

**BOSNIA AND HERZEGOVINA  
MINISTRY OF CIVIL AFFAIRS**

**LAW ON  
THE AGENCY FOR IDENTIFICATION DOCUMENTS,  
REGISTERS, AND DATA EXCHANGE OF BOSNIA AND HERZEGOVINA**

Pursuant to Article IV 4 a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina at its 30<sup>th</sup> Session of the House of Representatives held on June 4, 2008 and at the 18<sup>th</sup> Session of the House of Peoples held on June 17, 2008, has passed a

**LAW**  
**ON THE AGENCY FOR IDENTIFICATION DOCUMENTS, REGISTERS AND DATA**  
**EXCHANGE OF BOSNIA AND HERZEGOVINA**

**CHAPTER I-GENERAL PROVISIONS**

Article 1

**(Subject)**

(1) The Agency for identification documents, registers and data exchange of Bosnia and Herzegovina (hereinafter: the Agency) is established by this Law, along with its jurisdiction, organization and management, and other issues of importance for its operations and legal functioning.

(2) For any issues regarding organization and managing, as well as other issues of importance for its operations and legal functioning, such as passing of the rulebooks on internal organization and systematization of the Agency and other regulations, relations between BiH institutions, and with legal and physical entities to the extent not provided for by this Law, the following regulations shall apply: the Law on ministries and other administrative authorities of Bosnia and Herzegovina, the Law on civil service in BiH institutions and Labour law in BiH institutions.

Article 2

**(Terms and expressions)**

Terms used in this Law shall have the meanings as follows:

- a) **Central register** means a set of data collected by the competent authorities and source authorities while conducting administrative procedures and delivered electronically to the databases located in the Agency.
- b) **Data exchange** means a process through which data collected into central registers electronically or physically is provided to the receiving authority,
- c) **Competent authority** or **source authority** means any institution cooperating with the Agency, i.e. an institution in charge of data processing which is also the owner of the data entered into central registers or the one providing the Agency with the requests to personalize documents or transmitting the data through the network maintained by the Agency,
- d) **Receiving authority** means any authority enabled by the Agency to access to central registers managed by the Agency in accordance with the applicable BiH regulations,
- e) **Data transmission network** means technical system for electronic transfer of the data that is under the jurisdiction of the Agency, enabling data transmission at the whole territory of Bosnia and Herzegovina in compliance with the Law on telecommunications,
- f) **Electronic certificate** means an electronic verification proving that the person who signed the document issued in electronic format has verified its signature with the authorized certification authority,

- g) **Electronic signature** is a set of electronic data linked with a note serving as a verification of authenticity of that note and identity of a signee,
- h) **Software application** means a set of computer programs used for input, processing, storing and distribution of data,
- i) **Database** means a set of data organized so that special computer programs used for operations with databases are enabled to enter, select or elicit required data,
- j) **Personalization of documents** means process of imprinting personal data of a document holder into a document form,
- k) **ICAO** – International Civil Aviation Organization setting out standards in the field of identification documents by ICAO Document 9303.

### Article 3

#### (Definition)

- (1) The Agency is an administrative organization within the Ministry of civil affairs of Bosnia and Herzegovina (Hereinafter: the Ministry), in charge of the identification documents, storage, personalization and transport of documents, and maintenance of central registers and data exchange between the competent authorities in Bosnia and Herzegovina.
- (2) The Agency shall cooperate with the competent authorities in Bosnia and Herzegovina, as resource authorities, and with other authorities using services of the Agency in accordance with this Law.
- (3) The Agency shall operate exclusively at professional bases, and shall not represent, protect or deprave interest of any political party, registered organization or association, or of any of the constituent or other nation in Bosnia and Herzegovina.

### Article 4

#### (Financing)

- (1) Financial resources for Agency operations are provided from the Budget of BiH institutions and international liabilities of Bosnia and Herzegovina.
- (2) Incomes achieved by the Agency on the basis of determined fees for identification documents and other achieved compensations for provided services are budgetary incomes.
- (3) The Council of Ministers of Bosnia and Herzegovina (hereinafter: the Council of Ministers) shall, at the proposal of the Agency, determine fees for identification documents, other documents and services referred to in paragraph (2) of this Article.

