cases received	17.492
2.	Complaints received	8.802
3.	Complaints resolved	9.817
4.	Misdemeanour notices issued	502
5.	Lodged petitions to institute misdemeanour proceedings	21
6.	Notices to parties and public authorities on whether a misdemeanour notice issued was issued and a petition lodged to institute misdemeanour proceedings	32
7.	Motions for repeated procedures	10
7.1.	Motions for repeated procedures	9
7.2.	Motions for repeated procedures	1

8.	Opinions concerning the application of the LFAIPI	289
9.	Replies to legal action lodged with the Administrative Court	2.524
10.	Written communication with public authorities concerning application of the LFAIPI (advice and instructions provided to public authorities with a view to improving transparency in connection with the publishing of Information Directories in the Commissioner's Single Information System and submission of Annual Reports to the Commissioner, etc.)	610
11.	Replies to applications concerning the compliance with the LFAIPI	85
12.	Processing the requests for information on the activity of / held by other authorities - the Commissioner advised the requesters on the correct procedure	137
13.	Referred requests (Article 19)	2.415
14.	Motions for administrative enforcement of the Commissioner's decisions	16
14.1	Taken decisions to proceed with executing the decisions	9
14.2	Decisions terminating the enforcement of the decisions	13
14.3	Letters to the Government	3
14.4	Imposed fines	1
15.	Requests for review of Administrative Court decisions	4

II Activities of the Commissioner in the field of personal data protection

In 2025, the Commissioner had extensive activities in the field of personal data protection, due to the current situation in this field. This is supported by the number of opened cases (**5,311**), as well as the number of cases closed by the Commissioner (**5,113**).

• Supervision

In the course of 2025, the Commissioner **concluded 1.169 supervision procedures** in total. Out of the total number of concluded supervisions, 980 were regular and 189 were extraordinary supervisions.

Within the framework of inspection supervision, 102 corrective measures were imposed, including 101 warnings issued to data controllers and one measure temporarily or permanently restricting a controller's processing activities, including a prohibition on processing. A total of 1.087 on-site inspections and 34 desk-based inspections were conducted.

The Commissioner initiated 1.296 inspection supervisions in the course of 2025. As regards the controllers subject to the Commissioner's inspection supervision (1.087) in 2025, a significant number of supervision procedures were conducted in relation to institutions in the field of justice, companies and entrepreneurs, institutions in the fields of science and culture and residential building managers, unlike in 2024, when public enterprises were the predominant subjects of inspection.

With regard to the grounds for conducting extraordinary inspections, such inspections were most frequently initiated due to personal data breaches involving names and surnames, issues relating to the security of personal data, the compromise of personal data on the internet and through electronic communications, as well as the use of video surveillance.

The Commissioner filed 3 petitions for institution of misdemeanour proceedings for violations of provisions of the LPDP in 2025.

The Commissioner handled 632 applications in the field of personal data protection, 126 of which were forwarded to another competent authority for further processing.

As part of his efforts to act preventively and to educate, the Commissioner has compiled **checklists**, which contain questions that must be answered accurately and comprehensively. This helps the authorities supervised by the Commissioner to get acquainted with their obligations in advance, more precisely, what they need to do to ensure their personal data processing activities comply with the applicable regulations, thus preventing harm, and also what authorized officers from the Commissioner's Office will check in the supervision procedure.

From the effective date of the new LPDP to 31 December 2025, the Commissioner sent checklists to the addresses of **7,887** data controllers, while 50 data controllers submitted checklists to the Commissioner of their own accord. On the basis of the received checklists, the Commissioner conducted assessments of the level of risk for personal data processing in **6,991** cases.

Under the LPDP, the Commissioner has an obligation to keep accurate and up-to-date **records of personal data protection officers**. In the course of 2025, **522 controllers** submitted contact details of their personal data protection officers. Since the effective date of the LPDP, a total of **6,837** data controllers and/or processors submitted contact information on their personal data protection officer to the Commissioner, and 4,476 of those are public authorities.

Furthermore, since the effective date of the LPDP, the Commissioner has received **82 decisions on the appointment of representatives of foreign companies** in accordance with the LPDP, of which 22 in 2025.

- **Complaints**

The new LPDP introduces the legal concept of **complaints filed with the Commissioner**, as a remedy available to the data subject if he/she believes his/her personal data were processed in breach of the provisions of the Law.

In the procedure concerning a **complaint** filed for violation of the rights of data subjects under Articles 26 to 40. The Commissioner determines whether the controller has breached the data subject's rights and, according to the established facts, takes a decision, which both the data subject and the respondent controller may challenge by filing legal action to initiate an administrative dispute within 30 days of receipt of the decision. In the procedure of determining breaches of data subjects' rights, the Commissioner acts in compliance with the Law on General Administrative Procedure (hereinafter: LAP). A person may exercise the right to lodge a complaint with the Commissioner simultaneously with exercising the right to initiate other procedures for administrative or judicial redress.

In 2025, the Commissioner received **198 complaints**.

The Commissioner processed 215 complaints including 17 carried over from the previous period and **resolved 172 complaints** (155 from 2025 and 17 carried forward from the previous year), while 43 complaints have been carried forward to 2026.

In the decisions passed pursuant to the lodged complaints, the Commissioner determined the complaints were founded in 73 cases and passed rulings ordering the controllers to take action on the requests. The Commissioner terminated the procedure by taking such decisions in 24 cases, because the controllers processed the requests before the Commissioner decided on the complaints (17), or because the complainant had withdrawn the complaint (7). The Commissioner dismissed 26 complaints on formal grounds and decided that 49 complaints were unfounded.

- ***Reasons for lodging complaints with the Commissioner***

The reasons for lodging of complaints with the Commissioner include **the rejection of a request to exercise rights by the controller (119), failure of the controller to act on the request**, the so called “administrative silence” (35), and **partial compliance by the controller (44)**.

- ***Violated rights on the grounds of which complaints were lodged with the Commissioner***

The requests which resulted in the lodging of complaints with the Commissioner due to inadequate actions of data controllers included the exercise of: **the right to deletion of personal data (53.1%), the right to access to data (43%), the right to restriction of processing (2.4%), termination of data processing (1%), and correction and supplement (0.5%)**.

- ***Structure of Data Controllers against Which Complaints Were Lodged with the Commissioner***

As regards the structure of data controllers against whom complaints were lodged with the Commissioner, the largest number of the complaints, as many as **146**, were lodged against non- or unsatisfactory processing on the part of public authorities across all levels and authorities and organizations with delegated public powers. Most of these (92) were lodged against non- or unsatisfactory processing of the ministries, namely, against the Ministry of Interior 88, Ministry of Defence 4 complaints.

• **Commission on Missing Babies**

During 2025, the Commissioner handled 45 requests submitted by the Commission for "Missing Babies" seeking approval for the processing of personal data. **In 34 cases, the Commissioner granted the Commission approval** to process personal data, while approval was denied in 11 cases.

• **Binding Corporate Rules**

During 2025, the Commissioner approved the request submitted by ACUMATICA d.o.o. Belgrade for the authorisation of Binding Corporate Rules.

Table No. 2 - Summary of the Commissioner’s activities and measures in the field of personal data protection in 2025

No.	Types of activities and measures	Total
1.	Cases received	5.310
2.	Cases completed	5.112
3.	Inspections completed	1.169
3.1	Corrective measures ordered	102
4.	Request for review of Administrative Court decisions	1
5	Lodged petitions to institute misdemeanour proceedings	3
6.	Processed checklists	1.966

7	Complaints	172
8.	Replies to legal action	18
9	Notices of personal data breaches	49
10.	Applications	632
11.	Request for approval of binding corporate rules	1
12.	Opinions	332
13.	Preliminary opinion (Article 55 of the LPDP)	7
14.	Records of requests to access retained data	104
15.	Processed records of personal data protection officers	521
16.	Processed decisions on appointment of representatives of foreign companies in accordance with the LPDP	22
17.	Consent issued to the Commission on Missing Babies	45
18.	Improvement of protection and prevention	69

III. Protection of rights before the Administrative Court and other courts

Judicial protection of free access to information in administrative proceedings before the Administrative Court is available as a means of reviewing the legality of the Commissioner's decisions and the decisions of the seven authorities that the complaints may not be lodged against with the Commissioner and which are exempted from protection before the Commissioner (the National Assembly, the President of the Republic of Serbia, the Government of the Republic of Serbia, the Supreme Court of Serbia, the Constitutional Court, the Prosecutor General, and the National Bank of Serbia).

A party dissatisfied with a decision has the right to file a complaint with the Administrative Court, same as the Prosecutor General, in cases a decision harms a public interest. Against the final decision of the Administrative Court, the party concerned and the Prosecutor General may file a petition with the Supreme Court to review a judicial decision, in cases where the Administrative Court ruled on a case with full jurisdiction.

According to the information available to the Commissioner, **in 2025, 4,464 lawsuits against the Commissioner in the area of free access to information were filed with the Administrative Court.**

In the course of 2025, the Administrative Court **resolved a total of 1.047 lawsuits** (of the resolved lawsuits, 149 were from 2025, while 898 were from the previous period). The lawsuits were resolved as follows: 75 legal actions were rejected, 657 were dismissed, 286 procedures were terminated and 26 legal actions were upheld (the Commissioner's ruling was overturned in 19 cases, and the case was returned for repeated procedure, and in 7 cases, the Commissioner was ordered to decide on the complaint) and 3 legal actions were resolved by other means.

According to the information available to the Commissioner, **during 2025, 22 lawsuits against the Commissioner in the field of personal data protection** were filed to the Administrative Court.

In 2025, the Administrative Court **concluded 30 lawsuits** (of concluded lawsuits, 2 are from 2025, while 28 concluded lawsuits are from the previous period), by rejecting 24 lawsuits as unfounded, while dismissing 6 lawsuit.

The party concerned and the competent Public Prosecutor may file a petition against a final decision of the Administrative Court (in administrative disputes concerning violations of the right

of access to information of public importance) with the **Supreme Court of Serbia to review a judicial decision, in cases where the Administrative Court ruled on a case with full jurisdiction, and in matters where an appeal was excluded in the administrative procedure** (e.g. against a decision of the Commissioner in proceedings in which the request for access to information was submitted directly to the Commissioner as the first-instance authority). In 2025, according to the letter from the Supreme Court⁶, **176 requests for review of Administrative Court decisions** were filed in cases where the Commissioner was the respondent, and none of these requests had been resolved.

In 2025, **the Constitutional Court**⁷ received 20 **constitutional appeals** against the Commissioner's decisions, and the Administrative Court, concerning the application of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection. During 2025, the Constitutional Court resolved 42 constitutional appeals lodged against the Commissioner's decisions and other acts, as well as against judgments of the Administrative Court and decisions and judgments of the Supreme Court.

During 2025, the Constitutional Court rendered three decisions dismissing constitutional appeals and one decision upholding a constitutional appeal, all of which had been lodged on the grounds of a violation of the right to a hearing within a reasonable time.

⁶ Letter of the Supreme Court Su II 17a 63/25 dated 19 January 2026

⁷ Letter of the Constitutional Court Su No. 80/1 dated 27 January 2026.

2. CURRENT STATUS AND IMPEDIMENTS TO EXERCISING THE RIGHT TO FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE AND THE RIGHT TO PERSONAL DATA PROTECTION

2.A. THE RIGHT TO FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE

2.A.1. Legal framework

Exercise and protection of the constitutionally guaranteed right to free access to information of public importance in Serbia are governed by the Law on Free Access to Information of Public Importance (LFAIPI). This Law has been amended and supplemented on a number of occasions, initially in 2007, when the requirements for the Commissioner's appointment were made more stringent, then in 2009, when its procedural and penal provisions were supplemented, and also in 2010, to determine competence for enforcement of the Commissioner's decisions. The most recent amendments to this Law were made in 2021, when major changes were introduced to address the existing issues in the implementation of the LFAIPI and the Commissioner's powers were significantly expanded. Namely, the Law amending the LFAIPI⁸ came into force on 16 November 2021 and became effective on 17 February 2022.

The new Law amending the LFAIPI of 2021, created normative conditions for eliminating some of the key issues in this field (unavailability of administrative enforcement for the Commissioner's decisions, inadequate liability of employees and responsible persons at public authorities for compliance with the obligations under the LFAIPI). Furthermore, arrangements have been adopted which will significantly improve the state of play in this field and ensure more effective exercise of right to free access to information (strong affirmation of the principle of proactive transparency, expansion of the scope of public authority bodies subject to the Law, increased powers of the Commissioner, opening of field offices of the Commissioner outside of Belgrade; offices have been opened in Novi Sad and Niš, and Kragujevac). It is particularly significant that the Commissioner received new powers with this law, i.e. the authority to issue a misdemeanour notice, when, in connection with a complaint against not processing the request (administrative silence), it is determined that the complaint is founded (Art. 24, paragraph 6, of the Law), as well as the authority to submit a petition to institute of misdemeanour proceedings for misdemeanours prescribed by the Law, when in the complaint procedure it is judged that there is a misdemeanour.

When it comes to international documents, the Commissioner once again points out that the Republic of Serbia in 2009 signed the Council of Europe Convention on Access to Official Documents ("Tromsø Convention") dated 18 June 2009, but that convention has still not been

⁸ "Official Gazette of the Republic of Serbia" No. 105 dated 8 November 2021.

ratified by the National Assembly, nor has the Government initiated the procedure for the ratification of that Convention by the National Assembly. The significance of that Convention, which entered into force on 1 December 2020, is that it represents the first general legally binding document of the Council of Europe pertaining to access to official documents, regardless of the fact that the LFAIPI itself in certain segments provides a higher level of rights than the minimum required by the Convention, and which the Convention itself allows.

2.A.2. About Exercising the Right to Know in 2025 and the Impediments

The right to free access to information of public importance has continually been exercised in the Republic of Serbia to a great extent. It is mainly exercised by private individuals, followed by citizens' associations, journalists and members of the media, public authorities themselves, political parties and their members, attorneys, economic operators and others. Requesters have faced greatest difficulties when attempting to access information on budget spending, information on procedures before public authorities, public procurements, and information on threats to and protection of the public health and environmental protection.

It can be generally concluded that the situation in the field of access to information in 2025 remained unchanged and largely similar to that in the previous year, meaning that there was neither any significant deterioration nor any substantial improvement.

The number of founded complaints decreased to some extent, from 47.65% in 2024 to 44.62% in 2025. However, this fact should be viewed in the light of the extensive abuse of rights, which continues to represent one of the greatest obstacles to the exercise of the public's right to know, as well as the fact that, in as many as 3,402 cases in 2025, the Commissioner rejected complaints on the grounds of protecting the public interest.

A modest improvement is reflected in the fact that, for the second consecutive year, the percentage of the Commissioner's decisions that remained unenforced has decreased (from 25.17% in 2023, to 22.02% in 2024, and further to 20.2% in 2025). This indicates that the 2021 amendments to the Law on Free Access to Information of Public Importance have provided a satisfactory solution by restoring the mechanisms for administrative enforcement of decisions and authorising the Commissioner to file requests for the initiation of misdemeanour proceedings in cases where the Commissioner's decisions are not enforced.

However, although there is an improvement compared to last year, the degree of the Commissioner's decisions that are not complied with (cases when public authorities do not provide information to requesters even after the Commissioner has ordered them to) is still high, however, when it comes to journalists' complaints, there is a higher percentage of the Commissioner's decisions that have not been enforced. Although the journalists use the LFAIPI as a basic tool in their professional activity, it is increasingly difficult for them to obtain information on the work of public authorities, which, among other things, is confirmed by the high percentage of decisions that are not complied with (**22.22%**) that the Commissioner has taken based on their complaints, ordering the authorities concerned to make the information available to them. The number of the Commissioner decisions taken upon processing the complaints by the journalists and the media representatives that are not complied with is higher than the general trend (**20.2%**) when it comes to other complainants. It is particularly concerning that journalists, who by the nature of their work write about and report on topics of exceptional public importance, have been denied access to very sensitive information such as environmental data, information on major projects, the management

of public funds and resources, co-financing of media projects, legalisation of illegally constructed buildings, and similar matters. Adding to this is the fact that as many as **43.37%** of journalists' complaints submitted to the Commissioner in 2025 were due to the "silence" of public authorities (72 complaints out of a total of 166 complaints filed by journalists). This clearly shows that journalists face significant difficulties in obtaining information and, in other words, struggle to exercise their right to access information of public importance without intervention by the Commissioner.

In 2025, the Commissioner continued to issue a significant number of misdemeanour orders to authorised and responsible persons within public authorities due to the authorities' failure to respond to requests for access to information of public importance. The Commissioner also filed a substantial number of requests for the initiation of misdemeanour proceedings; however, as many as 95.23% of all such requests were submitted because public authorities failed to comply with the Commissioner's decisions ordering the disclosure of information.

Certain improvements have been observed with regard to publishing information directories in the Single Information System of Information Directories, kept and maintained by the Commissioner, and submission to the Commissioner of annual reports on the actions undertaken to comply with the LFAIPI, albeit to an insufficient extent as well.

A significant deterioration in the field of access to information was observed in public enterprises, where both the number of well-founded complaints and the number of unenforced decisions increased considerably.

In essence, the overall state of play in the field of access to information is such that it may not be regarded as satisfactory to the required extent. At the same time, obtaining information from public authorities is still challenging, and even more so when these requests are made by the journalists, without lodging a complaint with the Commissioner or bringing legal action before the Administrative Court in situations where such complaints are not allowed.

Access to information is most commonly denied by claiming that the disclosure of the information would be a breach of someone's privacy (even when the persons concerned are public office holders and officials and the information concerns their work), often without proper reasoning or justification. Of particular concern is the fact that, more than twenty years after the adoption and implementation of the Law on Free Access to Information of Public Importance, there has been a significant increase in the number of complaints lodged against decisions in which public authorities unjustifiably denied access to the requested information by claiming that the requested information did not constitute information of public importance. This points to a profound misunderstanding of the concept of information of public importance, which is rather unusual after so many years of the Law being in force. Moreover, the Commissioner devotes significant resources to the systematic training of employees of all public authorities on the implementation of the Law on Free Access to Information of Public Importance. Therefore, this trend cannot be attributed to a lack of knowledge among those applying the Law; rather, it reflects an unfounded and unlawful reliance on Article 2 of the Law in situations where the requested information meets all the statutory criteria for being considered information of public importance. The proportion of cases in which authorities invoke data confidentiality, business secrets, or professional secrecy remains high, often without providing adequate justification as to why, in a specific case, the interest in protecting classified information, business secrets, or professional secrecy outweighs the public interest in the public's right to know.

It is also a matter of concern that public authorities, to a much greater extent than in the previous year, are failing to comply with their obligation under Article 26 of the Law on Free Access to Information of Public Importance to provide the Commissioner with the necessary information and documents. During 2025, in the course of deciding on complaints concerning violations of the right of access to information, the Commissioner exercised the authority conferred under Article 26 of the Law on Free Access to Information of Public Importance in 11 cases and requested that public authorities submit, for inspection, documents containing the information that was the subject of the complainant's request, in order to determine whether the information contained in those documents could be made available at the complainant's request. In 6 cases, the authorities provided the Commissioner with the requested files and documents for inspection, while in 5 cases they failed to do so.

What made the work of the Commissioner's Office particularly difficult and burdensome in 2025 was the big number of cases of abuse of the right to access information of public importance (situations in which lawyers find and hire collaborators to send requests for access to information of public importance and complaints solely for the purpose of collecting the costs of the procedure). However, the situation in this regard has slightly improved compared to the previous year, as the measures the Commissioner has taken and continues to take—including consistently insisting on appropriate amendments to the Law on Free Access to Information of Public Importance (LFAIPI); issuing decisions dismissing complaints filed by individuals clearly abusing the right to access information in order to protect the public interest; and numerous media appearances highlighting this problem to help resolve it—have yielded certain results, leading to a reduction in the number of complaints filed compared to the previous year. The Commissioner cannot resolve the existing problem independently and, in fact, at present the Commissioner is the only institution addressing this issue within the limits of its existing and insufficient capacities.

Of particular concern is the fact that a large number of subsequent requests, within the meaning of Article 19 of the Law on Administrative Disputes, were submitted, and a significant number of lawsuits were also filed with the Administrative Court, which further illustrates the scale of the abuse of rights.

Moreover, when writing this Report, it was established that, by applying the binding legal position of the Administrative Court, the Commissioner, as of 31 January 2026, had ordered first-instance authorities to pay a total amount of **RSD 83,863,350.00**⁹ in procedural costs related to complaint proceedings (equivalent to EUR 714,203.53, calculated according to the middle exchange rate of the euro established by the National Bank of Serbia, which on the date of writing this Report amounted to RSD 117.4222 per EUR 1).

To this should be added the fact that the Commissioner paid RSD 587,064.00 in 2023, RSD 3,156,627.00 in 2024, and RSD 9,925,519.30 in 2025 from the Commissioner's budget to cover the costs of administrative disputes, of which RSD 6,099,415.46 was collected through compulsory enforcement in 2025. The foregoing indicates that a total of **RSD 13,669,201.30** was paid from the Commissioner's budget over the past three years (equivalent to EUR 116,410.78, calculated according to the middle exchange rate of the euro established by the National Bank of Serbia, which, as of 24 February 2026, amounted to RSD 117.4222 per EUR 1).

⁹ Observed starting from the day the Commissioner became aware of the revised position of the Administrative Court on 3 November 2022.

Since February 2025, the competent state authorities have not undertaken any activities aimed at addressing the problem of the abuse of the right of access to information in an appropriate manner. The Draft Law Amending the Law on Free Access to Information of Public Importance, which the Government of the Republic of Serbia submitted to the National Assembly under document No. 05 No. 011-1155/2025 of 14 February 2025 and which was intended to address this problem, was withdrawn from the parliamentary procedure by Government document No. 05 No. 011-2063/2025 of 5 March 2025. Since then, no further action has been taken in this regard. The Commissioner expresses regret over the withdrawal of the aforementioned draft law from the parliamentary procedure and at the same time warns that the figures mentioned above will increase many times over, so tens and hundreds of millions of dinars will flow from the public budget into the "private pockets" of lawyers, who engaged with their associates to submit requests for access to information to first-instance authorities and they file complaints to the Commissioner solely for the purpose of collecting the costs of the procedure, and not for the purpose of exercising the right of public to know.

The year 2025 confirmed the conclusion drawn in the previous year regarding the undesirable consequences caused by the revised position of the Administrative Court, taken at the 105th Full Judicial Panel held on 21 June 2022, regarding the justifiability of reimbursement of legal representation expenses to information requesters represented by lawyers in the complaint procedure before the Commissioner¹⁰. This resulted in the fact that in 2025, as many as 63.05% of complaints were lodged through lawyers, compared to the previous 9.7% of complaints filed through lawyers annually, which was the average before the court's revised position. Expressed in figures, in 2025 the Commissioner received **8,802** complaints, while **12,302** complaints were carried over from the previous period in which proceedings had not been completed. This means that the Commissioner handled a total of **21,104** complaints during 2025—the highest number of active complaints in progress since the establishment of the Commissioner's Office. In the area of freedom of access to information, a total of **17,492** cases were received, which in addition to the transferred **16,510** cases from the previous year meant handling a total of **34,002** cases in the field of access to information. Although a record **16,602** cases in the area of freedom of access to information were resolved in 2025 (of which 9,817 were complaints), it was not possible to resolve all cases within the deadline prescribed in the law, despite the fact that the Commissioner streamlined the activities of his office and issued orders to employees in almost all sectors in the Office to assist the Complaints and Enforcement Sector in the area of access to information in the activity carried out in that sector.

The Commissioner once again warns that delaying the resolution of the issue of the systemic abuse of rights will hamper the functioning of the institution of the Commissioner and further jeopardise the exercise and protection not only of the right of access to information, but also of the right to personal data protection. Subsequently, this will make the work of the Administrative Court cumbersome, which is also in a very difficult situation due to the drastic increase in the number of lawsuits, which will ultimately result in a very difficult access to justice with all the consequences that this entails, including the position of the Republic of Serbia in the

¹⁰Namely, after more than 13 years, the Administrative Court changed its position, finding that the public authorities are obliged to reimburse the costs of representation by lawyers to the complainants, in the event that the Commissioner determines that the complaint is founded. See more about this in The Commissioner's Annual Report for 2022, under 2.A.3.1.

pre-accession negotiations for association with the European Union, especially regarding Chapter 23 (judiciary and fundamental rights).

Furthermore, it should be recalled once again that due to this problem now the access to the requested information is very difficult for the journalists, associations dealing with the protection of human rights, persons seeking information on the protection of public health and endangering the environment, as well as all citizens seeking information in accordance with the purpose and the essence of the law, and which is a direct consequence of the massive abuse of the right to access information, because the capacity of the Commissioner, as the protector of the right to access information, is still overwhelmed by handling the cases of persons who blatantly abuse the right to access information.

This year, the Commissioner will also take all measures within his powers to solve the problem of abuse of rights in a systemic way and will continue to insist on amending the LFAIPI for the purpose of finding systemic ways to prevent abuse of rights.

2.A.3. Basic Impediments to Exercising the Right to Access Information

The impediments to exercising the right to free access to information in 2025 included the following:

- 1) abuse of the right to access information,
- 2) the journalists' difficulty in exercising the right to access information,
- 3) the public enterprises' difficulty in exercising the right to access information, and
- 4) non-compliance with the Commissioner's decisions.

Unfortunately, for the third consecutive year the abuse of the right to access to information stands out as the main impediment to exercising this right, which has a direct impact on the proportions of the existence of the other three key hindrances (difficult exercise of the right to access information for journalists, difficult exercise of the right to access information in public enterprises, and non-compliance with the Commissioner's decisions), because the Commissioner also in 2025 had to focus a significant and the largest part of his capacities to solving the cases of persons who abuse the right to access information and file complaints solely with the aim of collecting the costs of the procedure, at the expense of solving journalistic complaints and undertaking measures and using the powers vested in him within his competence for the administrative enforcement of the decisions.

The essential impediments to exercising the right to free access to information is reflected in the following:

2.A.3.1. Abuse of the right to access information

Deletion of the legal concept of abuse of the rights from the LFAIPI ¹¹ and revising the long-standing position of the Administrative Court regarding the reimbursement of representation costs in the complaint procedure at the 105th Full Judicial Panel 21 June 2021 are the reasons that led to a massive abuse of the right to access information as we are seeing today, on which the Commissioner reported to the National Assembly and to the public in his annual report for 2022, 2023 and 2024, so that part will not be repeated in this report. Hence, in this report the consequences of these reasons for exercising the right to access information in 2025 will be presented.

Namely, in the Commissioner's Annual Report for 2023, under section [2.A.3.1.](#) a detailed explanation was given regarding the average number of newly received complaints and cases per year in the field of free access to information before the change of stance by the Administrative Court in June 2022. Namely, before that, the average number of complaints received by the Commissioner on an annual level by all complainants from the Republic of Serbia, was 3,627 complaints, while the total number of all cases received under freedom of access on an annual level averaged 5,244 cases.

The massive abuse of this right has led to the Commissioner having a total of **21,104 complaints** under review in 2025, which is the highest number of active complaints in progress since the establishment of the Commissioner's institution. The total number of cases in the field of free access to information amounted to **34,002**, which is also the highest number of active cases in progress in this area since the establishment of the Commissioner's institution. A record total of **16,602** cases were resolved in the field of free access to information (of which 9,817 were complaints). Better results could not have been achieved, despite the fact that the Commissioner streamlined the activities of his office and issued orders to employees in almost all sectors in the Office to assist the Complaints and Enforcement Sector in the area of access to information, in the activity carried out in that sector. This is because the problem must primarily be resolved at a systemic level, which primarily entails appropriate amendments to the Law on Free Access to Information of Public Importance.

As of 31 January 2026, the Commissioner had ordered first-instance authorities to pay a total amount of **RSD 83,863,350.00** in procedural costs related to complaint proceedings.

In this regard, it should be noted that expenditures from the Commissioner's budget for the costs of administrative disputes arising from the abuse of rights have increased progressively from year to year. Thus, the Commissioner paid RSD 587,064.00 from its budget to cover administrative dispute costs in 2023, RSD 3,156,627.00 in 2024, and **RSD 9,925,519.30** in 2025 (of which RSD 6,099,415.46 was collected through compulsory enforcement). Considering the number of unresolved cases before the Administrative Court in administrative disputes against the Commissioner, it is realistic to expect that the mentioned amount will multiply several times in 2026, which, if additional budgetary funds are not provided, could lead to the freezing of the Commissioner's accounts and consequently completely paralyse and jeopardise the work of this institution, which protects two important human rights guaranteed by the Constitution, namely the

¹¹ Law amending the LFAIPI ("Official Gazette of the Republic of Serbia" No. 105/21)

right to personal data protection (Article 42 of the Constitution) and the right to information (Article 51 of the Constitution).

The extent to which the change in the legal position adopted by the Administrative Court at the 105th session of all judges, held on 21 June 2022, concerning the reimbursement of costs incurred in complaint proceedings, contributed to a dramatic increase in the abuse of rights is best illustrated by the number of lawsuits filed with the Administrative Court against the Commissioner by information requesters. **Between 2010 and 2021**, parties to the proceedings **filed a total of 879 lawsuits** against the Commissioner with the Administrative Court, meaning that parties (i.e. complainants) filed **an average of 73.25 lawsuits** per year against the Commissioner. However, beginning in 2023, when the full effects of the change in the Administrative Court's legal position adopted in June 2022 became apparent, the number of lawsuits increased dramatically. Specifically, parties, i.e. complainants, filed **2,236 lawsuits in 2023**, followed by **7,764 lawsuits in 2024** and **4,436 lawsuits in 2025**. Accordingly, since parties, i.e. complainants, filed a total of 14,436 lawsuits against the Commissioner during the period **from 2023 to 2025**, this means that information requesters filed **an average of 4,812 lawsuits per year against the Commissioner** during that period. The comparison between the average annual number of lawsuits filed before the change in the Court's legal position—73.25 lawsuits—and the average annual number filed after the change—4,812 lawsuits—best illustrates the severe consequences of the Court's revised position. It demonstrates the extent to which this change has burdened not only the work of the Commissioner's Office but also that of the Administrative Court itself, led to significant financial consequences reflected in unnecessary costs and substantial unjustified expenditures from public funds, impeded the exercise of the right to free access to information of public importance as well as the right to personal data protection, and hindered access to justice and the courts.

Further cause for concern arises from certain recent decisions of the Administrative Court, which may increase the scale of the abuse of rights, as the Court has once again adopted differing positions regarding whether enforcement creditors in proceedings for the enforcement of the Commissioner's decisions are entitled to reimbursement of representation costs in cases where the Commissioner terminates the enforcement proceedings. In its judgments No. 28 U 55/22 of 26 January 2023 and No. I-8 U 18489/21 of 11 December 2024, the Administrative Court took the position that the claimant was not entitled to reimbursement of costs and dismissed the information requester's claim. However, in its decision in case No. 11 U 4029/24 of 6 November 2025, by which it upheld the claimant's action, the Court adopted a completely different position from that expressed in the aforementioned cases. It annulled the part of the Commissioner's decision rejecting, as unfounded, the enforcement creditor's claim for reimbursement of enforcement costs and remitted the case for reconsideration. Accordingly, by its letter No. 073-17-3182/2025-03 of 20 November 2025, addressed to the President of the Administrative Court, the Commissioner drew attention to this inconsistent case law and requested that the Court adopt a uniform position on this issue, highlighting all the consequences that such a position would have for the legal system of the Republic of Serbia.

In order to reduce the extent of the existing abuse within its jurisdiction, acting within the scope of its competences, the Commissioner, in 2025 as well, rejected complaints from complainants, i.e. information requesters, on the grounds of protecting the rights and legal interests of third parties, as well as protecting the public interest—the interest of the public to know in situations where it is undoubtedly established that the requests and complaints were submitted

exclusively in private interest, in order to collect the costs of the procedure. The Commissioner acted accordingly in **3,402** cases (3,281 decisions were issued, while 121 cases were consolidated for decision-making) For more details on this type of decision, see the Annual Report for 2023, under [2.A.3.1](#).

The Commissioner also reminds once again that, in addition to the enormous financial consequences of the abuse of the right to access information, there are also more serious non-material consequences for the realisation of rights, including, among others, the fact that in 2025 the Commissioner had to direct the majority of its resources towards resolving cases involving individuals who abuse this right. Considering that the Commissioner, like any public authority, is responsible for spending public money, it is his duty to mitigate as much as possible the material consequences of the abuse of the right to access to information and the costs, that is, the costs of the lost administrative dispute due to the so-called silence regarding the lodged complaints. The direct consequence of this is that the Commissioner cannot deal in a satisfactory manner with the problems of silence of the authorities regarding the requests of journalists for access to information and the non-compliance with the Commissioner's decisions, especially regarding complaints from journalists, as well as filing the petitions for institution of misdemeanour proceedings against the responsible persons in the public authorities who did not prepare and submit information directories and annual reports to the Commissioner, as well as taking appropriate measures, within the scope of its competences, against responsible persons in public enterprises.

For all mentioned reasons, the Commissioner appeals and warns that it is absolutely necessary to urgently amend the Law on Free Access to Information of Public Importance.

2.A.3.2. The journalists' difficulty in exercising the right to access information

The silence of public authority bodies with regard to requests for access to information is unacceptable and is a particularly serious form of violation of the citizens' rights to access information of public importance. Such behaviour is especially undesirable and impermissible when it comes to requests for access to information submitted by journalists, since by the nature of their profession they are *par excellence* representatives of the public, who seek information in the public interest in order to report on topics of special interest to the public. It is therefore particularly concerning that, in 2025, a large number of complaints were lodged by journalists due to the "silence" of public authorities, accounting for as much as 43.37% of the total number of complaints submitted by journalists.

Moreover, the same trend observed in previous years continued in 2025, namely that the percentage of unenforced decisions of the Commissioner issued in response to complaints lodged by journalists and media representatives (22.22%) remained higher than the overall rate of unenforced decisions (20.2%) recorded for other complainants. Not only is the percentage of the Commissioner's unenforced decisions on journalists' complaints higher compared to the general trend of unenforced decisions concerning other complainants, but this also carries particular additional weight because journalists—who by the nature of their work report on topics of exceptional public importance and act in the public interest—are also being denied, *inter alia*, environmental data, information about major projects, management of public funds and resources, co-financing of media projects, legalisation of illegally constructed buildings, and the like.

All of the foregoing indicates that in 2025, the right of journalists to access information was hindered.

2.A.3.3. Difficulties in Exercising the Right to Access Information in Public Enterprises

Among public authorities, the highest levels of non-compliance and breaches of the Law on Free Access to Information of Public Importance observed in 2025 (marking the second consecutive year) were found in public enterprises, both at the national and local levels. Moreover, in this category of public authorities, there has been a significant deterioration in compliance with the obligations prescribed by the Law on Free Access to Information of Public Importance compared to the previous year.

Of the 2,110 complaints received against public enterprises during 2025, as many as 1,201, or 56.9%, were lodged due to the so-called "administrative silence" of public authorities, compared to 49.86% in the previous year. It is also indicative that, in 2025, there was approximately one complaint filed for every 1.1 requests submitted to public enterprises.

Of the 2,480 complaints against public enterprises that were resolved in 2025 (including complaints carried over from previous years), 1,538, or 62%, were found to be well-founded, representing a dramatic increase compared to the previous year, when the proportion of well-founded complaints in this category was 47.5%.

What is particularly concerning is the attitude of public enterprises towards the Commissioner's binding, final, and enforceable decisions. Of the total 122 unenforced decisions of the Commissioner, as many as 72—or 59%—concern public enterprises (58 at the national level and 14 at the local level), which also indicates an exceptionally high degree of indiscipline and negligence in public enterprises regarding compliance with the obligations prescribed by the Law on Free Access to Information of Public Importance (the percentage of unenforced decisions in the previous year amounted to 52.5% of the total number of unenforced decisions).

Additionally, of the 502 misdemeanour notices issued in 2025, as many as 209 or 41.63% were issued to responsible persons in public enterprises (47 responsible persons in local-level public enterprises and 162 in national public enterprises). Furthermore, of the 21 requests filed to initiate misdemeanour proceedings in the same year, 14 were filed against responsible persons in public enterprises (2 concerning local-level public enterprises and 12 concerning national public enterprises).

2.A.3.4. Unenforced Decisions of the Commissioner

The Law on Amendments to the Law on Free Access to Information of Public Importance, which entered into force on 17 February 2022, unblocked the mechanisms for enforcing the Commissioner's decisions (for the background on the issue of unenforced decisions in cases where the request for access to information of public importance was submitted before 17 February 2022, see the Commissioner's Annual Report for 2017). It also created the conditions for addressing two key problems related to the enforcement of the Commissioner's decisions: determining the amount of fines and establishing the authority responsible for enforcing imposed monetary penalties. Fines will range between RSD 20,000 and RSD 100,000 and may be imposed multiple times. Imposed

finances will be enforced by a court, in accordance with the law governing execution and security. Proceeds from the fines constitute revenue for the national budget.

Nevertheless, considering that the largest part of the Commissioner's capacities also in 2025 was mobilized to solve the problems related to the abuse of rights, the percentage of the decisions not complied with is still high at 20.2%. This percentage is still better compared to 2024, when the percentage of decisions not complied with was 22.02%, which indicates that the new powers of the Commissioner, primarily the option of filing a petition for the institution of misdemeanour proceedings, have yielded the results. However, in order for the Commissioner to direct his capacities to the desired extent to the administrative enforcement of his decisions, it is necessary to urgently solve the problem of abuse of rights in a systemic way, primarily through the amendments to the Law on Free Access to Information of Public Importance.

In 2025, the Commissioner imposed one fine for the non-enforcement of one of its decisions, in accordance with the Law Amending and Supplementing the Law on Free Access to Information of Public Importance, in the amount of RSD 50,000, which was paid by the enforcement debtor, i.e. the first-instance authority.

2.A.4. Typical Cases of Inadequate Actions by Public Authorities in Response to Requests for Access to Information in 2025

1. Unfounded Invocation of Privacy and Personal Data Protection

Public authorities most frequently deny access to requested information on the grounds that providing such information would violate someone's privacy, often without adequate justification or evidence. The right to access information and the right to personal data protection are often in conflict, and careful balancing is required to determine which interest prevails in a given case—whether it is the public's right to know or the interest in protecting privacy and personal data rights. Public authorities most often automatically refuse access to information of public importance that also constitutes personal data, even though such information should be made available because it relates to the expenditure of public funds, the work of public office holders and officials, and not to their private lives, etc.

The following three cases can be used to illustrate this:

In the first case, the complainant requested information from the Public Utility Company "V.". L. L. requested information for specific years regarding the names and surnames of persons who had entered into employment during those years, whose employment had terminated on any grounds, as well as information on persons engaged under temporary and occasional service contracts, service contracts, and copyright agreements, including details of the remuneration paid during the relevant period on any basis. In response to the request in question, the public authority provided the complainant with a reply containing the requested information, but identified the employees concerned only by their initials. By its decision, the Commissioner ordered¹² the public authority to provide the complainant with all the requested information, including the names and surnames of employees and all other persons engaged under any legal basis, stating that the

¹² Decision number: 071-11-5556/2024-03 of 3 July 2024

conditions set out in Article 14, paragraph 1, item 2 of the Law on Free Access to Information of Public Importance for an exception to the right to privacy had been met. In its reasoning, the Commissioner explained that the requested information concerned persons employed by the Public Utility Company “V.”, L., L., and that these persons were remunerated with public funds rather than in relation to their private lives. The Commissioner further stated that the scope of privacy afforded to such persons is narrower than that enjoyed by so-called "ordinary citizens". Moreover, by withholding access to the names and surnames of the employees concerned, the public authority failed to provide the complainant with complete information, given that the other information disclosed could relate to any individual, whereas the complainant had specifically requested information concerning precisely identified persons by name and surname. This decision was complied with.

In the second case, by its decision¹³, the Commissioner ordered the first-instance authority to disclose to the information requester, *inter alia*, the names and surnames of the individuals engaged in the preparation of the Environmental Impact Assessment Study for the Jadar Project industrial waste landfill and the Environmental Impact Assessment Study for the Jadar Project – phased construction of the "Jadarite" mineral processing facility, in accordance with the regulations of the Republic of Serbia (Faculty of Mechanical Engineering and Faculty of Technology and Metallurgy). The Commissioner stated that there were several reasons why, in the specific case, the names and surnames of the individuals engaged in the preparation of these two environmental impact assessment studies should not be protected. First, the individuals concerned are employed or otherwise engaged by public authorities, namely the Faculty of Mechanical Engineering and the Faculty of Technology and Metallurgy of the University of Belgrade, and the scope of privacy afforded to all persons employed by public authorities is narrower than that afforded to so-called "ordinary citizens". Even if these individuals were employed in the private sector, there would still be a legitimate public interest in disclosing their names and surnames, given that they were engaged in the preparation of environmental impact assessment studies relating to the Jadar Project. There is always a public interest in access to information relating to the protection of, and threats to, the environment (Article 4 of the Law on Free Access to Information of Public Importance), particularly where the requested information concerns the professional qualifications and expertise of the individuals preparing an environmental impact assessment study, especially in the case of projects that may have a significant impact on the environment and its condition. Accordingly, the conditions for applying the exception to the right to privacy set out in Article 14, paragraph 1, item 2 of the Law on Free Access to Information of Public Importance have been met, given that the requested information relates to the work of persons employed by public authorities and to the performance of their duties within those authorities, for which they are remunerated from public funds, rather than to their private lives. This decision has been complied with.

In the third case, by its decision¹⁴, the Commissioner ordered the first-instance authority to disclose to the information requester information relating to the acquisition of ownership rights over a specifically identified immovable property by A.A., who is a minister in the Government of the Republic of Serbia and, therefore, a public official. Accordingly, in the specific case, the conditions set out in Article 14, paragraph 1, item 2, in conjunction with Article 8, paragraph 1 of

¹³ Decision number: 071-11-4856/2025-03 of 20 June 2025

¹⁴ Decision number: 071-11-11429/2024-03 of 15 November 2024

the Law on Free Access to Information of Public Importance for making the requested information available to the public were met, given that the scope of privacy afforded to public officials is narrower than that afforded to so-called "ordinary citizens". Consequently, there is a strong public interest in access to information relating to the acquisition of ownership rights over a specific immovable property by a public official who is legally required to submit reports on his or her assets and income to the Anti-Corruption Agency. Accordingly, the consent of the person to whom the information relates is not required, given that the conditions for applying the exception to the right to privacy under Article 14, paragraph 1 of the Law on Free Access to Information of Public Importance are not cumulative. This decision has been complied with.

2. Unfounded Invocation of Business Secrecy

In 2025, public authorities continued to rely to a significant extent on data secrecy, as well as on business or professional confidentiality, often without providing adequate reasoning as to why, in a specific case, the protection of classified information or business or professional secrets should prevail over the public's right to know. This significantly hampers access to information of public importance and unnecessarily delays the process of exercising this right. Authorities make a particularly large number of errors in applying the Law on Free Access to Information of Public Importance by invoking business secrecy as a reason for denying access to information, often without even providing an explanation as to why they believe access should be withheld. Such errors are made even in situations involving information that should be proactively disclosed.

The following case can be used to illustrate this.

By its decision¹⁵, the Commissioner annulled the decision of the Public Utility Company "___" in ___ and ordered the Public Utility Company "___" in Belgrade to inform A.A. from Belgrade, without delay and no later than seven days from the date of receipt of that decision, whether it possessed the requested information, namely the documents containing the list of authorised operators used by the Public Utility Company "___" for the transportation of recyclable materials, as well as all contracts or other relevant documents on the basis of which such operators transported recyclable materials, as of 14 July 2021, being the date on which the request was submitted, with appropriate protection of personal data. In that decision, the Commissioner pointed out that the first-instance authority had erred in denying the complainant access to the requested information in the contested act by invoking Article 9, paragraph 1, item 5 of the Law on Free Access to Information of Public Importance and the provisions of the Rulebook on Business Secrets of the Public Utility Company "___", arguing that the requested information constituted a business secret and that the request concerned an unreasonable volume of documentation. The first-instance authority, which bears the burden of proof, failed to provide evidence justifying the restriction of access to the requested information in the specific case. In particular, it failed to demonstrate how the disclosure of the requested information to the complainant could result in serious legal or other consequences for interests protected by law that would outweigh the interest in access to information. Furthermore, it failed to establish which specific adverse consequences would realistically arise from the disclosure of the information, nor did it demonstrate the existence of a causal link between the potential disclosure of the information and any harm to the protected public

¹⁵ Decision number: 071-01-3056/2021-03 of 2 December 2024

interest. The fact that the first-instance authority stated that the requested information constituted information designated as a business secret under the Rulebook on Business Secrets of the Public Utility Company "___" (registered under No. 20774 of 31 December 2020) is not, in itself, sufficient grounds for denying access to the requested information within the meaning of the Law on Free Access to Information of Public Importance. Rather, in accordance with Article 8 of the Law on Free Access to Information of Public Importance, the authority was required to demonstrate that restricting access was necessary in a democratic society for the protection of an interest that outweighs the public interest in disclosure. In the present case, it failed to do so. This decision was complied with.

3. Unjustified Denial of Access to Environmental Information

Access to environmental information is of paramount importance to the public, as such information is most directly and closely linked to human health. Its availability or unavailability may have a significant impact on the state of the environment, and without access to such information, meaningful public participation in decisions that directly or indirectly affect the environment is impossible. Moreover, Article 16, paragraph 2 of the Law on Free Access to Information of Public Importance prescribes a special deadline of 48 hours from receipt of the request for acting upon requests concerning information that may reasonably be presumed to be of importance for the protection of an individual's life or liberty, or for the protection against threats to, or the safeguarding of, public health and the environment (environmental information in the narrower sense). By prescribing such a privileged, short deadline for responding to these requests—deviating from the usual general deadline of 15 days—the legislator's intention is to oblige public authorities to promptly and efficiently provide citizens with necessary information in situations related to threats to or protection of public health or the environment. These situations can be characterised as extremely urgent and/or alarming, involving sudden and unforeseen hazards to public health or the environment, enabling citizens to make informed decisions regarding their health and to adjust their behaviour accordingly to the current situation. Unfortunately, first-instance authorities often fail to recognise such situations and fail to act on requests within the prescribed 48-hour deadline from the moment the request is received. Public authorities generally remain insufficiently aware of the importance of environmental information, regardless of whether such information is understood in the narrower or broader sense.

The following three cases can be used to illustrate this.

In the first case, by its decision¹⁶, the Commissioner, *inter alia*, ordered the Public Enterprise "___" in ___, to provide the journalist, without delay and no later than five days from the date of receipt of that decision, with the requested information, namely copies of all records concerning illegal construction and all criminal complaints filed in relation to illegal construction that were generated in the course of the enterprise's work during the period from 1 January 2020 to 10 October 2024 (the date on which the request was submitted). Prior to disclosing copies of the aforementioned documents, the public enterprise was instructed to protect and redact personal data contained therein, such as the names and surnames of all persons other than public officials, parents' names, personal identification numbers, addresses, places and countries of birth, identity

¹⁶ Decision number: 071-11-15161/2024-03 of 25 November 2024

card numbers, and other personal data. In that decision, the Commissioner pointed out that the request concerned information related to illegal construction within the territory managed by the public enterprise, which forms part of protected areas characterised by significant geological, biological, ecosystem and/or landscape diversity and recognised as important habitats for bird species and other migratory species protected under international regulations. Given that so-called "illegal construction" has for a considerable period been highlighted in the media as a pressing issue, as it undeniably poses a threat to nature and the environment, and considering that the construction of facilities without the permits required by law may also endanger the safety and lives of individuals, there is an enhanced public interest in access to the requested information. This decision has been complied with.

In the second case, by its decision¹⁷, the Commissioner ordered the City Administration of the City of ___ to act without delay upon the information request submitted by the requester, who had sought information relating to the demolition of Hotel "___" (the requested information included: Decision No. IX-20 351.91-2/2024 of 14 November 2024 issued by the Secretariat for Urban Planning and Construction Affairs; the approval granted by the Secretariat for Environmental Protection to the Waste Management Plan on the basis of which the decision authorising the removal (demolition) of Hotel "___" was issued; an extract from the relevant document demonstrating, pursuant to Article 4 of the Regulation on the Method and Procedure for Managing Construction and Demolition Waste, that the demolition contractor had examined and identified the materials present in and on the building, as well as the materials that would become hazardous waste during the demolition works; and, if the City Administration of the City of ___ did not possess the information referred to in items 2 and 3 of the request, an extract from the relevant regulation authorising the Secretariat for Urban Planning to issue a demolition permit in the absence of such documents). The Commissioner emphasised that the first-instance authority had been obliged to act upon the request within 48 hours of its receipt. In that decision, the Commissioner pointed out that, in situations where information is requested in relation to waste management—specifically, waste generated during the demolition of Hotel "___" in ___, and where there is an undisputed concern among citizens that such waste may contain hazardous substances, namely the "risk of exposure to asbestos and other carcinogenic and harmful particles in construction dust generated during the ongoing demolition of Hotel ", which the wind has been carrying for days towards densely populated areas of the city," as stated in the request, the public authority is obliged, pursuant to Article 16, paragraph 2 of the Law on Free Access to Information of Public Importance, to act upon the request within 48 hours of its receipt.