### Article 5

#### (Establishment)

- (1) The seat of the Agency is in Banja Luka.
- (2) The Agency may have its basic organizational units located outside of the seat of the Agency. Description of duties, number, name and places where basic organizational units are located outside the Agency seat shall be laid down by the Rulebook on internal organization and systematization of the Agency.
- (3) An organizational unit of the Agency outside its seat is the Centre for personalization and transport of personal documents (Hereinafter: the Centre).
- (4) Standards for operations of the Centre, as well as any other issues important for functioning of the Centre, shall be laid down by bylaws passed by the Council of Ministers, at a proposal of the Director of the Agency, while internal organization and systematization of working positions within the Centre shall be laid down by the Rulebook on internal organization and systematization of the Agency.

#### Article 6

##### **(Employment)**

- (1) Employees of the Agency are civil servants and employees, whose number and structure shall be governed by the Rulebook on internal organization and systematization of the Agency.
- (2) Employment of civil servants at the Agency shall be governed by the Law on Civil Service in BiH Institutions.
- (3) Employments of other employees of the Agency shall be governed by the Labour Law in the Institutions of BiH.

#### Article 7

##### **(National and gender representation)**

- (1) Structure of civil servants and other employees in the Agency shall reflect national structure of the population of Bosnia and Herzegovina pursuant to last population census in Bosnia and Herzegovina.
- (2) Director and Deputy Director shall not be representatives of the same nation.
- (3) The Agency shall take care on gender representation of the employees.

## **CHAPTER II – SCOPE OF WORK**

#### Article 8

##### **(Scope of work and jurisdiction)**

- (1) The Agency shall carry out the operations as follows:
  - a) Propose and implement strategy and policy of development in the field of identification documents in Bosnia and Herzegovina in line with ICAO 9303 standard and other applicable standards;
  - b) Conduct procurement, storage, personalization, quality control and transport of identification documents for the competent authorities of Bosnia and Herzegovina;

- c) Technically design and establish registers defined by this Law;
- d) Maintain and manage the databases where data from the registers defined by this Law and from information systems enabling access to the registers are stored;
- e) Provide appropriate infrastructure, special conditions for work and data protection, and other technical preconditions for unobstructed functioning of databases under its jurisdiction and those under the jurisdiction of other ministries, institutions and authorities, at their request and in accordance with the law;
- f) Issue data on registers and from the registers to authorized institutions and legal entities;
- g) Design, develop and maintain software solutions required to maintain the registers under the jurisdiction of the Agency, whether by internal resources, cooperation with source authorities or by engagement of other companies.
- h) Develop, maintain and improve telecommunications network for data transmission for the needs of the Agency, and other public security authorities in accordance with the Telecommunications Law, enabling efficient data exchange from the registers defined by this Law;
- i) Lay down standards for the equipment that will be procured and used in the process of data processing and data exchange by competent, receiving and source authorities in accordance with this Law;
- j) Lay down standards for the locations where central register system is accessed and data exchange is done in order to provide security and protection of data and the system itself;
- k) Implement administrative procedures regarding the scope of work of the Agency in accordance with the applicable legal regulations;

(2) Identification documents the Agency shall be responsible to personalize and technically process:

- a) Identity cards;
- b) Identity cards for foreigners;
- c) Driving licenses;
- d) Travel documents;
- e) Documents for registration of vehicles;
- f) Other identification documents with the consent of the competent authorities and special Decision of the Council of Ministers;

(3) The Agency shall maintain registers for:

- a) Personal identification numbers;
- b) Permanent and temporary residence of Bosnia and Herzegovina;
- c) Identity cards of Bosnia and Herzegovina nationals;
- d) Civil, service and diplomatic passports;

- e) Driving licenses;
- f) Registration of motor vehicles and registration documents;
- g) Identity cards for foreign nationals;
- h) Fines and misdemeanours;
- i) Other registers approved by the source authorities, and with special Decision of the Council of Ministers;

(4) The Agency shall be exclusively competent for technical maintenance and electronic storage of data and information kept in the registers referred to in paragraph (3) of this Article as public welfare at Bosnia and Herzegovina level.

(5) The Agency shall not be the owner of the data stored in the registers referred to in paragraph (3) of this Article, they shall be owned by the source authority.

(6) The Agency shall be responsible for digital signing in the field of identification documents, i.e. it is responsible for electronic certificates and electronic signatures related to identification documents, subject to the law governing the electronic signature;

(7) The Agency shall be responsible for cooperation with international institutions in charge of identification documents.

#### Article 9 (Access, transmission and data exchange)

(1) The Agency shall enable between the competent authorities of Bosnia and Herzegovina an unobstructed access, transmission and exchange of data kept in the registers defined in Article 8, paragraph (3) of the Law.

(2) The Agency shall enable source and receiving authorities to access data. Data are accessed pursuant to technical and operational rules defined by the Agency and publicized in the Official Gazette.

(3) Data transmission shall be carried out upon a request subject to the following rules:

a) If a request is submitted by a source authority of the subject data in accordance with the applicative laws of the source authorities related to processing of the subject data;

b) If a request is submitted by a receiving authority exclusively authorized to access or transmit such data;

c) If a request is submitted by a receiving authority that is unable to carry out its legal obligations without accessing those data;

d) The authority submitting a request shall assume the responsibility for legality of access and use of data;

e) Any request must include name and surname, position within the authority and personal identification number of a person who submits a request and who, upon approval of the request, assumes responsibility for the transferred data. Legal obligations of the authority that is submitting a request as well as the purpose of the request must be included in a request referred to in point c).

f) The Agency must electronically document any request and any information given at its disposal for at least ten years as of the date of submission of the request. Any public authority may access the information by submitting a request. The authority of Bosnia and Herzegovina in charge of data protection shall be entitled to have full access to the registered data in order to provide legality of the activities of the Agency and legality of the requests;

g) Director of the Agency shall be entitled to refuse or stop data transmission in case of obvious violation of laws. The Minister of the Ministry of Civil Affairs shall be immediately notified, he or she shall take a final decision concerning transfer of the subject data.

#### Article 10 **(Support and official cooperation)**

(1) While carrying out the activities referred to in Article 8, the Agency shall provide support, cooperate and coordinate activities with the competent authorities of Bosnia and Herzegovina, Entities and cantons whose data are kept in the registers and who use the network for data transmission.

#### Article 11 **(Confidentiality and data protection)**

(1) Personal data shall be classified and could be acquired and processed only subject to the Law governing the field of personal data protection and other applicable laws.

(2) Any data or register within the scope of work of the Agency is a professional secret unless otherwise provided for by the law or other regulation. All employees of the Agency shall be obliged to keep any data or registers they come across during their work in the Agency as a professional secret.

(3) At the proposal of the Director of the Agency, the Council of Ministers shall pass a regulation on measures for protection of confidentiality and security of data and registers in accordance with the Law on classified data protection.

### **CHAPTER III – ORGANIZATION AND MANAGEMENT**

#### Article 12 **(Organizational structure)**

(1) Internal organization of the Agency shall be governed by a Rulebook on internal organization and systematization of the Agency.

(2) The Rulebook referred to in paragraph (1) of this Article shall be laid down in accordance with Article 23, paragraph (2) of this Law.

#### Article 13 **(Director)**

- (1) The Agency shall be managed by a Director of the Agency (Hereinafter: the Director).
- (2) For his/her work and for the activities of the Agency, the Director shall be responsible to the Minister of civil affairs and to the Council of Ministers.

Article 14  
**(Deputy Director)**

- (1) Director shall have one Deputy.
- (2) Deputy Director shall be responsible for his or her work to the Director of the Agency.
- (3) Deputy Director shall carry out the activities of the Director during his or her leave and carry out other duties assigned to him or her by the Director.

Article 15  
**(Absence of the Director)**

- (1) If the Director is unable to perform his or her duties and responsibilities, Deputy Director shall perform them until the Director reassumes them or until the appointment of a new director.
- (2) If the Director is unable to assume his/her duties and responsibilities, a procedure for appointment of a new director shall be initiated subject to the Law on Ministerial Appointments, Appointments of the Council of Ministers and other Appointments in Bosnia and Herzegovina.

Article 16  
**(Appointments of Director and Deputy Director)**

- (1) Director and Deputy Director shall be appointed by the Council of Ministers in accordance with the Law on Ministerial Appointments, Appointments of the Council of Ministers and other Appointments in Bosnia and Herzegovina ("Official Gazette of BiH", 37/03).
- (2) Director and Deputy Director shall be appointed for the period of five years with the possibility of renewal of the appointment in the next mandate.