In the third case, by its decision¹⁸, the Commissioner annulled the decision of the Institute for ___ and ordered it, without delay, to provide the journalist with, inter alia, the requested information, namely a copy of the expert supervision report of the Institute for ___ dated 12 July 2017 concerning supervision carried out in the area of the ___ and ___ rivers. The Commissioner also ordered the Institute, within the same time limit, to inform the journalist whether it possessed the requested information, namely documents containing the following: a specific decision prescribing nature protection conditions for the purpose of issuing location conditions for the construction of the ___ small hydropower plant, indicating the official responsible for processing

¹⁷ Decision number: 071-11-16568/2024-03 of 9 December 2024

¹⁸ Decision number: 071-11-206/2025-03 of 21 March 2025

the case; a specific decision prescribing nature protection conditions relating to the ____ small hydropower plant, indicating the official responsible for processing the case; and a specific decision prescribing nature protection conditions relating to the ____ small hydropower plant, indicating the official responsible for processing the case. The decision pointed out that the report prepared pursuant to Article 102, paragraph 1, item 8 of the Law on Nature Protection constituted a report produced in the course of expert supervision of a protected natural area (the Nature Park "____"), containing proposed measures in relation to the possibility of constructing small hydropower plants on the ____ and ____ rivers. Accordingly, the information contained in the requested report constitutes, *par excellence*, information of public importance and, pursuant to Article 115 of the Law on Nature Protection, should be made available to the public. Moreover, the requested information relates to the manner in which public authorities perform the duties falling within their competence, and the public therefore has a legitimate interest in knowing whether those authorities comply with the law in the exercise of their statutory powers. This decision has not been complied with.

2.B. THE RIGHT TO PERSONAL DATA PROTECTION

2.B.1. Legal framework

2.B.1.1. International Legal Framework

- **European Union**

1. Charter of Fundamental Rights of the European Union – Respect for private life and protection of personal data are guaranteed by Articles 7 and 8, of the Charter. The Charter is incorporated in the Lisbon Treaty and is binding on EU institutions and bodies and the Member States.

2. General Data Protection Regulation (GDPR) – Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC¹⁹ is a key document in this field that has been directly applicable in the EU Member States since May 2018.

3. “Law Enforcement Directive”– Directive (EU) 2016/680 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, detection, investigation, or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977, took effect in May 2018. The “Law Enforcement Directive” protects personal data of victims, witnesses, and suspects in criminal trials and facilitates cross-border cooperation in the fight against crime and terrorism.

Acquis communautaire in the field of personal data protection includes also other regulations, as well as judgments of the Court of Justice of the European Union and decisions of the European Data Protection Board²⁰. A strong impetus to further improvement of relevant protection of personal data is provided by the European Data Protection Supervisor²¹, as well as dedicated data protection units and high officials at Europol and Eurojust.

¹⁹ www.poverenik.rs/sr/međunarodni-dokumenti6/međunarodni-dokumenti-arhiva/3447-direktiva-95-46-ez.html

²⁰ The European Data Protection Board, formerly Article 29 Working Party, has the status of an EU body. It is comprised of representatives of national data protection bodies and the European Data Protection Supervisor. The EDPB has broad decision-making powers in disputes between national data protection bodies and provides advice and guidance on the key concepts of the GDPR and the Law Enforcement Directive.

²¹ The European Data Protection Supervisor is an independent supervisory body which guarantees compliance of EU institutions and bodies with their data protection obligations. The main duties of the EDPS include supervision, counselling and cooperation.

Serbia's willingness to embark on the path of European integration, especially after 1 September 2013, the effective date of the Stabilization and Association Agreement²² between the European Communities and their Member States of the one part, and the Republic of Serbia, of the other part, commits the country to harmonize its personal data protection legislation with *acquis communautaire* and other European and international privacy regulations (Article 81 of the SAA). In terms of international law, harmonisation of national personal data legislation with *acquis communautaire* is Serbia's international law commitment under the Stabilization and Association Agreement.

- **Council of Europe**

1. **European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**²³ – Article 8 guarantees the right to privacy;
2. **Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108)**²⁴ – the first legally binding international document in the field of personal data protection.
3. **Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**²⁵;
4. **Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108+)**²⁶;

2.B.1.2. National Legal Framework

The legal framework for personal data protection in the Republic of Serbia is comprised of the following legislation:

1. **Constitution of the Republic of Serbia** – The provisions of Article 42 guarantee the right to personal data protection²⁷;
2. **Law on Ratification of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**²⁸;

²²Law on Ratification of the Stabilisation and Association Agreement between the European Communities and their Member States of the one part, and the Republic of Serbia, of the other part ("Official Gazette of the Republic of Serbia - International Treaties" No. 83/2008).

²³ The ECHR came into force on 3 September 1953 and has 47 parties. The Republic of Serbia became a party on 3 March 2004

²⁴ The Convention 108 came into force on 1 October 1985 and has 55 parties. The Republic of Serbia became a party on 1 January 2006

²⁵ The Additional Protocol came into force on 1 July 2004 and has 44 parties. The Republic of Serbia became a party to the Additional Protocol on 8 December 2008

²⁶"Official Gazette of the Republic of Serbia - International Treaties", No. 4/2020

²⁷ Constitution of the Republic of Serbia, Article 42 - Protection of personal data shall be guaranteed. Collecting, keeping, processing and using of personal data shall be regulated by the law. Use of personal data for any purpose other than the one they were collected for shall be prohibited and punishable in accordance with the law, unless this is necessary to conduct criminal proceedings or protect safety of the Republic of Serbia, in a manner stipulated by the law. Everyone shall have the right to be informed about personal data collected about him, in accordance with the law, and the right to court protection in case of their abuse.

- 3. Law on Ratification of the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data²⁹;**
- 4. Law on Ratification of the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data³⁰;**
- 5. Law on Personal Data Protection – LPDP.**

The LPDP is the key piece of legislation in the field of personal data protection. It was enacted in November 2018, but its effectiveness was delayed by nine months, until 22 August 2019.

In accordance with the need to complete the national legal framework, the Commissioner passed certain secondary legislation³¹ on the basis of his obligations and power under the LPDP to regulate the field of personal data protection in more detail, including:

1. Bylaw on the Form and Manner of Keeping Records of Personal Data Protection Officers³²;
2. Bylaw on the Form and Manner of Keeping Internal Records of Breaches of the Law on Personal Data Protection and Measures undertaken in the Course of Inspections³³;
3. Bylaw on the Form of Notice of Personal Data Breach and Notifying the Commissioner for Information of Public Importance and Personal Data Protection of Personal Data Breaches³⁴;
4. Bylaw on the Form of the Complaint³⁵;
5. Decision on the List of Types of Personal Data Processing Activities that require a Data Protection Impact Assessment and an Opinion of the Commissioner for Information of Public Importance and Personal Data Protection³⁶;
6. Bylaw on the Form of the Official Identity Document of Persons Authorized to conduct Inspections under the Law on Personal Data Protection³⁷;
7. Decision on Endorsement of Standard Contractual Clauses³⁸.

In addition to the secondary legislation passed by the Commissioner, there is one piece of secondary legislation passed and published by the Government:

1. Decision on the List of Countries, Parts of Their Territory or One or More Sectors within Specific Industries in Those Countries and International Organizations which are considered to provide an Adequate Level of Personal Data Protection.³⁹

²⁹“Official Gazette of the Republic of Serbia - International Treaties”, No. 98/2008

³⁰ Official Gazette of the Republic of Serbia - International Treaties”, No. 4/2020

³¹ All secondary legislation has been published in the Official Gazette of the Republic of Serbia and posted on the Commissioner’s website https://www.poverenik.rs/sr/podzakonski-akti4.html?utm_source=chatgpt.com

³² “Official Gazette of the Republic of Serbia” No. 40/2019

³³ “Official Gazette of the Republic of Serbia” No. 40/2019

³⁴ “Official Gazette of the Republic of Serbia” No. 40/2019

³⁵ “Official Gazette of the Republic of Serbia” No. 40/2019

³⁶ “Official Gazette of the Republic of Serbia” No. 55/2019

³⁷ “Official Gazette of the Republic of Serbia” No. 61/2019

³⁸ “Official Gazette of the Republic of Serbia” No. 5/2020

2.B.2. Main Impediments to Exercising the Right to Personal Data Protection

2.B.2.1. Deficiencies of the LPDP

The LPDP provides improved protection for the right to personal data protection and increases the scope of obligations and responsibilities for those who process data. Nevertheless, the main impediments to exercising the right to personal data protection are the numerous deficiencies of the LPDP, including in particular vague provisions and translated mechanisms which do not exist in the national legal system, which means its applicability remains questionable. The wording of the LPDP is largely an adapted translation of the GDPR (although the Recitals, as an integral part of the GDPR which provides the necessary background for interpreting the regulation, are not included in the LPDP), as well as the so-called Law Enforcement Directive, which governs personal data processing by the competent authorities in connection with criminal proceedings and threats to national safety. As a result of inadequate transposition of the Law Enforcement Directive, the LPDP establishes two parallel data protection regimes: a general one and a special regime, the latter being applicable to “competent authorities”.

The LPDP does not properly elaborate the procedural provisions governing the Commissioner’s processing of complaints. The LPDP includes a provision under which the data subject has the right to file a complaint with the Commissioner, which does not affect the data subject’s right to apply for other administrative or judicial remedies. And since the authorities before which such procedures may be conducted (the Commissioner, the Administrative Court, higher courts) have no obligation to notify one another or check whether such procedure is pending before another authority, this gives rise to the issue of compliance with the principle “*ne bis in idem*” (no double prosecution or punishment). This means that any procedure where multiple remedies are applied to protect data subjects’ rights threaten to undermine legal certainty.

Considering that many issues are not regulated at all or are not properly regulated in the LPDP and certain provisions are not specific enough, that certain articles include an unacceptably high number of paragraphs, and that cases of exemption from application of the LPDP are extremely numerous, its effective application is certainly hampered, and it is therefore necessary to amend it.

2.B.2.2. Lack of Harmonization of Other Laws with the LPDP

The obligation imposed by Article 100, of the LPDP, under which the provisions of other laws pertaining to personal data processing were to be harmonized with the provisions of the LPDP by the end of 2020, has not yet been fulfilled.

Since the LPDP regulates the subject matter of data protection far more comprehensively than the previously applicable regime, including by prescribing the quality and content of the provisions of other regulations, and many regulations had been passed before the effective date of the LPDP, while in certain cases the Commissioner’s opinions on draft laws have not been incorporated in the final provisions of the enacted laws, it is necessary to either amend the relevant regulations or consider passing new ones.

2.B.3. Illustrative Cases Re the Right to Personal Data Protection

2.B.3.1. Illustrative Cases of Preventive Action by the Commissioner

1. The Commissioner received a request for an opinion concerning a situation in which an individual had requested that his or her medical history and personal data be erased from the system of a specific private healthcare institution. After receiving a response from that institution stating that such erasure was not possible, the individual sought clarification from the Commissioner as to whether those claims were accurate and, if so, which specific data the institution was entitled to retain, for how long, and on what legal basis and pursuant to which provisions of the law.

The reply given by the Commissioner to the requester states the following:

In this regard, it should first be noted that the Law on Personal Data Protection (Official Gazette of the Republic of Serbia, No. 87/2018), the implementation of which falls within the competence of the Commissioner, regulates in a comprehensive manner the principles governing the processing of personal data, as well as other general rules and specific obligations applicable to controllers and other entities. At the same time, the processing of personal data in particular sectors or activities is governed by special legislation, the implementation and supervision of which fall within the competence of other authorities

In this regard, it should be borne in mind that the processing of personal data in the healthcare sector, including issues relating to access to medical records, their collection and disclosure, patients' rights to confidentiality of information, and related matters, is governed by specific sectoral legislation, such as the Law on Healthcare, the Law on Patients' Rights, and the Law on Healthcare Documentation and Records in the Field of Healthcare. Among other matters, the latter law also establishes the retention periods during which healthcare institutions, including private medical practices, are required to retain medical documentation and prescribed records.

Responsibility for overseeing the implementation of the aforementioned legislation does not fall within the competence of the Commissioner, but rather within that of the Ministry of Health. Accordingly, you may contact the Ministry to obtain an opinion regarding the application of the relevant regulations in the circumstances described.

From the perspective of the Commissioner's competence in the field of personal data protection, we would like to provide the following general observations.

The Law on Personal Data Protection establishes certain rights of data subjects whose personal data are being processed, including the right of access to personal data, the right to rectification and completion, the right to erasure of personal data, and other related rights. These rights are exercised in the manner and according to the procedures prescribed by the aforementioned law. In practical terms, this means that if an individual wishes to exercise any of the aforementioned rights under the Law on Personal Data Protection, he or she must submit the relevant request directly to the controller, that is, the entity processing his or her personal data in the specific case, including the storage of such data. Upon receipt of the request, the controller is required to assess it in light of the circumstances of the particular case and, in particular, the provisions of any special legislation governing the relevant processing of personal data, and to decide on the request accordingly. In situations where the controller fails to act upon a submitted

request, or where, after receiving the requested information, the individual considers that the processing of his or her personal data is being carried out contrary to the provisions of the Law on Personal Data Protection, that individual has the right, pursuant to Article 82 of the Law, to lodge a complaint with the Commissioner. In addition, the individual may seek appropriate judicial protection by filing a lawsuit with the competent Higher Court, in accordance with Article 84 of the Law.

In addition to the foregoing, it should be borne in mind that the rights of data subjects established under the Law on Personal Data Protection are not absolute rights and may, by way of exception, be restricted in the cases prescribed by Article 40 of the Law.

Furthermore, the right of access to personal data (Article 26 of the Law) means that the data subject has the right to obtain from the controller confirmation as to whether or not his or her personal data are being processed, access to those data, and information concerning the purposes of the processing, the categories of personal data being processed, the recipients of the data, the retention period, and the existence of the right to request from the controller the rectification or erasure of personal data, among other information.

As regards the right to erasure of personal data, this right is governed by Article 30, paragraph 1 of the Law, pursuant to which the data subject has the right to request that the controller erase his or her personal data. Furthermore, paragraph 2 of the same article prescribes the circumstances in which the controller is obliged to erase such data, including, for example, where the personal data are no longer necessary for the purposes for which they were processed, where the data subject has withdrawn consent, and in other cases provided for by law.

However, as already noted, these rights, including the right to erasure, are not absolute. Consequently, a controller is not always obliged to erase personal data, even where one of the grounds set out in Article 30, paragraph 2 of the Law applies, if any of the exceptions prescribed in Article 30, paragraph 5 of the Law are present. This includes, for example, situations where processing is necessary and to the extent necessary for compliance with a legal obligation to which the controller is subject and which requires the processing of personal data, for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, or for reasons of public interest in the area of public health, in accordance with Article 17, paragraph 2, items 8 and 9 of the Law, as well as in other cases prescribed by law.

Accordingly, where a healthcare institution, acting as a controller, processes personal data in accordance with specific legislation that establishes a legal obligation to process certain categories of personal data, including the obligation to retain such data for legally prescribed periods, the controller will not be required to erase those personal data.

Please note that this opinion is of a general nature. In view of the Commissioner's statutory competences, the Commissioner may adopt a position on specific cases of personal data processing only within the framework of proceedings conducted pursuant to its legal powers, such as complaint procedures initiated by data subjects, inspections, and other relevant proceedings, and solely on the basis of all facts and circumstances established in the course of such proceedings.

Furthermore, this opinion does not extend to matters regulated by other legislation whose implementation does not fall within the competence of the Commissioner, including the manner and procedure for exercising specific rights under such legislation (for example, the Law on Patients' Rights and related regulations).

2. The Commissioner received a request for an opinion concerning an application currently being developed by the applicant for use by speech therapists and parents. The applicant stated that the application would involve the processing of users' personal data, including personal data relating to children. In this regard, the following questions were raised: "Is it necessary to obtain explicit consent from a parent or legal guardian for the processing of personal data relating to children under the age of 15, and what is the most appropriate way to document such consent?" "What security measures are recommended for the storage and processing of sensitive data, particularly in the context of an application that stores data relating to children, information concerning their speech therapy treatments, and potentially additional data regarding existing medical conditions or developmental difficulties?" "How should a personal data breach be handled, and within what time limits must the Commissioner and the users concerned be notified?" "If the services of providers located outside the Republic of Serbia are used, what obligations apply in relation to the international transfer of personal data?"

The reply given by the Commissioner to the requester states the following:

In this regard, we would first point out that, pursuant to its statutory powers under Articles 77 to 79 of the Law on Personal Data Protection (Official Gazette of the Republic of Serbia, No. 87/18; hereinafter: the Law), the Commissioner is not authorised to provide controllers with instructions on how to act in specific cases, as doing so could prejudice the Commissioner's decision in the event of any future proceedings falling within its competence. Accordingly, the Commissioner may adopt a position regarding a particular instance of personal data processing only within the framework of a specific procedure—such as an inspection, a complaint procedure initiated by a data subject, or another relevant proceeding—and solely on the basis of all relevant facts and circumstances established in the course of that procedure.

Accordingly, in response to your questions, and from the perspective of personal data protection, we would like to provide the following general guidance on some of the most important aspects of personal data processing that should be taken into consideration.

Namely, pursuant to the Law on Personal Data Protection, the lawful processing of personal data is subject to the fulfilment of certain requirements. This means that controllers must first take into account the specific legislation governing the relevant sector (for example, healthcare, education, or social welfare), and must primarily determine whether the processing they intend to carry out would be compliant with such legislation. In the case you describe, particular consideration should be given to the regulations governing the provision of speech and language therapy services, taking into account both the legal obligations of service providers and the rights of the users of those services.

Furthermore, it is essential that the purpose of the processing of personal data be specifically defined, explicit, legitimate, and lawful, and that the processing itself be necessary, that is, genuinely required for the achievement of that purpose. Furthermore, the processing must be based on an appropriate legal basis within the meaning of Article 12 of the Law. The scope and categories of personal data being processed must be adequate, relevant, and limited to what is necessary in relation to the purpose of the processing, in accordance with the principle of data

minimisation and with due regard for the other processing principles set out in Article 5 of the Law, including the principle of transparency. It should also be borne in mind that the processing of special categories of personal data (for example, data concerning health) is subject to a more restrictive regime. Such data may be processed only where one of the specific exceptions prescribed by law, under which the processing of these categories of data is permitted, applies.

Consent to processing is one of the six possible legal bases for the processing of personal data. Article 4, paragraph 1, item 12 of the Law defines consent as any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, through a statement or a clear affirmative action, signifies agreement to the processing of personal data relating to him or her. Consent must involve an active step taken by a specific natural person through which that person clearly and unambiguously expresses his or her intention, that is, provides consent to the processing of personal data relating to him or her. Such consent may be given only after the controller has informed the data subject of all material aspects of the intended processing, in accordance with the principle of transparency set out in Article 5 of the Law.

Furthermore, Article 15 of the Law prescribes specific conditions that must be fulfilled in order for processing based on consent to be considered lawful. These conditions include, among others, the requirement that the controller must be able to demonstrate that the data subject has consented to the processing of his or her personal data. Where consent is given within the context of a written declaration that also concerns other matters, the request for consent must be presented in a manner that is clearly distinguishable from those other matters, in an intelligible and easily accessible form, using clear and plain language. In addition, prior to giving consent, the data subject must be informed of the right to withdraw consent and of the consequences of such withdrawal. The withdrawal of consent must be as simple as giving consent. When assessing whether consent has been freely given, particular consideration must be given to whether the performance of a contract, including the provision of a service, is made conditional upon the giving of consent to processing that is not necessary for the performance of that contract, as provided for in Article 15, paragraph 4 of the Law.

As already noted, the processing of special categories of personal data, which include data concerning health, is subject to a restrictive regime. This means that the processing of such data is, as a general rule, prohibited (Article 17, paragraph 1 of the Law) and is permitted only by way of exception, in the cases exhaustively listed in Article 17, paragraph 2, items 1 to 10. These exceptions include, among others, situations where the data subject has given explicit consent to the processing of such data for one or more specified purposes, unless the law provides that the processing may not be based on consent.

Accordingly, where a controller intends to rely on consent as the legal basis for processing special categories of personal data, such consent must be explicit. This, *inter alia*, requires that the data subject express his or her intention, that is, consent to the processing, in an appropriate and unequivocal manner. One possible way of obtaining and demonstrating the data subject's explicit consent would be through the express confirmation of such consent in a written statement. However, a written statement is not necessarily the only possible means of obtaining explicit consent. Depending on the facts and circumstances of each individual case, it must be assessed whether the consent provided by the data subject constitutes a valid, effective, and lawful legal basis for the processing. The data subject must also be adequately informed of all relevant aspects of the processing of personal data in an intelligible and easily accessible manner, using clear and plain language, particularly where the information is intended for a minor.

Pursuant to the principle of accountability set out in Article 5, paragraph 2 of the Law, the burden of proof always rests with the controller, who must be able to demonstrate and provide evidence that the processing activities carried out are compliant with the Law, including proof that the processing is based on valid consent where consent serves as the legal basis.

Article 16 of the Law provides that a child under the age of 15 may not independently give consent to a controller for the processing of personal data relating to him or her in connection with the use of an information society service. Such consent must instead be given by the parent exercising parental responsibility or by another legal representative of the child. The controller is required to take reasonable measures, taking into account available technologies, to verify whether the consent has in fact been given by the parent exercising parental responsibility or by another legal representative of the minor.

Furthermore, pursuant to the obligation set out in Article 41 of the Law, the controller is required to implement appropriate technical, organisational, and personnel measures to ensure and to be able to demonstrate that processing is carried out in accordance with the Law, taking into account the nature, scope, context, and purposes of the processing, as well as the likelihood and severity of the risks to the rights and freedoms of natural persons. Personal data protection measures shall be reviewed and updated if necessary, and, where proportionate to the data processing, such measures shall include the implementation of appropriate internal acts of the controller regarding personal data protection.

At the stage of determining the method of processing, as well as during the processing itself, the controller is obliged to implement appropriate technical, organisational and human resources measures (e.g. pseudonymisation), aimed at ensuring the effective application of the principles of personal data protection (e.g. data minimisation), and is also obliged to ensure the implementation of necessary protection mechanisms during the processing, in order to meet the conditions for processing prescribed by this Law and to protect the rights and freedoms of the data subjects.

Appropriate personal data protection measures must be implemented at the earliest stage—the stage of planning, integration, and establishment of a given system—that is, at the point when the means and method of processing are being determined. However, adequate protection must also be ensured continuously—throughout the entire duration of the personal data processing. The effectiveness of a given data protection measure must be monitored and reviewed throughout the entire lifecycle of the system.

The Law prescribes what personal data protection measures may include; such measures may, in particular, encompass the following: 1) pseudonymisation and encryption of personal data; 2) the ability to ensure ongoing confidentiality, integrity, availability, and resilience of processing systems and services; 3) the ability to restore the availability of and access to personal data in a timely manner in the event of physical or technical incidents; 4) a process for regularly testing, assessing, and evaluating the effectiveness of technical, organisational, and personnel-related measures for ensuring the security of processing.

When assessing the appropriate level of security for personal data, controllers are required to take into particular account the risks related to the processing, especially the risks of accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed (Article 50, paragraph 3). Where the processing involves personal data relating to vulnerable categories of individuals (such as children, minors, or patients) and/or special categories of personal data (for example, data concerning health), such

processing, by its very nature, entails a higher level of risk to the rights and freedoms of data subjects. Consequently, additional care must be taken when determining and implementing appropriate data protection measures in order to ensure an adequate level of security for the processing activities concerned.

The notification of the Commissioner and of data subjects regarding a personal data breach is governed by Articles 52 and 53 of the Law, which prescribe the time limits within which such notifications must be made, including the obligation to notify the Commissioner without undue delay and, where feasible, no later than 72 hours after becoming aware of the breach, as well as other relevant obligations in this regard.

We would also note that where multiple entities participate in a particular processing activity, it is necessary to determine their respective roles in relation to that processing (for example, controller, joint controllers, or processor). Depending on those roles, their mutual rights and obligations must be regulated appropriately, such as through a data processing agreement concluded with the processor. In this regard, where personal data are transferred to other countries or to international organisations, the conditions governing such transfers, as set out in Articles 63 to 72 of the Law, must also be satisfied. It should be borne in mind that, for any transfer of personal data, all other applicable requirements must also be fulfilled, including the existence of an appropriate legal basis and a clearly defined purpose for the processing, compliance with the principles of transparency and data minimisation, adherence to the other processing principles, and the fulfilment of all relevant obligations prescribed by the Law. Compliance with these requirements must always be assessed in light of the specific facts and circumstances of each individual case.

We would also draw attention to the obligation imposed on controllers who intend to undertake processing operations that are likely to result in a high risk to the rights and freedoms of natural persons, particularly where new technologies are used and taking into account the nature, scope, context, and purposes of the processing. In such cases, controllers are required to carry out, prior to commencing the intended processing, an assessment of the impact of the envisaged processing operations on the protection of personal data. The cases in which such an assessment is mandatory are prescribed by Article 54 of the Law and by the Decision on the List of Types of Personal Data Processing Operations for Which a Data Protection Impact Assessment Must Be Conducted and the Opinion of the Commissioner Obtained (Official Gazette of the Republic of Serbia, Nos. 45/2019 and 112/20).

3. The Commissioner received a request for an opinion regarding whether a document entitled "Data Protection Policy", adopted at the group level and applied by the Serbian entity "to the extent that it is not contrary to the provisions of the domestic Law on Personal Data Protection", could be regarded as a "code of conduct" that could, as such, be approved by the Commissioner from the perspective of the domestic Law on Personal Data Protection, as well as what steps would need to be taken in order to "complete that procedure".

The reply given by the Commissioner to the requester states the following:

The document you submitted as an attachment cannot, as you suggest, be regarded as a code of conduct within the meaning of Article 59 of the Law on Personal Data Protection (Official Gazette of the Republic of Serbia, No. 87/2018).

We take this opportunity to provide further clarification regarding the concept of a code of conduct. First and foremost, we would point out that, pursuant to Article 59, paragraph 1 of the Law, codes of conduct may be prepared by associations and other bodies representing categories of controllers or processors, with the aim of facilitating the effective application of the Law, particularly with regard to matters relating to:

- 1) fair and transparent processing;
- 2) the legitimate interests of controllers, taking into account the circumstances of specific cases;
- 3) the collection of personal data;
- 4) the pseudonymisation of personal data;
- 5) the information provided to the public and to data subjects;
- 6) the exercise of the rights of data subjects;
- 7) the information provided to minors, their protection, and the methods used to obtain the consent of the parent exercising parental responsibility;
- 8) the measures and procedures referred to in Articles 41 and 42 of this Law, as well as the measures aimed at ensuring the security of processing referred to in Article 50 of this Law;
- 9) the notification of the Commissioner regarding personal data breaches, as well as the communication of such breaches to data subjects;
- 10) the transfer of personal data to other countries or international organisations;
- 11) methods for the amicable resolution of disputes between controllers and data subjects, without prejudice to the exercise of the rights of data subjects under Articles 82 and 84 of this Law.

A code of conduct constitutes a voluntary self-regulatory mechanism for controllers and processors. Accordingly, the Law provides for its adoption as an option rather than as a mandatory obligation. However, where controllers choose to develop a code of conduct, it should be borne in mind that, pursuant to Article 59, paragraph 3 of the Law, the code must contain provisions enabling the body referred to in Article 60, paragraph 1 of the Law to monitor compliance with the code by controllers or processors that have committed themselves to applying it. This is without prejudice to the inspection and other powers of the Commissioner under Articles 77 to 79 of the Law.

Furthermore, Article 59, paragraphs 4 and 5 of the Law provide that associations and other bodies referred to in paragraph 1 of that Article that intend to develop a code of conduct or amend an existing code are required to submit the draft code or proposed amendments to the Commissioner for an opinion. The Commissioner shall issue an opinion on whether the proposed code of conduct or its amendments comply with the provisions of the Law. If the Commissioner determines that the proposed code contains sufficient safeguards for the protection of personal data, the code of conduct or its amendments shall be registered and published on the Commissioner's official website.

Pursuant to Article 60, paragraph 1 of the Law, compliance with a code of conduct may be monitored by a legal entity accredited to perform such monitoring in accordance with the law governing accreditation. Furthermore, paragraph 3 of the same Article provides that such a legal entity may be accredited only if it:

- 1) has demonstrated to the Commissioner its independence and expertise in relation to the subject matter of the code;

2) has established procedures for assessing the ability of controllers and processors to apply the code of conduct, monitoring compliance with the code by controllers or processors, and periodically reviewing its effectiveness;

3) has established procedures and a body responsible for deciding on complaints concerning breaches of the code of conduct or the manner in which it is applied by controllers or processors, and has ensured the transparency of such procedures and body vis-à-vis the public and data subjects;

4) has demonstrated to the Commissioner that no conflict of interest may arise in the exercise of its functions.

Article 60, paragraph 8 of the Law stipulates that paragraphs 1 to 7 of the same Article shall not apply to public authorities or to processing carried out by competent authorities for specific purposes.

It follows from the above-cited provisions of the Law, *inter alia*, that one of the conditions that must necessarily be fulfilled for the Commissioner to approve a proposed code of conduct prepared by the entities referred to in Article 59, paragraph 1 of the Law is that the proposed code contains provisions concerning an accredited legal entity that will monitor compliance with that code.

In this regard, we would like to point out that, under the current legal framework established by Article 60 of the Law, the accreditation of a legal entity for the purpose of monitoring compliance with a code of conduct is currently not possible.

Specifically, Article 60, paragraph 1 of the Law provides that a legal entity shall be accredited to monitor compliance with a code of conduct in accordance with the law governing accreditation, while paragraph 3 of the same Article sets out the conditions that a legal entity must satisfy in order to be accredited. Of the four conditions laid down in the aforementioned provisions of the Law, two must be demonstrated to the Commissioner, namely: independence and expertise in relation to the subject matter of the code, and that no conflict of interest may arise in the exercise of the legal entity's functions.

However, under the Law on Accreditation (Official Gazette of the Republic of Serbia, Nos. 73/2010 and 47/2021), responsibility for carrying out accreditation activities is entrusted to the Accreditation Body of Serbia pursuant to Article 5, while the accreditation procedure itself is governed by Articles 14 to 19 of that Law.

In light of the aforementioned legislative provisions, it is not possible to interpret unambiguously the legislator's intent regarding the authority responsible for accrediting a legal entity to monitor compliance with a code of conduct, nor the procedure governing such accreditation.

At the same time, although Article 60, paragraph 3 of the Law lays down the conditions that a legal entity must satisfy in order to be accredited, the Law does not prescribe the manner in which compliance with those conditions is to be demonstrated, nor does it empower the Commissioner or any other authority to regulate this matter in more detail through secondary legislation.

Given that neither the Law on Personal Data Protection nor the Law on Accreditation, to which the Law on Personal Data Protection refers, contains provisions that could be applied comprehensively to the accreditation of a legal entity for monitoring compliance with a code of conduct, and considering that these shortcomings can only be remedied through amendments to or supplements of the Law on Personal Data Protection, the provisions of that Law relating to codes

of conduct cannot, at present, be applied to associations and other entities representing groups of controllers or processors that do not have the status of public authorities.

4. The Commissioner received a request for an opinion regarding the new rules governing entry into the European Union (the Entry/Exit System – EES) and the related processing of personal data. The request also raised a question concerning the assignment of an employee to a business trip within the European Union.

The reply given by the Commissioner to the requester states the following:

In this regard, we would first point out that the competences, responsibilities, as well as the inspection and other powers of the Commissioner are laid down in Articles 77 to 79 of the Law on Personal Data Protection (Official Gazette of the Republic of Serbia, No. 87/2018). The Commissioner exercises his powers, in accordance with this Law, within the territory of the Republic of Serbia (Article 77, paragraph 1 of the Law).

Article 3 of the Law on Personal Data Protection provides that the Law applies to the processing of personal data carried out by a controller or processor that has its registered office, residence, or place of stay in the territory of the Republic of Serbia, within the scope of activities performed in the territory of the Republic of Serbia, irrespective of whether the processing operation itself is carried out within the territory of the Republic of Serbia (paragraph 3). Paragraph 4 of the same Article provides that the Law shall also apply to the processing of personal data of a data subject who has a permanent residence or temporary residence in the territory of the Republic of Serbia by a controller or processor that does not have its registered office, permanent residence, or temporary residence in the territory of the Republic of Serbia, where the processing activities are related to: the offering of goods or services to the data subject in the territory of the Republic of Serbia, irrespective of whether payment is required for such goods or services; and/or the monitoring of the activities of the data subject, where such activities take place within the territory of the Republic of Serbia.

Accordingly, a controller or processor that does not have its registered office in the Republic of Serbia is subject to the application of the aforementioned Law only where the processing activities relating to the personal data of a data subject who has a permanent residence or temporary residence in the territory of the Republic of Serbia are connected with: the offering of goods or services to that data subject within the territory of the Republic of Serbia, and/or the monitoring of the activities of the data subject, where such activities take place within the territory of the Republic of Serbia.

In view of the cited legal provisions, only where a particular case involves the processing of personal data to which the Law on Personal Data Protection of the Republic of Serbia applies will such processing be subject to the personal data processing rules and the obligations of controllers and processors prescribed by that Law and consequently fall within the jurisdiction of this authority.

Therefore, with regard to your question as to whether there is a way to enter the European Union without providing fingerprints at the border, we would point out that the protection of personal data within the territory of the European Union is governed by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing

Directive 95/46/EC (General Data Protection Regulation – GDPR), as well as by other legal acts adopted at the EU level and the national legislation of the EU Member States.

Furthermore, the Entry/Exit System (EES) is governed by Regulation (EU) 2025/1534 of the European Parliament and of the Council of 18 July 2025 on temporary derogations from certain provisions of Regulations (EU) 2017/2226 and (EU) 2016/399 as regards the gradual start of operations of the Entry/Exit System.

Accordingly, the aforementioned European Union legislation does not fall within the competence of the Commissioner, nor does the case in question concern processing activities that are subject to the application of the Law on Personal Data Protection pursuant to Article 3 thereof. Consequently, this authority has no powers with regard to the application of the aforementioned European Union legislation.

Further information on the Entry/Exit System (EES), as well as answers to frequently asked questions, can be found on its official website: <https://travel-europe.europa.eu/ees>.

Additionally, with regard to your questions as to whether "an employer may compel me to waive the aforementioned right due to being assigned to a business trip to the European Union" and "how I can protect myself against a potential sanction by my employer if I refuse to go on a business trip because of the obligation to provide fingerprints," we would point out that issues relating to rights and obligations arising from employment relationships, as well as the processing of employees' personal data carried out by an employer for the purpose of exercising rights and fulfilling obligations arising from employment, are not governed by the Law on Personal Data Protection. Rather, Article 91 of that Law provides that, in the field of labour and employment, the processing of personal data shall be governed by the provisions of the laws regulating labour and employment, as well as collective agreements, with the application of the provisions of this Law.

Supervision over the implementation of the Labour Law and other regulations governing employment relationships, as well as general acts, employment contracts and other instruments regulating the rights, obligations and responsibilities of employees, is carried out by the Labour Inspectorate. Accordingly, for an opinion regarding the application of such regulations, you may contact the Ministry of Labour, Employment, Veteran and Social Affairs or the Labour Inspectorate.

5. The Commissioner received a request for an opinion regarding the planned use of a drone for "business purposes" by a company. The request states, inter alia, that "management is considering the procurement of a drone to be used for: recording the production process, monitoring conditions in warehouses, overseeing the security of the facility, and creating 3D recordings"; that the recording of "employees' images" is not envisaged, "nor is there any intention to use any recordings for purposes that could infringe upon employees' privacy"; and that access to the recordings would be granted "exclusively to authorised employees". In this regard, guidance was requested on the following issues: whether this type of recording requires a separate data protection impact assessment (DPIA); which steps must be taken prior to commencing the recording activities; whether employees must be informed and, if so, in what form; and whether any additional notification to the Commissioner is required.

The reply given by the Commissioner to the requester states the following:

At the outset, we would point out that the legislation falling within the competence of the Commissioner does not contain specific provisions governing video surveillance, nor does it contain provisions regulating the use of unmanned aircraft systems, commonly referred to as "drones".

The Law on Private Security, which, *inter alia*, regulates the provision of personal and property protection services in cases where such services do not fall within the exclusive competence of state authorities, provides, in Article 30, paragraph 1, for "video surveillance" as one of the possible means of technical protection. The provisions of that Law further prescribe the manner in which such surveillance may be carried out. As responsibility for overseeing the implementation of the Law on Private Security lies with the Ministry of the Interior, you may contact that authority to obtain an opinion regarding the application of the provisions of the aforementioned Law.

Furthermore, matters relating to the operation of unmanned aircraft systems, as well as the liability and registration of unmanned aircraft system operators, remote pilots and other relevant parties, are governed by specific regulations, such as the Air Transport Law and related legislation. As oversight of the implementation of that Law, the secondary legislation adopted thereunder, international instruments, and accepted domestic and international standards and recommended practices is carried out by the Civil Aviation Directorate of the Republic of Serbia through aviation inspectors, you may contact that authority regarding any questions relating to the subject matter in question.

The Law on Personal Data Protection (Official Gazette of the Republic of Serbia, No. 87/18), the implementation of which falls within the competence of the Commissioner, systematically regulates the right of natural persons to the protection of their personal data, the principles governing the processing of personal data, and other rules and obligations applicable to controllers and other entities involved in the processing of personal data. The processing of personal data within specific sectors or activities, however, is governed by special legislation, the implementation of which falls within the competence of other authorities.

From the perspective of the application of the Law on Personal Data Protection, we would point out that, pursuant to Article 4, item 1 of the Law, personal data means any information relating to a natural person whose identity is determined or identifiable, directly or indirectly, in particular by reference to an identifier such as a name and identification number, location data, an identifier in electronic communications networks, or one or more factors specific to that person's physical, physiological, genetic, mental, economic, cultural or social identity.

Therefore, any information which, either directly or indirectly, whether alone or in combination with other information, renders the identity of a natural person determined or identifiable constitutes personal data within the meaning of the aforementioned provision of the Law. The processing of such data is therefore subject to the principles and rules governing the processing of personal data prescribed by the Law, which should also be taken into account in the present case.

Specifically, in the situation described in your request, even if measures were put in place to ensure that employees' faces are not recorded, there remains a possibility that the intended activities could result in the processing of data that would render certain natural persons, such as employees, identified or identifiable, either directly or indirectly. Consequently, such activities could constitute the processing of personal data.

In this regard, we would also point out that, with respect to the processing of employees' personal data carried out by an employer for the purpose of exercising rights and fulfilling obligations arising from employment, Article 91 of the Law on Personal Data Protection provides that, in the field of labour and employment, the processing of personal data shall be governed by the provisions of the laws regulating labour and employment, as well as collective agreements, with the application of the provisions of this Law. As the Commissioner is not competent to provide opinions regarding the application of labour legislation, you may contact the Ministry of Labour, Employment, Veteran and Social Affairs in order to obtain an opinion on the application of such regulations.

Therefore, where the processing of employees' personal data is concerned, the employer's authority, as the controller, to carry out the processing in question must primarily derive from the relevant legislation governing labour, employment and related matters.

From the perspective of personal data protection, we would point out that, for the processing of personal data to be lawful, it is first necessary to ensure that such processing complies with the specific regulations governing the relevant sector or activity. In addition, the purpose of the processing must be specific, explicit, justified and lawful; the intended processing must have an appropriate legal basis within the meaning of Article 12 of the Law on Personal Data Protection; and the processing must be carried out in accordance with the principles of processing laid down in Article 5 of the Law, including the principles of lawfulness, fairness and transparency, as well as other applicable rules and obligations prescribed by the Law, taking into account the circumstances of each individual case.

With regard to the processing of personal data through video surveillance, we would note that, as a general rule, the use of video surveillance systems may significantly interfere with the privacy and other rights and freedoms of individuals whose personal data are processed in this manner, such as the right to freedom of movement. This is particularly relevant in the context of employees' personal data, given that employees have a right to privacy in the workplace. Accordingly, in each specific case, it is necessary to assess the necessity and proportionality of the processing of such data.

The privacy and other rights and freedoms of natural persons may be particularly affected where recording is carried out through the use of unmanned aircraft systems, taking into account the area that may be covered by such recording, the mobility of those aircraft as their principal characteristic, the fact that they may be very small in size and therefore difficult to detect, as well as the camera resolution, zoom capabilities, and the possibility of being equipped with technologies enabling, for example, audio recording, biometric data processing, IP address collection, RFID technology, artificial intelligence and similar functionalities. All of these features may render unmanned aircraft systems highly intrusive with regard to the privacy of natural persons.

Therefore, for each intended processing activity involving personal data, the controller is required first to determine the purpose of the processing and whether an appropriate legal basis for such processing exists within the meaning of Article 12 of the Law on Personal Data Protection (which has not been specified in your request), taking into account the specific regulations governing the relevant sector or activity, including legislation in the field of labour and employment. The controller must also assess whether the processing is necessary for achieving the intended purpose, that is, whether the objective underlying the proposed introduction of a particular technology could be achieved by other means that are less intrusive with regard to the

privacy and other fundamental rights and freedoms of the individuals whose personal data would be processed through that technology. This assessment should include, inter alia, consideration of whether the introduction of video surveillance is necessary at all, and, in particular, whether the use of unmanned aircraft systems for such purposes is justified.

We would emphasise that your request does not specify the concrete reasons that would necessitate the use of such an intrusive surveillance system. Consequently, it is not possible to determine whether the intended processing would be genuinely necessary, that is, strictly required for the achievement of the intended purpose of the processing.

Furthermore, with regard to your question concerning the obligation to carry out a data protection impact assessment, we would first point out that it is unclear what you mean by a "special data protection impact assessment." We would emphasise that compliance with this obligation, which applies in all cases of so-called high-risk processing within the meaning of Article 54 of the Law, would not in itself be sufficient to ensure that the processing complies with the Law. Rather, the controller must ensure that all of the aforementioned requirements for the lawfulness of the intended processing are satisfied.

We would also note that, pursuant to Article 57, paragraph 1 of the Law, the controller is required to involve the data protection officer in a timely manner and in an appropriate way in all matters relating to the protection of personal data. Furthermore, the data protection officer designated by the controller is, inter alia, responsible for informing and advising the controller or processor, as well as employees who carry out processing operations, of their legal obligations relating to the protection of personal data, pursuant to Article 58, paragraph 1, item 1 of the Law.

Pursuant to Article 5, paragraph 2 of the Law on Personal Data Protection, responsibility for compliance rests with the controller, who must be able to demonstrate, or otherwise provide evidence of, the compliance of the specific processing activity with the Law.

The Commissioner, as the supervisory authority, may adopt a position on a specific processing activity only within the framework of the appropriate proceedings falling within its competence, such as inspection proceedings, complaint proceedings or other relevant procedures, and on the basis of all facts and circumstances established in the course of such proceedings.

Accordingly, this opinion is of a general nature and does not prejudice any future decision of the Commissioner in proceedings conducted within the scope of its statutory powers, nor does it affect matters governed by other legislation the implementation of which does not fall within the competence of this authority.

2.B.3.2. Illustrative Cases concerning the Exercise of Data Subjects' Rights in Complaint Procedures

1. Binding Corporate Rules

Extract from the statement of reasons:

On 9 May 2025, the company "ACUMATICA" d.o.o. Belgrade submitted to the Commissioner for Information of Public Importance and Personal Data Protection (hereinafter: the Commissioner) a request for the approval of binding corporate rules.

The applicant enclosed with the request the binding corporate rules for which approval is being sought.

Having considered the request and the other documents contained in the case file, the decision set out in the operative part of this ruling was adopted for the following reasons:

Article 4, item 21 of the Law on Personal Data Protection (Official Gazette of the Republic of Serbia, No. 87/18) defines binding corporate rules as internal rules on personal data protection that have been adopted and are applied by a controller or processor with a permanent residence, temporary residence or registered seat in the territory of the Republic of Serbia, for the purpose of regulating the transfer of personal data to a controller or processor in one or more countries within a multinational company or group of companies.

Article 65, paragraphs 1 and 2 of the aforementioned Law provide that a controller or processor may transfer personal data to another country, a territory thereof, one or more specified sectors within that country, or to an international organisation for which an adequate level of protection has not been established by the list referred to in Article 64, paragraph 7 of the Law, only if the controller or processor has provided appropriate safeguards for such data and if the data subject is afforded enforceable rights and effective legal remedies. The same provision further stipulates that appropriate safeguards may be provided, without requiring the specific approval of the Commissioner, inter alia, through binding corporate rules, in accordance with Article 67 of the Law.

Article 67 of the same Law provides that the Commissioner shall approve binding corporate rules where those rules, taken together, satisfy the following conditions:

- 1) they are legally binding and apply to, and are enforced by, every member of the multinational undertaking or group of undertakings, including their employees;
- 2) they expressly provide for the exercise of the rights of data subjects in relation to the processing of their personal data;
- 3) they satisfy the requirements laid down in paragraph 2 of this Article.

The binding corporate rules referred to in paragraph 1 of this Article shall, as a minimum, specify:

- 1) the structure and contact details of the multinational undertaking or group of undertakings, as well as of each of its members;
- 2) the transfer or categories of transfers of personal data, including the categories of personal data, the types of processing operations and their purposes, the categories of data subjects, and the identification of the country to which the data are transferred;
- 3) the binding nature of the binding corporate rules, both within the multinational undertaking or group of undertakings and externally;
- 4) the application of the general principles of personal data protection, in particular purpose limitation, data minimisation, storage limitation, data integrity, ongoing data protection measures, the legal basis for processing, the processing of special categories of personal data, security measures, and the conditions governing onward transfers of personal data to persons or bodies that are not bound by the binding corporate rules;
- 5) the rights of data subjects in relation to the processing of their personal data and the means of exercising those rights, including rights relating to automated individual decision-making and profiling under Article 38 of this Law, the right to lodge a complaint with the Commissioner or bring an action before a court in accordance with Articles 82 and 84 of this Law, as well as the right to compensation for damage resulting from a breach of the binding corporate rules;
- 6) the acceptance of liability by the controller or processor having a permanent residence, temporary residence or registered seat in the territory of the Republic of Serbia for any breach of

the binding corporate rules committed by another member of the group that does not have a permanent residence, temporary residence or registered seat in the territory of the Republic of Serbia, unless the controller or processor proves that such other group member is not responsible for the event giving rise to the damage;

7) the manner in which information on the binding corporate rules is provided to the data subject, in particular the information referred to in items 4) to 6) of this paragraph, together with the other information required under Articles 23 and 24 of this Law;

8) the responsibilities of the data protection officer designated in accordance with Article 58 of this Law, or of any other person authorised to monitor compliance with the binding corporate rules within the multinational undertaking or group of undertakings, including oversight of training activities and the handling of complaints within the undertaking or group;

9) the procedure for handling complaints;

10) a mechanism for verifying compliance with the binding corporate rules within the multinational undertaking or group of undertakings. This mechanism shall include data protection audits and corrective measures designed to safeguard the rights of data subjects. The results of such verification shall be communicated to the person referred to in item 8) of this paragraph, as well as to the management body of the multinational undertaking or group of undertakings and shall also be made available to the Commissioner upon request. This mechanism shall include data protection audits and corrective measures aimed at safeguarding the rights of data subjects;

11) the procedures for reporting and recording changes to the binding corporate rules, as well as the procedures for notifying the Commissioner of such changes;

12) the manner of cooperation with the Commissioner for the purpose of ensuring compliance with the binding corporate rules by each member of the multinational undertaking or group of undertakings individually, and in particular the manner in which the results of the verification referred to in item 10) of this paragraph are made available to the Commissioner;

13) the manner of informing the Commissioner of legal obligations applicable to a member of the multinational undertaking or group of undertakings in another country that may have a significant adverse effect on the safeguards provided by the binding corporate rules;

14) appropriate personal data protection training for persons who have permanent or regular access to personal data.

The Commissioner may further regulate the manner of exchange of information between controllers, processors and the Commissioner for the purposes of implementing paragraph 2 of this Article.

Where the conditions referred to in paragraph 1 of this Article are fulfilled, the Commissioner shall approve the binding corporate rules within 60 days from the date of submission of the request for their approval.

Upon reviewing the binding corporate rules submitted by the applicant, the Commissioner established that they apply to all personal data processed in the Republic of Serbia by members of the Group, i.e. companies operating within the ACUMATICA Group, when acting as controllers or internal processors, and which are transferred from a Group member established in the Republic of Serbia to Group members established outside the territory of the Republic of Serbia.

The binding corporate rules apply to the personal data of job applicants, i.e. natural persons applying for employment or professional training (internships) with Group members, in which case such data may be disclosed or transferred to any Group member having a legitimate interest in relation to the applicant's application, which may result in an international transfer of data, as

well as to employees of companies that are members of the Group, collected on the basis of the employment relationship, during the establishment of that relationship and throughout its duration.

Upon reviewing Annex 1 to the binding corporate rules, the Commissioner established that the Group members are companies with registered seats in the United States of America, Canada, the United Kingdom and Sri Lanka.

After examining the contents of the aforementioned documents, the Commissioner established that they are legally binding on all companies operating within the ACUMATICA Group, including their employees; that they expressly guarantee the rights of employees and business partners of the company in situations where their data are processed and transferred; that they prescribe the structure and contact details of the Group members, the categories of data that are processed and transferred; that they provide for the application of the general principles of personal data protection; that they define the rights of data subjects in relation to processing and the means of exercising those rights; that they provide for the liability of ACUMATICA d.o.o. Belgrade for any breach of the binding corporate rules committed by any other Group member not established in the Republic of Serbia; that they regulate the manner in which information on the binding corporate rules is provided to data subjects; that they provide for a complaint-handling procedure; that they prescribe the manner of cooperation with and reporting to the Commissioner; and that they contain other provisions satisfying the requirements laid down in Article 67, paragraph 2 of the Law on Personal Data Protection.

Having regard to the foregoing, the Commissioner found that the binding corporate rules dated 5 May 2025 submitted by the applicant satisfy the conditions set out in Article 67, paragraph 1 of the Law on Personal Data Protection and provide appropriate safeguards for personal data, as a result of which the conditions for their approval have been met. Accordingly, pursuant to Article 67, paragraphs 1 and 4, Article 78, paragraph 1, item 20), and Article 79, paragraph 3, item 8) of the aforementioned Law, the Commissioner adopted the decision as set out in the operative part of this Decision.