Article 17  
**(Special requirements for appointments of Director and Deputy Director)**

- (1) Apart from the requirements determined by the Law on Ministerial Appointments, Appointments of the Council of Ministers and other Appointments in Bosnia and Herzegovina, the candidate for the Director must meet special requirements as follows:
  - a) University degree in engineering in the field of information science or electronic business; in information economy ; or in law;
  - b) Minimum two years of managerial experience in the field of information-communication technologies;
  - c) Fluency in English.
- (2) Apart from the requirements determined by the Law on Ministerial Appointments, Appointments of the Council of Ministers and other Appointments in Bosnia and Herzegovina, the candidate for the Deputy Director must meet special requirements as follows:



- a) University diploma in engineering or economy;
- b) Minimum two years of managerial experience in the field of information-communication technologies or in public administration authorities.

Article 18  
**(Requirements for dismissal of the Director and Deputy Director)**

The Council of Ministers may dismiss the Director and the Deputy Director:

- a) At their personal request;
- b) If the performance of the Director and/or Deputy Director, i.e. the operations of the Agency, is assessed as unsatisfactory;
- c) If they are permanently unable to perform their duties and responsibilities;
- d) If an effective prison sentence for a criminal act longer than six months is pronounced.

Article 19  
**(Duties and responsibilities)**

(1) Director of the Agency is obliged and responsible to:

- a) Represent the Agency;
- b) Develop annual work plan pursuant to the Guidelines of the Ministry and the Council of Ministers, and other plans concerning the jurisdiction of the Agency;
- c) Develop annual budget plan of the Agency, in accordance with the Law on financing of BIH Institutions;
- d) Manage and instruct performance of the activities within the jurisdiction of the Agency;
- e) Participate in development of the state-level plan of activities to define issues in the field of development of identification documents and resources for data transmission in Bosnia and Herzegovina;
- f) Propose to the Ministry the initiation of negotiations concerning conclusion of international agreements on cooperation regarding issues of development of identification documents and the scope of work of the Agency referred to in Article 8 of the Law;
- g) Submit an annual report on work of the Agency, subject to Administrative Law;
- h) Carry out necessary analysis for the purpose of rational distribution of human resources and technical assets of the Agency;
- i) Provide cooperation with the Ministry, the competent authorities of Bosnia and Herzegovina acting subject to this Law, and other relevant authorities and institutions in Bosnia and Herzegovina;
- j) Provide implementation of international agreements and conventions in the field of identification documents ratified by Bosnia and Herzegovina.

(2) Apart from the duties and responsibilities referred to in paragraph (1) of this Article, the Director shall carry out other activities, such as:

- a) In accordance with the Administrative Law, proposes to the Council of Ministers a Rulebook on Internal Organization, other regulations provided for by the Law, and necessary regulations required for carrying out of the activities within the competence of the Agency subject to the applicable laws in Bosnia and Herzegovina;
- b) Assigns duties to the Deputy Director and managers of the organizational units of the Agency subject to the Law, Rulebook on Internal Organization and other regulations;
- c) Lays down decisions on employment, distribution and termination of work of civil servants and the employees of the Agency subject to the applicable laws in Bosnia and Herzegovina;
- d) Prepares and implements a program of specific trainings and education of the employees in the Agency;
- e) Carry out other duties provided for by laws and other regulations.

(3) The Director shall be responsible for legal functioning of the Agency, as well as for legal use of budgetary and other assets envisaged for financing of the Agency.

#### **IV - REGISTERS**

##### **Article 20 (Registers maintained by the Agency)**

(1) The Agency is entitled to keep and technically maintain the following registers of:

- a) Personal identification numbers;
- b) Permanent and temporary residences of Bosnia and Herzegovina nationals;
- c) Identity cards and identity cards for foreigners;
- d) Passports, service passports and diplomatic passports;
- e) Driving licenses;
- f) Registered vehicles and documents regarding registration of vehicles;
- g) Fines and misdemeanours;
- h) Other registers allocated to the jurisdiction of the Agency.

(2) The said registers may be kept by the source authorities under their respective jurisdiction, but they are obliged to immediately provide the Agency with those data.