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2. No erasure of personal data necessary for the purposes of the processing

Extract from the statement of reasons:

On 7 March 2025, the Commissioner received a complaint submitted by AA through BB, an attorney from Belgrade, alleging a violation of the right to erasure of personal data by the Ministry of Internal Affairs of the Republic of Serbia, acting as the controller, in relation to a request dated 31 December 2024. In the complaint, he stated that the criminal proceedings conducted against him had been discontinued, that no sanction or measure had been imposed on him, and therefore he considered that the Controller should have erased his data from the records it maintains on filed criminal complaints pursuant to Article 30, paragraph 2, item 1 of the Law on Personal Data Protection.

In its response to the complaint dated 26 March 2025, the Controller maintained the position set out in its reply No. 03.15.2 No. 07-7-2/25 of 17 January 2025, which had been delivered to the complainant.

Article 30, paragraph 1 of the Law on Personal Data Protection provides that the data subject shall have the right to obtain from the controller the erasure of his or her personal data,

while paragraph 2 stipulates that the controller shall be obliged to erase, without undue delay, the data referred to in paragraph 1 of this Article in the following cases: where the personal data are no longer necessary for the purposes for which they were collected or otherwise processed; where the data subject has withdrawn the consent on which the processing was based and there is no other legal basis for the processing; where the data subject has objected to the processing in accordance with Article 37, paragraphs 1 and 2 of this Law; where the personal data have been unlawfully processed; where the personal data must be erased in order to comply with a legal obligation of the controller and where the personal data have been collected in relation to the use of information society services referred to in Article 16, paragraph 1 of the Law.

Article 7, paragraph 1 of the Law on Records and Data Processing in the Field of Internal Affairs provides that the Ministry shall, without delay, correct and update any data found to be inaccurate, while paragraph 2 provides that personal data collected and entered into records must be erased upon the expiry of the retention periods prescribed by this or another law, or when it is established that the reasons for which the personal data were entered into the relevant records have ceased to exist.

Article 41, paragraph 1 of the same Law provides that, for the purpose of detecting and solving criminal offences, the Ministry shall maintain records and process data relating to natural and legal persons in respect of whom there are grounds for suspicion that they have committed criminal offences, as well as data concerning the outcome of criminal prosecution. Paragraph 2 of the same Article provides that data concerning the outcome of criminal prosecution, including the dismissal of charges, extension of charges, reclassification of the criminal offence, withdrawal from prosecution, and deferred prosecution, shall be provided to the Ministry by the competent public prosecutor's office, while paragraph 8 of the same Article stipulates that such data constitute classified information, shall be designated in accordance with the regulations governing data secrecy, and shall be retained permanently.

In adopting the decision, the Commissioner took into account the established facts, as well as the provisions of the Constitution of the Republic of Serbia, the Law on Personal Data Protection, the Law on Records and Data Processing in the Field of Internal Affairs, the Law on Juvenile Offenders and Criminal Protection of Juveniles, the Criminal Code, the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its Protocols, ratified by the Republic of Serbia, and Recommendation No. R (87) 15 of the Committee of Ministers of the Council of Europe to Member States.

Namely, in each individual case, in proceedings upon complaints, the Commissioner assesses whether the conditions for the erasure of personal data from the Controller's records relating to filed criminal complaints have been met, i.e. whether the purpose of the processing has been achieved, taking into account, following European practice, the following criteria: the need to retain the data in light of the completion of the investigation of a particular case; the final court decision, especially an acquittal; rehabilitation; the nature and seriousness of the criminal offence committed; the passage of time since the commission of the criminal offence; the sanction imposed; and similar circumstances.

Having regard to the fact that the complainant, as a juvenile, committed in 2023 the criminal offence with which he had been charged—unauthorised possession of narcotic drugs under Article 246a, paragraph 1 of the Criminal Code—and that the court discontinued the criminal proceedings on 8 October 2024 on the grounds that the imposition of educational measures would serve no purpose, since the complainant had appeared for the first time as the perpetrator of a

criminal offence and had admitted its commission, the Commissioner finds that, at this time, the statutory conditions for the erasure of his personal data have not been met. Namely, the present case cannot be equated with a situation in which a criminal complaint has been dismissed, or criminal proceedings have been discontinued because there were no grounds for suspicion that the person had committed a criminal offence, or where an acquittal has been rendered. Given that Article 41, paragraph 1 of the Law on Records and Data Processing in the Field of Internal Affairs provides that the purpose of maintaining records and processing data relating to natural persons in respect of whom there are grounds for suspicion that they have committed criminal offences, as well as data concerning the outcome of criminal prosecution, is the detection and solving of criminal offences, the further processing of the data relating to the criminal complaint in question remains necessary for the achievement of that processing purpose. Accordingly, such processing is not contrary to the principle of “storage limitation” laid down in Article 5 of the Law on Personal Data Protection, which provides that personal data must be kept in a form that permits identification of data subjects only for as long as is necessary for the purposes of the processing.

Taking the foregoing into account, the Commissioner finds that, at this time, the conditions for the erasure of data prescribed by Article 30, paragraph 2 of the Law on Personal Data Protection have not been met.

Certainly, such a decision of the Commissioner does not relieve the Controller of its obligation to act in accordance with Article 7, paragraph 2 of the Law on Records and Data Processing in the Field of Internal Affairs, which provides that personal data collected and entered into records must be erased when it is established that the reasons for which the personal data were entered into the relevant records have ceased to exist, nor of its obligation under Article 8, paragraphs 2 and 3 of the Law on Personal Data Protection, which provides that, where personal data are processed by competent authorities for specific purposes, a time limit for the erasure of such data, or a time limit for the periodic review of the need for their retention, must be determined, and where such a time limit is not prescribed by law, it shall be determined by the controller, taking into account the necessity of the processing for operational purposes in a democratic society.

Accordingly, pursuant to Article 78, paragraph 1, item 6), in conjunction with Article 77, paragraph 2 of the Law on Personal Data Protection and Article 136, paragraph 1 of the Law on General Administrative Procedure, the Commissioner decided as set out in the operative part of this Decision.

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3. The conditions for the erasure of personal data are not met where the processing is necessary for compliance with a legal obligation of the controller

Extract from the statement of reasons:

The Commissioner for Information of Public Importance and Personal Data Protection received, on 21 October 2025, a complaint submitted by AA alleging a violation of the right to erasure of personal data by “Balkan Bet” d.o.o. Belgrade, acting as the controller, in relation to his request dated 22 October 2025. In the complaint, he stated that the Controller had refused to erase his data, relying on the Law on the Prevention of Money Laundering and Terrorist Financing, and had also refused to deactivate his user account without his first appearing in person at a betting outlet and completing a form, which he considered to be an unduly burdensome procedure.

In its response to the complaint dated 12 November 2025, the Controller maintained the position set out in its reply to the complainant of 22 October 2025 and added that, as of the date of its response to the complaint, the complainant had not completed any of the prescribed forms and that, therefore, it was not in a position to deactivate the account or implement the account “self-exclusion”; that it could not erase the complainant’s data even after deactivation of the account, as it is an obliged entity under the Law on the Prevention of Money Laundering and Terrorist Financing and the Law on Games of Chance; and that the complainant’s email address had been removed from the mailing lists used for the distribution of promotional messages.

Article 12, paragraph 1, item 5) of the Law on Personal Data Protection provides, *inter alia*, that processing is lawful where it is necessary for the performance of powers prescribed by law and vested in the controller.

Article 21, paragraph 1 of this law prescribes, among other things, that the controller must take appropriate measures to provide the data subject with all information regarding the exercise of rights referred to in Article 30 of this law, in a concise, transparent, comprehensible, and easily accessible manner, using clear and simple language.

Article 30, paragraph 1 of the Law on Personal Data Protection provides that the data subject shall have the right to obtain from the controller the erasure of his or her personal data, while paragraph 2 provides that the controller shall be obliged to erase, without undue delay, the data referred to in paragraph 1 of this Article in the following cases: where the personal data are no longer necessary for the purposes for which they were collected or otherwise processed; where the data subject has withdrawn the consent on which the processing was based and there is no other legal basis for the processing; where the data subject has objected to the processing in accordance with Article 37, paragraphs 1 and 2 of this Law; where the personal data have been unlawfully processed; where the personal data must be erased in order to comply with a legal obligation of the controller and where the personal data have been collected in relation to the use of information society services referred to in Article 16, paragraph 1 of the Law.

The provisions of the Law on the Prevention of Money Laundering and Terrorist Financing (“Official Gazette of the Republic of Serbia”, Nos. 113/2017, 91/2019, 153/2020, 92/2023, 94/2024 and 19/2025) provide that, for the purposes of this Law, an obliged entity includes, *inter alia*, operators of special games of chance in casinos and operators of games of chance through electronic communication means (Article 4); that an obliged entity shall retain data and documentation relating to a customer, an established business relationship with a customer, the conducted risk analysis and executed transaction obtained in accordance with this Law, as well as the customer file, business correspondence and the results of any analysis carried out in relation to the customer, for five years from the date of termination of the business relationship, execution of the transaction, or the customer’s last access to a safe-deposit box or entry into a casino (Article 95, paragraph 1); that an obliged entity shall process the data referred to in paragraphs 1–3 of this Article in accordance with the law governing personal data protection and shall erase such data after the expiry of the retention periods referred to in paragraphs 1 and 3 of this Article (Article 95, paragraph 4); and that, by way of exception to paragraph 4 of this Article, an obliged entity may retain or otherwise process the data referred to therein after the expiry of the periods referred to in paragraphs 1 and 3 of this Article only where such data are used by competent public authorities for specific purposes within the meaning of the law referred to in that paragraph (Article 95, paragraph 5).

Article 11 of the Law on Games of Chance (“Official Gazette of the Republic of Serbia”, Nos. 18/2020 and 94/2024) provides, inter alia, that, for the purpose of performing tasks in the public interest and exercising powers prescribed by law, the Administration shall, in the procedure and manner prescribed by this Law, collect personal data, either through submission by the organiser or the person referred to in Article 115 of this Law, or through direct access to the data of the organiser or the person referred to in Article 115 of this Law, namely data from identity cards or passports such as the player's first name, surname, identity card or passport number, unique citizen identification number, date and place of birth, and permanent residence or temporary residence, audio and video recordings from premises where games of chance are organised, data on the location, time, amount, method and destination of transfers of prizes in goods and services, deposits, payouts, stakes, winnings or losses of players, data relating to players' registration and promotional accounts, as well as data relating to their self-exclusion (paragraph 6); and that the personal data referred to in paragraphs 6 and 7 of this Article shall be stored and retained for the periods prescribed by this Law, and for no longer than ten years from the date of: 1) the termination of the business relationship between the organiser and the player in the case of the closure of the player's registration account, where the data concern a player whose registration account has been closed; 2) and the expiry of the licence, authorisation or approval for the organisation of games of chance, in respect of all other personal data collected by that organiser (paragraph 8).

The Rules on Organising Special Games of Chance through Electronic Communication Means of “Balkan Bet” d.o.o. Belgrade, No. 729 of 3 December 2024, published on the Controller's website, provide, inter alia, that the organiser of games of chance shall make available on the application a form through which the user may initiate a procedure for self-exclusion from gaming for a specified period of time or on a permanent basis. That self-exclusion, including permanent self-exclusion, shall take effect where the user submits a written request to the organiser and completes the required self-exclusion form. During the period of self-exclusion, the user will be able to manage his or her user account only to a limited extent and will not be permitted to place bets or participate in games (Article 20, paragraph 1); furthermore, the participant accepts these Rules, published on the organiser's website, during the registration process. Acceptance of these Rules by the user is recorded as part of the user data of each registered user (Article 25).

Having regard to the content of the request, the Controller's response, the allegations set out in the complaint, and the cited legal provisions, the Commissioner finds that the complaint is unfounded, as the conditions for the erasure of data prescribed by Article 30, paragraph 2, item 5) of the Law on Personal Data Protection have not been met, namely where personal data must be erased in order to comply with the controller's legal obligations. Given that it is undisputed that, under the cited legal provisions, the Controller is legally obliged to retain users' data for ten years from the date of closure of the player's registration account, and for five years from the date of termination of the business relationship, and given that, in its response to the request, the Controller informed the complainant of the procedure for closing the account, while the complainant failed to provide evidence that he had acted in accordance with the Controller's instructions, there are no grounds for the erasure of the data maintained by the Controller in its records. This is all the more so because the Controller had publicly informed its users of the procedure for closing an account through the Rules on Organising Special Games of Chance through Electronic Communication Means, published on the Controller's website, which the user accepted during the registration process.

Accordingly, pursuant to Article 78, paragraph 1, item 6), and in conjunction with Article 77, paragraph 2 of the Law on Personal Data Protection and Article 136, paragraph 1 of the Law on General Administrative Procedure, the Commissioner decided as set out in the operative part of this Decision.

Number: 072-16-4596/2025-06

4. There is no violation of the right to erasure of personal data which the controller is legally obliged to retain permanently

Extract from the statement of reasons:

AA submitted a complaint alleging a violation of the right to erasure of personal data by the Ministry of the Interior of the Republic of Serbia, acting as the controller (hereinafter: the “Controller”), following his request for the deletion of his data from the Register of Registered Weapons. He argued that he is the owner of an air rifle which, pursuant to Article 4 of the current Law on Weapons and Ammunition, falls within Category D weapons, for which the Controller neither maintains records nor processes the personal data of their owners; that he nevertheless continues to be recorded in the Register of Registered Weapons as the owner of the said air rifle; and that, consequently, he is required to declare the registered weapon in his asset declaration submitted to the Internal Control Sector, as well as to keep the weapon locked and inaccessible to other persons, while also being subject to inspections regarding the manner in which it is stored, despite the fact that he may give it as a gift to any person over the age of 16. He further stated that his data had been processed pursuant to the provisions of the law in force at the time the weapon in question was registered and that the current law could not be applied retroactively; that he was being discriminated against in comparison with other owners of Category D weapons who acquire such weapons today; that he was unable to obtain a certificate confirming that he did not possess any registered weapon; and that, given that his data had been processed under the provisions of a law that is no longer in force, he requested the Commissioner to take measures within his competence and order the erasure of his personal data.

In its response to the complaint, the Controller stated that, following a review of the records of deactivated weapons, it had established that the complainant had registered the air rifle in 1995 pursuant to the Law on Weapons and Ammunition, which ceased to be in force on 5 March 2016, and for which he had been issued a firearms licence bearing registration number 11864; that, following the commencement of the application of the currently applicable Law on Weapons and Ammunition (“Official Gazette of the RS”, Nos. 20/15, 10/19, 20/20 and 14/22), in the part relating to the status of weapons, the weapon in question had been classified in the electronic records, within the “Legally Possessed Weapons” application, in accordance with the categorisation of weapons prescribed by the current law, under which the said air rifle falls within Category D, which may be possessed without notification to the competent authority; that Article 44, paragraph 1 of the Law on Weapons and Ammunition provides that the competent authority shall maintain, inter alia, records of deactivated weapons, while paragraph 4 of the same Article provides that all records shall be retained permanently and in electronic form; and that, in view of those legal provisions, the electronic records maintained by the Controller contain not only data relating to registered weapons, but also data relating to weapons recorded in accordance with previously applicable laws, as well as data relating to weapons which, due to a change in their legal status,

can no longer be regarded as active weapons and are therefore included in the records of deactivated weapons. It further pointed out, with regard to the complainant's assertion that he would be unable to obtain from the Controller a certificate confirming that he does not possess any registered weapons, that, in respect of weapons recorded in the register of deactivated weapons, the Controller may issue a certificate confirming that the weapon is recorded in that register.

Article 21, paragraph 1 of the Law on Personal Data Protection provides, *inter alia*, that the controller shall be obliged to take appropriate measures to provide the data subject with all information relating to the exercise of the rights prescribed by this Law in a concise, transparent, intelligible and easily accessible form, using clear and plain language; paragraph 4 provides that, where the controller does not act upon a request submitted by a data subject, it shall inform the data subject, without delay and no later than 30 days from the date of receipt of the request, of the reasons for not taking action, as well as of the right to lodge a complaint with the Commissioner or to seek judicial remedy.

Article 30, paragraph 1 of the Law on Personal Data Protection provides that the data subject shall have the right to obtain from the controller the erasure of his or her personal data, while paragraph 2 provides that the controller shall be obliged to erase, without undue delay, the data referred to in paragraph 1 of this Article in the following cases: where the personal data are no longer necessary for the purposes for which they were collected or otherwise processed; where the data subject has withdrawn the consent on which the processing was based and there is no other legal basis for the processing; where the data subject has objected to the processing in accordance with Article 37, paragraphs 1 and 2 of this Law; where the personal data have been unlawfully processed; where the personal data must be erased in order to comply with a legal obligation of the controller and where the personal data have been collected in relation to the use of information society services referred to in Article 16, paragraph 1 of the Law.

Article 4, paragraph 1, item 4) of the Law on Weapons and Ammunition provides that weapons are classified into four categories, including Category D, which comprises cold weapons, gas sprays, electroshock devices, air weapons with a kinetic energy of less than 10.5 J or a projectile velocity of less than 200 m/s and a calibre of 4.5 mm or less, as well as weapons powered by a bowstring or spring with a draw force of up to 450 N or a draw weight of up to 101 pounds. Article 5, paragraph 4 of the same Law further provides that Category D weapons may be acquired and possessed without a licence or notification to the competent authority, in accordance with this Law.

Article 44, paragraph 1 of the same Law provides that the competent authority shall maintain records of: submitted applications; issued permits for the acquisition of weapons; certificates of medical fitness; registered weapons; seized and surrendered weapons; deactivated weapons; found weapons; weapons reported as lost; submitted applications and issued firearms licences and certificates of notification of possession of weapons; submitted applications and issued permits for the acquisition of essential weapon components; submitted applications and issued decisions granting collector's licences; submitted applications and issued permits to carry weapons; submitted applications and issued permits for the import and export of weapons across the state border; submitted applications and issued decisions authorising the trade in weapons and ammunition, training in the handling of firearms, and the repair and modification of weapons; submitted applications and issued permits to legal entities and entrepreneurs for the acquisition of weapons, essential weapon components and ammunition; submitted applications and issued decisions authorising the transport of weapons, essential weapon components and ammunition;

submitted applications and issued decisions authorising the manufacture of ammunition; submitted applications and issued permits for the import, acquisition, possession and carrying of weapons by members of foreign diplomatic and consular missions and foreign nationals; submitted applications and issued decisions authorising brokerage in the trade of weapons and ammunition; and records of passive weapons. Paragraph 3, items 1) and 3) provide that the aforementioned records shall contain the following data relating to natural persons: first and last name, unique citizen identification number, date and place of birth, nationality, identity card number or other identification document number, address of permanent or temporary residence, photograph, occupation, deregistration of residence for the purpose of emigration, temporary residence or stay abroad and return from abroad, as well as the person's status in relation to the weapon; and, in relation to weapons, the type, make, model, calibre and serial number. Paragraph 4 further provides that all of the aforementioned records shall be retained permanently and in electronic form.

Having regard to the established facts and the cited legal provisions, the Commissioner finds that the complaint is unfounded and that there has been no violation of the complainant's rights, given that the complainant requested the erasure of data which the Controller processes on the basis of statutory powers conferred upon it by the Law on Weapons and Ammunition and which it is legally obliged to retain permanently.

The complainant's arguments that the provisions of the current law provide no legal basis for the continued processing of the data, that Article 44 of the Law on Weapons and Ammunition applies only to data processed under that Law and cannot be applied retroactively, that he is thereby discriminated against in comparison with other owners of Category D weapons whose data are not processed by the Ministry of the Interior, and that he cannot obtain from the Controller a certificate confirming that he does not possess any registered weapon, could not have affected a different outcome of the proceedings. This is because Article 44 of the Law on Weapons and Ammunition expressly provides that the Controller shall maintain, inter alia, records of passive weapons, and because the Controller processes the data relating to the air rifle in question within the application containing data on legally possessed weapons. In accordance with the current law, the rifle has been classified as a Category D weapon, which may be possessed without notification to the competent authority; however, due to the change in its legal status, it is no longer regarded as an active weapon but is instead recorded in the register of passive weapons, in respect of which the Controller, within its competence, issues certificates confirming that the weapon is recorded in the register of passive weapons.

In view of all of the foregoing, and given that the complainant's personal data relating to the air rifle in question are processed and retained permanently in the register of passive weapons in accordance with the applicable Law on Weapons and Ammunition, that the weapon in question is considered lawful, and that it has been classified in such a way that it may be possessed without notification to the competent authority, the Commissioner took the position that there has been no violation of the complainant's rights.

Number: 072-16-2517/2024-06

5. Personal data relating to third parties cannot be erased

Extract from the statement of reasons:

The Commissioner for Information of Public Importance and Personal Data Protection (hereinafter: the “Commissioner”) received, on 30 June 2025, from the email address ..., a complaint submitted by AA, supplemented on 7 July 2025, alleging a violation of the right to erasure of personal data by company “Mozzart” d.o.o. Belgrade, acting as the controller (hereinafter: the “Controller”) The complaint states that, on 22 May 2025, the Controller used her personal email address, ..., without her knowledge or consent, to create an account on its website. She further states that she uses two versions of her email address, ... and..., with and without a dot, that both addresses were created on the Google platform and contain her personal identifying information, but that the Controller refused to comply with her request to delete the email address ..., that is, to deactivate the account created without her knowledge or consent, despite the undisputed fact that the Controller had communicated with her both through the address without the punctuation mark and through the address containing the dot.

In its statement on the complaint dated 18 July 2025, the Controller explained that the communication issue arose from the fact that, on 22 May 2025, the complainant received, through the Gmail platform, an email that the Controller had sent to its user at the email address ..., being a person whose identity and the accuracy of the submitted data had been verified by the Controller when creating the user account, pursuant to the powers and obligations prescribed by the Law on Games of Chance. The Controller also stated that it had requested the complainant to provide her unique personal identification number (JMBG) in order to verify whether any potential misuse of personal data had occurred, but that the complainant refused to do so and continued to insist that her email address had been misused, even though it was identical to the address created by a user of the Controller’s services. It further stated that it could not be held responsible for the improper delivery of an email sent to the correct email address, that the two versions of the email address are similar but belong to different individuals, and that it does not process, in its records, any data relating to the person who is the user of the email address.... In support of its position, the Controller submitted the player’s details that had been used when registering the account associated with the email address..., namely: first and last name, username, unique personal identification number (JMBG), mobile phone number, identity card number, and residential address. It also provided information on the dates of registration, verification and self-exclusion, as well as details concerning the market and the time limit applicable to the monetary bonus.

Article 1, paragraph 1 of the Law on Personal Data Protection provides, inter alia, that this Law regulates the right of natural persons to the protection of personal data concerning them and the free movement of such data, the principles governing processing, as well as the rights of data subjects, while Article 2, paragraph 1 provides that this Law ensures the protection of the fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.

Under Article 4 paragraph 1 item 1) of the Law on Personal Data Protection, personal data means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social

identity of that natural person, and item 2) that the data subject is a natural person whose data is processed.

Article 21, paragraph 1 of the Law on Personal Data Protection provides, inter alia, that the controller shall be obliged to take appropriate measures to provide the data subject with all information relating to the exercise of the rights referred to in Articles 26 and 29 to 31 of this Law in a concise, transparent, intelligible and easily accessible form, using clear and plain language. Paragraph 3 of the same Article provides that the controller shall inform the data subject of the action taken in response to a request under Articles 26 and 29 to 31 without undue delay and, in any event, no later than 30 days from the date of receipt of the request. That period may be extended by a further 60 days where necessary, taking into account the complexity and number of requests. Paragraph 4 provides that, where the controller does not act upon a request submitted by the data subject, it shall inform the data subject, without delay and no later than 30 days from the date of receipt of the request, of the reasons for not taking action, as well as of the right to lodge a complaint with the Commissioner or to bring an action before a court.

Article 30, paragraph 1 of the Law on Personal Data Protection provides that the data subject shall have the right to obtain from the controller the erasure of his or her personal data, while paragraph 2 provides that the controller shall be obliged to erase, without undue delay, the data referred to in paragraph 1 of this Article in the following cases: where the personal data are no longer necessary for the purposes for which they were collected or otherwise processed; where the data subject has withdrawn the consent on which the processing was based and there is no other legal basis for the processing; where the data subject has objected to the processing in accordance with Article 37, paragraphs 1 and 2 of this Law; where the personal data have been unlawfully processed; where the personal data must be erased in order to comply with a legal obligation of the controller and where the personal data have been collected in relation to the use of information society services referred to in Article 16, paragraph 1 of the Law.

Article 102a, paragraph 1 of the Law on Games of Chance (“Official Gazette of the RS”, Nos. 18/20 and 94/24) provides that, for the purpose of protecting minors and enforcing the prohibition on the participation of minors in games of chance, an organiser of special games of chance through electronic communication means shall, upon registration of a player account, verify the player's age by checking the date of birth contained in that person's identification document through the use of electronic communication means (player verification), while paragraph 3 provides, inter alia, that the Minister of Finance shall prescribe in greater detail the conditions and procedure for such verification.

Article 2, paragraph 3 of the Rulebook on the Conditions and Procedure for Player Verification by Organisers of Special Games of Chance, No. 001892580 2025 10520 027 000 012 001 of 28 April 2025, provides that, when verifying a player through electronic communication means, the organiser shall verify whether the person registering to participate in games of chance through electronic communication means possesses a valid personal identification document (identity card or passport) and, by examining the date of birth contained in the identification document, establish that the person is of legal age.

Having regard to the content of the request, the Controller's response, the allegations set out in the complaint, the statement submitted in response to the complaint, the evidence provided concerning the identity of the person who verified the user account, as well as the cited legal provisions, the Commissioner finds that the complaint is unfounded, since the right to the protection of personal data under the Law on Personal Data Protection belongs to every natural

person to whom the data relate. As the complainant requested the erasure of data relating to a natural person who is a user of the Controller's services, the present case does not concern the exercise of rights in relation to the processing of personal data within the meaning of the cited provisions of Article 1, paragraph 1 and Article 4, paragraph 1, items 1) and 2) of the Law on Personal Data Protection.

The fact that the complainant based her request for the erasure of another person's personal data on the circumstance that she is the user of an email address similar to that of a user of the Controller's services, as a result of which she received all emails that the Controller sent to its user, could not have affected a different outcome of the proceedings. Although the first and last name contained in the email address ... undeniably constitute data relating to the complainant, those same data were collected and entered into the Controller's records within the scope of its statutory powers during the registration process carried out through electronic communication means, by verifying the identity of the individual through inspection of an identification document. Accordingly, the Commissioner finds that the data whose erasure the complainant seeks do not relate to her, that they were collected and processed for purposes specifically defined and prescribed by the Law on Games of Chance and the accompanying Rulebook, and that they are not eligible for erasure because the conditions set out in the cited provision of Article 30 of the Law on Personal Data Protection have not been met, of which the Controller duly informed the complainant.

The complainant's argument that she uses two versions of the email address, ... and ..., with and without a dot, and that, despite the Controller having undeniably established this fact, it nevertheless refused to delete her email address without the dot, could not have affected a different outcome of the complaint proceedings. This is because the Commissioner finds that, in its correspondence with the complainant, the Controller acted diligently and with the care expected of a prudent business operator, informing her that any suspected misuse could be reported to the High-Tech Crime Department of the Ministry of the Interior and indicating that, by providing additional personal data, it would be able to verify whether any potential misuse of data relating to her had occurred.

Number: 072-16-3432/2025-06

6. Personal data cannot be erased before the expiry of the retention period prescribed by law

Extract from the statement of reasons:

The Commissioner for Information of Public Importance and Personal Data Protection (hereinafter: the "Commissioner") received, on 9 September 2025, a complaint submitted by AA, amended on 16 September 2025, against the Ministry of the Interior of the Republic of Serbia, acting as the controller (hereinafter: the "Controller"), alleging a violation of his right to the erasure of his personal data. In the complaint, he stated, inter alia, that the Controller had refused to erase his personal data from its records, following his request dated 23 July 2025.

In its statement on the allegations contained in the complaint, set out in communication No.3.29. 07-7-240/25 of 13 October 2025, the Controller stated, inter alia, that, in responding to the complainant's requests, which had been submitted on several occasions, it had informed him that his data relating to a criminal offence were being processed in connection with criminal complaint KU 131/96 of 13 August 1996 concerning the criminal offence referred to in Article

201, paragraph 3 of the Criminal Code, for which no outcome of the proceedings had been recorded. It further informed him that his data relating to reported incidents of domestic violence were being processed in the domestic violence prevention register under reference number 16665/2020 of 10 August 2020, and that the right of access to records and documentation concerning persons against whom domestic violence has been committed is not a right that may be exercised under the Law on Personal Data Protection. The Controller further stated that data relating to filed criminal complaints, together with information on the outcome of criminal proceedings, are retained permanently unless otherwise provided by law; that the erasure of data relating to filed criminal complaints cannot be equated with rehabilitation, as these concern different categories of data and different legal institutions; that the outcome of criminal proceedings, whether dismissal of a criminal complaint, acquittal, or rehabilitation, does not constitute a ground for erasure, since the purpose of the register is to serve as an operational and criminal intelligence database containing records of filed criminal complaints and the outcomes of proceedings; and that such records are relevant solely for the operational work of the police. Accordingly, the Controller considered that no violation of the law had occurred and that the complaint was unfounded.

In the supplementary statement on the complaint, received by the Commissioner's Office on 14 November 2025, the Controller emphasized that data relating to reported cases of domestic violence are maintained in accordance with Article 32 of the Law on the Prevention of Domestic Violence ("Official Gazette of the RS", Nos. 94/2016 and 10/2023 – other law), the Rulebook on Records and Documentation Concerning Persons Against Whom Domestic Violence Has Been Committed and Persons Against Whom a Protective Measure Against Domestic Violence Has Been Imposed ("Official Gazette of the RS", No. 88/2023), the Decree on the Content and Method of Maintaining Records of Domestic Violence Cases ("Official Gazette of the RS", No. 4/2017), the Law on Police ("Official Gazette of the RS", Nos. 6/2016, 24/2018, 87/2018 and 86/2019), and the Law on Personal Data Protection; and that the records maintained by the police contain: 1) data on reported cases of domestic violence (participants in the incident, time, place, statements collected, circumstances of the case, data concerning a potential victim, etc.); 2) data on the reported alleged perpetrator (first and last name, unique citizen identification number, address of permanent or temporary residence, data on previously imposed protection measures against domestic violence); 3) data on risk assessments and the names of the authorities to which the risk assessment was submitted; 4) data on the imposition of emergency measures (the date and number of the order imposing emergency measures, their duration and the time at which they commenced); 5) data on the extension and enforcement of emergency measures (the number and date of the basic court decision extending the emergency measures, and data on their enforcement); 6) data on the enforcement of protection measures against domestic violence. The Controller further stated that the purpose of processing these data is the prevention and suppression of domestic violence, risk assessment, protection of endangered persons, and cooperation with other competent authorities—social welfare centres, public prosecutor's offices and courts—as well as ensuring effective protection of victims; that the processing is carried out on the basis of Article 12, paragraph 1, item 3) and Article 8 of the Law on Personal Data Protection, as well as Article 5, paragraph 2 of the Law on Police; that the data are retained in accordance with Article 32, paragraph 11 of the Law on the Prevention of Domestic Violence, which provides that such data shall be maintained and retained for at least ten years and deleted thereafter; that deletion of the data before the expiry of that period is not permitted where it would jeopardise the lawfulness of the proceedings or infringe the rights of the victim; and that the data are not publicly available and are handled exclusively by

authorised officials, subject to the application of all organisational and technical measures for the protection of personal data.

After consideration of the complaint, the decision set out in the operative part of this ruling was adopted for the following reasons:

Article 34, paragraph 3 of the Constitution of the Republic of Serbia provides that everyone shall be presumed innocent of a criminal offence until their guilt has been established by a final court decision, while Article 42, paragraph 3 of the Constitution provides that the use of personal data outside the purpose for which such data were collected in accordance with the law is prohibited and punishable, except for the purposes of conducting criminal proceedings or protecting the Republic of Serbia.

Article 194, paragraph 3 of the Constitution of the Republic of Serbia provides that all laws and other general acts enacted in the Republic of Serbia must be in conformity with the Constitution, while paragraph 5 of the same Article provides that laws and other general acts enacted in the Republic of Serbia must not be contrary to ratified international treaties and generally accepted rules of international law.

Article 5, paragraph 1 of the Law on Personal Data Protection provides, *inter alia*, that personal data must be collected for specified, explicit, justified and lawful purposes and may not be further processed in a manner that is incompatible with those purposes (“purpose limitation”); that personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (“data minimisation”); and that they must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data are processed (“storage limitation”).

Article 30, paragraph 1 of the Law on Personal Data Protection provides that the data subject shall have the right to obtain from the controller the erasure of his or her personal data, while paragraph 2 provides that the controller shall be obliged to erase, without undue delay, the data referred to in paragraph 1 of this Article in the following cases: where the personal data are no longer necessary for the purposes for which they were collected or otherwise processed; where the data subject has withdrawn the consent on which the processing was based and there is no other legal basis for the processing; where the data subject has objected to the processing in accordance with Article 37, paragraphs 1 and 2 of this Law; where the personal data have been unlawfully processed; where the personal data must be erased in order to comply with a legal obligation of the controller and where the personal data have been collected in relation to the use of information society services referred to in Article 16, paragraph 1 of the Law.

Article 32, paragraph 1 of the Law on Personal Data Protection provides that, where processing is carried out by competent authorities for specific purposes, the data subject shall have the right to obtain from the controller the erasure of his or her personal data, and the controller shall be obliged to erase such data without undue delay if the processing infringes Articles 5, 13 and 18 of this Law, or if the personal data must be erased in order to comply with a legal obligation of the controller.

Article 79, paragraph 2, item 7) of the Law on Personal Data Protection provides, *inter alia*, that the Commissioner may order the erasure of personal data in accordance with Articles 29 to 32 of this Law.

Furthermore, Article 100 of the Law on Personal Data Protection provides that the provisions of other laws relating to the processing of personal data shall be harmonised with the provisions of that Law by the end of 2020.

Article 7, paragraph 1 of the Law on Records and Data Processing in the Field of Internal Affairs provides that the Ministry shall, without delay, correct and update any data found to be inaccurate, while paragraph 2 provides that personal data collected and entered into records must be erased upon the expiry of the retention periods prescribed by this or another law, or when it is established that the reasons for which the personal data were entered into the relevant records have ceased to exist.

Article 41, paragraph 1 of the same Law provides that, for the purpose of detecting and solving criminal offences, the Ministry shall maintain records and process data relating to natural and legal persons in respect of whom there are grounds for suspicion that they have committed criminal offences, as well as data concerning the outcome of criminal prosecution. Paragraph 2 of the same Article provides that data concerning the outcome of criminal prosecution, including the dismissal of charges, extension of charges, reclassification of the criminal offence, withdrawal from prosecution, and deferred prosecution, shall be provided to the Ministry by the competent public prosecutor's office, while paragraph 8 of the same Article stipulates that such data constitute classified information, shall be designated in accordance with the regulations governing data secrecy, and shall be retained permanently.

Article 97, paragraph 1 of the Criminal Code (“Official Gazette of the RS”, Nos. 85/2005, 88/2005 – corr., 107/2005 – corr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016, 35/2019 and 94/2024) provides that rehabilitation results in the conviction being erased and all its legal consequences ceasing to exist, and the convicted person being deemed not to have been convicted.

The Law Ratifying the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (“Official Gazette of the FRY – International Treaties”, No. 1/92; “Official Gazette of Serbia and Montenegro – International Treaties”, No. 11/2005 – other law; and “Official Gazette of the RS – International Treaties”, Nos. 98/2008 – other law and 12/2010) and the Law Ratifying the Protocol Amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (“Official Gazette of the RS – International Treaties”, No. 4/2020) provide that personal data undergoing processing must, inter alia, be collected for explicit, specific and legitimate purposes and not be processed in a manner incompatible with those purposes; be adequate, relevant and not excessive in relation to the purposes for which they are processed; and be preserved in a form which permits identification of the data subject for no longer than is necessary for the purposes for which the data are processed.

Given that the Controller, within its operational and criminal intelligence records, maintains records and processes data relating to natural and legal persons for whom there are grounds for suspicion that they have committed criminal offences, as well as data concerning the outcome of criminal proceedings for the purpose of detecting and investigating criminal offences, the Commissioner takes the view that, once proceedings initiated on the basis of a criminal complaint have been concluded and the conviction has been erased, any further processing of such data is contrary to the principles of personal data processing with which all controllers must comply, as set out in Article 5 of the Law on Personal Data Protection, in particular the principles of purpose limitation, data minimisation and storage limitation, since the purpose for which the data were collected and processed has already been fulfilled.

The obligation to review retention periods and the obligation to erase data when they are no longer necessary for the purposes for which they were collected and used, as prescribed by Article 7, paragraph 2 of the Law on Records and Data Processing in the Field of Internal Affairs,

applies to all records governed by that Law, including the data contained in the records referred to in Article 41 thereof. This is so regardless of the fact that the Law prescribes a specific retention period for each individual record. The aforementioned provision leaves open the possibility that, once the reasons for which the data were entered into a particular record cease to exist, such data may be erased even before the expiry of the prescribed retention period, particularly bearing in mind that Article 41 of the same Law provides that data contained in those records are to be retained permanently.

When deciding on a data subject's request for erasure, the Controller is required to apply both the provisions of the Law on Records and Data Processing in the Field of Internal Affairs as a whole and the provisions of the Law on Personal Data Protection as the overarching law governing the processing of personal data, as well as the provisions of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, which has been ratified by the Republic of Serbia. Therefore, for a particular processing activity to be lawful, it is necessary not only to comply with the principle of lawfulness, but also cumulatively with the other processing principles set out in Article 5 of the Law on Personal Data Protection, including the principle of storage limitation, which requires that personal data be kept in a form permitting identification of data subjects for no longer than is necessary for the purposes of the processing, the principle of data minimisation, and the principle of purpose limitation.

Furthermore, when determining whether the personal data remained necessary for the purpose for which they had been collected, consideration was also given to the instruments of the Council of Europe, namely Recommendation No. R (87) 15 of the Committee of Ministers of the Council of Europe to Member States regulating the use of personal data in the police sector. These instruments provide that measures should be taken to ensure that personal data stored for police purposes are erased when they are no longer necessary for the purpose for which they were stored. In this regard, particular consideration should be given to the following criteria: the need to retain the data in light of the completion of the investigation of a particular case; the final judicial decision, especially an acquittal; rehabilitation, spent convictions, amnesties, the age of the data subject, special categories of data, as well as the case-law of the European Court of Human Rights (judgment in *S. and Marper v. the United Kingdom*, Applications Nos. 30562/04 and 30566/04, judgment of 4 December 2008).

Therefore, since the law does not regulate in precise terms the conditions for the erasure of personal data, and given that the very retention of data relating to a person against whom criminal proceedings were conducted on the basis of criminal complaint KU 131/96 filed against the complainant, where those proceedings have been finally concluded and the conviction imposed therein has been erased from the criminal records, stigmatizes that person and jeopardizes his constitutional rights, thereby calling into question the legal certainty of the data subject and the equal enjoyment of fundamental human rights that may depend on whether the person's data continue to be processed within the operational and criminal intelligence database (including the right to work, freedom of movement and other rights), it is necessary for the Controller, in each individual case, to assess whether the continued processing of specific personal data in the operational and criminal intelligence database relating to persons for whom, at a certain point in time, there were grounds for suspicion that they had committed a criminal offence and against whom a criminal complaint had therefore been filed, but where such grounds no longer exist, remains necessary for achieving the prescribed purpose of the processing, namely the detection and investigation of criminal offences.

In view of the foregoing, and given that, in the present case, the complainant's personal data are no longer necessary for the purpose for which they were collected, since the judgment of the Municipal Court in Žabalj, K.113/96, which became final on 24 January 1997 and was rendered in the criminal proceedings conducted against the complainant on the basis of criminal complaint KU 131/96, was erased by the decision of the Municipal Court in Novi Sad, Žabalj Department, on 10 April 2000; that more than twenty-five (25) years have elapsed since then; and that the complainant is deemed not to have been convicted, while the continued retention of such data no longer constitutes a necessary and proportionate measure in a democratic society, the Commissioner finds that the conditions prescribed by the Law on Personal Data Protection and the Law on Records and Data Processing in the Field of Internal Affairs for the erasure of the complainant's personal data from the Controller's operational and criminal intelligence database, insofar as they relate to the aforementioned criminal complaint, have been met.

We further note that, even if Article 32 of the Law on Personal Data Protection, to which the Controller refers in its statement, were to be applied in the present case, the conditions for erasure would nevertheless be met, given that the continued processing is contrary to the principle of purpose limitation, the principle of data minimisation, and the principle of storage limitation set out in Article 5 of the same Law.

Accordingly, pursuant to Article 79, paragraph 2, item 7), in conjunction with Article 77, paragraph 2 of the Law on Personal Data Protection and Article 136, paragraph 1 of the Law on General Administrative Procedure, it was decided as set out in Items I, II and IV of the operative part of this decision.

Article 12, paragraph 1, item 3) of the Law on Personal Data Protection provides that processing shall be lawful if it is necessary for compliance with a legal obligation to which the controller is subject.

Article 30, paragraph 5 of the Law on Personal Data Protection provides that paragraphs 1 to 3 of that Article shall not apply to the extent that the processing is necessary for compliance with a legal obligation requiring the processing, or for the performance of tasks carried out in the public interest or in the exercise of official authority vested in the controller.

Article 32, paragraph 1 of the Law on the Prevention of Domestic Violence ("Official Gazette of the RS", Nos. 94/2016 and 10/2023 – other law) provides that the competent police directorate shall maintain records of reported cases of domestic violence, as well as records concerning the imposition and enforcement of emergency measures and the enforcement of protection measures against domestic violence, while paragraph 2 of the same Article provides that the records maintained by the police directorate shall contain: 1) data on reported cases of domestic violence (participants in the incident, time, place, statements collected, circumstances of the case, data concerning a potential victim, etc.); 2) data on the reported alleged perpetrator (first and last name, unique citizen identification number, address of permanent or temporary residence, and data on previously imposed protection measures against domestic violence); 3) data on risk assessments and the names of the authorities to which the risk assessment was submitted; 4) data on the imposition of emergency measures (the date and number of the order imposing emergency measures, their duration and the commencement time of their application); 5) data on the extension and enforcement of emergency measures (the number and date of the basic court decision extending the emergency measures, and data relating to their enforcement); and 6) data on the enforcement of protection measures against domestic violence. Paragraphs 10, 11 and 12 of the same Article provide that the records maintained by police directorates, basic courts, basic public

prosecutor's offices and social welfare centres shall be kept in electronic form and shall constitute the Central Register of Domestic Violence Cases (hereinafter: the "Central Register"), maintained by the Republic Public Prosecutor's Office; that data may be entered into the Central Register only through the use of appropriate protected access credentials; and that the data shall be retained in the records and in the Central Register for ten years, after which they shall be erased.

In view of the foregoing, and given that the Controller processes the complainant's personal data within the domestic violence prevention records, and that Article 32, paragraph 11 of the Law on the Prevention of Domestic Violence provides that data contained in these records and in the Central Register shall be retained for ten years, while it follows from the Controller's statement and the other evidence submitted that the personal data relating to the complainant were entered into the domestic violence prevention records during 2020, and since the statutory retention period of ten years has not yet expired, taking into account the purpose of the processing, the Commissioner finds that, at this stage, the conditions for the erasure of the personal data in question, as prescribed by the Law on Personal Data Protection and the Law on the Prevention of Domestic Violence, have not been met. Furthermore, the continued processing and retention of these data do not contravene the principles of purpose limitation and storage limitation.

Accordingly, pursuant to Article 78, paragraph 1, item 6 of the Law on Personal Data Protection and Article 136, paragraph 1 of the Law on General Administrative Procedure, the Commissioner decided as set out in Item III of the operative part of this Decision.

Number: 072-16-4200/2025-06

2.B.3.3. Illustrative Cases of Breaches of the Right to Personal Data Protection Found through Supervision

1. Decision on the Prohibition of Processing Employees' Biometric Data for the Purpose of Unique Identification of Individuals (for the Purposes of Employee Working Time Monitoring and Recording)

Extract from the statement of reasons:

Company X IS PROHIBITED from processing employees' facial images and fingerprint data for the purpose of uniquely identifying those individuals by means of facial recognition and fingerprint recognition devices, for the purpose of monitoring and recording employees' working hours.

Company X IS ORDERED, within 15 days of receipt of this Decision, to erase, by means of a formally recorded commission procedure, all personal data of employees that were collected for further processing through facial recognition and fingerprint recognition devices for the purpose of monitoring and recording employees' working hours, and, within the same period, to notify all employees from whom such data were collected that their personal data have been erased.

Extract from the statement of reasons:

The Commissioner for Information of Public Importance and Personal Data Protection conducted an extraordinary on-site inspection of the application of this Law by Company X, acting as the Controller, on the basis of information received through a complaint submitted by a natural

person alleging that the Controller was processing employees' biometric data by means of facial recognition and fingerprint recognition devices for the purpose of monitoring and recording employees' working hours.

During the inspection, it was established, *inter alia*, that the Controller processes employees' biometric data by means of facial recognition and fingerprint recognition devices for the purpose of monitoring, i.e. recording employees' attendance at work and calculating working time; that attendance is recorded by scanning either an employee's fingerprint or facial features; that each employee's personal data were initially entered into the database stored on the device by capturing the employee's fingerprint and scanning the employee's face, and that these data are linked to the first and last name of the data subject; that employees are required, upon entering and leaving the building, to stand in front of the device, which scans and automatically identifies them on the basis of the stored digital images of their facial features and digital fingerprints; that, prior to commencing the processing operations using facial recognition and fingerprint recognition devices, the Controller had neither carried out a data protection impact assessment in respect of the envisaged processing operations nor sought the opinion of the Commissioner; that, as regards the legal basis for the processing in question, the Controller relies on the Labour Law ("Official Gazette of the RS", Nos. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 – Constitutional Court Decision, 113/2017 and 95/2018 – authentic interpretation); and that, according to the Controller's statement, the employees had signed a consent form authorising the processing of their personal data by means of facial recognition and fingerprint recognition devices.

Article 5, paragraph 1, item 1) of the Law on Personal Data Protection ("Official Gazette of the RS", No. 87/2018 – hereinafter: the LPDP) provides that personal data must be processed lawfully, fairly and in a transparent manner in relation to the data subject ("lawfulness, fairness and transparency"), and that processing shall be lawful where it is carried out in accordance with this Law or another law governing such processing. Item 3) further provides that personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ("data minimisation").

Article 17, paragraph 1 of the LPDP provides, *inter alia*, that the processing of biometric data for the purpose of uniquely identifying a natural person is prohibited. Paragraph 2 of the same Article sets out the exceptional circumstances in which the processing of such data is permitted, including where the data subject has given explicit consent to the processing for one or more specified purposes, unless the law provides that the processing is not to be based on consent.

Article 54, paragraph 1 of the LPDP provides that, where a type of processing, in particular using new technologies and taking into account the nature, scope, context and purposes of the processing, is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall, prior to commencing the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data. Paragraph 4, item 2) of the same Article provides that a data protection impact assessment shall, *inter alia*, be mandatory in the case of the processing of special categories of personal data, including the processing of biometric data referred to in Article 17, paragraph 1 of this Law.

Article 55, paragraph 1 of the LPDP provides that, where a data protection impact assessment carried out in accordance with Article 54 of this Law indicates that the envisaged processing operations would result in a high risk if measures to mitigate that risk are not taken, the controller shall seek the opinion of the Commissioner prior to commencing the processing operations.

The Decision on the List of Types of Personal Data Processing Operations for Which a Data Protection Impact Assessment Must Be Carried Out and the Opinion of the Commissioner for Information of Public Importance and Personal Data Protection Must Be Sought (“Official Gazette of the RS”, No. 45/2019), point 2, sub-point 7), provides that a data protection impact assessment shall, inter alia, be carried out in cases involving the processing of biometric data for the purpose of uniquely identifying employees by an employer, as well as in other cases of processing employees’ personal data by an employer through the use of applications or systems for monitoring their work, movements, communications, and the like.

Article 91, paragraph 1 of the LPDP provides that, in the field of employment and labour relations, the processing of personal data shall be governed by the laws regulating employment and labour relations and by collective agreements, subject to the application of the provisions of the LPDP.

Article 2, paragraph 1, items 1) and 4) of the Law on Records in the Field of Labour (“Official Gazette of the FRY”, No. 46/96, and “Official Gazette of the RS”, Nos. 101/2005 – other law and 36/2009 – other law; hereinafter: the LRFL) provides that, in the field of labour, records shall be maintained on employees and on employees' wages.

The processing of biometric data, which constitute a special category of personal data, is, as a general rule, prohibited under Article 17, paragraph 1 of the LPDP. Exceptionally, such processing may be permitted, inter alia, where the data subject has given explicit consent to the processing for one or more specified purposes, unless the law provides that the processing may not be based on consent. However, Article 4 of the LPDP defines the data subject's consent as any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her. Given the evident imbalance of power between an employer and an employee, consent given by an employee to an employer cannot be regarded as a freely given indication of the employee's wishes and, consequently, cannot constitute a valid legal basis for processing under Article 12, paragraph 1, item 1) of the LPDP.

Furthermore, in the present case, none of the exceptions permitting the processing of biometric data under Article 17, paragraph 2 of the LPDP applies. Consequently, the Controller has infringed Article 5, paragraph 1, item 1) of the LPDP, which lays down the principle of "lawfulness, fairness and transparency", requiring that personal data be processed lawfully, fairly and in a transparent manner in relation to the data subject, and providing that processing is lawful only where it is carried out in accordance with this Law or another law governing such processing.

The Controller is also responsible for complying with the principle of data minimisation, laid down in Article 5, paragraph 1, item 3) of the LPDP, which provides that only personal data that are adequate, relevant and limited to what is necessary in relation to the purpose of the processing may be processed. This means that, in each individual case, it must be assessed whether the processing is necessary and proportionate for the specific purpose, or whether that purpose can be achieved by some other means that is less intrusive to the privacy and other fundamental rights and freedoms of the individuals whose personal data are being processed.