##### **Article 21 (Maintenance and contents of registers)**

(1) By special decision of the Council of Ministers and at the proposal of the Director of the Agency, all the registers determined by the previous Article of this Law, shall define the following:

- a) Purpose of the register;
- b) Contents of registers and mutual connections of the registers in order to avoid duplication of equal data in different registers;
- c) Source authorities providing data subject to applicable laws;

- d) Data provisioning method;
- e) Data exchange methods and rules;
- f) Data protection method;
- g) Special procedures for exchange and protection of biometric and other personal data;
- h) Other issues important for maintenance of registers.

## **V – TRANSITIONAL AND FINAL PROVISIONS**

### **Article 22 (Appointments)**

- (1) The procedure for appointment of the Director and Deputy Director of the Agency shall be terminated not later than six months after the date of entering into force of this Law.
- (2) Director of the Directorate for Implementation of CIPS Project (Hereinafter: the Directorate) shall carry out the duties of the Director of the Agency, and shall bear any responsibilities subject to this Law until the Director of the Agency is appointed.

### **Article 23 (Agency Acts)**

- (1) Within six months as of the date of entering into force of this Law, the Council of Ministers of BiH shall, at the proposal of the Director of the Agency, lay down the following acts:
  - a) Rulebook on measures for protection of data and registers, as well as of the responsibilities regarding professional secret protection
  - b) Rulebook on contents and method of maintenance of the registers;
  - c) Rulebook on the equipment inventory and ownership transfer;
- (2) Within six months as of the date of entering into force of this Law, the Director of the Agency, with the consent of the Council of Ministers, shall lay down the following acts:
  - a) Rulebook on internal organization and systematization of the Agency;
  - b) Rulebook of method of access to the registers and data exchange;.
- (3) Within six months as of the date of entering into force of this Law, the Director of the Agency shall lay down the following acts:
  - a) Rulebook on operations of the internal supervising authority;
  - b) Rulebook on technical administration in the Agency;
  - c) Rulebook on administering of the data transmission network;
  - d) Rulebook on standards for functioning of the Center, as well as any other issues important for Center operations.

### **Article 24 (Property and employees of the Agency)**

- (1) Properties of the Directorate, the equipment in organizational units of the Directorate, as well as other rights and liabilities of the Directorate shall become property, rights and liabilities of the Agency, as of the date of entering into force of this Law.

(2) The equipment provided for the needs of CIPS Project and other projects owned by the Directorate, and used by other authorities for carrying out of their activities shall become the equipment of the relevant authorities.

(3) At the proposal of the Director of the Agency, and upon prior consent of the Minister of civil affairs of Bosnia and Herzegovina and the Minister of finances and treasury of Bosnia and Herzegovina, the Council of Ministers shall issue special Rulebook on equipment inventory and ownership transfer to the authorities specified in paragraph (2) of this Article.

(4) Civil servants of the Directorate for Implementation of CIPS Project shall be transferred to the Agency in accordance with the Law on Civil Service in Institutions of Bosnia and Herzegovina, and other employees in accordance with the Labour Law in Institutions of Bosnia and Herzegovina.

## **Article 25** **(Expiry of effectiveness of prior laws)**

(1) As of the date of entering into force of this Law, the Law on central registers and data exchange ("Official Gazette of Bosnia and Herzegovina" No.32/01, 16/02, 32/07 and 44/07) shall cease to have effect.

(2) As of the date of entering into force of this Law, the Decision on Establishment of the Directorate for Implementation of CIPS Project ("Official Gazette of Bosnia and Herzegovina" 12/20) shall cease to have effect.

(3) Until relevant regulations are adopted, the Agency shall apply regulations laid down on the basis of regulations referred to in paragraphs (1) and (2) of this Article, unless contrary to this Law.

## **Article 26** **(Entering into force)**

This Law shall enter into force on the eight day after the date of its publication in the Official Gazette of BiH.

Parliamentary Assembly of BiH No.199/08  
June 17, 2008  
Sarajevo

---

Chairman of the  
House of Representatives of the  
Parliamentary Assembly of BiH  
Niko Lozančić

---

Chairman of the  
House of Peoples of the  
Parliamentary Assembly of BiH  
Sulejman Tihić

---