Contrary to its obligations under Articles 54 and 55 of the LPDP, the Controller neither carried out a data protection impact assessment nor sought the prior opinion of the Commissioner. In the course of such a procedure, as required by those provisions, the Controller would have been required to assess the risks posed to the rights and freedoms of the data subjects, as well as the necessity and proportionality of the envisaged processing operations in relation to the purpose of

the processing. The Controller is reminded that a data protection impact assessment is a document through which the envisaged processing operations are comprehensively assessed from the perspective of the risks to the rights and freedoms of data subjects, enabling the Controller both to align its processing activities with the law and to demonstrate such compliance. The outcome of the data protection impact assessment should assist the Controller in reviewing all aspects of the envisaged processing and, where necessary, in adapting the processing or refraining from it altogether, taking into account the risks posed to the rights and freedoms of the data subjects.

In view of the foregoing, it has been established that the Controller processes employees' biometric data in breach of Article 17 of the LPDP and without a valid legal basis under Article 12, paragraph 1 of the LPDP; that it acts contrary to the principle of data minimisation laid down in Article 5, paragraph 1, item 3) of the LPDP; and that it carries out the processing of employees' biometric data without first conducting a data protection impact assessment in respect of the envisaged processing operations or obtaining the prior opinion of the Commissioner, contrary to Articles 54 and 55 of the LPDP.

Conclusion:

In response to the Warning, the Controller submitted a notification stating that it had permanently ceased processing employees' biometric data for the purpose of monitoring and recording employees' working hours, had erased, by means of a formally recorded commission procedure, all stored biometric data, and had informed the employees accordingly.

Case number: 072-21-3811 2025-07

2. The Controller processed employees' personal data through the use of Global Positioning System (GPS) technology in connection with the use of company vehicles

Extract from the statement of reasons:

The Commissioner issued a Warning to the Controller because it processed the personal data of employees using the Controller's company vehicles, which were equipped with a Global Positioning System (GPS) vehicle tracking system, without a valid legal basis under Article 12, paragraph 1 of the Law on Personal Data Protection ("Official Gazette of the RS", No. 87/2018 – hereinafter: the LPDP), thereby infringing the principles of "lawfulness, fairness and transparency", "storage limitation", and "accountability" laid down in Article 5, paragraph 1, items 1) and 5), and paragraph 2 of the LPDP.

Extract from the statement of reasons:

The Controller submitted that the purpose of processing personal data by means of GPS technology was to protect the Controller's property, namely to determine the location of company vehicles in the event of theft and/or unauthorised use; to monitor vehicle speed (for the purposes of employees' liability for misdemeanours) in order to identify risky driving behaviour in relation to traffic regulations; and to ensure the protection of employees and enable a timely response to provide assistance in the event of traffic accidents or vehicle breakdowns. The Controller further asserted that the processing of employees' personal data by means of GPS technology was based on its legitimate interests. However, it failed to provide the Commissioner with any document substantiating its reliance on legitimate interests as the legal basis for the processing in question, including documentation containing a prior assessment of the relevant aspects of the envisaged

processing operation, which would demonstrate that the conditions laid down in Article 12, paragraph 1, item 6) of the LPDP for relying on that legal basis had been satisfied.

The protection afforded by the LPDP would be unacceptably undermined if the use of GPS technology were permitted in all circumstances and without a careful balancing of the potential benefits of its use against the important interests of protecting the right to privacy. GPS technology enables the real-time tracking of a vehicle's movements, making it possible to determine the geographical location of the individual or individuals presumed to be using the vehicle at a given moment or on a continuous basis. Although the processing of personal data for the purpose of protecting the Controller's property may be justified by legitimate interests as the legal basis for processing, in the present case the Controller failed to demonstrate that the manner in which such processing was carried out was proportionate and necessary for achieving the specific purpose. In particular, it did not present any evidence that there had previously been any theft or attempted theft of vehicles, unauthorised use of vehicles, or an increased risk of such events occurring.

With regard to the protection of property and individuals, the Commissioner takes the view that the continuous use of GPS technology is excessive, since the location of a traffic accident and/or a vehicle breakdown may be (and, in the vast majority of cases, is) reported by the driver, and because less intrusive means are available to the Controller for achieving that purpose. As regards potentially risky driving behaviour in relation to road traffic regulations, the Controller is reminded that enforcement of road traffic safety legislation falls within the competence of the traffic police. Accordingly, the processing of personal data by means of GPS technology for that purpose is excessive, particularly given that the Controller failed to provide the Commissioner with any evidence that its employees, or a significant number of them, regularly exceeded the speed limit or otherwise engaged in risky driving while using company vehicles.

By processing employees' personal data for the purposes set out in its written submissions while relying on legitimate interests as the legal basis, the Controller processes personal data without a valid legal basis under Article 12, paragraph 1, item 6) of the LPDP, thereby infringing the principle of "lawfulness, fairness and transparency" laid down in Article 5, paragraph 1, item 1) of the LPDP, since it does not process the personal data lawfully, fairly and transparently in relation to the data subjects. Nor did the Controller provide the Commissioner with any document substantiating its reliance on legitimate interests as the legal basis for the processing in question, including documentation containing a prior assessment of the relevant aspects of the envisaged processing operation. Consequently, the Controller failed to demonstrate that legitimate interests constituted a valid legal basis for the processing at issue. Furthermore, the non-transparent nature of the Controller's retention of data collected via GPS leads to the conclusion that such retention is not time-limited, meaning that the data are retained permanently, thereby infringing the principle of "storage limitation" laid down in Article 5, paragraph 1, item 5) of the LPDP. The indefinite retention of personal data, as occurs in the present case, creates an unfair balance between the competing public and private interests and, accordingly, constitutes a disproportionate interference with the rights of the data subjects. As such, it cannot be regarded as necessary in a democratic society. By processing personal data through the use of GPS technology in the manner described above, the Controller failed to demonstrate compliance with the principles set out in Article 5, paragraph 1 of the LPDP, thereby also infringing the principle of "accountability" laid down in Article 5, paragraph 2 of the LPDP.

In the circumstances of the present case, the Controller is reminded that, of the six legal bases for processing prescribed by Article 12, paragraph 1 of the LPDP, the only legal basis that

could potentially apply would be the consent of the data subject. Such consent must be freely given, unconditional, specific, granular, informed, unambiguous, and documented, and the data subject must be able to withdraw the previously given consent at any time.

Conclusion:

The Controller submitted a notification to the Commissioner stating that it had ceased using GPS technology, that the period for which the GPS service had been contracted with the processor had expired, that the service had not been extended or subsequently contracted again, and that the devices installed in the vehicles for tracking purposes had been removed. The Controller also submitted, as evidence, an appropriate certificate of removal issued by the processor confirming that the devices had been dismantled. Accordingly, the Commissioner concluded the proceedings in this matter.

Case number: 072-04-2384/2024-07

3. The processor acted in breach of the legally binding instrument governing its relationship with the controller

Extract from the statement of reasons:

A WARNING IS ISSUED to the insurance agency, in its capacity as the Processor, in relation to the processing of personal data carried out on behalf of the Controller, for having infringed the principle of "integrity and confidentiality" laid down in Article 5, paragraph 1, item 6) of the Law on Personal Data Protection ("Official Gazette of the RS", No. 87/2018 – hereinafter: the LPDP), which provides that personal data must be processed in a manner that ensures appropriate security of personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, through the implementation of appropriate technical, organisational and personnel measures, in conjunction with Article 45 of the LPDP. Specifically, by publishing a video on the social media platform Instagram, as well as on the associated social media platform Facebook, for the purpose of promoting insurance services and raising awareness of the benefits of insurance, the Processor disclosed the personal data of the policyholder and two insured persons (the policyholder's minor children), including the following personal data relating to those individuals: the personal identification number (JMBG), name and surname, residential address, occupation, relationship to the policyholder, date of birth, telephone number, and signature, as contained in the Life Insurance Proposal Form, thereby infringing the aforementioned provisions of the LPDP.

Extract from the statement of reasons:

The Commissioner received an application alleging that an insurance agency had published a video on its Instagram profile in which the confidential personal data of a policyholder and the policyholder's minor children were clearly visible, including their Unique Master Citizen Number (JMBG), names and surnames, and residential address, as contained in the insurance policy concluded with the insurance service provider.

Following receipt of the application, and for the purpose of gathering information relevant to a possible extraordinary inspection, the Commissioner first requested the insurance service provider, in its capacity as the Controller, to submit its observations regarding the allegations set out in the application.

At that time, the Controller stated, inter alia, as follows:

"Pursuant to Article 97 of the Law on Insurance ("Official Gazette of the RS", Nos. 139/2014 and 44/2021), the Insurance Agent performs insurance agency activities, namely activities consisting of initiating, proposing or carrying out the preparatory work for the conclusion of insurance contracts, as well as concluding insurance contracts in our name and on our behalf, on the basis of an insurance agency agreement. The relationship between our Company and the Insurance Agent is governed by the Insurance Agency Agreement and the Personal Data Processing Agreement, concluded in written form in accordance with Article 45, paragraphs 3 and 4 of the LPDP, under which the Insurance Agent acts as the Processor in relation to the Controller. Pursuant to Article 5, paragraph 1, indents 10 and 11 of the signed Personal Data Processing Agreement, the Insurance Agent was required to treat as confidential all personal data entrusted or made available to it in connection with the performance of the principal agreement, namely the Insurance Agency Agreement, and not to disclose, make available or transfer such personal data to any third party without the Controller's prior consent, except where required by law."

Furthermore, the Controller stated that it had instructed the Processor to remove from the social media platforms the video containing the disclosed personal data, that it had subsequently been informed that the video had been deleted, and that it had also obtained a statement from the Processor explaining the reasons for its conduct.

In connection with the application, the authorised officers of the Commissioner conducted an extraordinary inspection of both the Controller and the insurance agency, acting as the Processor. The subject of the inspection was the disclosure of personal data on the Processor's Instagram profile and other social media platforms, where such data had been generated in connection with the provision of insurance agency services.

In response to the questions raised, the representatives of the Controller and the Processor jointly provided the following response:

"In relation to the insurance company, the insurance agency acts, for the purposes of the LPDP, in the capacity of a Processor engaged to perform insurance agency services. For the purposes of the LPDP, the Controller and the Processor have concluded a Personal Data Processing Agreement. The Controller and the Processor agreed on the implementation of appropriate technical, organisational and personnel measures for the protection of personal data in Article 5 of the Personal Data Processing Agreement. The Processor carries out its insurance agency activities in accordance with the Insurance Agency Agreement and the Personal Data Processing Agreement. The Processor maintains *Instagram* and *Facebook* social media accounts, which it uses to promote insurance services, raise awareness of the importance and need for insurance, and promote its own content. In the present case, the video in question was published on the social media platform *Instagram*. However, because the social media accounts were linked, it was simultaneously published on the *Facebook* social media platform as well. The Processor does not ordinarily publish personal data on those social media platforms. However, in the present case, while promoting insurance services and raising awareness of the importance and need for insurance, the video inadvertently resulted in the disclosure of the personal data of three individuals (the father and his two minor children), whose personal data had been collected solely for the purpose of preparing and concluding an insurance contract, which was ultimately not concluded. The Controller became aware of the Processor's conduct in the present case only after being contacted by an authorised officer of the Commissioner. The Controller then contacted the Processor,

whereupon the video recordings in question were removed from both social media platforms, and the Processor was further instructed regarding the lawfulness of the processing of personal data for the purposes of insurance agency services.”

In this regard, the Commissioner established that Article 4 of the Personal Data Processing Agreement concluded between the Controller and the Processor sets out the Controller's obligations. Under that Agreement, the Controller is required to: provide the Processor with the current versions of the notices on the processing of personal data and the consent forms for the processing of personal data; provide the Processor, in a timely manner, with written instructions regarding the manner of processing personal data; implement all necessary technical and organisational measures in relation to the IT infrastructure in order to prevent personal data breaches; upon the Processor's request, provide the Processor with the internal policies governing the processing of personal data; provide the Processor with all assistance reasonably necessary to enable the Processor to fulfil its obligations under this Agreement and the Law; designate a person responsible for the processing of personal data who is authorised to respond to matters relating to the processing of personal data under the Principal Agreement.

Article 5 of the Agreement further sets out the obligations of the Processor.

In light of the established facts and the circumstances of the present case, the Commissioner issued a warning for the following reasons.

Point 8 of the same Article of the LPDP defines a "Controller" as a natural or legal person, or a public authority, which, alone or jointly with others, determines the purposes and means of the processing. It further provides that the law determining the purposes and means of the processing may also designate the Controller or prescribe the conditions for its designation.

Point 9 of the same Article of the LPDP defines a "Processor" as a natural or legal person, or a public authority, which processes personal data on behalf of the Controller.

The principles governing the processing of personal data are laid down in Article 5, paragraph 1 of the LPDP.

Article 12, paragraph 1 of the LPDP provides that processing is lawful only if at least one of the conditions set out in points 1 to 6 is fulfilled.

Article 45 of the LPDP provides that the Controller may engage as a Processor only a natural or legal person, or a public authority, that provides sufficient guarantees for the implementation of appropriate technical, organisational and personnel measures to ensure that the processing is carried out in accordance with the Law and in a manner that ensures the protection of the rights of the data subject. Processing by a Processor shall be governed by a contract or other legally binding act, in writing, including in electronic form, which sets out the subject matter, duration, nature and purpose of the processing, the types of personal data and categories of data subjects, as well as the rights and obligations of the Controller. The same act shall provide that the Processor processes personal data only on documented instructions from the Controller, ensures that persons authorised to process the personal data are subject to confidentiality, implements the prescribed security measures, complies with the conditions governing the engagement of another Processor, assists the Controller in ensuring the exercise of the rights of data subjects and the fulfilment of its statutory obligations, deletes or returns the personal data to the Controller upon completion of the processing, and makes available to the Controller all information necessary to demonstrate compliance with its obligations and to enable inspections by the Controller.

In view of the foregoing, it was established that the Controller, by means of a legally binding act, required the Processor to: implement appropriate technical, organisational and

personnel measures in a manner ensuring that the processing is carried out in accordance with the provisions of the LPDP and that the rights of the data subjects are protected; not disclose, make available or transfer personal data to any third party without the Controller's prior consent, except where required by law; ensure that any natural person authorised to process personal data has undertaken to maintain the confidentiality of such data or is subject to a statutory duty of confidentiality; treat as confidential all personal data entrusted or made available to it in connection with the performance of the Principal Agreement, both during the term of and after the termination of the Principal Agreement; and not disclose, make available or transfer personal data to any third party without the Controller's prior consent, except where required by law.

In this regard, the Commissioner established that the Processor acted contrary to the Agreement by publishing a video on the Instagram social media platform and, because the corresponding social media accounts were linked, on the Facebook social media platform as well. In doing so, for the purpose of promoting insurance services and raising awareness of the benefits of insurance, the Processor disclosed the personal data of the policyholder and two insured persons (the policyholder's minor children), namely the following personal data relating to those individuals: their personal identification number, first and last names, residential address, occupation, relationship, date of birth, telephone number and signature, as contained in the Life Insurance Proposal, thereby acting contrary to the principle of "integrity and confidentiality" laid down in Article 5, paragraph 1, point 6 of the LPDP, in conjunction with Article 45 thereof.

Conclusion:

In response to the warning, the Processor submitted a written notification stating, inter alia, that the disputed content had been completely removed and that, in addition, all social media accounts had been separated and now exist as independent accounts, thereby enabling better control and management of the content, as well as ensuring compliance with the personal data protection legislation.

Having regard to the Processor's submissions, the established facts and the circumstances of the present case, the Commissioner found that the Processor had acted in compliance with the warning.

Case number: 072-04-2306/2025-07

4. Lack of transparency in the processing of personal data through a video surveillance system and failure to conclude a contract or other legally binding act with Processors

By entrusting the Processors with the processing of personal data through a video surveillance system used in public urban, local and suburban bus passenger transport, the Controller failed to inform the data subjects, in the prescribed manner, about the processing of their personal data by means of the video surveillance system. The Controller also failed to govern such processing by means of a contract or other legally binding act concluded, or adopted, in writing, including in electronic form, that is binding on the Processor in relation to the Controller and that sets out the subject matter and duration of the processing, the nature and purpose of the processing, the types of personal data and the categories of data subjects, as well as the rights and obligations of the Controller.

Extract from the statement of reasons:

The Controller is issued a warning because:

1) it instructed the transport operators with which it had concluded public-private partnership agreements for the provision of the public utility service of public urban, local and suburban bus passenger transport to inform passengers of the existence of video surveillance in the vehicles and the recording of the passenger compartment by affixing stickers, the content of which had been determined by the Controller, but which did not contain all the information required under Article 23 of the Law on Personal Data Protection ("Official Gazette of the RS", No. 87/2018 – hereinafter: the LPDP), thereby acting contrary to the principle of "lawfulness, fairness and transparency" laid down in Article 5, paragraph 1, point 1 of the LPDP;

2) before commencing the processing of personal data through the video surveillance system, it failed to govern the processing, in relation to the transport operators with which it had concluded public-private partnership agreements for the provision of the public utility service of public urban, local and suburban bus passenger transport, acting as Processors of personal data, by means of a contract or other legally binding act concluded in writing, in accordance with the above-mentioned statutory provision, thereby acting contrary to Article 45, paragraph 3 of the LPDP.

Extract from the statement of reasons:

During the inspection procedure, it was established that the Controller had sent a notice to the transport operators with which public-private partnership agreements had been concluded for the provision of the public utility service of public urban, local and suburban bus passenger transport, informing them of their obligation to notify passengers of the existence of video surveillance in the vehicle and the recording of the passenger compartment by marking the vehicles with stickers whose content had been determined by the Controller, while only the video surveillance pictogram was used to inform passengers, disregarding the obligation to provide all other information referred to in Article 23 of the LPDP. The Controller failed to provide users of the public bus transport service, at the time of collecting their personal data, with all the relevant information concerning the processing of personal data required under the aforementioned provision of the LPDP, thereby acting contrary to the principle of "lawfulness, fairness and transparency" laid down in Article 5, paragraph 1, point 1 of the LPDP, which requires that personal data be processed lawfully, fairly and in a transparent manner in relation to the data subject.

Furthermore, it was established that Article 45, paragraph 3 of the LPDP had been violated, as, before commencing the processing of personal data through the video surveillance system, the Controller had failed to govern the processing, in relation to the transport operators acting as Processors of personal data with which it had concluded public-private partnership agreements for the provision of the public utility service of public urban, local and suburban bus passenger transport, by means of a contract or other legally binding act concluded in writing, including in electronic form, that is binding on the Processor in relation to the Controller and that sets out the subject matter and duration of the processing, the nature and purpose of the processing, the types of personal data and the categories of data subjects, as well as the rights and obligations of the Controller.

Conclusion:

In response to the warning, the Controller documented and stated that, in order to remedy the identified breaches of the Law on Personal Data Protection, it had provided the transport operators with a new design of the sticker relating to the processing of personal data through the video surveillance system, together with a notice requiring that all vehicles participating in the public passenger transport system be marked, no later than 30 October 2025, with stickers bearing a pictogram which, in addition to the image of a camera, also contains supplementary text directing passengers to the Controller's website for further information on the processing of personal data; that a privacy notice concerning the processing of personal data through the video surveillance system had been published on the Controller's website; and that standard contractual clauses had been provided to all transport operators, accompanied by an obligation requiring them to sign those clauses no later than 21 November 2025.

Case number: 072-04-3532/2025-07

5. The Controller failed to protect the personal data contained in documents published on its official website under the "Public and Internal Competitions" and "Electronic Notice Board" sections

Extract from the statement of reasons:

By processing the personal data contained in documents published on the Controller's official website under the "Public and Internal Competitions" and "Electronic Notice Board" sections, the Controller infringed Article 5, paragraph 1, point 3 of the Law on Personal Data Protection ("Official Gazette of the RS", No. 87/2018 – hereinafter: the LPDP), as the processing in question was not adequate, relevant and limited to what was necessary in relation to the purposes of the processing (the principle of "data minimisation"), and Article 42, paragraph 2 of the LPDP, as it failed, through the continuous implementation of appropriate technical, organisational and personnel measures, to ensure that only personal data necessary for each specific purpose of the processing were processed at all times.

Extract from the statement of reasons:

During the inspection procedure, it was established that, on its website, under the public call for the award of non-repayable funds to households for the energy renovation of family houses and apartments within the territory of the City of X, the Controller had published the List of Households Approved for Funding under the Energy Renovation Programme, which, in addition to the names and surnames of the beneficiaries, also contained the residential addresses of the citizens who had been granted the non-repayable funds.

The inspection procedure further established that the Controller had published decisions and official communications on its website under the "Electronic Notice Board" section where service by other means was not possible and, in doing so, had failed to protect personal data that were not necessary for the purpose of service, including the Unique Master Citizen Number (JMBG), parent's name, date and place of birth, the child's name and date of birth, and other personal data relating to personal and civil status, including changes of personal name.

The Controller is reminded that, pursuant to Article 42 of the LPDP, when publishing documents on its website for the purpose of informing users of the outcome of a procedure and when publishing documents for the purpose of service by public notice, it was required to implement appropriate technical, organisational and personnel measures designed to ensure the effective application of the principles of personal data protection, such as data minimisation, and to ensure that only those personal data that are necessary for each specific purpose of the processing are processed at all times, given that the publication of all the data contained in the documents in question makes those data available to third parties, that is, to an unlimited number of natural persons.

In the present case, the purpose of the processing could have been achieved by other means that would have posed a lower risk to the privacy of the data subjects, namely by protecting (anonymising) the personal data. By doing so, the Controller would have complied with the principles laid down in Article 5 of the LPDP, in particular the principles of data minimisation and purpose limitation.

Having regard to the provisions of the LPDP, and given that the Controller failed to protect (anonymise) the personal data contained in the documents published on the Controller's website in the procedure for the award of non-repayable funds to households for the energy renovation of family houses and apartments within the territory of the City of X, and in the procedure for service by public notice where service by other means was not possible, it was established that the Controller had infringed the principle of "data minimisation" laid down in Article 5, paragraph 1, point 3 of the LPDP, as the personal data processed were not adequate, relevant and limited to what was necessary in relation to the purposes of the processing, as well as Article 42, paragraphs 1 and 2 of the LPDP with regard to the availability of personal data. Accordingly, a warning was issued to the Controller as a corrective measure.

Conclusion:

In response to the warning, the Controller stated that it had acted in accordance with the Commissioner's warning and had remedied the identified breaches of the Law on Personal Data Protection, which was also confirmed by an inspection of the Controller's website carried out by an authorised officer of the Commissioner.

Case No: 072-04-170/2025-07

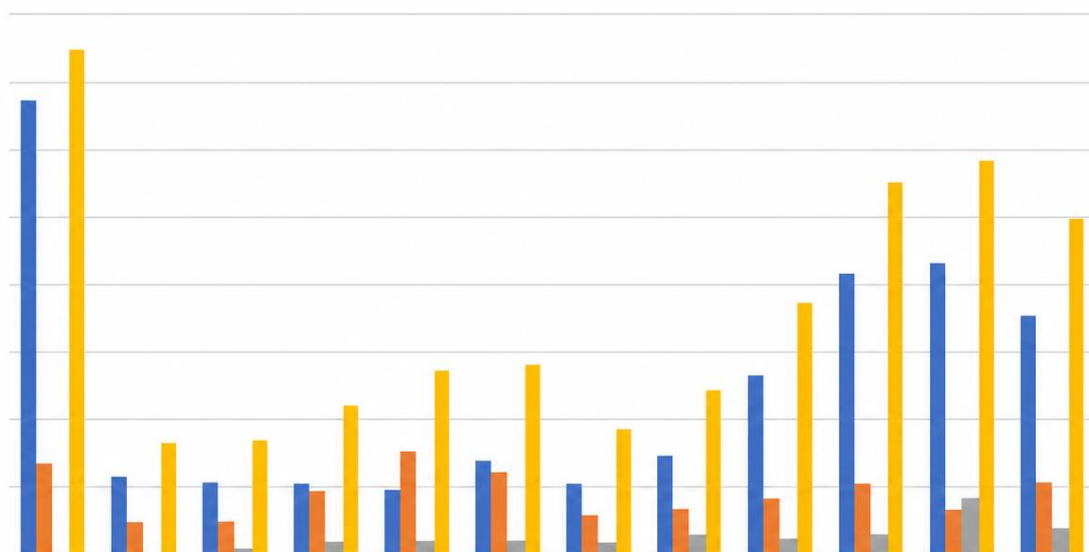
3. COMMISSIONER’S ACTIVITIES

3.1. SUMMARY OF OVERALL ACTIVITIES

In 2025, the Commissioner opened 24,875 cases, including 17,492 cases in the field of access to information of public importance, 5,310 cases in the field of personal data protection, and 2,073 cases in both fields of activities of the Commissioner.

In 2025, the Commissioner handled a total of 41,833 cases, since 16,958 pending cases had been carried forward from the previous years. 59.5% of these cases were opened by the Commissioner in 2025.

Graph No. 1 - Number of received cases by years



	2005–2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Free Access to Information	28609	5695	5291	5193	4842	6760	5201	7244	13285	20801	21449	17942
Personal Data Protection	6665	2430	2464	4607	7550	6078	2952	3366	4116	5211	3372	5310
Cases Relating to Both Areas			482	1032	1199	1151	1065	1611	1300	1591	4184	2073
Total	35274	8125	8237	10832	13591	13989	9218	12221	18701	27603	29005	24875

In the course of 2025, the Commissioner concluded the procedure in 23,701 cases, including 16,602 cases in the field of access to information, 5,112 cases in the field of personal data protection, and 1,987 cases in both fields.

There were 18,132 pending cases carried forward to 2026. (17,401 – freedom of access, 538 - personal data protection, and 193 - in both fields).

Graph No. 2 - Number of resolved cases by years

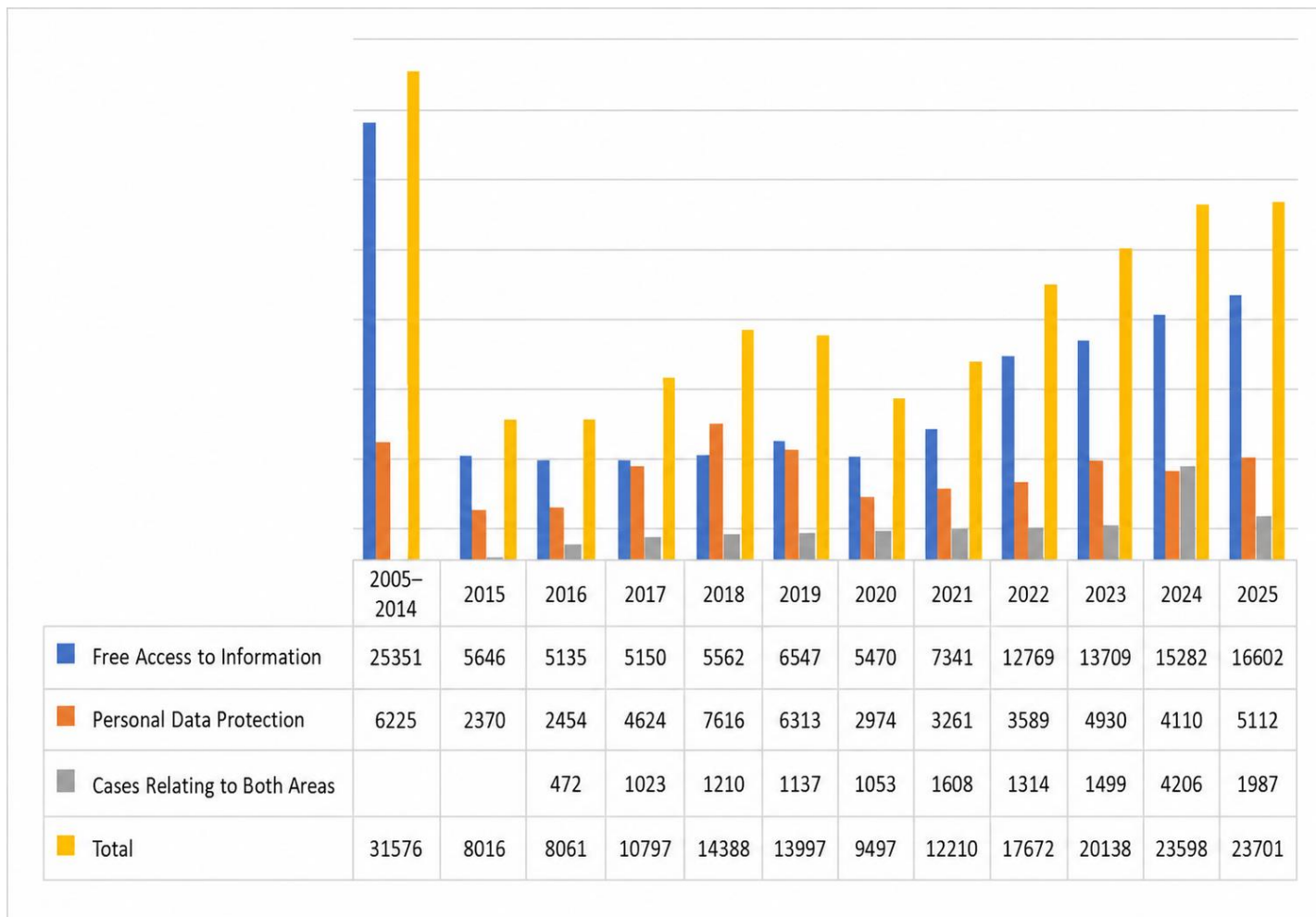


Table No. 3 - Commissioner's activities

<i>The Commissioner's activities in 2025 included mainly:</i>		
1.	Resolving cases pursuant to complaints against breaches of free access to information and the right to personal data protection.	In total, 9,989 complaints were resolved (9,817 complaints - free access to information; 172 complaints - personal data protection).
2.	Completion of inspections of compliance with and implementation of the LPDP.	The Commissioner closed a total of 1.169 cases in the field of inspection.
3.	Opinions on draft laws and other general legal instruments.	The Commissioner issued 33 opinions on draft laws, bills and other regulations to public authorities, upon request of these public authorities. Of those, 26 opinions concerned draft laws, while 7 concerned other general legal instruments.
4.	Provision of assistance to natural persons and legal entities and public authorities or data controllers in exercising the rights or in proper application of the LFAIPI and the LPDP by clarifying vague issues and procedures.	The Commissioner issued 628 opinions and replies on correct application of both laws, including 332 on correct application of the LPDP, 7 preliminary opinions of the Commissioner (Article 7, of the LPDP), and 289 opinions on correct application of the LFAIPI.
5.	Misdemeanour prosecution.	The Commissioner issued 502 misdemeanour notices for breaches of the LFAIPI and filed 24 petitions for institution of misdemeanour proceedings (21 for breaches of the LFAIPI and 3 petitions for institution of misdemeanour proceedings for breaches of the LPDP).
6.	Provision of assistance to citizens in connection with their free access to information requests referred to the Commissioner by authorities which do not hold the requested information so the requests could be forwarded to the relevant authorities that will be able to provide the information or have been submitted to the Commissioner instead of the competent authority.	2,552 cases (2,415 forwarded requests and 137 requests for information on the work of other authorities)
7.	Other communication of an advisory and instructional nature with public authorities concerning the compliance with the LFAIPI, in connection with compliance with the regulations on promoting transparency, in connection with the submission of annual reports to the Commissioner and compiling and publishing information directories in the Commissioner's Single Information System, which contribute to continual improvements in the proactive publishing of information, an increase in the volume of	610 measures to enhance the transparency of operations and 189 other communications with citizens, the media and public authorities.

	information on the public authorities activities published on their websites and the active role of public authorities in facilitating the exercising of rights and other communication.	
8.	Activities concerning Serbia's EU accession process.	The Commissioner submitted 21 contributions and reports, including those submitted to: The Ministry of Justice, the Ministry of Public Administration and Local Self-Government, the Ministry of European Integration, and the Anti-Corruption Agency.
9.	Public announcements by the Commissioner addressing the general public.	69 times.
10.	Activities concerning submission of notifications on the contact details of the data protection officer and the appointment of representatives of foreign companies in accordance with the Law on Personal Data Protection.	522 controllers submitted notifications on the contact details on data protection officers, while 22 decisions on the appointment of representatives of foreign companies in accordance with the LPDP were submitted to the Commissioner in 2025.
11.	Issuing of checklists.	A checklist was sent to the addresses of 1.994 controllers. In the course of 2025, a risk assessment was conducted in 1,506 cases. On the basis of received completed checklists the Commissioner assessed the level of data processing risks. The total of 460 data controllers failed to submit the completed checklists to the Commissioner.
12.	Processing the requests for free access to information of public importance and requests for information on case status.	A total of 716 requests for free access to information of public importance and 400 requests for information on case status submitted to the Commissioner were processed.
13.	Activities related to the enforcement of the Commissioner's decisions and motions for the reopening of proceedings.	A total of 16 enforcement proceedings relating to the Commissioner's decisions were concluded, 10 decisions were issued, and 10 motions for the reopening of proceedings were resolved.
14.	Replies to the Administrative Court to legal action brought in administrative disputes against the Commissioner's decisions and failure to resolve complaints within the statutory period, the so-called "administrative silence".	2.542 replies.
15.	Replies to citizens' applications concerning issues of exercise of rights in the fields of personal data protection and free access to information, as well as issues that are outside of the Commissioner's mandate.	918 replies.
16.	Telephone calls by citizens, journalists, and representatives of the media, as well as employees of public authorities, to consult on matters	The Commissioner answered 18,114 telephone calls.

	concerning the exercising of the rights within the Commissioner's mandate.	
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Table No. 4 - Structure of resolved cases

No.	Freedom of access - 16,602 cases resolved	Number of resolved cases
1.	Complaints	9.817
2.	Processing the cases involving misdemeanours for breaches of the LFAIPI	695
3.	Motions for administrative enforcement	16
4.	Motions for repeated procedures	10
5.	Opinions	289
6.	Measures to improve transparency	610
7.	Applications	85
8.	Replies to legal action	2.524
9.	Request for review of Administrative Court decisions	4
9.	Requests for information on the work of other authorities	137
10.	Referred requests	2.415

Table No. 5 - Structure of resolved cases

No.	Personal Data Protection - 5,112 cases resolved	Number of resolved cases
1.	Inspections	1.169
2.	Processing misdemeanours for breaches of the LFAIPI	4
3.	Complaints	172
4.	Replies to legal action	18
5.	Request for review of Administrative Court decisions	1
6.	Notices of personal data breaches	49
7.	Applications	632
8.	Request for approval of binding corporate rules	1
9.	Opinions	332
10.	Preliminary opinions (Article 55)	7
11.	Records of requests to access retained data	104
12.	Checklists	1.966
13.	Processed records of personal data protection officers	521
14.	Decisions on appointment of representatives of foreign companies in accordance with the LPDP	22
15.	Improvement of protection and prevention	69
16.	Consent issued to the Commission on Missing Babies	45

Table No. 6 - Structure of resolved cases

No.	Both fields - 1,987 cases resolved	Number of resolved cases
1.	Public announcements	69
2.	Requests for information submitted to the Commissioner	716
3.	Requests concerning case information	400
4.	Request for a Certificate – Official Records	1
5.	Claims for expense reimbursement	3
6.	Cases in the field of European integration	21
7.	National cooperation	113
8.	International cooperation	44
9.	Opinions on draft laws and other general legal instruments	33
10.	Initiatives and proposals	1
11.	Reports and information	150
12.	Applications that do not concern the Commissioner's mandate	201
13.	Other communication with public authorities, controllers, and the public	189
14.	Trainings	42
15.	Objection	4

3.1.1. Commissioner's Opinions

1) Opinions on draft laws

In the course of 2025, the Commissioner issued **26 opinions on draft laws** upon request from the relevant public authorities. All opinions were given from the viewpoint of the Commissioner's mandate.

- An opinion was provided to the National Assembly of the Republic of Serbia on the working version of the Draft Law Amending the Law on the Unified Electoral Register, which had been submitted to the Committee on Constitutional and Legislative Issues by Member of Parliament Uglješa Mrdić.
- An opinion was provided to the Ministry of Information and Telecommunications on the Draft Law on Information Security;
- Opinions were provided to the Ministry of Public Administration and Local Self-Government on the following: Draft Law Amending the Law on Free Access to Information of Public Importance; Draft Law on the Population Register; Draft Law Amending the Law on Electronic Administration; Draft Law Amending the Law on Civil Servants; Draft Law Amending the Law on Salaries of Civil Servants and State Employees;
- Opinions were provided to the Ministry of Education on the following: Draft Law Amending the Law on the Foundations of the Education System; Draft Law Amending the Law on

Preschool Education; Draft Law Amending the Law on Primary Education; Draft Law Amending the Law on Secondary Education; Draft Law Amending the Law on Textbooks;

- Opinions were provided to the Ministry of Internal and External Trade on the following: Draft Law Amending the Law on Advertising; Draft Law on Consumer Protection;
- An opinion was provided to the Ministry of Health on the Draft Law Amending the Law on the Protection of Persons with Mental Disorders;
- Opinions were provided to the Ministry of Health, Directorate of Biomedicine on the following: Draft Law Amending the Law on Human Cells and Tissues (on two occasions); Draft Law Amending the Law on Human Organ Transplantation (on two occasions).
- An opinion was provided to the Ministry of Construction, Transport and Infrastructure on the Draft Law Amending the Law on Working Time of Vehicle Crew in Road Transport and Tachographs;
- The Ministry of Interior was given an opinion on Draft Law on Amendments to the Law on National DNA Register;
- An opinion was provided to the Ministry of Defence on the Draft Law on Health Care and Health Insurance for Military Insured Persons and the Draft Law on Military Education;
- An opinion was provided to the Ministry of Finance on the Draft Law on the Budget of the Republic of Serbia for 2026;
- An opinion was provided to the Statistical Office of the Republic of Serbia on the Draft Law on Official Statistics;
- An opinion was provided to the Office for Information Technologies and eGovernment on the Draft Law on the Exchange of Data, Documents and Notifications in Cases of Temporary Incapacity for Work through the Use of the e-Sick Leave – Employer Software Solution.

2) Opinions on drafts and proposals of other legal instruments

In the course of 2025, the Commissioner issued 7 opinions on drafts and proposals of other legal instruments upon request from the relevant public authorities. All opinions were given from the viewpoint of the Commissioner's mandate.

- An opinion was provided to the Ministry of Information and Telecommunications on the Draft Action Plan for the Implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia for the Period 2020–2025 for 2025;
- An opinion was provided to the Ministry of Environmental Protection on the Draft Environmental Protection Strategy, with the Action Plan, for the Republic of Serbia for the Period 2025–2033 – Green Agenda for Serbia;
- An opinion was provided to the Ministry of Finance on the Draft Rulebook on the Procedures for the Retention, Protection and Security of Data Contained in the Records Maintained by the Tax Administration and on the Procedures to Be Followed in the Event of a Personal Data Breach;

- An opinion was provided to the Ministry of Mining and Energy on the Draft Regulation Amending the Regulation on Energy-Vulnerable Customers;
- An opinion was provided to the Ministry of Labour, Employment, Veteran and Social Affairs on the Proposal to Conclude an Agreement in the Form of the Standard Contractual Clauses for Data Protection Adopted by the European Commission, for the Purpose of Establishing a Legal Basis and Ensuring an Adequate Level of Protection of Personal Data in the Implementation of the Convention, which had been submitted to the Ministry by the Royal Norwegian Ministry of Labour and Social Inclusion;
- An opinion was provided to the Statistical Office of the Republic of Serbia on the Draft Programme of Official Statistics for the Period 2026–2030;
- An opinion was provided to the Ministry of Public Administration and Local Self-Government on the Instructions for the Implementation of the Law on the Unified Electoral Register.

3) Opinions concerning the Application of the LPDP

In the course of 2025, the Commissioner issued a total of **332 substantiated opinions** concerning the application of the LPDP, including: 234 opinions issued to citizens, attorneys and the media, 1 opinion issued to NGOs and other associations, 23 opinions issued to legal entities (companies and banks), 61 opinions issued to government authorities, local self-government authorities, health care and social welfare institutions, education institutions, and public enterprises, 1 opinion issued to sports organisations and 12 opinions issued to others.

In 2025, the Commissioner also issued **7 preliminary opinions** in accordance with Article 55 of the LPDP concerning data protection impact assessment. Opinions were given to five companies (5), one local self-government authority (1) and one healthcare institution (1).

4) Initiatives and proposals

An Initiative submitted to the Administrative Court regarding the Court's inconsistent case law.

5) Working Groups

- On 16th January, the first meeting of the Special Working Group for the Preparation of the Draft Amendments to the Law on Personal Data Protection was held. Following the opening remarks by the Chair of the Special Working Group, State Secretary at the Ministry of Justice Miroslav Panić, and the Deputy Chair of the Special Working Group, Commissioner Milan Marinović, the members of the Special Working Group were acquainted with its objectives, tasks, working methods and timetable. A smaller working group was also established to prepare the working version of the draft amendments to the Law on Personal Data Protection and to submit reports to the Special Working Group;

- On 27th January, a representatives of the Commissioner attended a public hearing on the following topic: "Presentation of the Draft Amendments to the Law on the Unified Electoral Register Prepared within the Working Group for the Improvement of the Electoral Process";
- On 14th February, a representative of the Commissioner attended a meeting of the Working Group on the Law on Artificial Intelligence;
- On 18th March 2025, the first meeting of the Working Group for the Preparation of the Action Plan for the Implementation of the Public Administration Reform Strategy in Serbia 2021–2030, for the Period 2026–2030, was held. During the remainder of the year, several meetings of the Working Group and its subgroups were held to prepare the Action Plan, in which the Commissioner's Adviser participated as a member of the Working Group;
- On 26th March, a representative of the Commissioner participated in the workshop "Fundamentals of Open Data" as a member of the Working Group on Open Data at the National Academy of Public Administration;
- On 8–10 April, he Commissioner, the Deputy Commissioner and the Acting Assistant Secretary General participated in the work of the Special Working Group for the Preparation of the Draft Amendments to the Law on Personal Data Protection at a meeting held in Divčibare. Particular attention was devoted to regulating the processing of genetic and biometric data, the processing of personal data through audio and video surveillance, and the processing of personal data through the use of artificial intelligence;
- On 11th April, a representative of the Commissioner participated in a meeting of the Working Group for the Preparation of Guidelines on the Publication of Data by the Special Departments of the Higher Public Prosecutors' Offices for the Suppression of Corruption;
- On 20th April, a representative of the Commissioner participated in a meeting of the Working Group for the Preparation of Guidelines on the Publication of Data by the Special Departments of the Higher Public Prosecutors' Offices for the Suppression of Corruption;
- On 22nd May, the Commissioner held a meeting with representatives of the Working Subgroup on Managerial Accountability and Transparency. The meeting was attended by the Deputy Commissioner, the Commissioner's Adviser, the Acting Head of the Commissioner's Office, the Head of the Public Administration Reform Management Unit of the Ministry of Public Administration and Local Self-Government (MPALSG), the Coordinator of the Accountability Subgroup, a representative of the MPALSG, and experts from the GOPA project;
- On 28th May, the Commissioner, the Deputy Commissioner and the Acting Assistant Secretary General continued to participate in the work of the Special Working Group for the Preparation of the Draft Amendments to the Law on Personal Data Protection;
- On 2nd June, a representative of the Commissioner participated in a meeting of the Working Group for the Preparation of Guidelines on the Publication of Data by the Special Departments of the Higher Public Prosecutors' Offices for the Suppression of Corruption;
- On 4–6 June, the Commissioner, the Deputy Commissioner and the Acting Assistant Secretary General participated in the work of the Special Working Group for the Preparation of the Draft Amendments to the Law on Personal Data Protection at a meeting held in Zrenjanin;
- On 11–13 June, a representative of the Commissioner participated in meetings of the Working Group for the Preparation of Guidelines on the Publication of Data by the Special Departments of the Higher Public Prosecutors' Offices for the Suppression of Corruption, held in Vršac;

- On 25th July, the first meeting of the Working Group for the Preparation of the Action Plan for the Implementation of the National Anti-Corruption Strategy for the Period 2024–2028 was held. During the remainder of the year, several meetings of the Working Group were held to prepare the Action Plan, in which the Commissioner's Adviser participated as a member of the Working Group.

3.1.2. Reporting

As part of compliance with the obligations under the law, the Commissioner receives reports and contributions to reports by public reports and submits to public authorities his reports and contributions to reports.

In accordance with Article 130a), of the Law on Electronic Communications⁴⁰, the Commissioner receives reports and records of access to retained data from operators of electronic communications. As of the time of writing of this report, the Commissioner has received such reports in respect of the preceding year from **99 operators** of electronic communications, on the basis of which it was determined that the **operators received** a total of **141,999 requests for access to retained data** and that they **processed 141,823 such requests**.

In fulfilment of his statutory obligation, the Commissioner for Information of Public Importance and Personal Data Protection submitted to the National Assembly of the Republic of Serbia, on 24 March 2025, the Report on the Implementation of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection in 2024. The Report was also submitted to the Government of the Republic of Serbia and published on the Commissioner's website.

Pursuant to Article 43 of the Law on Free Access to Information of Public Importance, public authorities are required to submit annual reports to the Commissioner on the measures taken to implement the Law. Of more than 12,300 such authorities, **5,394** submitted their reports for 2025 to the Commissioner.

The submitted annual reports have shown the following:

- A total of **46,768** requests regarding free access to information were registered; out of that, **38,813** were accepted and processed, **813** were dismissed, and **2,232** were rejected;
- **5,020** Complaints were registered, **1,044** for rejection of requests, **1,824** for non-compliance with requests, and **1,354** other complaints;
- **3,323** public authorities reported to have conducted trainings, while **5,267** regularly maintain data storage media;
- **4,766** of the public authorities that submitted their reports have published their Information Directories in the SIS;
- **77** public authorities charged the expenses of issuing copies containing information of public importance. The amount of charged expenses according to the reports is RSD 384,678.00;
- As regards categories of requested information, according to the reports submitted by public authorities these concerned;

⁴⁰“Official Gazette of the Republic of Serbia” Nos. 44/2010, 60/2013 – Constitutional Court Decision and 62/2014 and 95/2018 - new law.

1. Budget (salaries, donations, sponsorships, contracts...) – 10,293 requests,
2. Environment protection – 1616 requests,
3. Public health – 700 requests,
4. Issues within the mandate of public authorities – 30,570 requests.

Out of the **46,768** requests for free access to information, **31,396** or **67.1%** of the total number were filed by citizens, while members of the media submitted **3,482** requests, or **7.4%**. Representatives of political parties submitted **1.114** requests or **2.4%**, while non-governmental organizations and other citizens' associations submitted **5,431** requests or **11.6%**.

According to the data the Commissioner obtained from the Treasury Administration of the Ministry of Finance⁴¹, and had the chance to review, a total of RSD **215,653.00** was credited to the account used for the payment of necessary expenses of issuing copies of documents containing information of public importance (840-742328843-30). However, according to the data presented in the reports submitted by public authorities, the amount of expenses charged in 2025 was RSD **384,678.00**. This likely means that public authorities charged the expenses through their own accounts.

Other reports and contributions to reports submitted by the Commissioner to public authorities concern primarily Serbia's EU integration processes. Such reports were submitted to the following recipients in 2025:

- **Ministry of Justice:** Report on the Implementation of Activities under the Revised Action Plan for Chapter 23 for the Third and Fourth Quarters of 2024; Six-Month Report on the Fulfilment of the Interim Benchmarks Relating to the Implementation of the Law on Free Access to Information of Public Importance for Chapter 23 for the Period July–December 2024; Report on the Implementation of the National Programme for the Adoption of the Acquis (NPAA) 2022–2025 for the Third and Fourth Quarters of 2024; Contribution to the European Commission's 2025 Annual Progress Report (covering the period from 1 January to 31 December 2024); Contribution to the Preparation of the Report on the Implementation of the National Programme for the Adoption of the Acquis (NPAA) 2022–2025 for the First Quarter of 2025; The Commissioner's Response, within the Scope of the Institution's Competence, to the Draft European Commission Rule of Law Report; Report on the Implementation of Activities under the Revised Action Plan for Chapter 23 "Judiciary and Fundamental Rights" for the First and Second Quarters of 2025; Updated Tables on the Interim Benchmarks for Chapter 23 Relating to the Implementation of the Law on Free Access to Information of Public Importance; Comments on the Draft Executive Summary of the Review of Compliance with the United Nations Convention against Corruption; Report on the Implementation of the National Programme for the Adoption of the Acquis (NPAA) for the Second Quarter of 2025; Updated Contribution to the European Commission's Annual Progress Report for the First Two Quarters of 2025; The Commissioner's Contribution to the Preparation of the National Programme for the Adoption of the Acquis (NPAA) 2022–2025 for the Third Quarter of 2025; Contribution to the Report on the Implementation of the National Programme for the Adoption of the Acquis (NPAA) under Chapter 23 for the Fourth Quarter of 2025;

⁴¹ Letter of the Treasury Administration No. 005169887 2025 10523 007 000 041 001 of 9 January 2026

- **Anti-Corruption Agency:** Consolidated Report on the Implementation of Activities under the Revised Action Plan for Chapter 23 – Subchapter "Fight against Corruption" for the Third and Fourth Quarters of 2024; Consolidated Report on the Implementation of Activities under the Revised Action Plan for Chapter 23 – Subchapter "Fight against Corruption" for the First Two Quarters of 2025;
- **Ministry of European Integration:** Response to questions falling within the competence of the Commissioner for Information of Public Importance and Personal Data Protection for the forthcoming Subcommittee on Justice, Freedom and Security (11–12 March 2025); Contribution to the European Commission's 2025 Annual Progress Report (covering the period from 1 September 2024 to 3 April 2025); Updated contribution to the European Commission's Annual Progress Report for the period from April to September 2025; Comment on the Draft Minutes of the Stabilisation and Association Committee meeting;
- **Ministry of Public Administration and Local Self-Government:** Contribution to the 11th Meeting of the Special Working Group on Public Administration Reform; Contribution to the European Commission's 2025 Annual Progress Report (covering the period from 1 January to 31 December 2024) – Public Administration Reform; Updated contribution to the European Commission's Annual Progress Report for the first two quarters of 2025 relating to the implementation of the Law on Free Access to Information of Public Importance;
- The completed UNESCO survey on access to information of public importance in the context of monitoring indicator 16.10.2 of the UN Sustainable Development Goals was submitted to UNESCO on 21 May 2025;
- Updated information on the Commissioner for Information of Public Importance and Personal Data Protection of the Republic of Serbia was submitted to the International Conference of Information Commissioners (ICIC).

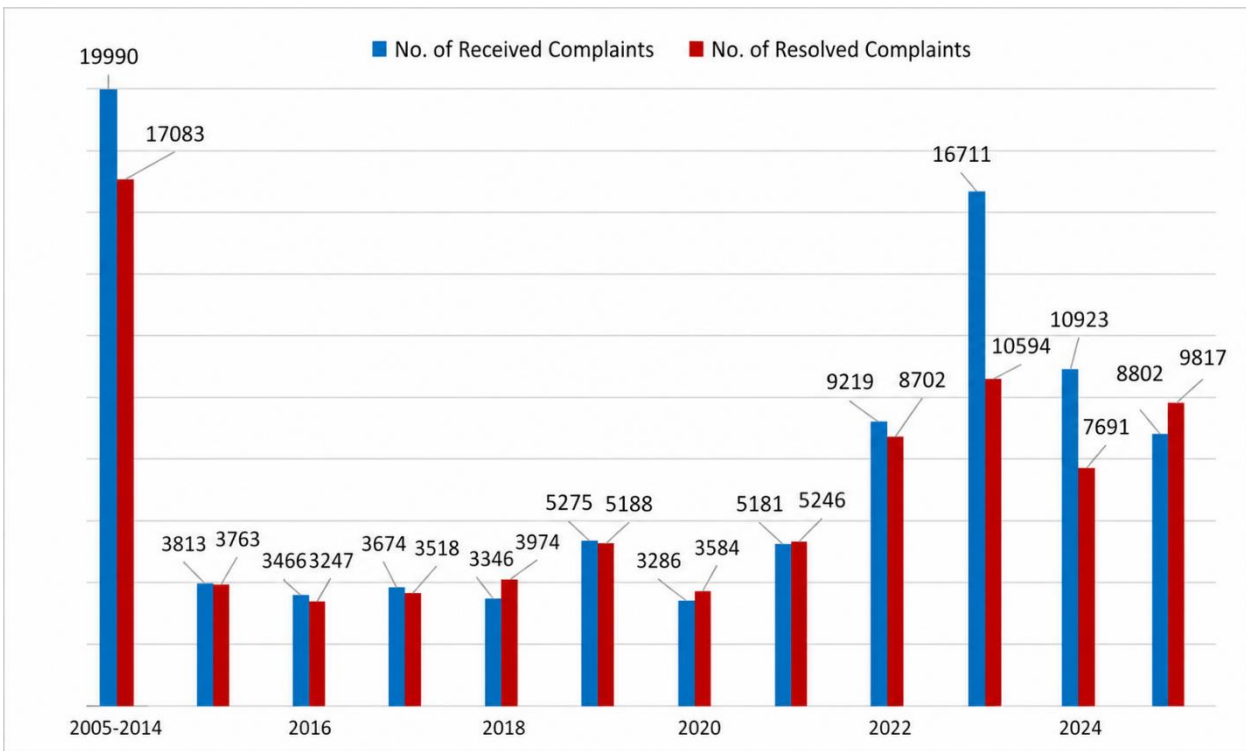
3.2. COMMISSIONER’S ACTIVITIES RE PROTECTING AND FORWARDING THE RIGHTS TO ACCESS INFORMATION OF PUBLIC IMPORTANCE

3.2.1. Protection of the right to free access to information by the Commissioner

3.2.1.1. Handling of complaints

The number of complaints formally lodged with the Commissioner on the grounds of violation of right to access information of public importance remains high continually, with the fact that since 2022 there has been a significant rise in the number of complaints compared to the period before it, as presented in the graph below. In 2025, 8,802 appeals were received, while 12,302 appeals in which the proceedings had not been completed were carried forward from the previous period, meaning that the Commissioner handled as many as 21,104 appeals during 2025.

Graph No. 3 - Number of received and resolved complaints by years, from 2005 to 2025



The cause of this extremely significant increase in the number of complaints ever since 2022 lies in the change of the position of the Administrative Court, determined at the 105th Full Judicial Panel held on 21 June 2022, regarding justifiability of reimbursement of legal expenses incurred by information requesters when hiring attorneys to represent them in procedures pursuant

to complaints filed with the Commissioner. Namely, after more than 13 years, the Administrative Court changed its position, finding that the public authorities are obliged to reimburse the costs of representation by lawyers to the complainants, in the event that the Commissioner determines that the complaint is founded. The Commissioner reported on this in detail in his annual reports for 2022, 2023 and 2024. In order to understand how the change in the court's position affected the increase in the number of complaints and the current situation in this area, the following should be taken into account:

In the period from 1 January 2022 through 30 June 2022, 1,771 complaints were lodged with the Commissioner, and in the period from 1 July 2022 through 31 December 2022, a total of 7,440 complaints were lodged. Consequently, during 2023, the number of complaints increased to 16,711 complaints, which, along with 2,983 complaints carried forward from the previous year, meant 19,694 pending complaints to handle. In 2024 the Commissioner received 10,923 complaints, while 9,089 complaints were carried over from the previous period in which proceedings had not been completed. This means that the Commissioner handled a total of 20,012 complaints during 2024. Expressed in figures, in 2025 the Commissioner received 8,802 complaints in total, while 12,302 complaints were carried over from the previous period in which proceedings had not been completed. This means that the Commissioner handled a total of 21,104 complaints during 2025—the highest number of active complaints in progress ever. For these reasons, all the data in this report, which refer to the field of access to information, should be taken with caution, in the sense that the general overview may indicate a significant improvement in the status in the field of access to information (fewer number of founded complaints, etc.), although trends, without data on complaints by persons who lodged complaints through a lawyer, with the sole and basic goal of collecting the costs of the procedure, are quite similar compared to previous years. For that reason, the actual situation regarding access to information should be assessed in relation to other important indicators, such as, for example, the actions of public authorities in response to journalists' requests and their attitude towards journalists, the compliance of public enterprises with the obligations prescribed by the Law on Free Access to Information of Public Importance (LFAIPI), the percentage of unenforced decisions of the Commissioner ordering the provision of information, as well as the significance and sensitivity of the withheld information.

The Commissioner resolved 9,817 complaints in 2025. 5,528 Or 56.31% complaints were lodged due to public authorities completely ignoring the freedom of information requests ("administrative silence"). 911 complaints or 9.28% of the total number of resolved complaints, were lodged against decisions of public authorities which rejected the applicant's requests as unfounded and provided a statement of reasons. In 2,512 cases, which is 25.59% of total resolved complaints, the public authorities provided incomplete replies, while in 842 cases or 8.58% of the total number of resolved complaints in 2025, public authorities responded to requests for information with a statement of reasons and elements of the decision. In 24 cases, or 0.24% of all complaints, the complaints were lodged on the grounds of the applicant's request for reimbursement of procedural costs, as no decision on the request for costs, as an ancillary matter, had been made during the earlier stages of the procedure for exercising the right of access to information.

The complaints were mostly founded – 4,380 complaints or 44.62% of the total resolved cases.

Nevertheless, if we review these figures in the light of the fact that out of 9,817 resolved complaints in 3,402 cases (3,281 decisions were made, while 121 cases were joined during

resolution) complaint was rejected due to the protection of the public interest, because the complaints were filed solely in personal and private interest to collect the costs of the proceedings, and not in the public interest to know, it is clear that the actual percentage of well-founded complaints lodged with the Commissioner is very high.

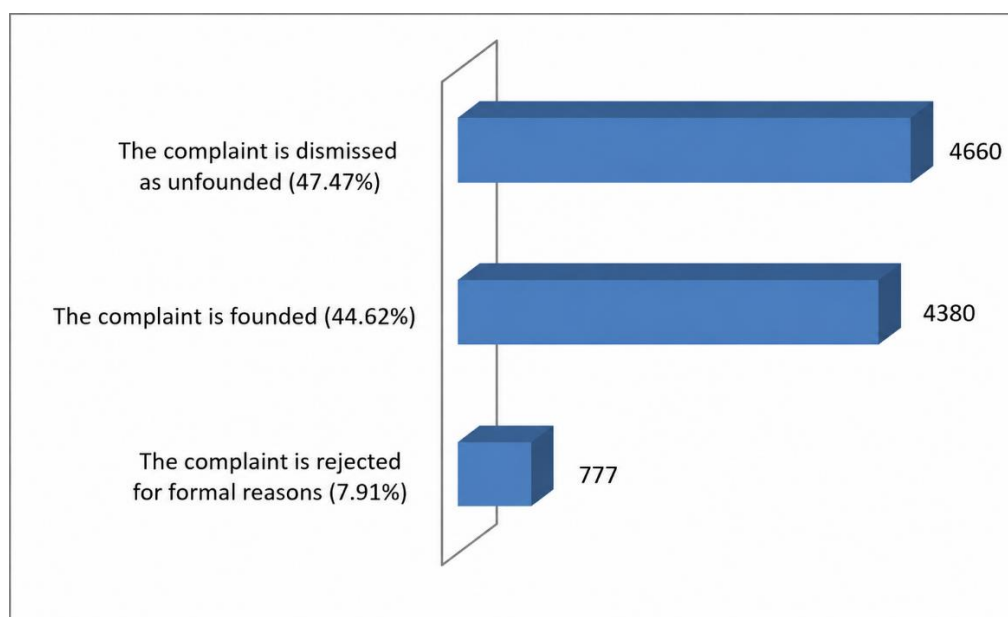
In 2025, as in previous years, the trend of many procedures pursuant to founded complaints lodged with the Commissioner ending in termination of the procedure continued. In 2,133 cases (48.7%) out of the total number of founded complaints (4,380) the procedure was terminated, because the public authorities complied with the information request, upon learning of the complaint and receiving a request for a reply from the Commissioner, but before a decision could be taken pursuant to the complaint, with the complainants formally withdrawing their complaints in 248 cases. This shows that in many cases the right to access information is exercised only after the Commissioner's intervention, which entails wasteful or unnecessary involvement of employees and spending of public money, since there was no actual reason for denial of information before complaints were lodged.

According to the data from those authorities that submitted an annual report to the Commissioner (Article 43 of the Law on Free Access to Information of Public Importance), it was established that these authorities had received a total of 46,768 requests to exercise the right to free access to information of public importance in 2025.

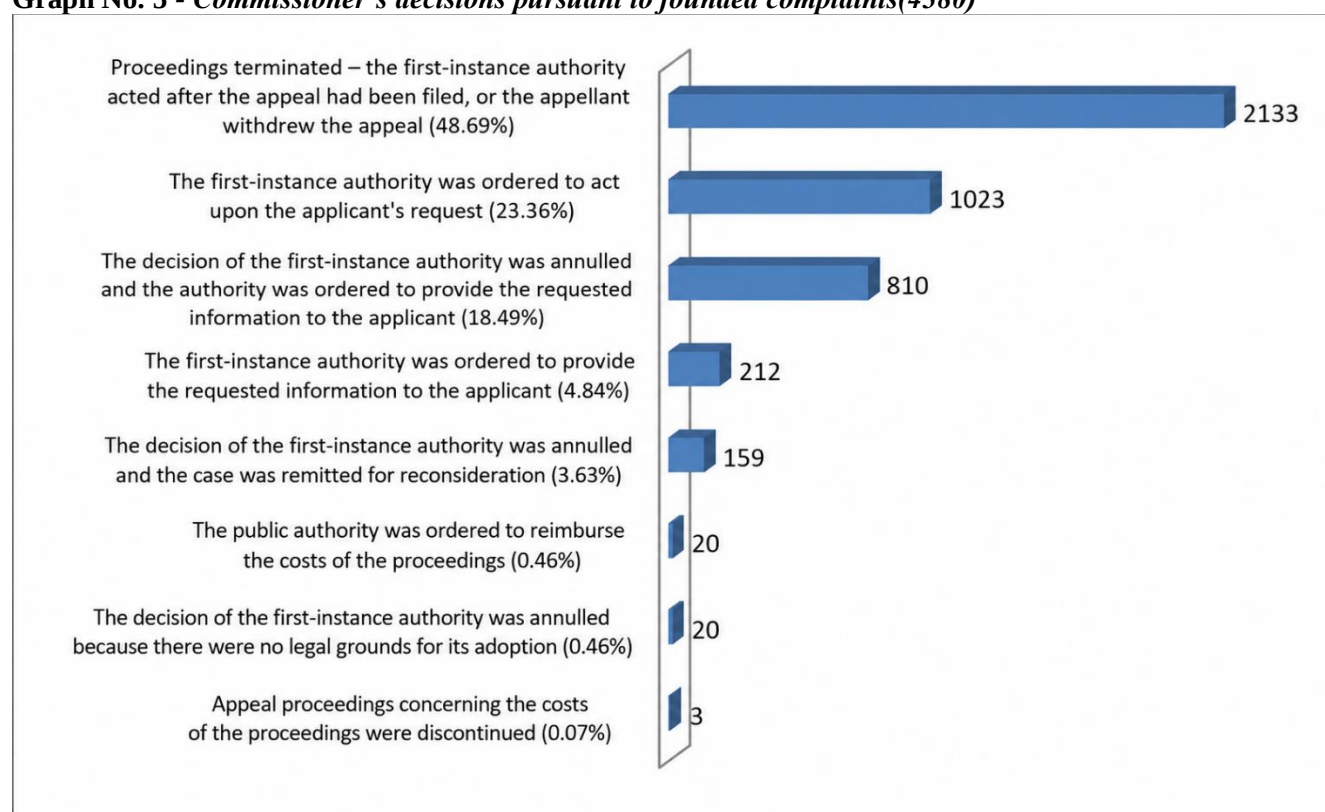
Almost one half of the authorities having the legal obligation to submit annual reports to the Commissioner complied with this duty in 2025, namely 5,394 or 43.64% out of the total of 12,360 of the authorities that unmistakably have a statutory obligation to submit the reports. This was the highest number of reports submitted so far, which was probably due to amendments to the Law on Free Access to Information of Public Importance and misdemeanour liability for failure to submit information directories to the Commissioner. Nevertheless this number is still far from satisfactory and indicates that the public authorities continue to be negligent regarding their obligations prescribed by the Law on Free Access to Information of Public Importance. Since amendments to this Law specified ten categories of public authorities, including various categories of companies and other legal entities, it is impossible to identify the exact number of these entities. Criteria to determine whether a legal entity is included in the category of public authorities include whether it is vested with public powers, whether it performs an activity of general interest, and also the manner of its establishment, ownership stakes, composition of managerial bodies and the manner of financing, which is why the scope of public authorities is very wide and variable.

The graphs below show to which information the requests and complaints filed by requesters pertained in 2025, who requested the information, against which authorities the complaints were lodged, what reasons public authorities invoked when they passed decisions rejecting information requests, decisions taken by the Commissioner in handling the complaints and how public authorities complied with the Commissioner's decisions.

Graph No. 4. - Decisions taken by the Commissioner pursuant to complaints



Graph No. 5 - Commissioner's decisions pursuant to founded complaints(4380)⁴²



⁴² Of the total of 1022 complaints, the Commissioner ordered the first-instance authorities to provide information to the applicant, more precisely 604 rulings were taken in those cases, and 418 cases were joined during resolution.

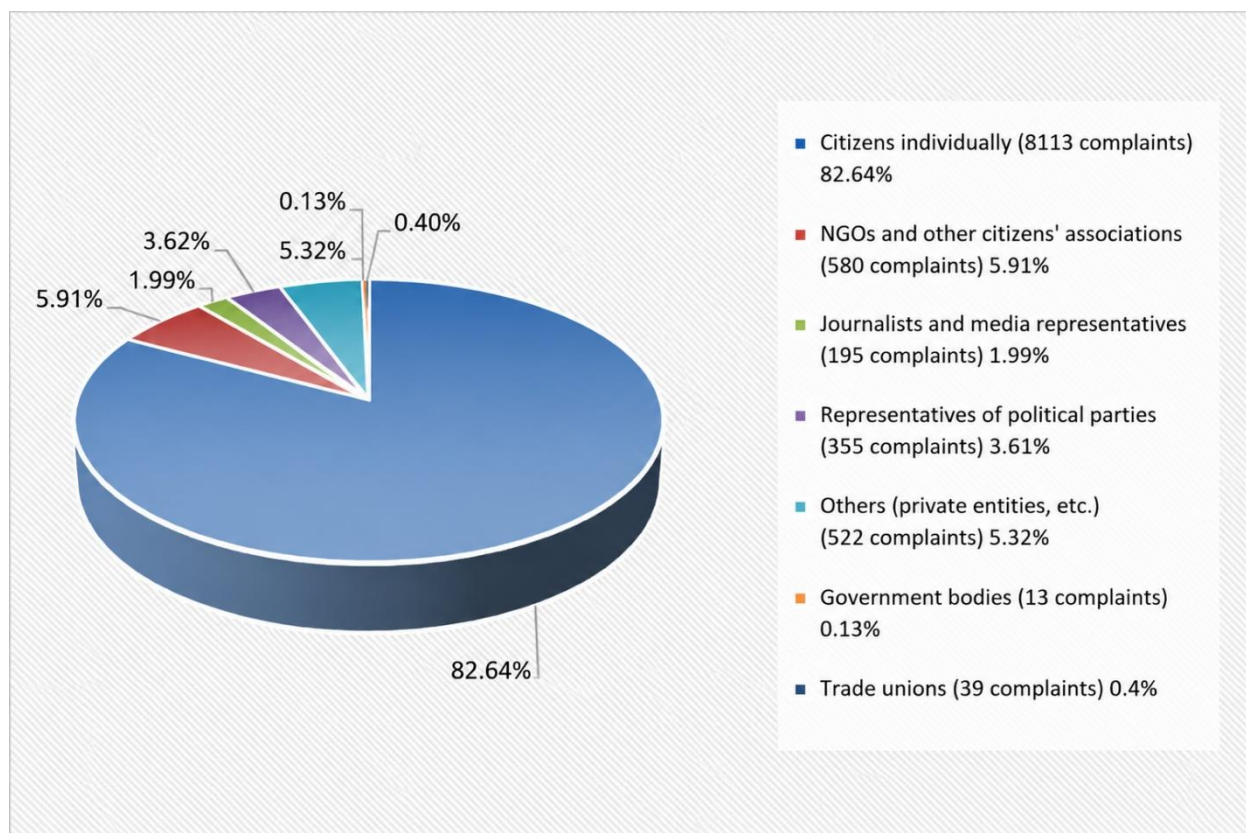
As in 2024, the majority of complainants, or information requesters, in 2025 were individual citizens and citizens' associations.

Journalists and media outlets lodged 166 complaints with the Commissioner in 2025 (or 1.88% of the total number of complaints lodged in 2025). The majority of these complaints, namely 72 (43.37%) were lodged against the so-called “administrative silence”. In 2025, 195 complaints by journalists and media outlets were resolved (pending complaints carried forward from 2024 were also resolved).

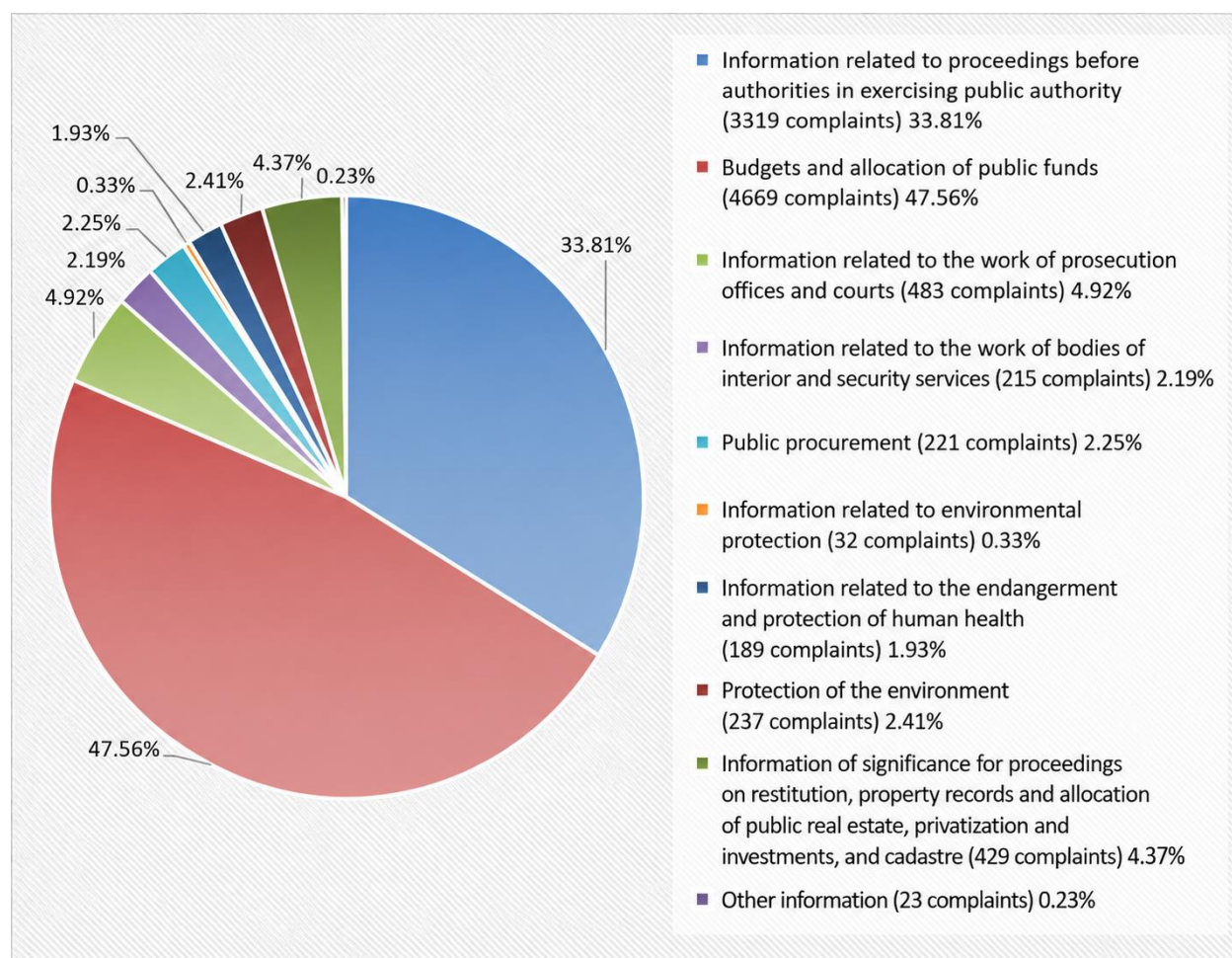
Of the 195 appeals lodged by journalists that were decided, 45 were resolved by ordering the public authority to provide the requested information to the applicant. Public authorities failed to comply with such orders in 10 cases, representing 22.22% of those cases. The same trend observed in previous years continued in 2025, namely that the percentage of the Commissioner's decisions on journalists' appeals that remained unenforced (22.22%) was higher than the overall percentage of unenforced decisions concerning appeals lodged by other applicants (20.2%). It should, however, be noted that, with respect to 12 of the aforementioned 45 decisions, the Commissioner had not, at the time of drafting⁴³ this Report, received any information as to whether they had been enforced, meaning that the actual percentage may be even higher. The Commissioner's unenforced decisions concerning journalists' appeals carry particular significance, as journalists—who, by the very nature of their profession, report on matters of exceptional public importance and act in the public interest—have been denied access to highly sensitive information, such as environmental information, information on major infrastructure projects, the use of public funds and public assets, the co-financing of media projects, and similar information. When this is considered together with the fact that as many as 43.37% of the appeals lodged by journalists with the Commissioner in 2025 (72 out of a total of 166) were filed due to the “silence” of public authorities, it is evident that journalists face considerable difficulties in obtaining information and, consequently, in exercising their right of access to information of public importance.

⁴³ 5 March 2026

Graph No. 6 - Complainants applying to the Commissioner (resolved complaints)



Graph No. 7 - Types of requested information in resolved complaints



In the structure of complaints resolved in 2025, the majority were lodged against national government and other authorities and organizations, namely 3,617 complaints or 36.84% out of the total number of resolved complaints, of which 1,102 complaints were resolved against the ministries and bodies subordinated to them, which is 30.47% of the complaints resolved against the national government authorities.

Also, in 2025, the Commissioner resolved 2,821 complaints against local self-government authorities or 28.74% of the total number of resolved complaints, while the Commissioner resolved 2,480 complaints against public companies or 25.26% of the total number of resolved complaints. Also, the Commissioner resolved 581 complaints against judicial authorities or 5.92% of the total number of resolved complaints in 2025.

An analysis of these data shows that, compared with 2024, the number of appeals resolved in proceedings against national government authorities and other public bodies and organisations increased. However, as a proportion of the total number of appeals resolved, this trend remained broadly unchanged from the previous year: in 2024, 2,796 appeals in this category were resolved, accounting for 36.3% of all resolved appeals, while in 2025 the corresponding share was 36.84%.

However, the number of resolved appeals lodged against local self-government authorities increased sharply (in 2024, 1,004 appeals against local self-government authorities were resolved, accounting for 13.1% of the total number of resolved appeals), indicating a decline in transparency among local self-government authorities. Of the 2,821 resolved appeals lodged against local self-government authorities, 1,278 were well-founded, representing 45.3% of the resolved appeals against these authorities.

The percentage of resolved appeals lodged against public enterprises remains high (25.26% of the total number of resolved appeals), and, as in previous years, these enterprises continue to show a markedly negligent and irresponsible attitude towards the obligations prescribed by the Law on Free Access to Information of Public Importance. Of the 2,480 resolved appeals lodged against public enterprises, 1,538 were well-founded, representing 62% of the resolved appeals against these authorities. For more details, see section [2.A.3.3](#) of the report.

The number of resolved appeals in the category of judicial authorities remained broadly the same as in the previous year, showing only a slight increase (in 2024, 416 appeals were resolved, accounting for 5.4% of the total number of resolved appeals).

On the other hand, in 2025, the largest number of annual reports of public authorities on acting in accordance with the Law on Free Access to Information of Public Importance was ever submitted to the Commissioner, namely 5,394. According to data from these reports, a total of 46,768 requests for free access to information of public importance were submitted.

The ratio of the number of submitted requests and reported complaints varies depending on the category of authority.

For the sake of comparison, it can be seen from the submitted reports that 18,327 requests were submitted to local self-government bodies in 2025, or 39.18% of the total number of requests. As an illustration, in 2025, the Commissioner received 2,569 complaints about violations of the right to free access to information against local self-government bodies, which means that one complaint was lodged for every 7.13 requests. Also, according to the data from the submitted reports, 7,256 requests, or 15.51% of the total number of requests, were submitted to the judicial authorities, while 554 complaints against these authorities were lodged to the Commissioner. In 2025, the Commissioner also received 2,110 appeals against public enterprises, while, according to the data from the reports, 2,336 requests submitted to these authorities were recorded, accounting for 5% of the total number of requests.

Graph No. 8 - Number of resolved complaints by types of authorities

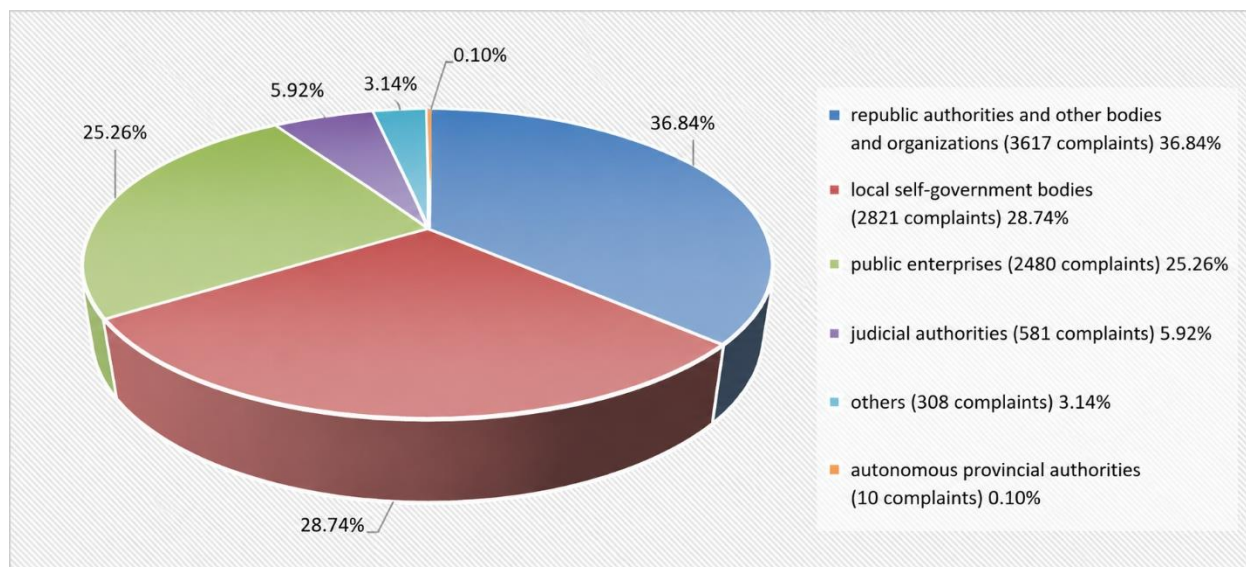


Table No. 7 - Overview of requests filed and complaints lodged with the Commissioner in 2025 against ministries, with bodies subordinated to them

No	Ministry	No. of requests	No. of complaints
1.	Ministry of the Interior – 1,974 requests, 306 complaints Institute for Health Care of Ministry of the Interior Employees – no report submitted, no complaints	1,974	306
2.	Ministry of Finance - 198 requests, 47 complaints Games of Chance Administration – 18 requests, 1 complaint Tax Administration – 570 requests, 122 complaints Public Debt Administration – 3 requests, no complaints Tobacco Administration – 24 requests, no complaints Administration for the Prevention of Money Laundering – 5 requests, no complaints Free Zones Administration – no requests, no complaints Customs Administration – 84 requests, 7 complaints Treasury Administration – 85 requests, 3 complaints	987	180
3.	Ministry of Agriculture, Forestry, and Water Management - 91 requests, 33 complaints Veterinary Directorate – 135 requests, 2 complaints Plant Protection Directorate – 11 requests, 1 complaint Forestry Directorate – 15 requests, no complaints Directorate for Agrarian Payments – 34 requests, 2 complaints Agricultural Land Directorate – 25 requests, no complaints Directorate of National Reference Laboratories – no requests, no complaints Republic Directorate for Waters – 55 requests, no complaints	366	38
4.	Ministry of Justice - 235 requests, 33 complaints Directorate for Cooperation with Churches and Religious Communities – 1 request, no complaints Directorate for the Execution of Criminal Sanctions – 64 requests, 118 complaints Directorate for the Management of Seized Assets – no report submitted, 3 complaints	300	154
5.	Ministry of Construction, Transport, and Infrastructure 294 requests, 46 complaints Directorate for the Determination of the Seaworthiness of Ships – 10 requests, no complaints Directorate for Inland Waterways "Plovput" – no report submitted, no complaints	304	46
6.	Ministry of Education	489	33
7.	Ministry of Defence - 166 requests, 65 complaints Defence Inspectorate – 4 requests, no complaints Military Security Agency – 6 requests, 4 complaints Military Intelligence Agency – 3 requests, no complaints University of Defence – no report submitted, 4 complaints	179	73
8.	Ministry of Health	259	43

9.	Ministry of Economy ⁴⁴ – no report submitted, 15 complaints Directorate of Measures and Precious Metals – 25 requests, no complaints Rapid Response Administration – no report submitted, no complaints	25	15.
10.	Ministry of Public Administration and Local Self-Government - 158 requests, 18 complaints Administrative Inspectorate – 52 requests, 9 complaints	210	27
11.	Ministry of Labour, Employment, Veterans and Social Affairs - 206 requests, 50 complaints Labour Inspectorate – no report submitted, 1 complaint Occupational Safety and Health Administration – no report submitted, no complaints	206	51
12.	Ministry of Internal and Foreign Trade	79	14
13.	Ministry of Culture	66	11
14.	Ministry of Sport	64	2
15.	Ministry of Mining and Energy - 142 requests, 20 complaints Administration for Energy Reserves – no report submitted, no complaints Administration for the Financing and Promotion of Energy Efficiency – no report submitted, no complaints	142	20
16.	Ministry of Foreign Affairs - 169 requests, 5 complaints Office for Cooperation with the Diaspora and Serbs in the Region - 1 request, 1 complaint	170	6
17.	Ministry of Environmental Protection - 223 requests, 21 complaints Environmental Protection Agency – 99 requests, 15 complaints	322	36
18.	Ministry of European Integration	27	3
19.	Ministry for Human and Minority Rights and Social Dialogue	21	4
20.	Ministry of Family Welfare and Demography ⁴⁵	/	6
21.	Ministry of Rural Welfare	35	1
22.	Ministry of Information and Telecommunications	69	12
23.	Ministry of Public Investments ⁴⁶	/	12
24.	Ministry of Science, Technological Development, and Innovation	25	5
25.	Ministry of Tourism and Youth	46	4
TOTAL		6,365	1,102

The Ministry of Economy, the Ministry of Rural Welfare, the Ministry of Family Welfare and Demography, and the Ministry for Public Investment failed to submit their annual report to the Commissioner. The Directorate for Measures and Precious Metals within the Ministry of Economy also submitted a report, stating that in 2025 it received 25 requests for access to information of public importance and that no complaints were filed with the Commissioner.

The following administrative authorities within ministries also failed to submit their reports:

- Occupational Health and Safety Department (an administrative body within the Ministry of the Interior);

⁴⁴ This Ministry failed to submit its annual report for 2025 to the Commissioner;

⁴⁵ This Ministry failed to submit its annual report for 2025 to the Commissioner;

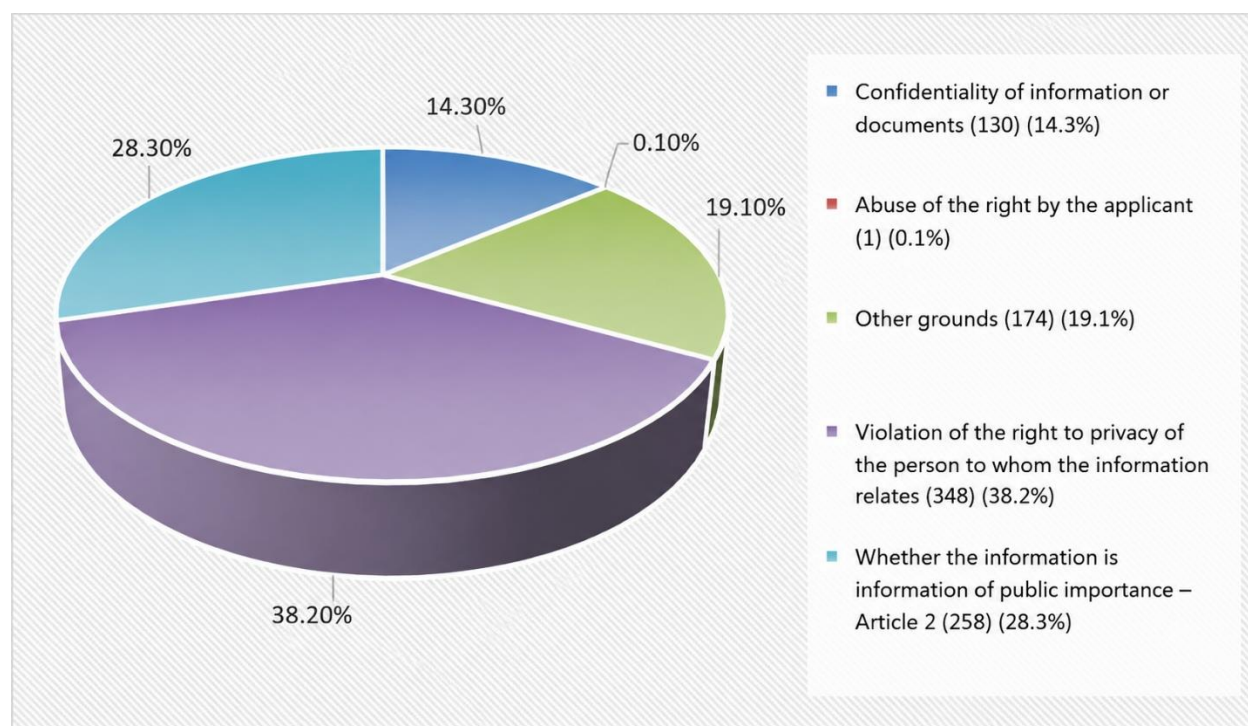
⁴⁶ This Ministry failed to submit its annual report for 2025 to the Commissioner;

- Directorate for the Administration of Seized Assets (an administrative body within the Ministry of Justice);
- Department for Waterways "Plovput" (an administrative body within the Ministry of Construction, Transport and Infrastructure);
- University of Defence (an administrative authority within the Ministry of Defence);
- Rapid Response Directorate (an administrative body within the Ministry of the Economy);
- Administration for Occupational Safety and Health and Labour Inspectorate (administrative bodies within the Ministry of Labour, Employment, Veterans and Social Affairs);
- Directorate for Energy Reserves and Administration for Financing and Encouraging Energy Efficiency (administrative bodies within the Ministry of Mining and Energy).

Data in the corresponding table show that in 2025, for every 5.8 requests submitted to ministries, the information requester lodged one complaint with the Commissioner against denial of information, which is better than in 2024, when this ratio was 4.1. Although there has been some improvement compared to the previous year, the level remains unsatisfactory, as the ratio was significantly better in some earlier years. As an example, in 2016, one complaint was lodged for every 9.5 requests, and in 2017, there was one complaint lodged for every 7.7 requests.

According to the data contained in the reports submitted by public authorities, the highest number of requests for access to information was submitted to the Ministry of the Interior (1,974), the University of Belgrade (1,316), the City Administration of the City of Belgrade (783), the Commissioner for Information of Public Importance and Personal Data Protection (719), and the Municipal Administration of the Municipality of Vlasotince (595). The highest number of complaints lodged with the Commissioner in 2025 was against the Municipal Administration of the Municipality of Vlasotince (525), the Ministry of the Interior (306), Srbijagas (296), the City Administration of the City of Belgrade (285), Telekom Srbija (284), etc.

Graph No. 9 - Reasons for dismissing applications from information requesters in resolved appeals⁴⁷



In 2025, in cases where public authorities rejected requesters' requests as unfounded by way of a decision (911 cases), they invoked the confidentiality of information or documents in 130 cases (14.3%), which is almost half the number recorded in 2024, when this ground for denying access to the requested information was invoked in 206 cases. In 348 cases (38.2%), public authorities relied on the protection of the privacy rights of the person to whom the information relates, which is also lower than in 2024 (597 cases). In 258 cases (28.3%), public authorities relied on Article 2 of the Law on Free Access to Information of Public Importance (whether the requested information constitutes information of public importance), which is more than in 2024 (146 cases). In 174 cases (19.1%), public authorities relied on other grounds. Public authorities invoked abuse of the right of access by information requesters in 1 case, representing 0.1% of the complaints in which a decision rejecting the request was issued.

An analysis of the reasons for rejection of information seekers' requests reveals that abuse of the right to privacy of data subjects is, this year also, the most frequent reason for rejection (38,2%). This is a consequence of the fact that employees in public authorities are not aware of the fact that the scope of privacy of persons employed in public authorities is narrowed as compared to the scope of privacy of the so-called ordinary citizens, which results in very frequent unjustified appeals to privacy and protection of personal data and unjustified refusal of requests for access to information. Information about the education of a person employed in a public authority and the criteria that are a requirement for working in a certain workplace, as well as information about employees' earnings, payments from the budget for overtime work,

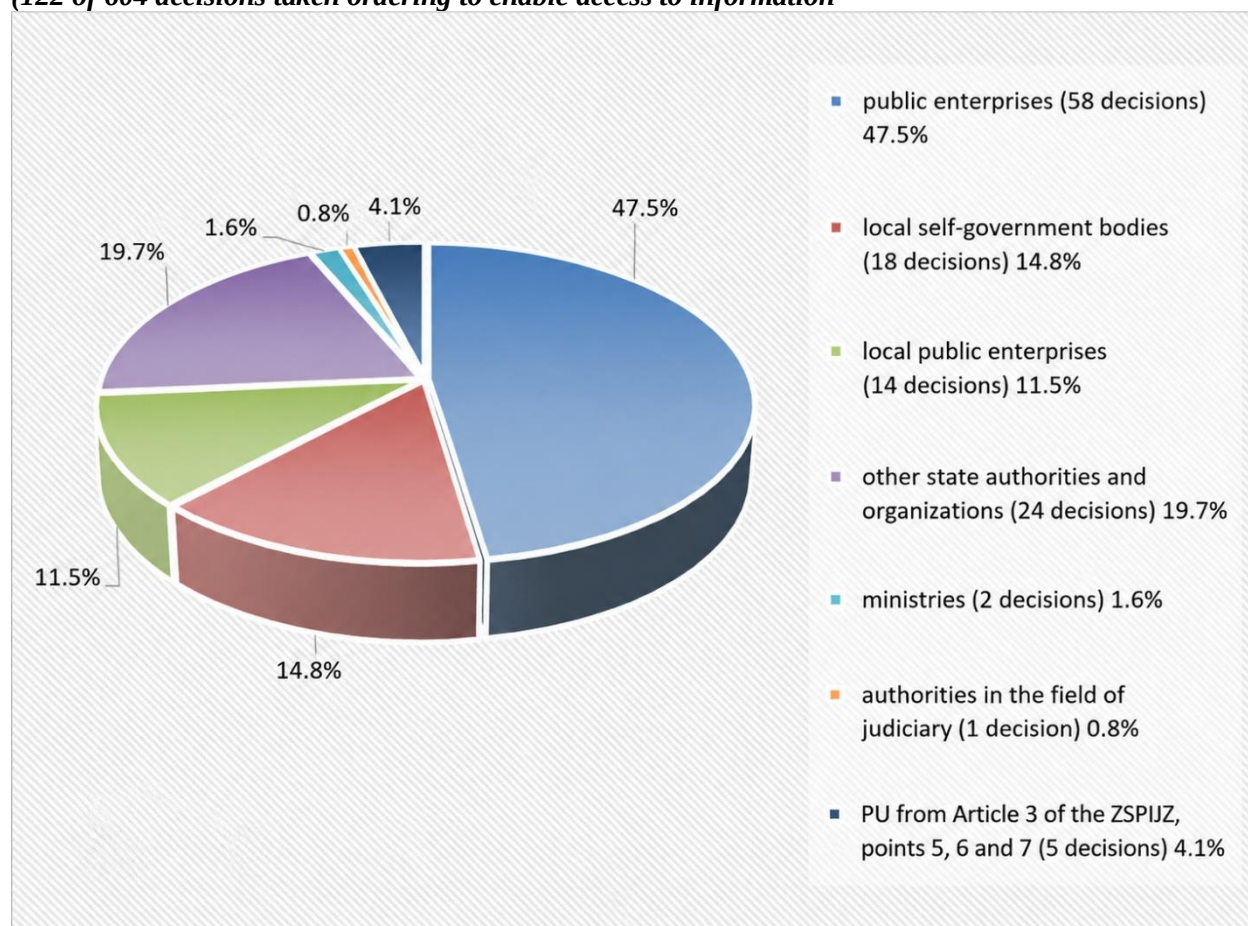
⁴⁷ Percentages as compared to the number of resolved complaints against the decision/conclusion (911 complaints against the decision/conclusion)

transportation, etc. must be available to the public, because these benefits are paid from the budget, but even then data that is not important for the performance of work and is not related to payments from the budget, such as national identification number, home address, current account number, parents' names, deductions on grounds of alimony, administrative prohibitions, etc.

What is particularly concerning is that, after more than twenty years since the adoption and implementation of the Law on Free Access to Information of Public Importance, there has been a significant increase in the number of complaints lodged against decisions in which public authorities denied access to the requested information on the grounds that the requested information did not constitute information of public importance (Article 2 of the Law on Free Access to Information of Public Importance), namely in 28.3% of cases this year, compared to 13.6% in the previous year. This indicates a profound misunderstanding of the concept of information of public importance, which is rather unusual after the Law has been in force for so many years. Moreover, the Commissioner devotes significant resources to the systematic training of employees of all public authorities on the implementation of the Law on Free Access to Information of Public Importance. Therefore, this trend cannot be attributed to a lack of knowledge among those applying the Law; rather, it reflects an unfounded and unlawful reliance on Article 2 of the Law in situations where the requested information meets all the statutory criteria for being considered information of public importance.

There is still a high percentage of invoking data confidentiality, that is, business or professional secrecy (14.3%). In the majority of cases, invoking data confidentiality, especially business secret, is unfounded. A particular problem is the fact that access to the requested information on this basis is, in almost all cases, granted without an adequate explanation of the reasons why, in a specific case, the protection of the confidential data, i.e. business or professional secret, outweighs the public's right to know. This significantly hampers access to information of public importance and unnecessarily delays the process of exercising this right.

Graph No. 10 - Number of Commissioner's decisions taken in 2025 that have not been complied with (122 of 604 decisions taken ordering to enable access to information)



Out of the 604⁴⁸ rulings passed by the Commissioner pursuant to complaints filed by information requesters, in which he ordered public authorities to make information available, the authorities failed to comply in 122 cases or 20.2%, which means that the average rate of compliance with the Commissioner's decisions was 79.8%. It should also be noted that, in addition to the above-mentioned 122 decisions, as of the date of drafting⁴⁹ this Report, the Commissioner has not yet received feedback on whether a further 19 decisions have been complied with, meaning that this percentage may in fact be even higher.

Of 122 unenforced decisions of the Commissioner, as many as 72 or 59% concern public enterprises (58 at the national level and 14 at the local level), which also indicates an exceptionally high degree of indiscipline and negligence in public enterprises regarding compliance with the obligations prescribed by the Law on Free Access to Information of Public Importance.

The percentage of compliance with of the Commissioner's decisions taken pursuant to complaints lodged by journalists and media outlets, by which the Commissioner ordered submission of requested information, is still highly unsatisfactory. Thus, out of 195 resolved complaints by journalists and media outlets, 45 were completed by orders to provide information

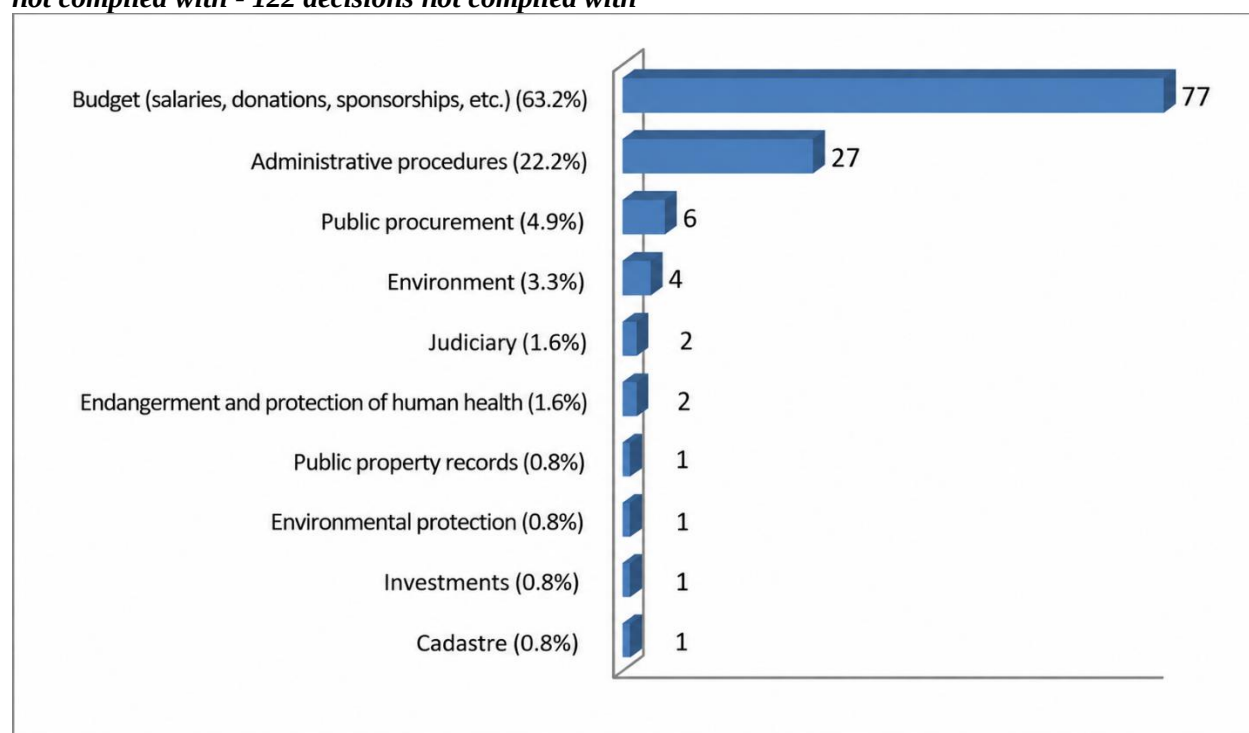
⁴⁸ Of the total of 1022 complaints, the Commissioner ordered the first-instance authorities to provide information to the applicant, more precisely 604 rulings were taken in those cases, and 418 cases were joined during resolution.

⁴⁹ 5 March 2026

to requesters, which have not been complied with by public authorities in 10 cases, or 22.2%, which is particularly worrying, bearing in mind the content of information they requested, i.e. the fact that journalists always report on topics of relevance for general public. In addition, it should be borne in mind that, as of the date of drafting⁵⁰ this Report, the Commissioner has not yet received feedback on whether 12 of the above-mentioned 45 decisions have been complied with.

In addition, the percentage of decisions taken on complaints lodged by journalists and media outlets that have not been complied with (22.2%) was higher than the percentage of non-compliance in cases of other complainants (20.2%), which is unacceptable, since members of this profession request information to write and report on topics of general public interest. This has a particular weight and is a reason for concern, because journalists, by the nature of their profession, act as representatives of the public *par excellence* and request information in the public interest.

Graph No. 11 - Type of requested information in the Commissioner's decisions taken in 2025 that are not complied with - 122 decisions not complied with



An analysis of the withheld information in the Commissioner's decisions that have not been complied with reveals that the following most common categories of withheld information were: 1) budget-related information (63.2%); 2) information concerning proceedings before administrative authorities (22.2%); and 3) information on public procurement procedures (4.9%), as well as environmental information (3.3%), information relating to the judiciary (1.6%), and information concerning threats to and the protection of people (1.6%). There is still a high percentage of denied information related to environmental threats and protection (3.3%), which is also worrisome, since this is also the so-called privileged information in terms of shorter and urgent deadlines for processing requests for access and for deciding on complaints, being of exceptional

⁵⁰ 5 March 2026

importance for people's health and their decisions on how they are going to behave with reference to the content of such information.

These figures are particularly concerning because the highest percentage of non-complied-with decisions relates to the first two categories of information (budget-related information and information concerning proceedings before administrative authorities), which are of paramount importance for the transparency of public authorities, the lawfulness of their actions, and the fight against corruption, and, as such, should in principle always be accessible to the public.

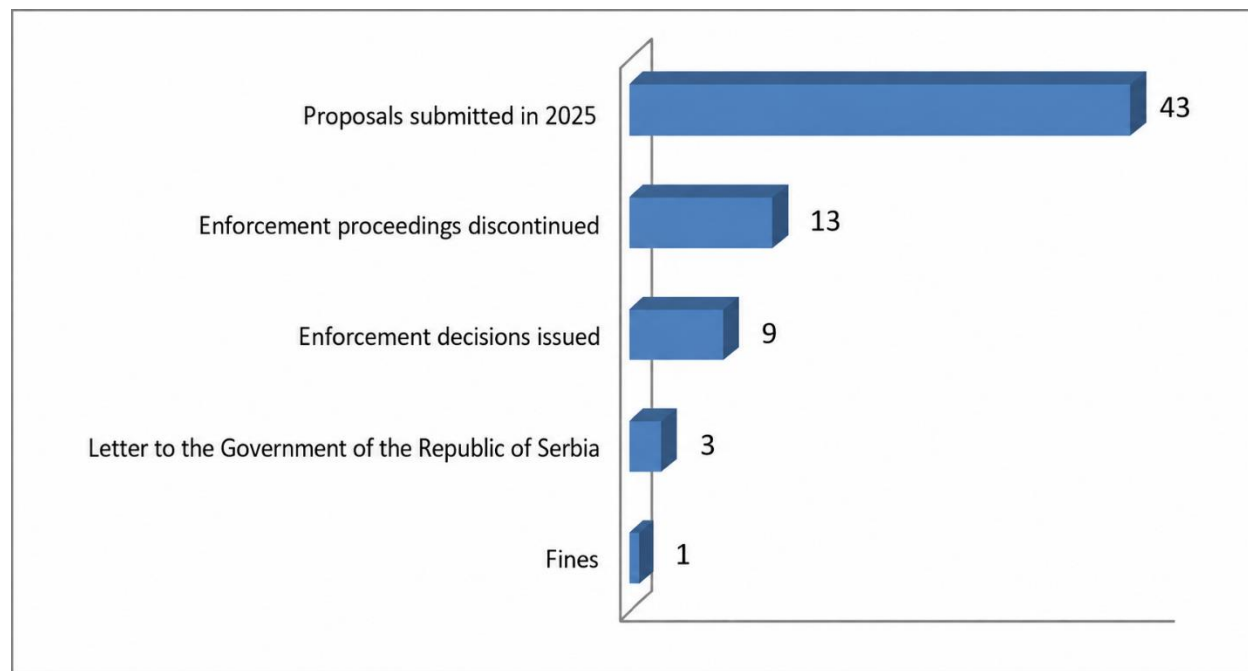
3.2.1.2. Administrative enforcement of the Commissioner's decisions

As previously indicated, the failure to implement the Commissioner's decisions in a significant percentage of 20.2% continues to represent one of the main obstacles in the process of exercising the right to access information. An additional problem is the fact that the Commissioner still directs significant resources toward addressing the issue of a large number of abuses of rights, and therefore remains unable to allocate resources to a satisfactory extent to resolve this important issue. As regards motions for administrative enforcement of the Commissioner's decisions pursuant to the law in effect since 17 February 2022, as explained in the part of this Report on the state of play and obstacles to exercising the right, the mechanisms for administrative enforcement of the Commissioner's decisions were unblocked.

During 2025, the Commissioner issued 9 decisions granting enforcement. One decision imposing a fine in the amount of RSD 50,000 was also issued, which was paid by the first-instance authority (the Ministry of Economy).

Overview of measures undertaken is presented in the graph below.

Graph No. 12 - *Motions for administrative enforcement of the Commissioner's decisions filed in 2025 and measures undertaken*



3.2.1.3. Misdemeanour Liability

In the amended LFAPI, misdemeanour liability for violating the provisions of the ZSPIJZ has been tightened. Misdemeanour liability for failure to comply with the duties under this Law was also laid down not only for authorised persons and managers of the authorities, but also for all employees in public authorities.

3.2.1.3.1. Misdemeanour notice

When the Commissioner finds that a complaint against failure to process a request (“administrative silence”) was founded, he will take an appropriate decision ordering a public authority to process the request within a specified deadline (Article 24, paragraph 6, of the Law). In such situations, the Commissioner does not decide on the merits of the request. When the Commissioner passes such decision, he issues misdemeanour notice under Article 47 of the Law (Article 24 paragraph 10 of the Law) in accordance with the law providing for the misdemeanour proceedings, setting out that a fine in the amount of RSD 30.000 will be imposed for such misdemeanour on the person authorized to process requests (or the manager in an authority if an authorized person is not appointed), if he/she fails to process the request in accordance with the deadlines referred to in Article 47 of the Law (“administrative silence”).

Since the beginning of the application of the Law on Free Access to Information (17 February 2022) through 31 December 2025, the Commissioner issued **1.813** misdemeanour notices in accordance with Art. 47, of the Law (Art. 47, Paragraph 10, of the Law).

During 2025, the Commissioner issued **502 misdemeanour orders** pursuant to Article 47 of the Law (Article 24(10) of the Law), comprising 204 orders issued to officials designated to process requests for access to information of public importance within public authorities and 298 orders issued to the heads of public authorities (in authorities where no such designated official had been appointed). These misdemeanour orders were issued because the public authorities had failed to act upon requests for access to information within the statutory time limit, as a result of which the Commissioner had issued decisions ordering those public authorities to process the requests for access to information (Article 24(6) and (10) of the Law).

According to information available to the Commissioner, with regard to misdemeanour notices issued in 2025, in 405 cases fines were paid pursuant to misdemeanour notices issued in 2025, of which 349 were paid within the deadline and 56 outside the deadline, while 58 notices were not acted upon, and in 4 cases the statute of limitations expired in the process of enforcing the misdemeanour notice. As regards 35 notices, the procedure is ongoing.

In 8 cases, no misdemeanour orders were issued because it was established that no misdemeanour punishable under the Law on Free Access to Information of Public Importance had been committed. In 3 cases, it was established that there was insufficient evidence, while in 57 cases, it was found that the statute of limitations for misdemeanour prosecution had expired.

Pursuant to issued misdemeanour notices, the Commissioner received 56 decisions of first-instance courts in 2025, as well as 8 decisions of the Misdemeanour Appellate Court. Out of 56 first-instance judgments: There were 13 convictions, of which 4 resulted in a warning and 9 resulted in fines (one fine of RSD 50,000 and eight fines of RSD 30,000), 10 acquittals, 1 decision dismissing the misdemeanour order, 3 decisions rejecting the misdemeanour order, and 29 decisions discontinuing the proceedings (in 8 cases due to the statute of limitations for

misdemeanour prosecution, in 20 cases due to the expiry of the limitation period for the enforcement of the fine, and in 1 case because the defendant had already been finally sanctioned for the same act).

By decisions of the second-instance court, 3 convictions were upheld (comprising 2 fines of RSD 30,000 each and 1 warning), 1 acquittal was upheld, and in 2 cases the appeal was upheld and the case was remitted for a new trial. In 1 case, the acquittal was modified with regard to the legal basis on which it had been rendered, while in 1 other case, the acquittal was modified with regard to the allocation of the costs of the misdemeanour proceedings.

3.2.1.3.2. Petitions for Institution of Misdemeanour Proceedings

In addition to issuing misdemeanour notices, the Commissioner is authorized to file petitions for institution of misdemeanour proceedings for misdemeanours under the Law, when in the procedure pursuant to a complaint he finds that misdemeanour occurred. The information requester cannot file a petition for institution of misdemeanour proceedings against a responsible person within a public authority before completion of the procedure pursuant to a complaint before the Commissioner, or before completion of administrative proceedings if the complaint to the Commissioner is inadmissible. In such case, the information requester must first contact the Commissioner with a request for the Commissioner to file a petition for institution of misdemeanour proceedings, or to the Administrative Inspectorate if the administrative proceedings were conducted. If the Commissioner, or the Administrative Inspectorate, fails to reply to the information requester to the petition for institution of proceedings within eight days, or replies that there are no grounds for filing petitions for institution of misdemeanour proceedings, the information requester can then himself file a petition for institution of misdemeanour proceedings. If the Commissioner, or the Administrative Inspectorate, files a petition for institution of misdemeanour proceedings, on request of the information requester or on own initiative, they must inform the information requester on the possible withdrawal of that petition, within eight days of the date of withdrawal of the petition, so that the information requester could continue the procedure (Article 28b).

Since the beginning of the application of the Law on Free Access to Information of Public Importance (17 February 2022) through 31 December 2025, the Commissioner filed **174** petitions for institution of misdemeanour proceedings.

During 2025, the Commissioner filed **21 requests for the initiation of misdemeanour proceedings** against the heads of public authorities:

- for failure to comply with a decision of the Commissioner (Article 28(1)) in 20 cases,
- for preventing the Commissioner from accessing the data storage media (Article 26(2)) in 1 case.

In 53 cases, no requests were filed because it was established that no misdemeanour punishable under the Law on Free Access to Information of Public Importance had been committed; in 11 cases, it was established that the statute of limitations for misdemeanour prosecution had expired, while in 8 cases, the Commissioner was found to lack jurisdiction.

In 2025, the Commissioner received 75 decisions from first-instance courts and 19 decisions from a second-instance court pursuant to the filed petitions for institution of

misdeemeanour proceedings. The first-instance courts issued 3 acquittals and 38 convictions (10 warnings, 2 fines of RSD 5,000 each, 3 fines of RSD 10,000 each, 15 fines of RSD 20,000 each, in 1 case, the judgment imposed two fines of RSD 20,000 each on two defendants, 1 fine of RSD 25,000, 3 fines of RSD 30,000, and 3 fines of RSD 50,000 each). In 1 case, a decision declaring lack of territorial jurisdiction was issued; in 11 cases, the requests for the initiation of misdemeanour proceedings were dismissed due to the expiry of the limitation period for initiating such proceedings; and in 22 cases, the proceedings were discontinued, of which 5 cases were discontinued due to the expiry of the absolute statute of limitations for misdemeanour prosecution, 16 cases due to the expiry of the relative statute of limitations for misdemeanour prosecution, while in 1 case it was established that the defendant had already been finally sanctioned for the same act.

By the judgments of the second-instance courts, 13 convictions were upheld; in 1 case, the case was remitted for retrial; in 2 cases, the convictions were reversed and acquittals entered; in 2 cases, the convictions were reversed and the proceedings discontinued due to the expiry of the absolute statute of limitations for misdemeanour prosecution; while in 1 case, the conviction was modified solely with regard to its legal classification.

According to the data provided by Serbian misdemeanour courts⁵¹ which delivered such data to the Commissioner, in 2025 these courts received a total of 100 petitions for institution of misdemeanour proceedings for the violation of the right to access information and 37 requests for judicial determination. In proceedings initiated upon requests for the initiation of misdemeanour proceedings filed by both injured parties and the Commissioner, the misdemeanour courts **resolved a total of 107 cases** during 2025, as follows: 40 convictions, imposing 7 warnings and 33 fines in the total amount of RSD 775,000; in 42 cases, the proceedings were discontinued, including 17 cases due to the expiry of the statute of limitations; 2 acquittals; 20 requests were dismissed; and 3 cases were resolved in another manner.

According to the data of the Misdemeanour Appellate Court in Belgrade⁵², in 2025, that court received 92 cases of appeals against the decisions of misdemeanour courts in the matter of freedom of access to information (of which 45 cases concerned procedural costs). A total of 81 unresolved cases were carried over from the previous reporting period, bringing the total number of cases pending before the Commissioner during the reporting period to 173. During 2025, the Misdemeanour Appellate Court **resolved 151 cases, 69 of which concerned appeals against decisions on costs.** The Court decided the remaining **82 appeals** as follows: **43 decisions were upheld**, namely: 4 dismissals, 2 acquittals, 15 convictions, and 22 decisions discontinuing the proceedings, of which 13 upheld the first-instance decisions discontinuing the proceedings due to the expiry of the statute of limitations, 6 upheld the first-instance decisions discontinuing the proceedings on other grounds, and 3 upheld the discontinuance of the proceedings because the request had not been filed by an authorised person; **18 decisions were modified**, as follows: 1 conviction was reversed and an acquittal entered, 1 conviction was modified with regard to the legal classification, 1 acquittal was modified with regard to the legal classification, 1 dismissal was modified into a decision discontinuing the proceedings due to the expiry of the statute of limitations, 3 convictions were modified into decisions discontinuing the proceedings due to the expiry of the statute of limitations, 3 acquittals were modified into decisions discontinuing the

⁵¹The Misdemeanour Court in Sjenica, the Misdemeanour Court in Zaječar, and the Misdemeanour Court in Kruševac did not submit their reports.

⁵² Report of the Misdemeanour Appellate Court in Belgrade sent electronically on 19 January 2026.

proceedings due to the expiry of the statute of limitations, 2 decisions discontinuing the proceedings on other grounds were modified into decisions discontinuing the proceedings due to the expiry of the statute of limitations, 2 convictions were modified into decisions discontinuing the proceedings on other grounds, 3 acquittals were modified into decisions discontinuing the proceedings on other grounds, and 1 decision discontinuing the proceedings because the request had not been filed by an authorised person was modified into a decision discontinuing the proceedings on other grounds; a total of **21 decisions** of the misdemeanour courts were **set aside** on appeal, as follows: 2 acquittals, 3 decisions discontinuing the proceedings, and 16 convictions were set aside, namely 12 due to material violations of the provisions governing misdemeanour proceedings, 1 due to an incorrectly established factual situation, and 3 due to a violation of substantive law.

An analysis of the data submitted shows that, compared to previous years, the Misdemeanour Appellate Court discontinued proceedings in a greater number of cases, most frequently due to the expiry of the statute of limitations.

The Administrative Inspectorate of the Ministry of Public Administration and Local Self-Government, which is responsible for inspecting the compliance with the Law on Free Access to Information of Public Importance, informed⁵³ the Commissioner that **the Administrative Inspection had not conducted any inspections** related to the implementation of the regulations governing free access to information of public importance. It also stated that, **in 2025, the Administrative Inspectorate had not filed a single request for the initiation of misdemeanour proceedings for violations of rights or for failure by public authorities to comply with their statutory obligations under the Law on Free Access to Information of Public Importance.** This leads to the conclusion that non-compliance with these legal obligations remains unsanctioned.

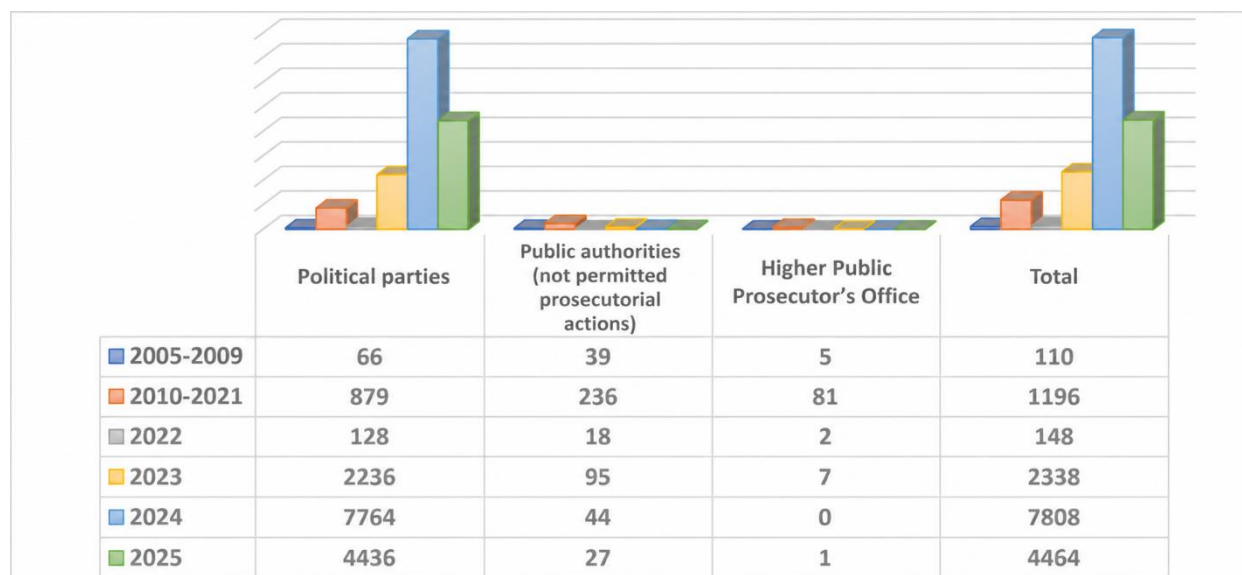
3.2.2. Protection of Rights before the Administrative Court

Judicial protection of the free access to information in administrative proceedings **before the Administrative Court** is available as a means of reviewing the legality of the Commissioner's decisions and the decisions of the seven authorities against which complaints cannot be lodged with the Commissioner and which are exempted from protection before the Commissioner (the National Assembly, the President of the Republic of Serbia, the Government of the Republic of Serbia, the Supreme Court, the Constitutional Court, the Prosecutor General, and the National Bank of Serbia).

A party (complainant) dissatisfied with the Commissioner's decision has the right to file a complaint with the Administrative Court, as does the Prosecutor General, in cases where he believes the Commissioner's decision harms a public interest.

⁵³ Letter from the Administrative Inspectorate of the Ministry of Public Administration and Local Self-Government No. 000148325 2026 14800 010 001 041 001 dated 29 January 2026.

Graph No. 13 - Overview of legal actions by complainants brought before the Supreme Court of Serbia and the Administrative Court against the Commissioner's decisions from 2005 through 2025



According to the information available to the Commissioner, **in 2025, 4,464 lawsuits against** the Commissioner were filed with the Administrative Court.⁵⁴ Of the 4,464 lawsuits filed, 2,008 challenged decisions of the Commissioner, while 2,456 were filed on the grounds that the Commissioner had failed to decide on the complaint within the statutory time limit.

Graph 13 clearly illustrates the consequences of the change in the Administrative Court's position adopted at the 105th session of all judges held on 21 June 2022 concerning the reimbursement of the costs of complaint proceedings, and how that position has led to a dramatic increase in the abuse of rights. By way of illustration, between 2010 and 2021, parties to the proceedings filed a total of 879 lawsuits against the Commissioner with the Administrative Court, meaning that parties (i.e. complainants) filed an average of 73.25 lawsuits per year against the Commissioner. However, beginning in 2023, when the full effects of the change in the Administrative Court's legal position adopted in June 2022 became apparent, the number of lawsuits increased dramatically. Specifically, parties, i.e. complainants, filed 2,236 lawsuits in 2023, followed by 7,764 lawsuits in 2024 and 4,436 lawsuits in 2025. Accordingly, since parties, i.e. complainants, filed a total of 14,436 lawsuits against the Commissioner during the period from 2023 to 2025, this means that information requesters filed an average of 4,812 lawsuits per year against the Commissioner during that period. The comparison between the average annual number of lawsuits filed before the change in the Court's legal position—73.25 lawsuits—and the average annual number filed after the change—4,812 lawsuits—best illustrates the severe consequences of the Court's revised position. It demonstrates the extent to which this change has burdened not only the work of the Commissioner's Office but also that of the Administrative Court itself, led to significant financial consequences reflected in unnecessary costs and substantial unjustified expenditures from public funds, impeded the exercise of the right to free access to information of

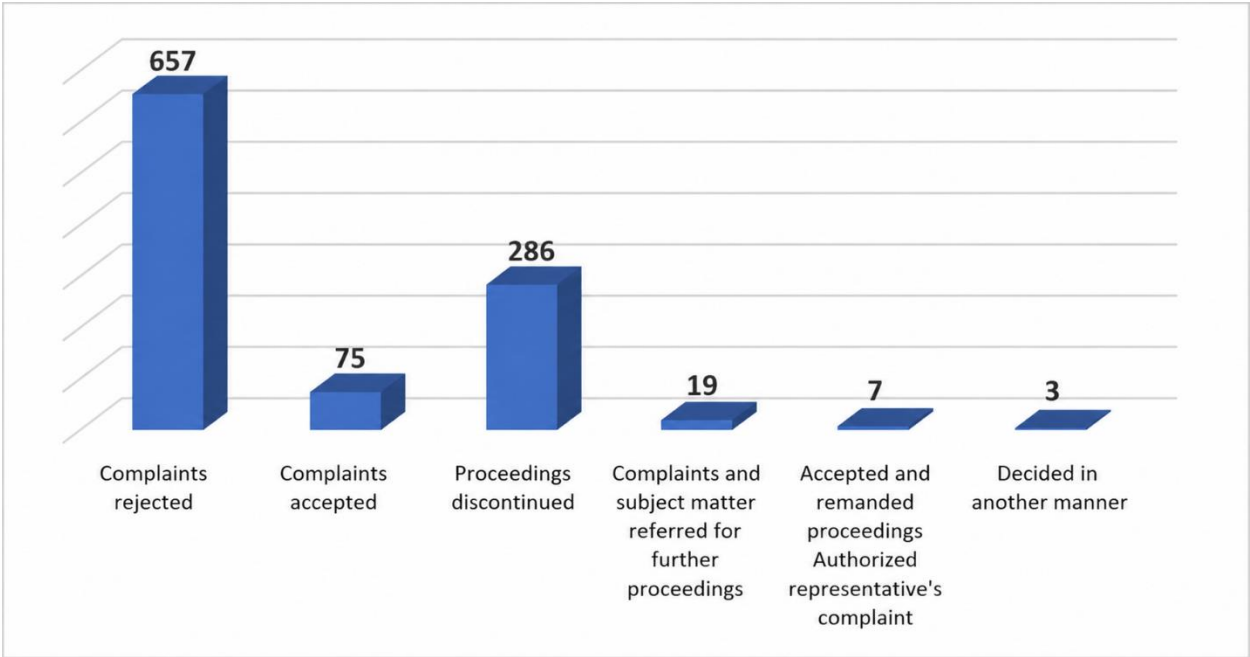
⁵⁴ Letter of the Administrative Court No. Su III-19 8/2025, dated 15 January 2026.

public importance as well as the right to personal data protection, and hindered access to justice and the courts.

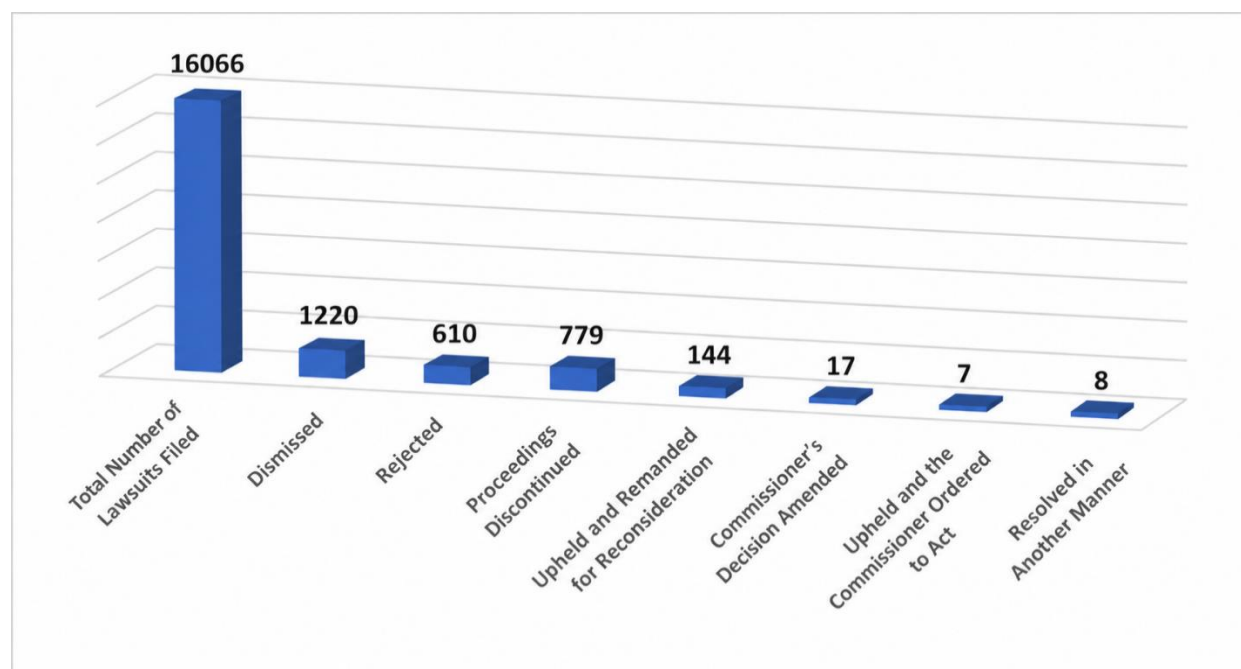
Plaintiffs in cases against the Commissioner in 2025 include: parties or information requesters (4.436) and first-instance authority⁵⁵ (28).

In the course of 2025, the Administrative Court resolved a total of 1.047 lawsuits (of the resolved lawsuits, 149 were from 2025, while 898 were from the previous period). The lawsuits were resolved as follows: 75 legal actions were rejected, 657 were dismissed, 286 procedures were terminated and 26 legal actions were upheld (the Commissioner’s ruling was overturned in 19 cases, and the case was returned for repeated procedure, and in 7 cases, the Commissioner was ordered to decide on the complaint) and 3 legal actions were resolved by other means. As regards upheld legal actions, those are mainly cases overturning the Commissioner’s decisions by which he rejected requests for compensation of costs of representation pursuant to a complaint before the Commissioner or rejected complaints rejecting requests for reimbursement of these costs. This is a consequence of a change of the position of the Administrative Court at the 105th Full Judicial Panel held on 21st June 2025.

Graph No. 14 - Overview of decisions of the Administrative Court passed in 2025 pursuant to legal actions against the Commissioner’s decisions



Graph No. 15 - Legal actions against the Commissioner in the field of freedom of information from 2005-2025 and decisions rendered in those proceedings



The above data show that, since the Commissioner commenced operations, a total of 2,785 cases have been resolved in judicial proceedings reviewing the legality of the Commissioner's decisions (out of a total of 16,066 lawsuits filed), of which, **in 2,617 cases (93.97%), the claimants were unsuccessful in the administrative dispute against the Commissioner.** The percentage of administrative disputes successfully concluded in the Commissioner's favour would have been even higher had it not been for the unexpected change in the Administrative Court's position, adopted at the 105th session of all judges held on 21 June 2022, concerning the entitlement to reimbursement of the costs of legal representation of information requesters by attorneys in complaint proceedings before the Commissioner. Under that position, public authorities are now required to reimburse appellants for the costs of legal representation by attorneys where the Commissioner finds the complaint to be well-founded. A significant number of Commissioner's decisions rejecting the complainants' request for reimbursement of the costs of the complaint proceedings were taken before the court's position changed, and the decision on the lawsuit against such a Commissioner's decision was taken only after the court's position changed, which resulted in an increase in the number of court decisions that annulled the decision of the Commissioner and the case was sent back to be redecided, which consequently led to a decrease in the percentage of upheld decisions of the Commissioner.

The data show that from 2005 through 2025 the total of 680 legal actions were filed against seven⁵⁶ highest national authorities exempted from the protection before the Commissioner, of

⁵⁶ In the Amendments to the Law on Free Access to Information of Public Importance ("Official Gazette" 105/21) the National Bank of Serbia was classified as public authorities against which complaints to the Commissioner are not allowed (Art. 22, paragraph 3).

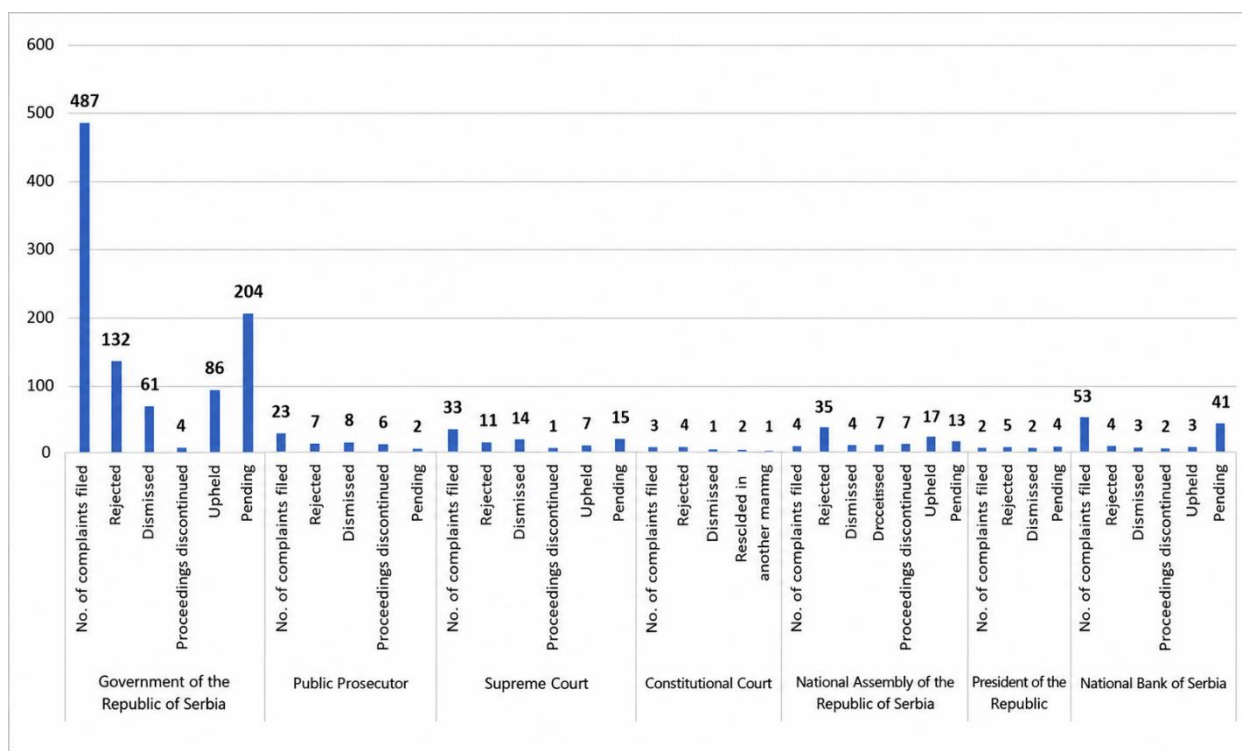
which 408 were ruled on, including 178 rejected legal actions, 103 dismissed, 113 upheld, and 13 terminated procedures, and 1 case was resolved in another manner.

The majority of legal actions were filed against the Government of the Republic of Serbia, namely 508 legal actions, of which 309 were ruled on, including 147 rejected, 96 upheld and 62 dismissed legal actions, while 4 procedures were terminated.

In 2025, the Administrative Court received 41 legal actions against the highest national authorities, of which only 2 were ruled on, namely 1 was upheld and 1 was resolved in another manner. Of that number, 15 lawsuits were filed against the Government of the Republic of Serbia (6 of which concerned administrative silence); 6 against the National Assembly of the Republic of Serbia (5 of which concerned administrative silence); 4 against the Constitutional Court (1 of which concerned administrative silence); 1 against the Supreme Court of Serbia for administrative silence; 3 against the President of the Republic (2 of which concerned administrative silence); and 12 against the National Bank of Serbia (2 of which concerned administrative silence).

During 2025, the Administrative Court resolved 44 lawsuits filed against the highest public authorities (2 filed in 2025, while the remaining 42 had been filed in previous years). Of these, the Court upheld 15 lawsuits (9 against the Government of the Republic of Serbia, 3 against the National Assembly of the Republic of Serbia, and 3 against the National Bank of Serbia); dismissed 20 lawsuits (16 against the Government of the Republic of Serbia, 2 against the National Bank of Serbia, 1 against the National Assembly of the Republic of Serbia, and 1 against the Supreme Court); rejected 7 lawsuits (5 against the Government of the Republic of Serbia, 1 against the National Bank of Serbia, and 1 against the National Assembly of the Republic of Serbia); discontinued 1 set of proceedings against the National Bank of Serbia; while 1 lawsuit against the Constitutional Court was resolved in another manner. One objection to a decision of the Administrative Court rendered in proceedings on a lawsuit against the President of the Republic was dismissed.

Graph No. 16 - Overview and outcome of legal actions brought before the Supreme Court and the Administrative Court against decisions or failure to act of seven highest state authorities against which complaints with the Commissioner are not admissible, in 2005 – 2025



The Supreme Court of Serbia informed⁵⁷ the Commissioner that, during 2025, a total of 176 requests for the review of decisions of the Administrative Court, rendered in proceedings on lawsuits in the field of freedom of access to information of public importance, were filed with the Supreme Court, and that those requests are still pending.

3.2.3. Public Authorities' Compliance with Their Legal Obligations, Supervision, and Accountability

The amendments to the Law on Free Access to Information of Public Importance overhauled the manner in which information directories on the activities of public authorities are compiled, published and updated. It also increased the number of authorities required to produce such information directories. The most significant change concerns the manner in which these directories are produced: they are now created on a platform kept and maintained by the Commissioner, namely the Single Information System of Information Directories (SIS). At the time of writing of this Report, 7,328⁵⁸ information directories by public authorities are available in the SIS, while the total number of public authorities registered in the system is 7,574. In addition, the Commissioner has prepared the Instructions on the Preparation and Publishing of Information Directories on the Activities of Public Authorities in accordance with the Law ("Official Gazette of the Republic of Serbia" No. 10/22).

⁵⁷ Letter No. Su II 17a 63/25, dated 19 January 2026.

⁵⁸ Number of published information directories in the Single Information System on 5 February 2026.

Pursuant to Article 39 of the Law on Free Access to Information of Public Importance, public authorities referred to in Article 3, items 1–7, are required to prepare an Information Booklet, whereas the public authorities referred to in items 8–10 are not subject to that obligation. 5,349 Public authorities published their information directories within the statutory deadline by 17 November 2022, mainly local self-government authorities and local communities.

Also, the number of public authorities required to submit annual reports to the Commissioner has increased significantly. This obligation now applies to all public authorities referred to in Article 3 of the LFAIPI – 12,310 of them registered in the Catalogue of public authorities as of the time of writing of this report. The number of submitted reports for 2025 is 5,394, while the number of registered public authorities for access to the Portal for submitting annual reports is 6,863. More than half of all public authorities required under the Law to submit reports to the Commissioner have not done so.

According to the information provided in the reports submitted by public authorities for 2025 (**5,394 reports**), 4,766 public authorities published their Directory in the Single Information System, and thus fulfilled their legal obligation. Also, it would appear that compliance with the legal obligation to provide training for employees on proper application of the Law on Free Access to Information has improved compared to previous years, given that the number of authorities that submitted their reports is much higher than in the past years (with 3,323 authorities reporting they have complied with this obligation).

Although the Commissioner facilitated this procedure by developing the special Portal for electronic submission of reports, and the deadline for submission of reports was extended until 31 January under amendments to the Law, a high number of public authorities still fail to comply with this legal duty. An analysis of data showed that many national authorities failed to submit their reports for 2025.

The number of reports submitted by authorities falling within the category of education institutions (schools, preschool facilities) is higher compared to 2024 (when this number was **1,355**), while in 2025 this number is **1,519**. The number of reports submitted by local self-government authorities in 2025 amounted to **530**, representing a decrease compared to the previous year, when the number stood at **584**. An increase has also been noted in the number of reports submitted by national-level authorities and organizations (agencies, directorates, institutes, funds, chambers, etc.). - **481** authorities. Hunters' associations have mostly complied with this statutory duty, with 189 of them submitting reports, which is approximately 5% more as compared to 2024. This year, it is also important to highlight that a large number of local communities fulfilled this legal obligation—no fewer than **1,125**.

Table 8 - Figures in annual reports of public authorities on actions taken to implement LFAIPI in 2025⁵⁹

Public authorities	No. of public authorities	Report submitted number and %	Information directory published in the Single	Training implemented - number and %	Maintenance of data storage media - number and %
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⁵⁹ The percentage of public authorities that submitted reports to the Commissioner is shown in relation to the total number of public authorities in the relevant category, while the percentages relating to the obligation to prepare an Information Booklet, to conduct training, and to maintain data storage media are shown in relation to the number of reports submitted in the relevant category of public authorities and at the overall level;

			Information System - number and %		
Authorities referred to in Article 22 of the Law (the National Assembly, the President of the Republic, the Supreme Court, the Constitutional Court, the Government, the Supreme Public Prosecutor, and the National Bank of Serbia)	7	6 (85.7%)	6 (100%)	4 (66.6%)	6 (100%)
Ministries (without bodies subordinated to them)	25	22 (88%)	22 (100%)	18 (81.8%)	22 (100%)
National authorities and organizations (agencies, directorates, institutes, funds, chambers...)	759	481 (63.4%)	302 (62.8%)	344 (71.5%)	427 (88.7%)
Courts	158	148 (93.7%)	147 (99.3%)	110 (74.3%)	148 (100%)
Prosecutors' Offices	89	74 (83.2%)	74 (100%)	52 (70.2%)	73 (98.6%)
Other public authorities(Authorities of the Autonomous Province of Vojvodina, educational institutions, local self-government authorities, public enterprises, health care, cultural and information institutions etc.)	11.322	4,663 (41.2%)	4,215 (90.4%)	2,795 (59.9%)	4,591 (98.4%)
Total	12.360 ⁶⁰	5.394 (43.6%)	4.766 (88.4%)	3.323 (61.6%)	5.267 (97.6%)

The report of the Administrative Inspectorate⁶¹ states that "during 2025, no inspections were carried out to monitor the implementation of the regulations governing free access to information of public importance, and no requests for the initiation of misdemeanour proceedings were filed."

3.2.4. Commissioner's Activities Related to Publishing of Information Directories

⁶⁰ The number of public authorities subject to the duty to submit their report at the time of writing of this Report, because this number is variable, and the Catalogue of public authorities is only for reference.

⁶¹ Communication of the Administrative Directorate number 000148325 2026 14800 010 001 041 001 dated 19 January 2026;

The aim of publishing of information directories, together with the duty to regularly update the data (at least once monthly), is to make available to citizens, the media, public authorities, and other users the main information on the activities of authorities, human resources and other capacities of authorities, their organization, competences, work assets, public funds management, salaries, state aid, subsidies, donations, international and other projects and their implementation, public procurements, the types of services authorities provide and the procedures for exercising the rights, legal remedies in case of negative outcomes of procedures before the authorities, types of information held by authorities etc.

The Law amending the Law on Free Access to Information of Public Importance (“Official Gazette of the Republic of Serbia” No. 105 dated 8 November 2021) entered into force on 16 November 2021, and took effect on 17 February 2022. Under this Law, information directories are created in an electronic and machine-readable format, and published through the Single Information System of Information Directories, kept and maintained by the Commissioner, in accordance with the Instructions on the Preparation and Publishing of Information Directories on the Activities of Public Authorities brought by the Commissioner. In that regard, the Commissioner undertook activities necessary for timely passing of these Instructions and introduction of the said information system. Publishing of information directories on the joint digital platform should result in improved transparency, comparability and improved data usefulness, as well as facilitated monitoring of compliance with this legal duty. The scope of public authorities subject to the obligation to prepare information directories was significantly expanded, while public authorities were given a deadline of one year since the Law entered into force to prepare their information directories in the information system. Thus, on 5 February 2026, the number of those who published information directory in the Single Information System of Information Directories, was 7,328.

In 2025, the Commissioner found the following main shortcomings of information directories of public authorities while he was controlling them:

- Data in the information directories **are not updated regularly, in accordance with the Instructions and therefore do not comply with the reliability requirement;**
- Most frequently, **an overview of data on provided services is missing;**
- **Data on revenues and expenses**, where data on the budget are either missing or are incomplete;
- **Data on conducted public procurements;**
- Data on paid **salaries, wages and other emoluments** are presented in only few cases;
- **Descriptions on acting within their spheres of competences, powers and duties** are missing;
- **Services provided by authorities to interested parties are also missing, as well as the procedure of provision of services.**

In exercising its powers with respect to the obligation to prepare and update the Information Booklet of Public Authorities (Article 39 of the Law on Free Access to Information of Public Importance), the Commissioner, during 2025, exercised the powers conferred by Article 25 of the Law on Free Access to Information of Public Importance relating to the Commissioner's decision-making concerning measures to enhance the transparency of the work of public authorities. In that regard, in 2025 the Commissioner issued 13 decisions ordering public authorities to prepare their Information Booklets in the Unified Information System for Information Booklets, in accordance with Article 39 of the Law on Free Access to Information of Public Importance. All 13 decisions

of the Commissioner were complied with, and the public authorities prepared their Information Booklets in accordance with the orders set out in those decisions.

In 2025, work also continued on improving the Unified Information System for Information Booklets, while the Commissioner's authorised officers provided daily assistance to public authorities to facilitate compliance with this statutory obligation.

To mark the International Right to Know Day, celebrated every year on 28 September, the Commission for awards for the advancing of the right to free access to information in 2025, which the Commissioner is chairing, presented the following awards:

1. For the contribution to the affirmation of the public's right to know in the category of national-level authorities: National Employment Service;
2. For the contribution to the affirmation of the public's right to know in the category of judicial authorities: to the Basic Court in Majdanpek;
3. For the contribution to the affirmation of the public's right to know in the category of local public authorities: to the authorities of the Municipality of Veliko Gradište;
4. For the contribution to the affirmation of the public's right to know in the category of provincial authorities: To the Government of the Autonomous Province of Vojvodina;
5. For the contribution to the affirmation of the public's right to know in the category of other authorities: Primary School “Desanka Maksimović” from Kosovska Kamenica.

Special Recognition/Certificate of Appreciation to the Austrian Development Agency (ADA).

The main award, for a special contribution to the affirmation of the right to access to information (statuette) was not awarded this year.

3.3 COMMISSIONER'S ACTIVITIES IN CONNECTION WITH PERSONAL DATA PROTECTION

3.3.1. Commissioner's Supervisory Activity

In the course of 2025, the Commissioner **concluded 1.169 supervision procedures** in total. Out of the total number of concluded supervisions, 980 were regular and 189 were extraordinary supervisions.

Inspection procedures (1.169) were concluded as follows: In 1,073 cases, the proceedings were concluded with a finding that the public authority had complied with the measures imposed during the previous inspection, while 91 cases were concluded by means of an official note or a reply to the complainant, as the inspection established that there had been no violations of the Law on Personal Data Protection. The files in 5 cases were forwarded to the Misdemeanour Prosecution Sector.

In cases where the Commissioner found violations of the LPDP (105), he:

- Filed 3 petitions for institution of misdemeanour proceedings against violation of the LPDP,
- issued 102 corrective measures were imposed, including 101 warnings issued to data controllers and one measure temporarily or permanently restricting a controller's processing activities, including a prohibition on processing.

The Commissioner **initiated 1.296 inspection supervisions** in the course of 2025, of which 1.087 regular and 209 extraordinary supervisions.

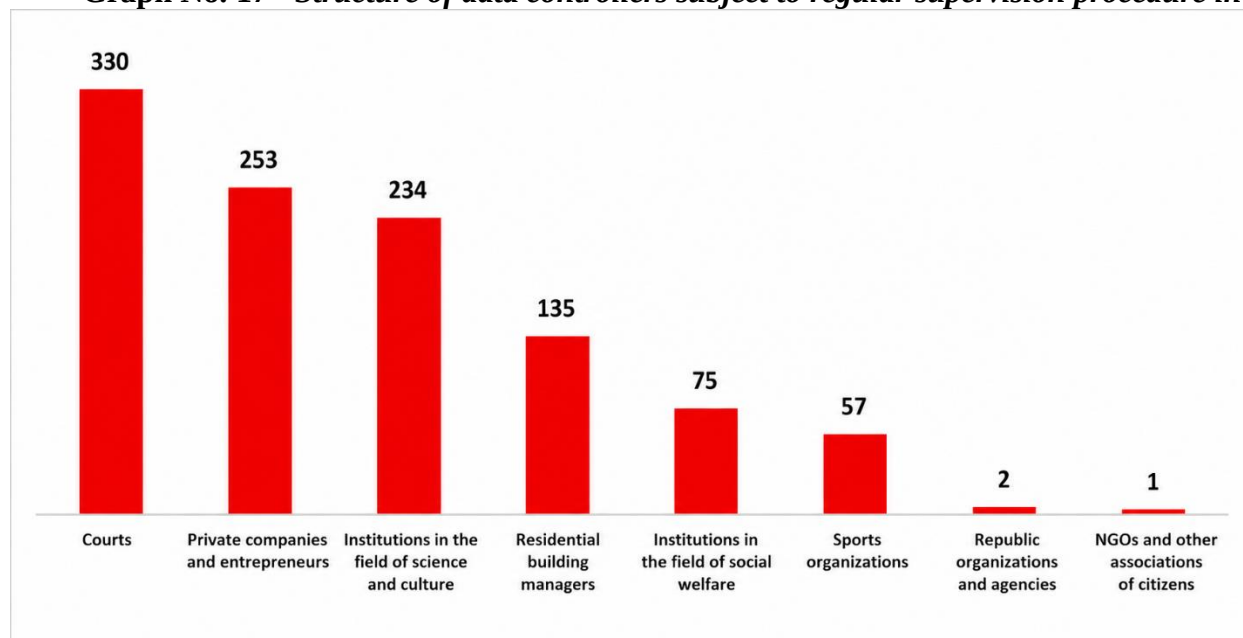
Out of 209 unscheduled supervisions, 143 were initiated pursuant to petitions, 9 pursuant to notifications to the Commissioner of violations of the right and 57 on other grounds.

With regard to the grounds for conducting extraordinary inspections, such inspections were most frequently initiated due to personal data breaches involving names and surnames, issues relating to the security of personal data, the compromise of personal data on the internet and through electronic communications, as well as the use of video surveillance.

As regards the controllers subject to the Commissioner's inspection supervision (1.087) in 2025, a significant number of supervision procedures were conducted in relation to institutions in the field of justice, companies and entrepreneurs, institutions in the fields of science and culture and residential building managers, unlike in 2024, when public enterprises were the predominant subjects of inspection.

Accordingly, the controllers in respect of whom the Commissioner initiated 1,087 regular inspection proceedings were as follows: the judiciary – 330 (30.4%); companies and entrepreneurs – 253 (23.3%); institutions in the fields of science and culture – 234 (21.5%); residential building managers – 135 (12.4%); social welfare institutions – 75 (6.9%); sports organisations – 57 (5.2%); national authorities and organisations – 2 (0.2%); and NGOs and other citizens' associations – 1 (0.1%).

Graph No. 17 - Structure of data controllers subject to regular supervision procedure in 2025



The Commissioner imposed **102 corrective measures**, including 101 warnings issued to data controllers and 1 measure temporarily or permanently restricting a controller's processing activities, including a prohibition on processing. In 93 cases, data controllers complied with measures ordered by the Commissioner, while in 3 cases the controller did not comply with the ordered measure, while in 6 cases the controllers have not yet informed the Commissioner on their action.

In cases where the Commissioner issued warnings (101), he found the following violations of the provisions of the LPDP:

- Data are not processed lawfully, fairly and transparently in relation to the data subject – Article 5, paragraph 1, point 1 (45);
- Data are not collected for specific, explicit, justified and lawful purposes and are further processed in the manner contrary to those purposes – Article 5, paragraph 1, point 2 (10);
- Data are not adequate, relevant and limited to what is necessary for the purpose of processing – Article 5 paragraph 1 point 3 (53);
- Data are not kept in the form that enables identification of data subjects only within the deadline necessary to achieve the purpose of processing – Article 5 paragraph 1 item 5 (4);
- Data are not processed in the manner which ensures appropriate personal data protection, including the protection against unauthorized or unlawful processing, as well as against unintentional loss, destruction or damage by applying appropriate technical, organizational and human resource measures – Article 5, paragraph 1, point 6 (16);
- the data are processed for other purposes – Articles 6 and 7 (1);
- The data controller processes personal data without the data subject's consent, or is unable to demonstrate that the data subject gave his/her consent for data processing – Articles 15 and 16. (3);
- failure to provide the information that must be provided by law where personal data are collected from the data subject – Article 23 (3);

- The data controller fails to undertake relevant technical, organizational and human resource measures when determining the manner of processing and during the processing – Article 42 (50);
- the relationship between joint controllers is not governed in the manner prescribed by law – Article 43, paragraphs 2–4 (1);
- the controller entrusted the processing of personal data to a processor contrary to the law – Article 45 (2);
- The data controller or the processor failed to implement appropriate technical, organizational and human resource measures to achieve the appropriate safety level for the risk concerned – Article 50 (5);
- The data controller failed to notify the Commissioner of a data breach – Article 52 (2).

3.3.1.1. Checklists

In 2025, **a checklist** was sent to the addresses of **1.994** controllers.

In 2025, the Commissioner processed 1,966 checklists (1,952 from the reporting period and 14 from the previous period) and **carried out risk assessments in 1,506 cases. 460 Data controllers failed to submit** completed control lists even after of the Commissioner's intervention.

The structure of data controllers to whom checklists were sent in 2025 is as follows:

- private companies, banks, insurance companies, and entrepreneurs (373);
- national and provincial authorities (3);
- the judiciary (notaries public and public enforcement officers) (457);
- scientific and cultural institutions (610);
- social welfare institutions (159);
- sports organisations (119);
- other (professional residential building managers) (271);
- NGOs and other citizens' associations (2).

The structure of data controllers and the assessment of the risk level in 2025 is as follows:

- private companies, banks, insurance companies, and entrepreneurs (370). Based on the checklists submitted the level of risk in these data controllers is estimated as high in 1 case, medium in 25, low in 111, and insignificant in 104, while 129 data controllers failed to submit completed checklists to the Commissioner;
- national and provincial authorities (3). Based on the checklists submitted the level of risk in these data controllers is estimated as low;
- public enterprises (8); Based on the checklists submitted the level of risk in these data controllers is estimated as medium in 2 cases, low in 3, and insignificant in 3;
- other (professional residential building managers) (256); Based on the checklists submitted the level of risk in these data controllers is estimated as medium in 23, low in 105, and insignificant in 24, while 104 data controllers failed to submit completed checklists to the Commissioner;

- sports organisations (105). Based on the checklists submitted the level of risk in these data controllers is estimated as medium in 14, low in 42, and insignificant in 13, while 36 data controllers failed to submit completed checklists to the Commissioner;

- scientific and cultural institutions (601); Based on the checklists submitted the level of risk in these data controllers is estimated as critical in 2 cases, high in 1 case, medium in 82, low in 307, and insignificant in 91, while 118 data controllers failed to submit completed checklists to the Commissioner;

- the judiciary (notaries public and public enforcement officers) (456); Based on the checklists submitted the level of risk in these data controllers is estimated as medium in 4, low in 128, and insignificant in 309, while 15 data controllers failed to submit completed checklists to the Commissioner;

- social welfare institutions (162); Based on the checklists submitted the level of risk in these data controllers is estimated as medium in 4, low in 72, and insignificant in 32, while 55 data controllers failed to submit completed checklists to the Commissioner;

- educational institutions (3). No faculty submitted a completed checklist to the Commissioner;

- NGOs and other citizens' associations (2). Based on the checklists submitted the level of risk in these data controllers is estimated as insignificant in 1 case, while 1 data controllers failed to submit completed checklists to the Commissioner.

Based on all the data obtained, the Commissioner adopted the Inspection Plan for 2026.

From the effective date of the new LPDP through the end of the reporting period, the Commissioner sent checklists to the addresses of **7,887 data controllers**, of these, 6,941 controllers submitted a completed checklist to the Commissioner based on which a risk assessment was carried out, while 904 controllers failed to submit a completed checklist, and 42 checklists are still being processed. Fifty controllers proactively submitted a completed checklist, based on which the Commissioner also assessed the level of risk related to personal data processing.

3.3.1.2. Notifications to Commissioner of Personal Data Breaches

Since the Law took effect on 31 December 2025, the Commissioner received **254** notifications from data controllers on personal data breaches which may result in risk for rights and freedoms of natural persons (in the period of significantly increased threats for the safety of computer networks by the so-called “crypto lockers” and other types of ransomware), while the total number of these notifications was **49** in 2024, including the following categories of controllers:

- 25 companies, banks and insurance companies;
- 2 public authorities at the national and local level;
- 1 local self-government authority;
- 4 public enterprises;
- 1 judicial authority;
- 10 educational institutions;
- 3 healthcare institutions;
- 3 citizens and NGO and other citizen associations.

The foregoing indicates that numerous controllers are still not aware of this legal duty, or more probably, they refrain from submitting notifications to the Commissioner to avoid being exposed to possible inspection and/or risk for their reputation which might affect their business and trust of clients or users of their products and/or services. This is the result of the fact that, according to the available reports, massive attacks on the ICT infrastructure of numerous data controllers occur daily in the so-called cyberspace, and the fact that 2025 will be remembered at the global level by numerous attacks by various types of ransomware that caused huge financial damage worldwide, as well as in the Republic of Serbia.

Based on the received notifications, in order to ensure possible further action in the form of inspection, case files are submitted to the Commissioner's authorized officers for further procedure. In 2025, a total of 9 received notifications were forwarded to the Oversight Sector.

3.3.1.3. Information on Personal Data Protection Officers

In the course of 2025, contact details of the data protection officer were submitted by **522 controllers**, while a total of 521 notifications with contact details were processed during 2025.

Since the effective date of the LPDP, a total of **6,837 data controllers** submitted contact details on their personal data protection officers to the Commissioner, of which 4,476 are public authorities, although slightly over 12,000 are subject to this legal duty.

Table No. 9. - Structure of data controllers that submitted contact details on personal data protection officers

Companies, enterprises, banks, insurance companies	1.797
Public authorities at the national, provincial and local level	457
Educational institutions	1.807
Healthcare institutions	564
Scientific and cultural institutions	398
Institutions in the field of economy, forestry and agriculture	142
Social welfare institutions	268
Judicial authorities and institutions	512
Public enterprises	482
Civil society organizations and other citizens' associations, political parties and trade unions	247
Internet providers and mobile operators	23
Sport organizations and youth and sport institutions	104
The media	9
Lawyers	4
Others	23

Having in mind the assumed number of entities subject to the duty to appoint personal data protection officers, publish their contact data and submit them to the Commissioner, the above number of data controllers or processors who complied with this duty until 31 December 2025 undoubtedly show the justifiability of the Commissioner's efforts to raise awareness of entities

subject to LPDP by sending checklists to addresses of data controllers and through specialised trainings, and to regulate strategically the issue of personal data protection in the Republic of Serbia.

With the aim of facilitating compliance with this duty, as the least demanding of the duties under the new LPDP, the Commissioner provided on his official website at www.poverenik.rs/sr/zastita-podataka/lice-za-zastitu-podataka-o-licnosti.html a user-friendly and simple instructions on the simplest manner to comply with this duty. Despite this, no significant trend of increase in the number of submitted notifications on the contact details of designated data protection officers has been recorded.

3.3.1.4. Appointment of Representatives of Foreign Companies

In 2025, the Commissioner received 22 written decisions on the appointment of representatives of foreign companies in accordance with the LPDP from the following companies:

Table No. 10. - Representatives of controllers/processors headquartered outside the Republic of Serbia

Alvotech Swiss AG Switzerland	The representative of this company for the Republic of Serbia is law firm “BDK Advokati”, having its head office in Bulevar kralja Aleksandra 28, Belgrade. In accordance with the law, this representative, together with the company Alvotech Swiss AG, Switzerland, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Pathalys Pharma Inc. USA	The representative of this company for the Republic of Serbia is lawyer Tijana Žunić, with the head office at 7 Pozorišni trg (Theater Square), Novi Sad. In accordance with the law, this representative, together with the company Pathalys Pharma Inc. USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Climb Bio Massachusetts, USA	The representative of this company for the Republic of Serbia is law firm “Karanović and Partners”, having its head office in Resavska 23, Belgrade. In accordance with the law, this representative, together with the company Climb Bio, Massachusetts, USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Immunovant Sciences GmbH, Basel, Switzerland	The representative of this company for the Republic of Serbia is the lawyer Julijana Jevtić, with headquarters in 2a Kapetan Mišina St., Belgrade. In accordance with the law, this representative, together with the company Immunovant Sciences GmbH, Basel, Switzerland, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.

MoonLake Immunotherapeutics Switzerland	The representative of this company for the Republic of Serbia is AOD Živković Samardžić, with the head office at 30 Makedonska, Belgrade. In accordance with the law, this representative, together with the company MoonLake Immunotherapeutics, Switzerland, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Paloma, higienski papiri, d.d. Slovenia	The representative of this company for the Republic of Serbia is Željko Bura, MG Group HR Services, with the head office at 27 Francuska St., Belgrade. In accordance with the law, this representative, together with the company Paloma, higienski papiri, d.d., Slovenia, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Mirador Therapeutics, Inc. San Diego, USA	The representative of this company for the Republic of Serbia is DOO Lexelerate with the head office at 7/6a Pozorišni trg, Novi Sad. In accordance with the law, this representative, together with the company Mirador Therapeutics, Inc., San Diego, USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
X4 Pharmaceuticals, Inc. Boston, USA	The representative of this company for the Republic of Serbia is law firm “Karanović and Partners”, having its head office in Resavska 23, Belgrade. In accordance with the law, this representative, together with the company X4 Pharmaceuticals, Inc., Boston, USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Percheron Therapeutics Ltd. Melbourn, Australia	The representative of this company for the Republic of Serbia is AOD Živković Samardžić, with the head office at 30 Makedonska, Belgrade. In accordance with the law, this representative, together with the company Percheron Therapeutics Ltd., Melbourn, Australia, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Elesa + Ganter GmbH Austria	A new representative of this company has been appointed for the Republic of Serbia, namely Aleksandar Popović, Sole Proprietor, Engineering Activities and Technical Consulting, with its registered office at 11 Marka Pola Street, New Belgrade. In accordance with the law, this representative, together with the company Elesa + Ganter GmbH , Austria, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.

ImmunAbs, Inc. Seul, South Korea	The representative of this company for the Republic of Serbia is AOD Živković Samardžić, with the head office at 30 Makedonska, Belgrade. In accordance with the law, this representative, together with the company ImmunAbs, Inc., Seul, South Korea or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Nuvig Therapeutics Ltd. USA	The representative of this company for the Republic of Serbia is AOD Živković Samardžić, with the head office at 30 Makedonska, Belgrade. In accordance with the law, this representative, together with the company Nuvig Therapeutics Ltd. USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Satellos Bioscience Inc. Toronto, Canada	The representative of this company for the Republic of Serbia is DOO Lexelerate with the head office at 7/6a Pozorišni trg, Novi Sad. In accordance with the law, this representative, together with the company Satellos Bioscience Inc., Toronto, Canada or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Italfarmaco S.p.A. Milan, Italy	The representative of this company for the Republic of Serbia is law firm “Karanović and Partners”, having its head office in Resavska 23, Belgrade. In accordance with the law, this representative, together with the company Italfarmaco S.p.A., Milan, Italy, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Fujitsu General Ltd. Kawasaki, Japan	The representative of this company for the Republic of Serbia is law firm “Karanović and Partners”, having its head office in Resavska 23, Belgrade. In accordance with the law, this representative, together with the company Fujitsu General Ltd., Kawasaki, Japan, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
AVEO Pharmaceuticals, Inc. Boston, USA	The representative of this company for the Republic of Serbia is law firm “Karanović and Partners”, having its head office in Resavska 23, Belgrade. In accordance with the law, this representative, together with the company AVEO Pharmaceuticals, Inc., Boston, USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Cartesian Therapeutics, Inc. Frederick, USA	The representative of this company for the Republic of Serbia is the lawyer Julijana Jevtić, with headquarters in 2a Kapetan Mišina St., Belgrade. In accordance with the law, this representative, together

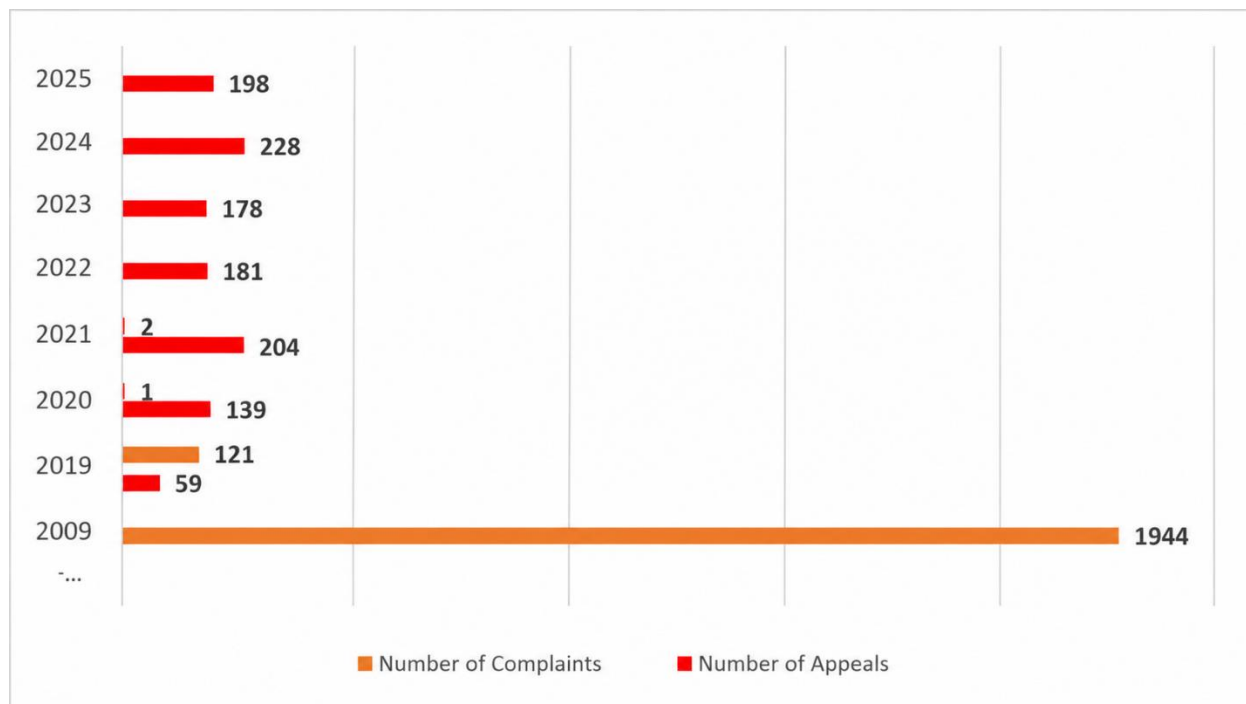
	with the company Cartesian Therapeutics, Inc. Frederick, USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
BicycleTx Ltd. Cambridge, United Kingdom	The representative of this company for the Republic of Serbia is law firm “Karanović and Partners”, having its head office in Resavska 23, Belgrade. In accordance with the law, this representative, together with the company BicycleTx Ltd. Cambridge, United Kingdom, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
H. Lundbeck A/S Valby, Copenhagen, Denmark	The representative of this company for the Republic of Serbia is law firm “Karanović and Partners”, having its head office in Resavska 23, Belgrade. In accordance with the law, this representative, together with the company H. Lundbeck A/S, Valby, Copenhagen, Denmark or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
ECCO Europe AG Hünenberg, Switzerland	The representative of this company for the Republic of Serbia is attorney-at-law Ivana Ružičić (PR Legal) from Belgrade, 12 Bulevar despota Stefana. In accordance with the law, this representative, together with the company ECCO Europe AG, Hünenberg, Switzerland, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Insmmed Netherlands B.V. Utrecht, the Netherlands	The representative of this company for the Republic of Serbia is law firm “Karanović and Partners”, having its head office in Resavska 23, Belgrade. In accordance with the law, this representative, together with the company Insmmed Netherlands B.V., Utrecht, the Netherlands or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.
Kymera Therapeutics, Inc. Watertown, Massachusetts, USA	The representative of this company for the Republic of Serbia is law firm “Karanović and Partners”, having its head office in Resavska 23, Belgrade. In accordance with the law, this representative, together with the company Kymera Therapeutics, Inc., Watertown, Massachusetts, USA, or instead of it, can be contacted by the Commissioner or another person regarding all questions related to the processing of personal data, in order to ensure compliance with the provisions of this law.

3.3.2. Commissioner's Processing of Complaints

In the course of 2025, the Commissioner received **198 complaints**.

In 2025, the Commissioner handled 215 complaints, of which 17 were carried forward from the previous period.

Graph No. 18 - Complaints/appeals⁶² lodged with the Commissioner by years



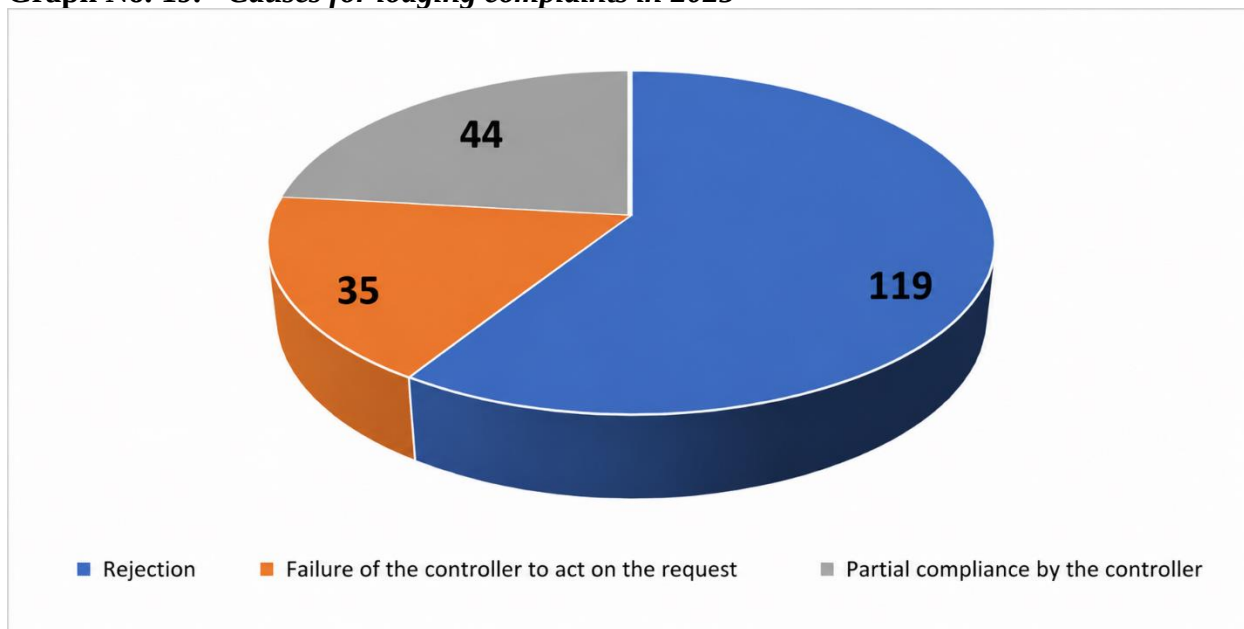
Complaints lodged with the Commissioner relate to personal data processed by the Ministry of the Interior, public enterprises, economic operators, banks, judicial authorities, healthcare and social welfare institutions, educational institutions etc.

⁶²Pursuant to the Law on Personal Data Protection ("Official Gazette of the RS", No. 87/18), the data subject may lodge a complaint with the Commissioner, unlike the previous Law on Personal Data Protection ("Official Gazette of the RS", Nos. 97/08, 104/09 – other law, 68/12 – decision of the Constitutional Court and 107/12), which prescribed the submission of an appeal to the Commissioner.

3.3.2.1. Causes for Lodging Complaints with the Commissioner

The reasons for lodging of complaints with the Commissioner include the rejection of a request to exercise rights by the controller (119), failure of the controller to act on the request, the so called “administrative silence” (35), and partial compliance by the controller (44).

Graph No. 19. - Causes for lodging complaints in 2025



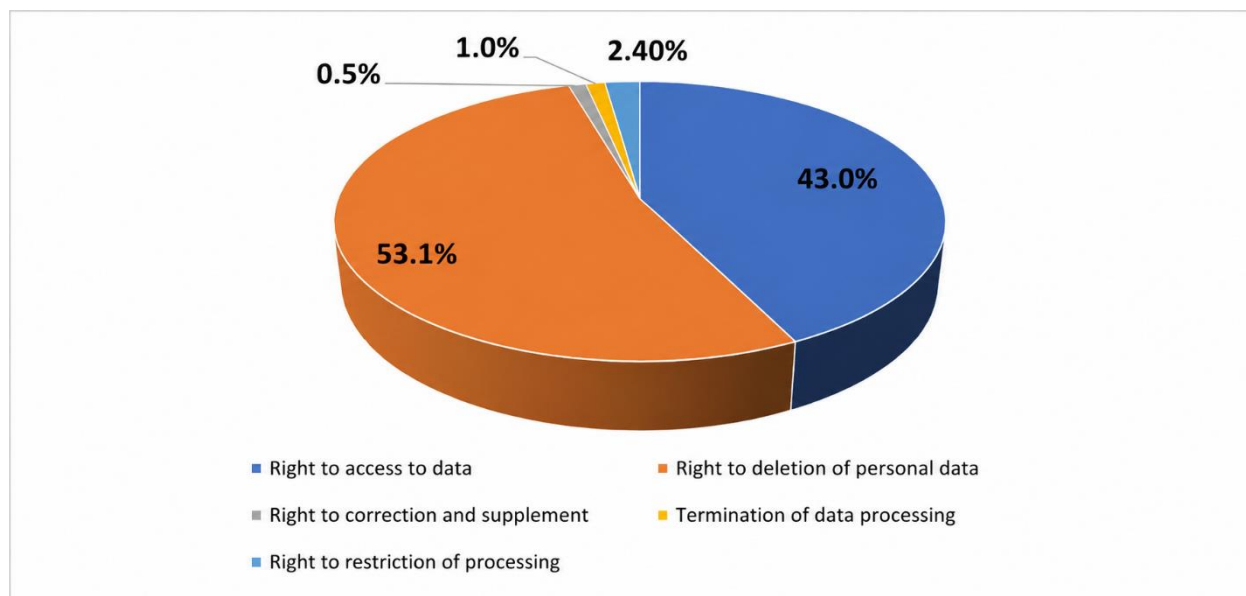
The most frequent reason for lodging of complaints with the Commissioner is the rejection of a request to exercise rights by the controller (119). Compared with 2024, when 56.6% of complaints were lodged on these grounds, this year the percentage is 65.2%.

In 2025, to the Commissioner received 35 complaints against data controllers' failure to process requests within the statutory deadline of 30 days. Compared with 2024, when the share of complaints lodged on these grounds was 22.4%, this year the percentage was 17.7% of the total number of complaints lodged with the Commissioner, which is a reduced percentage of ignoring the requesters of information by the controllers.

3.3.2.2. Violated Rights Which Resulted in Lodging Complaints with the Commissioner

The requests which resulted in the lodging of complaints with the Commissioner due to inadequate actions of data controllers included the exercise of: the right to deletion of personal data (53.1%), the right to access to data (43%), the right to restriction of processing (2.4%), termination of data processing (1%), and correction and supplement (0.5%).

Graph No. 20 – Requests which resulted in the lodging of complaints with the Commissioner in 2025

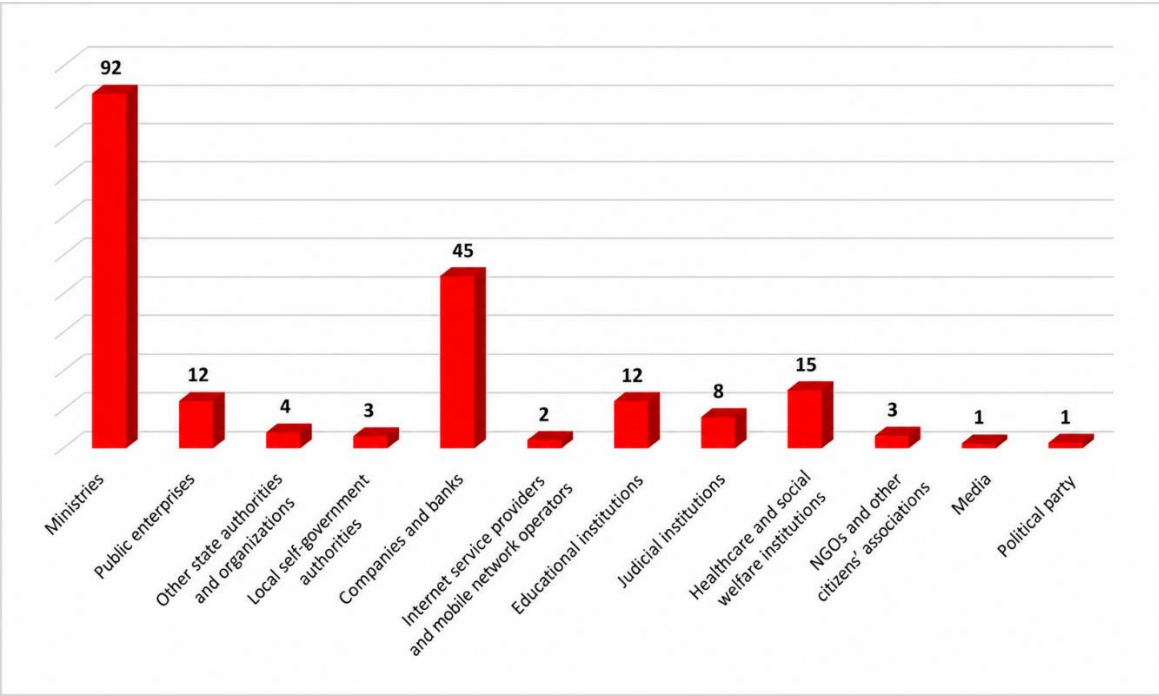


3.3.2.3. Structure of Data Controllers against Which Complaints Were Lodged with the Commissioner

As regards the structure of data controllers against whom complaints were lodged with the Commissioner, the largest number of the complaints, as many as **146**, were lodged against non- or unsatisfactory processing on the part of public authorities across all levels and authorities and organizations with delegated public powers. Most of these (92) were lodged against non- or unsatisfactory processing of the ministries, namely, against the Ministry of Interior 88, Ministry of Defence 4 complaints.

The highest number of complaints were lodged against the Ministry of Interior. Citizens were mainly interested in deletion of data on registered criminal reports, which are kept by this Ministry permanently, regardless of how much time has passed and the outcome of the procedure, which is, according to the Commissioner's position expressed in some of his decisions, contrary to the LPDP and international standards.

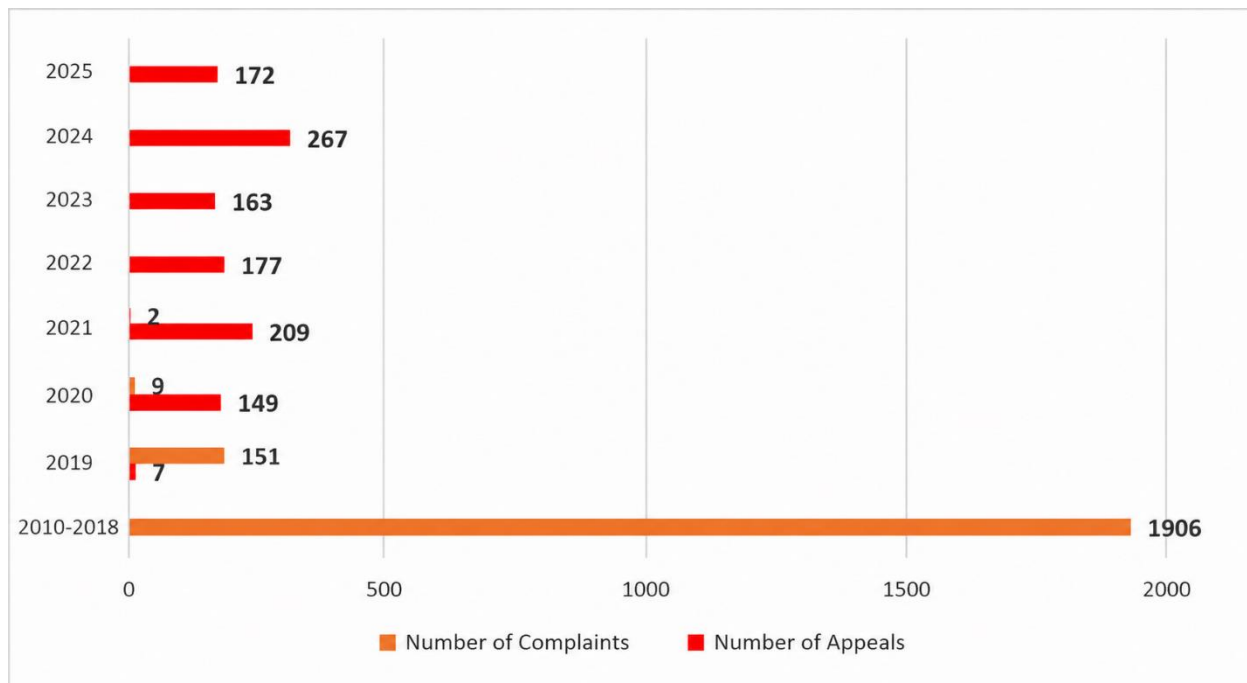
Graph No. 21 - Structure of data controllers against whose (non)compliance the complaints were submitted in 2025



3.3.2.4. Complaints Resolved by the Commissioner

Out of **215 complaints** which the Commissioner processed in 2025, **172 were resolved** (155 from 2025 and 17 carried forward from the previous year), while 43 complaints were carried forward to 2026.

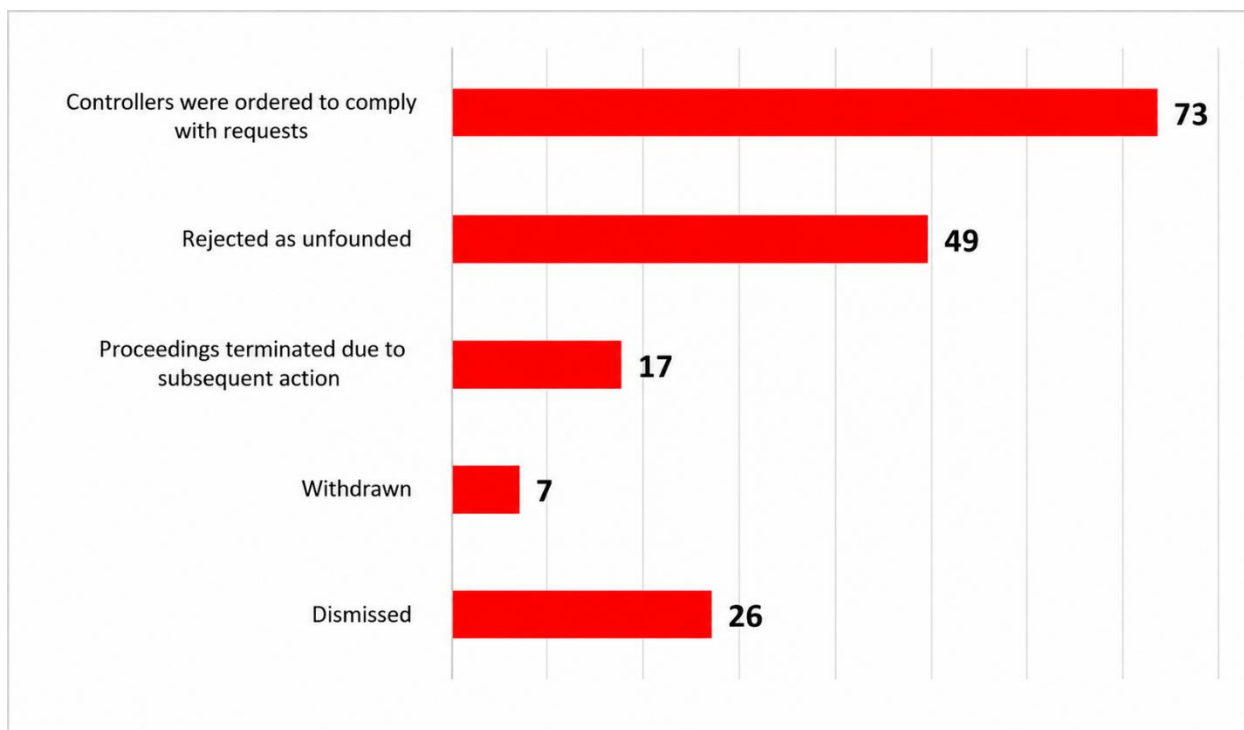
Graph No. 22 - Complaints Resolved by the Commissioner by year



In the decisions passed pursuant to complaints lodged (172), the Commissioner found that complaints were founded in 73 cases, or 42.4%, and in all cases, decisions were passed ordering controllers to comply with requests. The Commissioner terminated the procedure by his decisions in 24 cases, or 14%, because controllers complied with requests before the Commissioner passed decisions pursuant to complaints (17), or complainants withdrew their complaints (7). The Commissioner dismissed 26 complaints, or 15.1%, for formal reasons, while he rejected 49 complaints, or 28.5%, by deciding they were unfounded.

An analysis of complaints the Commissioner found unfounded shows inter alia that citizens are still not fully aware of the content of their rights under the LPDP, because in their request they ask for data on other persons, issuing of certificates, data on deceased persons etc. They often recognize the institution of the Commissioner as an authority for the protection of rights in general, instead of the rights regarding personal data processing and the right to access information of public importance.

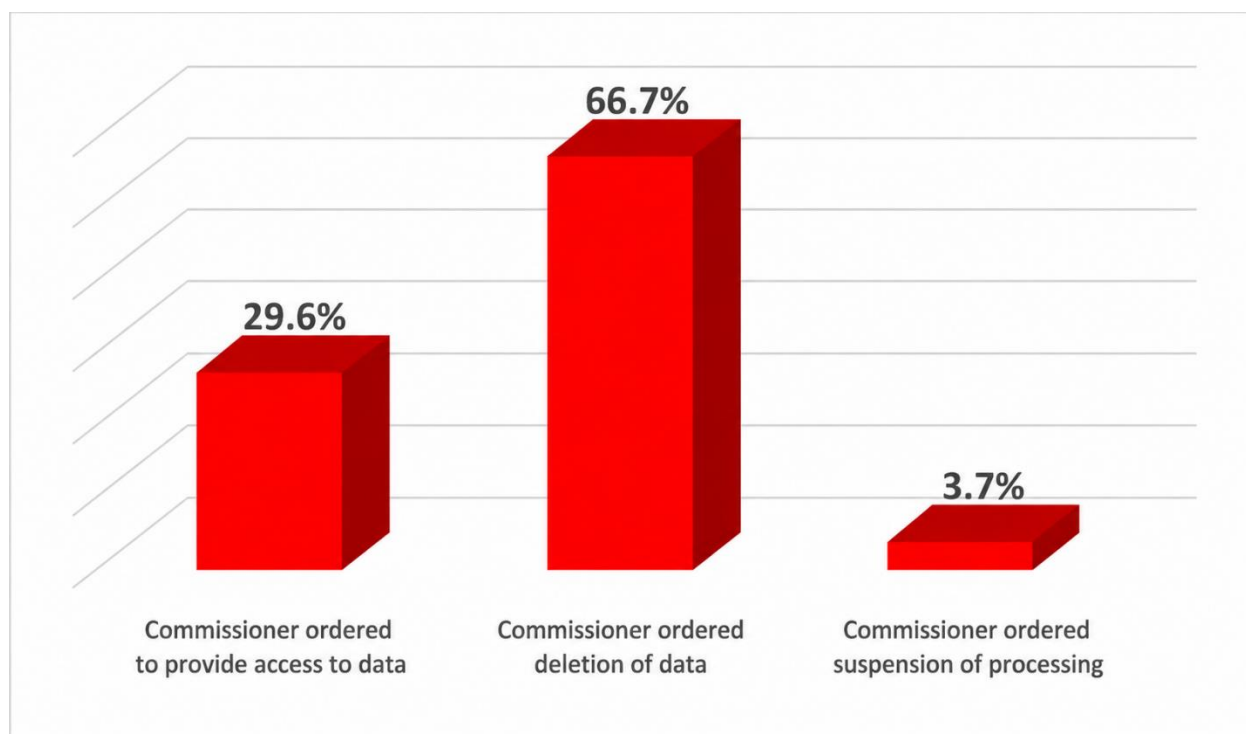
Graph No. 23 - Commissioner's decisions passed pursuant to complaints in 2025



During the reporting period, the Commissioner issued a total of 73 binding and final decisions ordering data controllers to process the requests or to provide access to data to requesters and ordering data controllers to inform him about compliance with these decisions. **68 data controllers, or 93.2%, fully complied with the Commissioner's decisions, and notified the Commissioner accordingly, while 2 data controller, or 2.7%, failed to comply with the Commissioner's order,** while the other decisions of the Commissioner are currently being processed

As regards decisions (73) the Commissioner passed in 2025 pursuant to complaints lodged, **in 66.7% the Commissioner ordered to provide access to data, in 29.6 cases, he ordered deletion of data, whereas the suspension of processing was ordered in 3.7% of decisions.**

Graph No. 24 – Measures imposed in the Commissioner's decisions in 2025

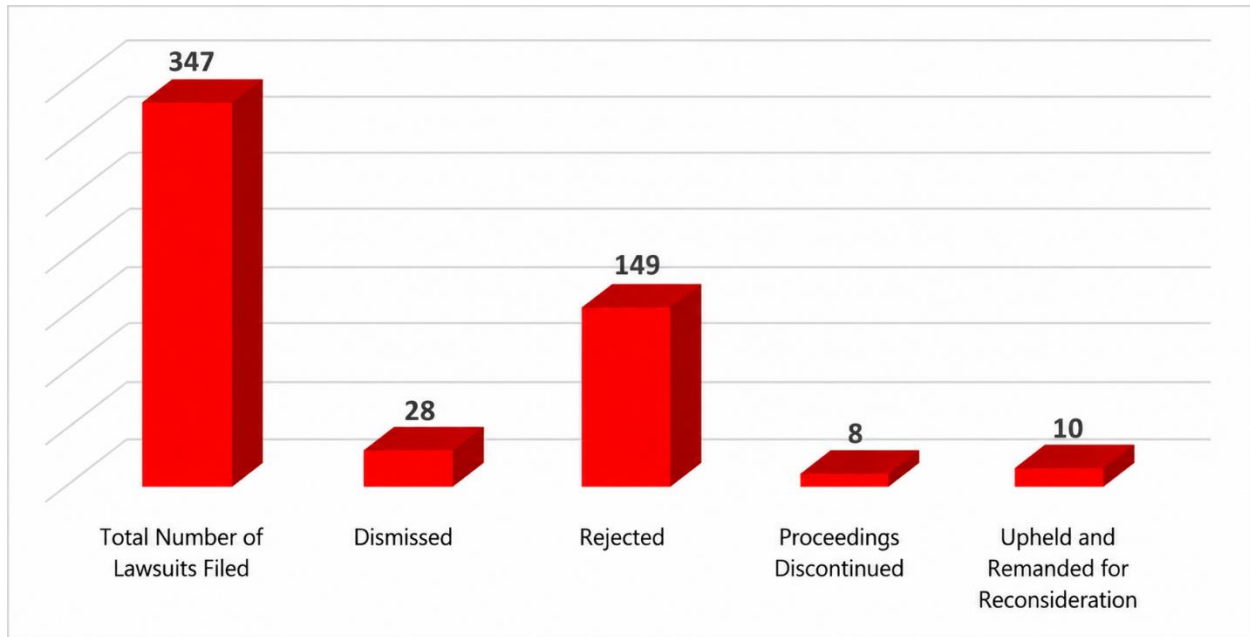


3.3.3. Protection of Rights before the Administrative Court

According to the information available to the Commissioner, in 2025, the Administrative Court received **22 legal actions against the Commissioner**. Complaints were filed against decisions taken based on complaints, as well as by applicants who were dissatisfied with the Commissioner's handling of complaints within the framework of inspection.

In 2025, the Administrative Court **concluded 30 lawsuits** (of concluded lawsuits, 2 are from 2025, while 28 concluded lawsuits are from the previous period), by rejecting 24 lawsuits as unfounded, while dismissing 6 lawsuit.

Graph 25 – *Lawsuits Against the Commissioner in the Area of Personal Data Protection, 2009–2025*



These data show that since the Commissioner started his activities, in court proceedings to review the legality of his decisions, in 195 resolved cases out of the total of 347 filed legal actions, **94.87% or 185 of the Commissioner’s decisions were upheld by courts.**

3.3.4. Misdemeanour Liability

3.3.4.1. *Petitions for Institution of Misdemeanour Proceedings and Misdemeanour Notice*

In 2025, the Commissioner filed 3 petitions for institution of misdemeanour proceedings for violations of the provisions of the Law on Personal Data Protection (LPDP), namely due to the controller processing personal data contrary to the principles set out in **Article 5, paragraph 1** of the LPDP, while in 1 case it was established that no misdemeanour had been committed.

In the preceding period, from 2010 through the end of the reporting period, the Commissioner filed **250 petitions for institution of misdemeanour proceedings**, including:

- 216 against violations of the previous LPDP, including:

- Failure to compile or update records (50);
- Data processing without consent contrary to the requirements referred to in Article 12. (38);
- Data processing contrary to the requirements referred to in Article 13 (13);
- Personal data collecting from another person contrary to Article 14 (1);
- The data subject or other persons were not informed of the requirements referred to in Article 15, paragraph 1, before data collection (3);
- Processing of particularly sensitive data contrary to Articles 16-18 (18);
- Failure to provide the requested information, or access, or a copy of the data being processed– Article 26 paragraphs 1 and 2 and Article 27 (1);
- Failure to delete data from data collections in accordance with Article 36. (1);
- Failure to comply with the Commissioner’s ruling passed pursuant to the appeal– Article 41, paragraph 1 (4);
- Acting contrary to the duty to undertake measures referred to in Article 47 paragraph 2. (25);
- Failure to inform the Commissioner of the intention to establish a data collection within the statutory deadline – Article 49 paragraph 1 (20);
- Failure to submit to the Commissioner records or changes in a data collection within the statutory deadline – Article 51 paragraph 1 (62);
- Transborder transfer of data out of the Republic of Serbia contrary to Article 53. (2);
- Failure to ensure the Commissioner’s authorized officer to perform unobstructed supervision and failure to provide him/her access to necessary documentation and make such documentation available to him/her – Article 55 (46);
- Failure to comply with the Commissioner’s orders – Article 56 paragraph 2 (11);
- Misdemeanours referred to in Article 57 paragraph 1 item 14 in connection with paragraph 3 (13), and

- 34 against violations of the provisions of the new LPDP, including:

- Personal data processing contrary to the processing principles referred to in Article 5 paragraph 1 (21);

- Personal data processing for other purposes contrary to Articles 6 and 7 (1);
- Controller processes personal data without the consent of the data subject, and is not able to present evidence that the data subject in question has given consent for the processing of their data - Art. 15, para 1 (4);
- Failure to undertake appropriate technical, organizational and human resource measures in accordance with Article 42 when determining the manner of processing and during processing (42);
- Failure to regulate relations between joint data controllers in the manner specified in Article 43 paragraphs 2 through 4 (1);
- Controller has not designated a personal data protection officer in the cases referred to in Article 56, para 2 (5). 10

So far, the Commissioner issued 7 misdemeanour notices due to breaches of the LPDP, namely 5 because the controller does not keep the prescribed records on processing (Art. 47) or does not record processing activities (Art. 48), and 2 because the controller did not publish the data of the personal data protection officer and did not submit them to the Commissioner (Art. 56, paragraph 1).

3.3.5. Actions of Prosecutor's Offices on Criminal Reports Filed by the Commissioner and Misdemeanour Courts regarding Petitions for Institution of Misdemeanour Proceedings Filed by the Commissioner

In the preceding period, from 2010 through the end of the reporting period, the Commissioner filed the total of **49 criminal reports** against criminal offences referred to in Articles 143 (unauthorized wiretapping and recording), 144 (unauthorized photographing), 145 (unauthorized publication and presentation of another's document, portrait, and recordings), 146 (unauthorized collection of personal data), 299 (computer sabotage), 302 (unauthorized access to computer, computer network or electronic data processing), 329 (impersonation), 355 (forging a document), and 359 (abuse of office) of the Criminal Code.

According to the data available to the Commissioner, based on criminal reports filed by the Commissioner so far, only 2 indictments were brought. One final and enforceable judgment of conviction was passed pursuant to indictments (the person was sentenced to 6 months probation) and 1 exonerating judgment. 23 Criminal reports were rejected in 15 cases by delaying criminal prosecution according to the principle of opportunity, in 3 cases the prosecutor's office found that the reported offence does not constitute a criminal offence prosecuted ex officio, while 5 investigations were terminated because the statute of limitations had expired.

The Commissioner considers that the criminal complaints submitted to the competent public prosecutor's offices contained sufficient elements to enable their further prosecution, with a view to identifying the perpetrators of criminal offences and ensuring that they are appropriately sanctioned.

Regarding the misdemeanour petitions he submitted, the Commissioner received **8 decisions of misdemeanour courts** in the first instance **in the course of 2025**. The first-instance courts discontinued the proceedings in 4 cases: 1 due to the expiry of the absolute statute of limitations, 2 due to the expiry of the statute of limitations, and 1 because misdemeanour

proceedings had been instituted under a different legal provision. In a further 4 cases, they rendered convictions, imposing 1 warning and 3 fines, namely: 2 fines of RSD 100,000 on the legal entity and RSD 10,000 on the responsible person, and 1 fine of RSD 50,000 on the legal entity and RSD 5,000 on the responsible person. During 2025, the Commissioner also received **3 decisions of misdemeanour courts rendered at second instance**. In 1 case, the second-instance courts upheld the defendant's appeal and remitted the case for reconsideration; in 1 case, they upheld the conviction; and in 1 case, they varied the judgment by discontinuing the proceedings due to the expiry of the absolute statute of limitations.

3.4. COMMISSIONER'S ACTIVITIES AIMED AT AFFIRMATION OF RIGHTS OF ACCESS TO INFORMATION OF PUBLIC IMPORTANCE AND PERSONAL DATA PROTECTION

During 2025, the Commissioner organized and held a number of trainings in the field of personal data protection. In addition to trainings organized and held by the Commissioner, whether independently or jointly with other institutions, trainings in the field of freedom of information and personal data protection are implemented continually by the National Academy of Public Administration for civil servants. Apart from other lecturers, representatives of the Commissioner also hold lectures on these trainings.

In addition to these trainings, as a form of continual education, in 2025 again the Commissioner organized a short study programme in the field of personal data protection and free access to information with the Faculty of Security Studies of the University in Belgrade, the Faculty of Law of the University of Novi Sad, and the Faculty of Law of the University in Kragujevac. Pursuant to the General Cooperation Agreement and the Agreement on the Organisation of the Knowledge Innovation Studies concluded with the Faculty of Law of the University of Belgrade, a new study programme entitled "Knowledge Innovation Studies in Personal Data Protection Law" was launched in cooperation with the Commissioner for Information of Public Importance and Personal Data Protection. In addition to professors from the Faculty of Law, the programme was taught by the Commissioner, the Deputy Commissioner, representatives of the Commissioner's professional service, and other distinguished practitioners.

In cooperation with representatives of the Ministry for Human and Minority Rights and Social Dialogue and the Standing Conference of Towns and Municipalities (SCTM), training sessions entitled "Application of the Law on Personal Data Protection" were organised for employees of state administration bodies, local self-government units (LSGs), and civil society organisations.

Training on personal data protection was organised, under the auspices of the Serbian Association of Employers, for its member companies, employees of Krušik JSC. Valjevo, employers from the Srem Administrative District, and employees of Traval Corporation JSC.

The project "**Strengthening the Rule of Law in Serbia**" is a multi-donor project financed jointly by the European Union, German Federal Ministry of Economic Cooperation and Development (BMZ) and the Austrian Development Cooperation (ADC), and implemented by German Agency for International Cooperation (GIZ), the Austrian Development Agency (ADA), the Central Project Management Agency (CPMA), and the OSCE Mission to Serbia. The project is implemented from 1 January 2022 through 30 September 2025. The general objective of the project is support to compliance with the duties arising from Chapter 23 – Judiciary and Fundamental Rights in accordance with EU *acquis*.

As part of the project, and in accordance with the established methodology for implementing Activities 3.9.1.1 – Training on the Implementation of the Law on Personal Data Protection and 3.9.1.6 – Monitoring the Implementation of the New Law on Personal Data Protection (Revised AP23), three panel discussions (held in Šabac, Vranje and Leskovac) and three training sessions (held in Subotica, Vršac and Pirot) on personal data protection were organised

during 2025. In the area of free access to information of public importance, one training session was held in Belgrade.

The project "**Protection of Freedom of Expression and Media in Serbia (PRO-FREX-S)**" is implemented within the Horizontal Facility of Support to the Western Balkans and Turkey, the third phase of which began in January 2023 and will last for 48 months. The programme defines the activities that should be supported in the context of the accession process of the Republic of Serbia to the European Union. The programme is financed by the European Union and implemented by the Council of Europe. Activities are ongoing.

The Project "**EU for the Rule of Law in Serbia**" is funded by the Delegation of the EC in Serbia, and implemented by the UNOPS in order to support the achievement of AP standards for Chapters 23 and 24. During 2025, the Project supported the implementation of activities aimed at establishing the information system of the Commissioner for Information of Public Importance and Personal Data Protection.

As part of the implementation of Phase VI of the OSCE Mission to Serbia project, "**Consolidating the Democratisation Process in the Security Sector in the Republic of Serbia**" (2024–2027), a study visit to Austria on the topic of personal data protection was organised during 2025 (from 24 to 28 November). The study visit was attended by 10 representatives of the Commissioner for Information of Public Importance and Personal Data Protection, including the Commissioner and the Deputy Commissioner, as well as five representatives of the Ministry of the Interior. During the visit, the participants had the opportunity to gain a more detailed understanding of the legal framework governing personal data protection in Austria, as well as the practical implementation of the relevant legislation. During this period, numerous activities were carried out to prepare a public awareness campaign on personal data protection, which is scheduled to commence in the following year.

As part of the implementation of activities aimed at improving access to environmental information, the OSCE Mission to Serbia established cooperation with the Commissioner for Information of Public Importance and Personal Data Protection. During 2025, three training sessions on this topic were organised for representatives of public authorities, civil society organisations and journalists, held in Banja Koviljača, Bor and Zrenjanin.

During the visit, the participants had the opportunity to gain a more detailed understanding of the legal framework governing personal data protection in Austria, as well as the practical implementation of the relevant legislation.

3.4.1. Trainings and Lectures

- On 20 January, a training session on the application of the Law on Personal Data Protection was held in Subotica, organised by the Commissioner for Information of Public Importance and Personal Data Protection and the German Agency for International Cooperation (GIZ);
- On 24 January, a training session on the rights falling within the Commissioner's competence was delivered for participants in the short study programme at the Faculty of Law of the University of Kragujevac;

- On 7 February, a webinar on the application of the Law on Personal Data Protection was held for employees of Johnson Electric;
- On 14 February, a training session on the application of the Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for employees of Metropolitan University;
- On 19 February, a training session on the application of the Law on Personal Data Protection was held for employees of Educons University in Sremska Kamenica;
- On 20 February, a training session on the application of the Law on Personal Data Protection was held for employees of Alfa BK University;
- On 25 February, a training session on the application of the Law on Personal Data Protection was held in cooperation with the Serbian Association of Employers for its member companies;
- On 27 February, a webinar on the application of the Law on Personal Data Protection was held for employees of Bechtel ENKA UK Limited;
- On 5 March, a training session on the application of the Law on Personal Data Protection was held in Vršac, organised by the Commissioner for Information of Public Importance and Personal Data Protection and the German Agency for International Cooperation (GIZ).
- On 6 March, a webinar on the application of the Law on Personal Data Protection was held for local self-government authorities in the Pomoravlje Administrative District;
- On 11 March, a webinar on the application of the Law on Personal Data Protection was held for the Ministry of Education;
- From 12 to 14 March, training on the General Data Protection Regulation (GDPR) was held in Podgorica, organised by the Western Balkans Cyber Capacity Centre.
- On 13 March, a webinar on the application of the Law on Personal Data Protection was held for the Ministry of Education.
- On 17 March, a webinar on the application of the Law on Free Access to Information of Public Importance was held for a local self-government in the Pomoravlje Administrative District;
- On 18 March, a webinar on the application of the Law on Free Access to Information of Public Importance was held for the Ministry of Education;
- On 20 March, a training session on the application of the Law on Personal Data Protection was held in Pirot for local self-government authorities in the Pirot Administrative District, as part of the GIZ project;
- On 26 March, a webinar on the application of the Law on Free Access to Information of Public Importance was held for the Ministry of Education;
- On 7 April, at the Misdemeanour Court in Belgrade, the Commissioner delivered a training session for officials authorised to process requests for free access to information of public importance on the topic “Free Access to Information of Public Importance: Legislation and Practice”.
- On 16 April, a webinar on the application of the Law on Personal Data Protection was held for various controllers that had approached the Commissioner requesting training;
- On 6 May, a training session on the application of the Law on Personal Data Protection was held at the National Academy for Public Administration (NAPA).

- From 6 to 8 May, a training session on the application of the Law on Personal Data Protection was held for a group of employees of Acibadem Bel Medic;
- On 16 May, a training session on the application of the Law on Personal Data Protection was held for the Legal Department of Beo-lab;
- On 16 May, a webinar on the application of the Law on Free Access to Information of Public Importance was held for various organisations that had approached the Commissioner requesting training;
- On 16 May, the Commissioner and the OSCE Mission to Serbia organised a seminar in Banja Koviljača on improving access to environmental information;
- On 22 May, a training session on the application of the Law on Personal Data Protection was held for employees of Krušik in Valjevo, in cooperation with the Serbian Association of Employers;
- On 27 May, a training session on the application of the Law on Personal Data Protection was held for employees of the Serbian Association of Employers;
- On 29 May, in response to the high level of interest following the training held in April, a further training session was organised for officials authorised to process requests for free access to information of public importance on the topic “Free Access to Information of Public Importance: Legislation and Practice”;
- On 24 June, in cooperation with the OSCE, a training session on the application of the Law on Free Access to Information of Public Importance was held for officials authorised to process requests for access to information within the Ministry of the Interior;
- On 26 June, in cooperation with the OSCE, a training session on the application of the Law on Free Access to Information of Public Importance was held for officials authorised to process requests for access to information within the Ministry of the Interior;
- On 26 June, in cooperation with GIZ, a training session on the application of the Law on Personal Data Protection was held for coordinators of Youth Offices as part of the project “Prospects for Young People in Rural Areas of Serbia”;
- On 16 July, a training session on the application of the Law on Personal Data Protection was held for employees of the Human Resources Management Service;
- On 25 July, a training session on the application of the Law on Personal Data Protection was held for employees of Coming – Computer Engineering d.o.o.;
- On 29 July, a training session on the application of the Law on Personal Data Protection was held for employees of MaxBet;
- On 13 August, a training session on the application of the Law on Personal Data Protection was held for employees of the Public Utility Company Water Supply and Sewerage;
- On 2 and 4 September, a training session on the application of the Law on Free Access to Information of Public Importance was held in Belgrade for employees of the Ministry of the Interior;
- On 12 September, a training session on the application of the Law on Personal Data Protection was held for employees of the Republic Commission for the Protection of Rights in Public Procurement Procedures;
- On 17 September, a training session on the application of the Law on Personal Data Protection was held for employees of Vizim Doctors;

- From 18 to 23 September, a training session on the application of the Law on Personal Data Protection was held for the data protection managers of the Faculty of Security Studies, University of Belgrade;
- On 8 October, in cooperation with the OSCE, a training session on the application of the Law on Free Access to Information of Public Importance was held in Bor on the topic “Improving Access to Environmental Information”;
- On 15 October, in cooperation with the OSCE, a training session on the application of the Law on Free Access to Information of Public Importance was held in Kraljevo for representatives of the Ministry of the Interior;
- On 16 October, in cooperation with the OSCE, a training session on the application of the Law on Free Access to Information of Public Importance was held in Užice for representatives of the Ministry of the Interior;
- On 22 October, a training session on the application of the Law on Personal Data Protection was held in Kragujevac for building managers, in cooperation with the Commissioner's regional office;
- On 23 October, in cooperation with the OSCE, a training session on the application of the Law on Free Access to Information of Public Importance was held in Šabac for representatives of the Ministry of the Interior;
- On 24 October, a training session on the application of the Law on Personal Data Protection was held for newly recruited staff of the Commissioner's Office;
- On 29 October, in cooperation with the Serbian Association of Employers, a training session on the application of the Law on Personal Data Protection was held in Ruma for employers;
- On 29 October, in cooperation with the OSCE, a training session on the application of the Law on Free Access to Information of Public Importance was held in Novi Sad for representatives of the Ministry of the Interior;
- On 30 October, in cooperation with the OSCE, a training session on the application of the Law on Free Access to Information of Public Importance was held in Subotica for representatives of the Ministry of the Interior;
- On 31 October, a webinar on the application of the Law on Personal Data Protection was held for Data Protection Officers;
- On 4 November, a training session on the application of the Law on Free Access to Information of Public Importance was held in Smederevo for employees of the Ministry of the Interior, organised by the OSCE and the Commissioner;
- On 13 November, a training session on the application of the Law on Free Access to Information of Public Importance was held in Leskovac for employees of the Ministry of the Interior, organised by the OSCE and the Commissioner;
- On 14 November, a training session on the application of the Law on Free Access to Information of Public Importance was held in Vranje for employees of the Ministry of the Interior, organised by the OSCE and the Commissioner;
- On 18 November, a training session on the application of the Law on Free Access to Information of Public Importance was held in Novi Pazar for employees of the Ministry of the Interior, organised by the OSCE and the Commissioner;

- From 17 to 19 November, a representative of the Commissioner attended the “Certified Data Protection Officer” training programme in Podgorica;
- On 18 November, a training session on the application of the Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for employees of Trayal Kruševac, organised by the Serbian Association of Employers;
- From 19 to 20 November, a representative of the Commissioner attended the training programme “Smart Serbia 2025”: “Integrated Data, Energy and Security Systems”, as part of the cooperation project between the Ministry of Public Administration and Local Self-Government of the Republic of Serbia and the Ministry of the Interior and Safety of the Republic of Korea through the establishment of the Digital Governance Cooperation Centre;
- On 24 November, a training session on the application of the Law on Personal Data Protection was held for representatives of the highest state authorities, organised by the Ministry for Human and Minority Rights and Social Dialogue;
- On 26 November, an online training session on the Law on Personal Data Protection was held for representatives of local self-government authorities, organised by the Ministry for Human and Minority Rights and Social Dialogue and the Standing Conference of Towns and Municipalities (SCTM);
- On 26 November, with the support of the OSCE, the Acting Assistant Secretary General held a seminar in Zrenjanin entitled “Improving Access to Environmental Information”, intended for representatives of the media, civil society and public authorities;
- On 28 November, an online training session on the application of the Law on Personal Data Protection was held for representatives of civil society, organised by the Ministry for Human and Minority Rights and Social Dialogue and the Commissioner;
- On 3 December, a training session was held at the Niš Police Directorate for authorised officers of the Ministry of the Interior on the handling of requests for access to information (all training sessions involving the Ministry of the Interior referred to in this report were organised in cooperation between the Ministry of the Interior, the OSCE Mission to Serbia and the Commissioner);
- On 4 December, a training session was held at the Pirot Police Directorate for authorised officers of the Ministry of the Interior on the handling of requests for access to information;
- On 5 December, a training session entitled “Access to Environmental Information” was held at the Faculty of Law, University of Belgrade, as part of the Environmental Law Legal Clinic, for undergraduate and master's students of the Faculty of Law;
- On 10 December, a lecture on free access to information of public importance was delivered at the 19th Annual Conference of Public Funds Users, organised by Obrazovni informator. The lecture, entitled “The Current Situation and Identified Challenges, as well as Proposed Solutions in the Field of Free Access to Information of Public Importance”, was intended for budget-funded institutions, primarily schools, cultural centres and courts;
- On 10.12 December, a training session was held at the Jagodina Police Directorate for authorised officers of the Ministry of the Interior on the handling of requests for access to information;

- On 11 December, a training session was held at the Kruševac Police Directorate for authorised officers of the Ministry of the Interior on the handling of requests for access to information;
- A webinar entitled “Classified Information, Trade Secrets and Professional Secrecy as Possible Grounds for Restricting the Right of Access to Information” was held. The guest lecturer was the Assistant Secretary General of the Department for Appeals and Enforcement in the Area of Free Access to Information, and the training was organised by the ICS Education Centre;
- In mid-December, the training of the fifth generation of participants commenced as part of the short study programme jointly organised by the Faculty of Law, University of Kragujevac, and the Commissioner for Information of Public Importance and Personal Data Protection;
- On 15 December, a webinar entitled “Classified Information, Trade Secrets and Professional Secrecy as Possible Grounds for Restricting the Right of Access to Information” was held in cooperation with the ICS Education Centre;
- On 16 December, the Commissioner traditionally delivered a lecture to third-year students of the University of Criminal Investigation and Police Studies in Belgrade on the topic “The Role of the Commissioner for Information of Public Importance and Personal Data Protection in the Local Community”;
- On 17 December, a training session was held at the Zaječar Police Directorate for authorised officers of the Ministry of the Interior on the handling of requests for access to information;
- On 18 December, the Commissioner and the Deputy Commissioner delivered the first lecture to participants of the second generation of the Knowledge Innovation Studies in Personal Data Protection Law at the Faculty of Law, University of Belgrade;
- On 24 December, a training session on the application of the Law on Personal Data Protection and the Law on Free Access to Information of Public Importance was held for members of the European Law Students’ Association (ELSA) Belgrade.

4. COMMISSIONER'S COOPERATION

4.1. COOPERATION WITH PUBLIC AUTHORITIES, CIVIL SOCIETY ORGANISATIONS AND BUSINESS ASSOCIATIONS

4.1.1. Conferences

- From 3 to 6 March, the Commissioner and the Deputy Commissioner participated in the Mobile World Congress (MWC 2025) held in Barcelona;
- From 25 to 29 March, the Commissioner and the Deputy Commissioner participated in the International Congress of Lawyers organised by the KEC Group, held in Bled, Republic of Slovenia;
- From 6 to 9 May, the Commissioner and the Deputy Commissioner participated in the 33rd European Conference of Data Protection Authorities (the “Spring Conference”), held in Batumi, Georgia;
- From 12 to 16 May, the Commissioner and the Deputy Commissioner participated in the International Privacy Symposium, traditionally held in Venice for the fourth consecutive year;
- On 28 May, a representative of the Commissioner participated in the conference marking the completion of the project “Towards Efficient Administrative Justice in Serbia”, implemented by the Lawyers’ Committee for Human Rights (YUCOM) with the support of the German Agency for International Cooperation (GIZ);
- On 27 May, a representative of the Commissioner attended the international conference “Towards More Transparent, Equitable and Efficient Budgets”, organised by the State Audit Institution;
- From 11 to 13 June, the Commissioner and the Deputy Commissioner participated in Kraków, Poland, in the International Conference dedicated to the challenges and opportunities arising from the use of quantum technology for cybersecurity and personal data protection, as well as in the 27th Meeting of Central and Eastern European Data Protection Authorities. The meeting focused on the potential need to amend personal data protection legislation at both the European and national levels in order to align it with the increasingly widespread processing of personal data through the use of modern technologies;
- From 23 to 27 June, the Commissioner participated in the Internet Governance Forum (IGF), held under the auspices of the United Nations in Oslo and Lillestrøm, Norway. At the panel entitled “Jointly Advancing Data Governance: Transcending Borders and Regions”, the Commissioner discussed mechanisms of interregional cooperation and regulatory alignment with colleagues from European and African countries, as well as challenges and recommendations in the field of cross-border flows of personal data;
- From 11 to 12 September, the Assistant Secretary General of the Information Technology Department attended the 11th Annual Conference on Digital Technology Law, “Internet Dialogue 2025”, held at the Chamber of Commerce and Industry of Serbia;
- On 30 September, an Adviser to the Commissioner participated in the conference at which the Second Report of the Protector of Citizens – National Rapporteur on Trafficking in Human Beings for 2024 was presented;

- On 19 September, a representative of the Commissioner attended the conference “Understanding Crises, Empowering Resilience: Towards the Final Station of EU Integration”, organised by CESID;
- On 9 October, representatives of the Commissioner attended the Pulse360 Conference on cybersecurity;
- From 10 to 11 October, the Commissioner and the Deputy Commissioner participated in the 10th anniversary SEEDIG Conference (South Eastern European Dialogue on Internet Governance), a regional initiative bringing together public authorities, agencies and private sector stakeholders with the aim of fostering an open and inclusive dialogue on Internet governance and digital policies;
- On 14 October, representatives of the Commissioner attended the Coming Conference on cybersecurity;
- On 9 December, a representative of the Commissioner attended the International Conference marking the International Anti-Corruption Day;
- On 10 December, the Commissioner, the Deputy Commissioner and the Assistant Secretary General, Head of the Information Technology Department, participated in the International Conference entitled “The Role of the Council of Europe Convention on Artificial Intelligence in the Protection of Personal Data (Legal, Ethical and Social Challenges in the Era of Artificial Intelligence)”, held in Warsaw.

4.1.2. Meetings

- From 15 to 16 January, in Zrenjanin, a representative of the Commissioner, at the invitation of Group 484, attended the first thematic meeting dedicated to examining the key aspects of a potential model for establishing an independent border monitoring mechanism. The meeting brought together key national stakeholders to discuss the institutional and legal aspects of a potential model for establishing an independent border monitoring mechanism in the Republic of Serbia;
- On 21 January, the Commissioner, the Deputy Commissioner, an Adviser to the Commissioner, the Acting Assistant Secretary General and the Acting Chief of Staff held a meeting with representatives of the OSCE Mission to Serbia from the Democratization Department and the Media Department;
- On 30 January, representatives of the Commissioner participated in a meeting with representatives of the International Finance Corporation (IFC);
- On 4 February, a meeting was held at the Ministry of Education concerning the organisation of training sessions on the Law on Personal Data Protection for primary schools in Serbia;
- On 11 February, representatives of the Commissioner participated in a meeting of the Steering Committee of the project “Protecting Freedom of Expression and of the Media in Serbia” (PROFEX), which forms part of the joint programme of the European Union and the Council of Europe, “Horizontal Facility for the Western Balkans and Türkiye”, Phase III;
- On 7 March, a representative of the Commissioner participated in the preparatory meeting of the Subcommittee on Justice, Freedom and Security, organised by the Ministry of European Integration;

- On 7 March, a representative of the Commissioner, in her capacity as a member, participated in the 23rd session of the Council for Monitoring the Implementation of the United Nations Human Rights Recommendations;
- On 12 March, the Commissioner participated in the meeting of the Subcommittee on Justice, Freedom and Security;
- On 23 April, representatives of the Commissioner participated in the meeting of the Steering Committee of the EU Chapter 23 Project “Support to Strengthening the Rule of Law in the Republic of Serbia” (EU for Fighting Corruption and Fundamental Rights);
- On 4 June, a representative of the Commissioner participated in the final coordination meeting of the OSCE project “Consolidating the Democratization Process in the Security Sector in the Republic of Serbia”, Phase V;
- On 9 June, a meeting was held with representatives of the OSCE Mission to Serbia and Red Communication to launch the activities of the planned public awareness campaign on personal data protection within the framework of Phase VI of the project “Consolidating the Democratization Process in the Security Sector in the Republic of Serbia”;
- On 16 July, representatives of the Commissioner participated in a meeting with representatives of the Ministry of the Interior concerning the application of the Rulebook on Forms in the Healthcare System and Temporary Incapacity for Work;
- On 18 July, a representative of the Commissioner participated in a meeting with representatives of the Association of Serbian Banks and representatives of banks;
- On 19 August and 30 September, representatives of the Commissioner held meetings with representatives of the OSCE Mission to Serbia and RED Agency to finalise the script for the Personal Data Protection Awareness Campaign being implemented within the framework of the OSCE project “Consolidating the Democratization Process in the Security Sector in the Republic of Serbia” – Phase VI (2024–2027);
- On 29 August, representatives of the Commissioner participated in a meeting with representatives of the Ministry of Education;
- On 4 September, representatives of the Commissioner participated in a meeting with representatives of the Ministry of Finance and the Belgrade Stock Exchange regarding the transition to the Greek OASIS trading system;
- On 4 September, a representative of the Commissioner attended a preparatory meeting at the Ministry of Foreign Affairs regarding participation in the Warsaw Conference;
- On 19 September, representatives of the Commissioner participated in a meeting with representatives of the Serbian Business Registers Agency;
- On 23 September, a representative of the Commissioner participated in the eighth meeting of the Steering Committee of the project “Facility in Support of Strengthening the Rule of Law in the Republic of Serbia”;
- On 3 October, the Commissioner, through the Ministry of Justice, approved the draft minutes of the meeting of the Subcommittee on Justice, Freedom and Security, held in Belgrade on 11–12 March 2025;
- On 15 October, representatives of the Commissioner participated in a consultative meeting concerning the drafting of the Law Amending the Law on Electronic Documents, Electronic Identification and Trust Services for Electronic Transactions;

- On 17 October, representatives of the Commissioner participated in a meeting with representatives of the Statistical Office of the Republic of Serbia concerning the drafting of the Law on Official Statistics;
- On 30 October, the third in a series of meetings was held at the premises of the Commissioner for Information of Public Importance and Personal Data Protection in Belgrade. At the highest level of the personal data protection authorities of Bosnia and Herzegovina, Montenegro and Serbia, and, from this meeting onwards, North Macedonia, participants discussed appropriate mechanisms for cooperation and coordinated action in response to the personal data processing initiated last year by Meta and X for the development of artificial intelligence, without prior notification of service users in the Western Balkan countries. They also addressed the shared issue of certain multinational companies engaged in the large-scale processing of citizens' personal data failing to appoint personal data protection representatives in the territories of the four participating countries;
- On 5 November, representatives of the Commissioner participated in a meeting with a representative of the Ministry of Health concerning the drafting of the Law Amending the Law on Human Organ Transplantation and the Law Amending the Law on Human Cells and Tissues;
- On 20 November, the Commissioner and the Deputy Commissioner held a meeting with Director Marina Dražić and her associates at the premises of the National Academy for Public Administration. To further strengthen and enhance cooperation between the two institutions, it was agreed that a cooperation agreement between the Commissioner for Information of Public Importance and Personal Data Protection and the National Academy for Public Administration would be signed in the near future;
- On 8 December, a representative of the Commissioner participated in the inaugural session of the newly appointed Council for Monitoring the Implementation of the United Nations Human Rights Recommendations.

4.1.3. Events

- On 28 January, Data Protection Day was ceremonially marked at the Grand Hall of the Chamber of Commerce and Industry of Serbia. The Deputy Commissioner presented the latest commemorative publication in this field, which is available on the Commissioner's official website. The Commissioner presented awards in recognition of outstanding contributions to the protection of personal data in the Republic of Serbia: The awards were presented to the Ministry of Justice, the OSCE Mission to Serbia, the United Nations Office for Project Services (UNOPS), the German Agency for International Cooperation (GIZ), and the Chamber of Health Institutions of Serbia;
- On 31 January, a panel discussion on the implementation of the Law on Personal Data Protection was held in Šabac. These panel discussions, organised in 15 selected local self-government units as part of the project support, are of particular importance for raising public awareness and informing citizens. The panel discussions are organised with the support of the project "Support to Strengthening the Rule of Law in the Republic of Serbia" (EU for Fighting Corruption and Fundamental Rights), jointly funded by the European Union and the German Federal Ministry for Economic Cooperation and Development (BMZ). The Deutsche

Gesellschaft für Internationale Zusammenarbeit (GIZ) is tasked with the implementation of project activities related to personal data protection;

- On 3 February, a panel discussion on monitoring the implementation of the new Law on Personal Data Protection was held in the Grand Hall of the City Assembly of Vranje. The event was attended by personal data controllers, as well as interested representatives of civil society organisations and the media;
- On 4 February, a panel discussion on monitoring the implementation of the new Law on Personal Data Protection was held in the Assembly Hall of the City of Leskovac. The event was attended by personal data controllers, as well as interested representatives of civil society organisations and the media;
- From 17 to 19 March, representatives of the Commissioner, together with representatives of the Ministry of the Interior, participated in a workshop in Vršac entitled “Methodology for Conducting Data Protection Impact Assessments of Intended Processing Operations”;
- 24.3. In fulfilment of his statutory obligation, the Commissioner for Information of Public Importance and Personal Data Protection submitted to the National Assembly of the Republic of Serbia, [the Report on the Implementation of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection in 2024](#);
- On 24 March, representatives of the Commissioner participated in the round table entitled “New ICT Project Solutions for Companies”, organised by the Information Society of Serbia.
- On 27 May, a representative of the Commissioner participated in the International Meeting on the Implementation of the Second Additional Protocol to the Council of Europe Convention on Cybercrime concerning enhanced cooperation and the disclosure of electronic evidence;
- On 3 June, a representative of the Commissioner attended the presentation of Alarm—an independent semi-annual report on Serbia’s progress under Cluster 1 (Fundamentals), focusing on the political criteria and Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) of the European Union accession negotiations, organised by the PrEUgovor Coalition. The report covers the period from November 2024 to April 2025;
- On 9 June, a representative of the Commissioner participated in the expert conference entitled “The Importance of Corruption Risk Assessment in Legislation and Lobbying in the Republic of Serbia”, organised by the Anti-Corruption Agency;
- On 24 June, representatives of the Commissioner attended the eighth public hearing entitled “Presentation of the Draft Law Amending the Law on the Unified Electoral Register”;
- On 17 July, the Commissioner, the Deputy Commissioner and the Acting Assistant Secretary General attended the ceremonial presentation of certificates for the short study programme Legal Protection of Personal Data and Access to Information at the Faculty of Law of the University of Kragujevac;
- On 18 July, representatives of the Commissioner attended the ninth public hearing entitled “Presentation of the Draft Law Amending the Law on the Unified Electoral Register”;
- On 4 September, an Adviser to the Commissioner attended September in Purple, an event organised by NALED to mark its anniversary;
- On 26 September, the Commissioner and the Deputy Commissioner attended the ceremonial presentation of certificates to the first generation of participants in the Knowledge Innovation Studies – Personal Data Protection Law programme, delivered at the Faculty of Law of the University of Belgrade;

- On 29 September, the Commissioner for Information of Public Importance and Personal Data Protection marked the International Right to Know Day with a ceremonial conference held in the Grand Hall of the Chamber of Commerce and Industry of Serbia. This year, the Commissioner presented awards for contributions to the promotion of the public's right to know to the following public authorities: in the category of national authorities, the National Employment Service; in the category of provincial authorities, the Government of the Autonomous Province of Vojvodina; in the category of local self-government authorities, the Municipality of Veliko Gradište; in the category of judicial authorities, the Basic Court in Majdanpek; and in the category of other public authorities, Desanka Maksimović Primary School in Kosovska Kamenica. A special award of recognition was presented to the Austrian Development Agency (ADA);
- On 16–17 October, a representative of the Commissioner participated in the two-day round table entitled “The Legal Framework for the Protection of Whistleblowers in Serbia”, held in Belgrade and organised by the Council of Europe;
- On 24 October, a representative of the Commissioner participated in a panel discussion entitled Artificial Intelligence in the Public Administration System;
- On 4 November, representatives of the Commissioner participated in the Cybersecurity Conference organised by Extreme d.o.o., Belgrade;
- On 20 November, representatives of the Commissioner participated in online consultations organised by the Regional Cooperation Council (RCC), in cooperation with the Ministry of Information and Telecommunications of the Republic of Serbia, with the aim of preparing a proposed roadmap for the implementation of the Digital Services Act (DSA) and the Digital Markets Act (DMA) in Serbia;
- On 26 November, a representative of the Commissioner participated in the online Public Administration Student Internship Fair 2025/2026;
- On 27 November, a representative of the Commissioner participated in a focus group organised by the National Academy for Public Administration, which addressed the professional development process in public administration and the strengthening of the capacities of the Academy's team of accredited trainers;
- On 2 December, a representative of the Commissioner attended the presentation of the PrEUgovor Alarm Report on Serbia's Progress under Cluster 1, organised by the PrEUgovor Coalition.
- On 17–18 December, a delegation of eight representatives of the Personal Data Protection Agency of Montenegro paid an official visit to the Commissioner for Information of Public Importance and Personal Data Protection. The purpose of the visit was to gain insight into the organisation of the Commissioner's work and its practice in the field of personal data protection, as well as the functioning of its Information Technology Department.

4.2 INTERNATIONAL AND REGIONAL COOPERATION

In 2025, the Commissioner continued successful cooperation with international organizations and forums (the Council of Europe, primarily the Convention 108 Consultative Committee, the International Conference of Information Commissioners (ICIC)⁶³ the Global Privacy Assembly (GPA)⁶⁴, the European Data Protection Board (EDPB)⁶⁵, European Data Protection Supervisor (EDPS), Eurojust, the International Working Groups on Personal Data Protection, known as the “Berlin Group”, UNESCO, as well as representatives of international organizations in Serbia (OSCE, German Agency for International Cooperation - GIZ, the Austrian Development Agency – ADA, the Delegation of the European Union to the Republic of Serbia, Council of Europe Office in Belgrade).

The Commissioner primarily cooperated with competent institutions in the region and in the territory of former Yugoslavia, in the field of personal data protection and in the field of free access to information of public importance, such as Initiative 2017⁶⁶ and Initiative 2020⁶⁷;

Representatives of the Commissioner took part in the following international and regional meetings dedicated to free access to information and personal data protection, including:

- From 3 to 5 February, a representative of the Commissioner participated in a workshop in Brussels entitled “Transposition of the Digital Markets Act in EU Member States.”
- On 12 April, the Commissioner and the Deputy Commissioner participated in a meeting held in Podgorica, organised by the Personal Data Protection Agency of Montenegro. The meeting was also attended by the heads of the Personal Data Protection Agency of Montenegro and the Personal Data Protection Agency of Bosnia and Herzegovina. The meeting focused on the failure of Meta and X to designate personal data protection representatives in Serbia, Bosnia and Herzegovina, and Montenegro, as well as on changes to these companies’ privacy policies concerning the processing of personal data for the development of artificial intelligence. In this context, the three personal data protection authorities agreed on a coordinated approach towards the companies;
- From 17 to 19 June, the Commissioner and the Deputy Commissioner participated in the 48th Plenary Meeting of the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (“Convention 108”), held at the Council of Europe headquarters in Strasbourg;

⁶³ European Data Protection Board

⁶⁴ The Regional Conference of Initiative 2017 gathers independent authorities in countries in the region engaged in personal data protection

⁶⁵ The Regional Conference of Initiative 2020 gathers independent authorities in countries in the region engaged in protection of access to information

- On 12 August, the Commissioner cast a vote in the election of the members of the Executive Committee of the Global Privacy Assembly (GPA): Waldemar Gonçalves Ortunho Júnior, Chief Executive Officer of the Brazilian National Data Protection Authority, and Dr Lela Janashvili, Chair of the Personal Data Protection Service of Georgia;
- On 14 August, the Commissioner voted for Beatriz Anchorena, Director of the Agency for Access to Public Information and the Data Protection Authority of Argentina, and Chair of the Consultative Committee of Convention 108, for the 2025 Giovanni Buttarelli Award;
- On 18 August, the Commissioner voted for the 2025 Global Privacy and Data Protection Awards in four categories: The Commissioner voted in the following four categories of the 2025 Global Privacy and Data Protection Awards: Education and Public Awareness (Hellenic Data Protection Authority); Innovation (Spanish Data Protection Agency); Accountability (European Data Protection Supervisor); and Dispute Resolution and Enforcement (Irish Data Protection Commission);
- From 8 to 10 September, the Commissioner and the Deputy Commissioner participated in the Seventh Meeting of the “Initiative 2017”, bringing together personal data protection authorities from the countries of the former Yugoslavia, which was held in Ptuj, Slovenia. At this year’s meeting, participants discussed current personal data protection issues in the region. The topics addressed included the alignment and modernisation of national legislation with the EU data protection framework, the implementation of data protection strategies, the identification of data breaches using modern platforms, the relationship between data protection and artificial intelligence, the use of biometric identification cameras in public spaces, and the challenges faced by data protection authorities in dealing with emerging technologies under conditions of limited resources;
- From 1 to 3 October, the Commissioner and the Deputy Commissioner participated in a study visit to the Personal Data Protection Authority of the Republic of San Marino. The Personal Data Protection Authority of the Republic of San Marino (*Autorità Garante per la Protezione dei Dati Personali*) hosted the study visit, which was attended, in addition to representatives of the Commissioner’s Office, by representatives of the Personal Data Protection Agency of Bosnia and Herzegovina and the Personal Data Protection Service of Georgia. The signing of the Memorandum of Understanding between the three personal data protection authorities was of particular significance. The signatories agreed that cooperation between the authorities they lead should not be merely formal, but genuine, intensive and continuous. The Memorandum was signed by Commissioner Milan Marinović, Dr Dragoljub Reljić, Director of the Personal Data Protection Agency in Bosnia and Herzegovina, and Mr Umberto Rapetto, President of the Data Protection Authority of the Republic of San Marino;
- From 24 to 28 November, the Commissioner, the Deputy Commissioner, and eight heads of departments responsible for personal data protection and international cooperation within the Commissioner’s Office took part in a study visit to Vienna, Austria, organised by the OSCE Mission to the Republic of Serbia. During the visit, the participants had the opportunity to gain a more detailed understanding of the legal framework governing personal data protection in Austria, as well as the practical implementation of the relevant legislation. Meetings were organised with representatives of the Austrian Data Protection Authority, the Federal Ministry of Justice, the Federal Administrative Court, the Federal Computing Centre, and relevant civil society organisations;

- From 3 to 5 November, the Commissioner and the Deputy Commissioner participated in the 49th Plenary Meeting of the Consultative Committee of Convention 108 (T-PD), held at the Council of Europe headquarters in Strasbourg. Particular attention at the plenary meeting was devoted to cross-border transfers of personal data, the draft Guide on Personal Data Protection in the Context of Neurosciences, the current status of the ratification of Convention 108+, and the draft Programme of Work of the Committee for the period 2026–2029. A dedicated session was devoted to the Committee’s cooperation with the Council of Europe’s Access Info Group, which focuses on the state of the right of access to information of public importance;
- From 17 to 19 November, the Commissioner and the Deputy Commissioner participated in the International Forum on the Role and Importance of Data Protection Officers in today’s increasingly challenging personal data protection environment, held in Tbilisi, the capital of Georgia, and organised by the Personal Data Protection Service of Georgia;
- From 1 to 4 December, the Commissioner and the Deputy Commissioner participated in the Third Data Protection Education and Exchange Week, held in Brussels and organised by the Regional Cooperation Council (RCC), the Regional School of Public Administration (ReSPA), the SIGMA Programme, and the German Agency for International Cooperation (GIZ), with the support of the European Commission and the Council of Europe;
- On 2 December, representatives of the Commissioner participated in the third Steering Committee meeting for all projects implemented under the joint European Union and Council of Europe programme, “the Horizontal Facility for the Western Balkans and Türkiye”.

4.3. COOPERATION WITH THE MEDIA AND OVERVIEW OF COMMISSIONER’S ACTIVITIES IN THE MEDIA

During the course of 2025, as in previous years, the Commissioner cooperated intensively with the media and journalists’ associations.

Statements from the Commissioner were requested by journalists from RTS, Radio Belgrade, Radio Television of Vojvodina (RTV), Radio Novi Sad, Tanjug TV, TV Vesti, Happy TV, Newsmax Balkans, and Euronews.

The Commissioner appeared as a guest on the following television channels: the national broadcasters RTS and Happy TV, as well as Tanjug TV, Radio Television of Vojvodina (RTV), Euronews, and Newsmax Balkans.

Numerous media covered the marking of the Data Protection Day on 29 January 2025 and the International Right to Know Day on 28 September 2025.

In the course of the year, the Commissioner published 69 public announcements on his official website, thus contributing to open and transparent work. He also ensures the public can access the information regarding the Commissioner’s work faster and easier through the Single Information System of Information Directories, the Open Data Portal, and the Commissioner’s official Twitter and YouTube accounts.

5. COMMISSIONER'S OFFICE AND ASSETS

5.1 NUMBER OF EMPLOYEES IN COMMISSIONER'S OFFICE

Pursuant to Article 57 of the Rulebook on the Internal Organisation and Job Classification of the Professional Service of the Commissioner for Information of Public Importance and Personal Data Protection No. 110-00-1/2022-04 of 18 February 2022 (hereinafter: the Rulebook), the adoption of which was notified to the National Assembly by letter No. 021-01-10/2022-10 of 21 February 2022, the Commissioner's Office has 110 classified posts with a total of 156 positions, of which: 12 appointed senior civil servants, 138 civil servants on employee posts, 3 general service employees, and 3 advisors of the Commissioner. Of that number, appointees account for: one civil servant in the first group of appointed posts, ten civil servants in the second group of appointed posts, and one civil servant in the third group of appointed posts. The following posts were allocated for tasks of civil servants on employee posts within the sphere of competences, including 50 posts with the title senior advisor and with the total of 84 employees, 14 posts with the title independent advisor and with the total of 15 employees, 17 posts with the title advisor and with the total of 19 employees, 6 posts with the title junior advisor and with the total of 6 employees, 8 posts with the title clerk and with the total of 14 employees. Two posts for general service employees-type four with the total of 3 employees were allocated for supporting and technical tasks in the Commissioner's Office.

Under the Proposal of the Human Resources Plan for 2025 No. 11-04-8/2024-04/1 dated 12 December 2024., the Commissioner found that powers of the Commissioner require 3 elected officials, 10 senior civil servants and a total of 138 civil servants in executive roles, 3 employees, as well as 3 advisors to the Commissioner, and forwarded the request to the Ministry of Finance for approval.

The Ministry of Finance did not grant approval to the Commissioner's Human Resource Plan for 2025, which is contrary to all strategic documents cited by the Commissioner in the Proposal for the 2025 Human Resource Plan.

The Commissioner obtained the approval of the Ministry of Finance for the proposed Human Resources Plan for 2023 and 2024 and, following the approval of the National Assembly's Committee on Administrative, Budgetary and Mandate-Immunity Issues, conducted a number of recruitment procedures to fill staff positions during the years to which the approvals related (2023 and 2024), while additional recruitment procedures were carried out in 2025. This was particularly the case in view of the Commissioner's limited financial resources, the fact that a number of recruitment procedures to fill vacant posts were unsuccessful, and the fact that recruitment competitions were announced in December 2023 and December 2024, resulting in the recruitment process continuing into 2025.

As a result, during 2025 the Commissioner recruited 15 (fifteen) persons on a permanent basis, comprising one (1) person transferred from another public authority and fourteen (14) persons who took up their posts following the completion of public recruitment procedures.

During the year, several persons were hired on fixed-term contracts to perform temporary duty (TDY) at the Commissioner's Office in various periods and on various bases (temporary duty on fixed-term contracts in peak periods to handle increased workload or to replace absent civil servants; temporary duty on short-term contracts and student work contract through student

associations). As of 31 December 2025, the Commissioner's Office had 132 persons employed on permanent contracts for an unlimited period, 7 persons hired on fixed-term contracts (of whom 1 in peak periods to handle increased workload, 3 as replacements for absent civil servants, 1 hired on fixed-term contract in the Office and 2 advisors to the Commissioner on fixed-term contracts). In addition, four (4) persons were hired based on temporary duty short-term contracts.

5.2 DEVELOPMENT OF COMMISSIONER'S OFFICE

Throughout 2025, the Commissioner organized numerous activities aimed at improving the work of his Office and knowledge and skills of employees.

On 23 September 2023, the recertification audit was successfully completed in accordance with the requirements of SRPS ISO/IEC 27001:2013 and SRPS ISO/IEC 27701:2019, while preparations for recertification under ISO 27001:2022 were carried out during 2025.

Having in mind the requirements imposed on public authorities by new legislation regarding electronic business and the public administration digitalization, the Commissioner continued his activities on the strengthening of the infrastructure of his computer network in 2025. A large contribution to affirmation of the right to free access to information of public importance and the right to personal data protection was achieved by creating new and maintaining and upgrading the existing software.

The Unified Information System for Public Authorities' Information Directories, launched in 2022 and available at <https://informatior.poverenik.rs/> enables public authorities to prepare their Information Directories on a single software platform in electronic and machine-readable format. In doing so, authorities not only fulfil their statutory obligation but also make it possible for internet users to access, in one place, the Information Directories of all public authorities—from the highest state authorities, provincial and local self-government bodies, public enterprises, institutions, and companies established or majority-owned by other public authorities, to local community offices. The portal has been continuously enhanced over the past three years. This information system now has the multilingual option for the creation of information directories in the languages of national minorities, the option of generating the information directories in PDF format, as well as the new functionality of the "Information Directory Calendar."

In the course of 2025, the Commissioner also continued to support the Open Data Portal at <https://data.poverenik.rs>, through which he makes the numerous data created in his work available to the general public, in a machine-readable format and in the form of visualizations.

The Commissioner also continued maintaining the Portal for submission of annual reports of public authorities to facilitate submission of these reports which were submitted in hard copy before the purchase of this software.

During 2025, licenses were renewed for the use of software aimed at adjusting the use of the Commissioner's official website, namely, aimed at making it available for blind and visually impaired persons.

During 2025, the Commissioner participated in the implementation of the project for the development of a new Information System for the Commissioner's Office, with the involvement of UNOPS under the EU4RoL project, as well as in the procurement of additional hardware equipment required for the implementation of the new information system. The Commissioner also implemented an internal project to deploy a new email server with enhanced security features.

As part of the Digital4All – Artificial Intelligence initiative, an Artificial Intelligence training course for employees was held under the auspices of GIZ Serbia (<https://nemackasaradnja.rs/giz/>) with the Diplo Foundation serving as the training provider.

During 2025, the Commissioner took part in the following:

- in the Working Group for the Development of the Roadmap for the Implementation of the Digital Services Act (DSA) and the Digital Markets Act (DMA) in Serbia, as well as in the Working Group on Open Data;

- at the scientific and professional conference Informatics 2025, organised by the Serbian Information Technology Society, as well as at the conference New Trends in the Development of Information Systems, organised by the Office for Information Technologies and eGovernment;

- at a number of IT conferences, including COMING CON #22 (Belgrade), the ESET Conference, Together to the Stars – Innovations for the Future, and the 5th Annual StarTech Conference organised by NALED;

- at the round table on the Strategy for the Development of the Electronic Communications System until 2027, organised by the Serbian Information Technology Society, the Chamber of Commerce and Industry of Serbia, and the Association for Electronic Communications and the Information Society.

5.3. ALLOCATED FUNDS AND INCURRED EXPENSES FOR THE WORK OF THE COMMISSIONER'S OFFICE

The work of the Commissioner for Information of Public Importance and Personal Data Protection and the Commissioner's Office is financed from the budget of the Republic of Serbia, in accordance with the law.

Under the Law on the Budget of the Republic of Serbia for 2025 (Official Gazette of the Republic of Serbia, No. 94/2024), the Commissioner for Information of Public Importance and Personal Data Protection was allocated **funds in the total amount of RSD 453,602,000** under Section 11, Funding Source 01 – Budget Revenues, Function 160, Programme 1001, Programme Activity 0011. During 2025, the Commissioner did not receive any revenue from other sources of funding.

Table No. 11 Approved budget to the Commissioner for 2025

Heading	Programme	Function	Programme activity/ Project	Economic classification	DESCRIPTION	Total Funds
11					Commissioner for information of public importance and protection of personal data	453,602,000
					Sources of funding for the heading 11	
				01	Revenues from the budget	453,602,000

1001	Promotion and protection of human and minority rights and freedoms	453,602,000
160	General public services not classified elsewhere	453,602,000
0011	Availability of information of public importance and personal data protection	453,602,000
411	Salaries, allowances, compensations for employees (wages)	333,282,000
412	Social contributions payable by the employer	50,490,000
413	Compensations in kind	600,000
414	Social benefits for employees	2,526,000
415	Compensation for employees	3,100,000
416	Rewards to employees and other special expenses	2,750,000
421	Fixed costs	10,509,000
422	Travel expenses	5,100,000
423	Contractual services	21,945,459
424	Specialised services	1,000
425	Current repairs and maintenance	2,200,000
426	Material	4,499,625
482	Taxes, statutory charges and fines	4,050,000
483	Fines and penalties imposed pursuant to court decisions	6,515,248
512	Machines and equipment	3,183,668
515	Intangible assets	2,850,000

In 2025, RSD 452,219,125.42, or 99.70% of the approved budget funds, was spent for the activities of the Commissioner's Office. Budgetary funds were used for their intended purposes and in accordance with the applicable regulations, while adhering to the principles of responsible fiscal management, economy, functionality, and efficiency in the use of public funds.

Table No. 12 - Implementation of the Commissioner's budget for 2025

Function	Source of financing	Programme	Project	Economic classification	Account description	As adopted by the Law on the Budget of the Republic of Serbia (Official Gazette of the Republic of Serbia, No. 94/2024)	Realisation	% of Realisation
160	01	1001	0011	411	Salaries and fringe benefits	333,282,000.00	333,172,521.78	99.97
				412	Social contributions payable by the employer	50,490,000.00	50,475,637.60	99.97
				413	Compensations in kind	600,000.00	593,900.00	98.98
				414	Social benefits	2,526,000.00	2,452,454.33	97.09

				415	Compensation for employees	3,100,000.00	3,094,739.96	99.83
				416	Rewards and bonuses	2,750,000.00	2,726,198.84	99.13
				421	Fixed costs	10,509,000.00	10,004,396.11	95.20
				422	Travel expenses	5,100,000.00	4,982,392.90	97.69
				423	Contractual services	21,945,459.12	21,936,091.88	99.96
				424	Specialised services	1,000.00	0.00	0.00
				425	Repairs and maintenance	2,200,000.00	2,197,826.93	99.90
				426	Material	4,499,624.85	4,427,286.16	98.39
				482	Taxes, statutory charges and fines	4,050,000.00	4,043,551.84	99.84
				483	Fines and penalties imposed pursuant to court decisions	6,515,247.81	6,099,415.46	93.62
				512	Machines and equipment	3,183,668.22	3,165,507.80	99.43
				515	Intangible assets	2,850,000.00	2,847,203.83	99.90
TOTAL 01:						453,602,000.00	452,219,125.42	99.70
TOTAL FOR FUNCTION 160:						453,602,000.00	452,219,125.42	99.70

Excluding employee remuneration, i.e. salaries, social security contributions and other employment-related compensation, the largest share of the Commissioner's current expenditure in 2025, related to IT services (computer and software maintenance), administrative services (temporary and occasional staff and translation services), professional services necessary for the continuous strengthening of the institution's capacities and the effective performance of its statutory responsibilities, communication services (postal, telephone and internet services), costs arising from administrative court proceedings pursuant to final court decisions resulting from the widespread abuse of the right of access to information of public importance, as well as transport-related materials, office equipment, and software licences required for the operation of the Commissioner's Office.

With a view to creating optimal conditions for the implementation of both laws within the Commissioner's remit, the Commissioner's Office procured administrative equipment in 2025 in the total amount of RSD 3,165,507.80. The procurement primarily comprised computer equipment, as well as electronic and built-in equipment, office furniture, and fixed-line telephones necessary for the regular and efficient operation of the Commissioner's Office. In 2025, the Commissioner also acquired intangible assets in the amount of RSD 2,847,203.83, primarily for the renewal of licences aimed at enhancing the security of the Commissioner's computer network in accordance with the ISO/IEC 27001 standard, the renewal of the software licence used to improve the accessibility of the Commissioner's web portal for blind and partially sighted persons, and the procurement of additional software to further improve the operations of the Commissioner's Office.

Table No. 13 – Purchased equipment and intangible assets

Economic classification	Account	Account description	Source of financing	Realised
512	512211	Furniture	01	141,840.00
	512212	Built-in equipment	01	99,999.00
	512221	Computer equipment	01	2,747,520.00
	512232	Phones	01	90,835.20
	512241	Electronic equipment	01	85,313.60
Total 512:		Machines and equipment	01	3,165,507.80
515	515192	Licenses	01	2,847,203.83
Total 515:		Intangible assets	01	2,847,203.83

6. COMMISSIONER'S PROPOSALS

With the aim of improving the current status in the field of free access to information of public importance and personal data protection in Serbia, based on and in compliance with statements in this Report, the Commissioner hereby proposes the following to the National Assembly of the Republic of Serbia and to the Government of the Republic of Serbia.

6.1. COMMISSIONER'S PROPOSALS TO THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA

1. To urgently adopt amendments to the Law on Free Access to Information of Public Importance, which would prevent abuses of the right to access information of public importance;
2. The National Assembly should enact amendments to the Law on Personal Data Protection or new Law on Personal Data Protection to ensure improved personal data protection;
3. The National Assembly should ensure continual supervision of compliance with its conclusions by making use of the available mechanisms to control the work of the Government, with particular focus on accountability for omissions in the work of public authorities;
4. The competent committees and technical services of the National Assembly, when enacting laws, should give due consideration to the Commissioner's opinions and positions in terms of possible effects of such laws on the exercising of the right to free access to information of public importance and the right to personal data protection;
5. The National Assembly should adopt the laws the provisions of which, that relate to personal data processing, are brought in compliance with the Law on Personal Data Protection;
6. The National Assembly should provide timely and full support for the Commissioner's independence in the exercising his powers;
7. The National Assembly should adopt the Law on Ratification of the Council of Europe Convention on Access to Official Documents that the Republic of Serbia signed in 2009, and which entered into force on 1 December 2020.

6.2. COMMISSIONER'S PROPOSALS TO THE GOVERNMENT OF THE REPUBLIC OF SERBIA

1. To urgently adopt Bill on Amendments to the Law on Free Access to Information of Public Importance, which would prevent abuses of the right to access information of public importance;
2. The Government should prepare proposed amendments to the Law on Personal Data Protection, or to draft a new Law on Personal Data Protection;
3. The Government should timely adopt bills amending the laws the provisions of which, that relate to personal data processing, were brought in compliance with the Law on Personal Data Protection, so the National Assembly could enact these laws;

4. The Government, when adopting bills and other regulations, should give due consideration to the Commissioner's opinions and positions in terms of possible effects of such laws on the exercising of the right to free access to information of public importance and the right to personal data protection;

5. In accordance with its obligations under the Law on Free Access to Information of Public Importance, to establish an effective mechanism for ensuring the enforcement of the Commissioner's final, enforceable and binding decisions—not only those issued before 17 February 2022, but also those issued thereafter—in cases where public authorities choose to pay the fines imposed in administrative enforcement proceedings instead of providing access to the requested information;

6. The Government should ensure appropriate conditions and funds for unobstructed work of the Commissioner as an autonomous state authority, independent in the exercising of his powers, particularly in terms of: expansion of the Commissioner's sphere of competences set under the new Law on Personal Data Protection and the amendments to the Law on Free Access to Information of Public Importance; carrying out the supervision; conducting the second-instance procedure, as well as the increasing workload that result in costs of court proceedings payable from the budget if not completed timely;

7. To take measures to establish the responsibility of the competent authorities, especially officials, who have failed to perform their duties in accordance with the law;

8. The Government should, in cooperation with the Commissioner, ensure that competent ministries, as well as other public authorities, improve their knowledge in the fields of the right to free access to information of public importance and the right to personal data protection, to raise the level of exercising of these rights in the Republic of Serbia;

9. The Government should prepare the Bill on Ratification of the Council of Europe Convention on Access to Official Documents, which entered into force on 1 December 2020.

COMMISSIONER

Milan Marinović

Done in Belgrade, on 23 March 2026
Number: 073-10-3378/2025-08