

**BOSNIA AND HERZEGOVINA
MINISTRY OF CIVIL AFFAIRS**

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

Sarajevo, June, 2008

Pursuant to Article IV 4 a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina at its XXX Session of the House of Representatives held on 4 June 2008 and at the XVIII Session of the House of Peoples held on 17 June 2008, has adopted

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

I-GENERAL PROVISIONS

Article 1 (Subject of the Law)

(1) This law establishes The Agency for Identification Documents, Data Registers and Data Exchange of Bosnia and Herzegovina (Hereinafter: the Agency) and its competence, organization and managing, as well as other issues of relevance for its operations and legal functioning.

(2) The Law on Ministries and other Administrative Bodies of Bosnia and Herzegovina, the Law on Administration, the Law on Civil Service in the Institutions of Bosnia and Herzegovina and the Law on Labor in the Institutions of Bosnia and Herzegovina shall apply to all issues regarding organization and managing, as well as other issues important for functioning of the Agency, such as adopting the Rulebook on Internal Organization and Systematization of the Agency and other regulations, relationship between BiH Institutions, and relations to legal entities and natural persons in as much as those matters are unregulated under this Law.

Article 2 (Terms and expressions)

Terms used in this Law have following meanings:

- a) "*Central register*" - a set of data collected through legal proceedings by competent authorities and source authorities and electronically provided to databases located in the Agency.
- b) "*Data exchange*" - a process through which data collected into central registers are transferred to the receiving authority electronically or physically,
- c) "*Competent authority*" or "*source authority*" - institution cooperating with the Agency, i.e. an institution carrying out data processing, owning the data distributed into central registers or providing the Agency with the applications for document personalization or transmitting data through the network maintained by the Agency,
- d) "*Receiving authority*" - authority to which the Agency enables access to central registers it maintains pursuant to relevant Laws of Bosnia and Herzegovina,

- e) "*Data Transmission Network*" - technical system for electronic data transmission which is within the competence of the Agency and which enables data transmission throughout the territory of Bosnia and Herzegovina in accordance with the Law on telecommunications,
- f) "*Electronic certificate*" – a certificate in electronic format which guarantees that the person who signed the document issued in electronic format has verified its signature with the authorized certification authority,
- g) "*Electronic signature*" - a set of data in electronic format linked with a note serving as an authenticity verification of that note and identification of the signatory,
- h) "*Software application*" - a set of computer programs used for input, processing, storing and distribution of data,
- i) "*Database*" - a set of data organized so that special computer programs used for operations with databases are able to insert, select or elicit required data,
- j) "*Documents Personalization*" - process of imprinting personal data of the document holder into document form,
- k) "*ICAO*" – International Civil Aviation Organization which defines standards in the field of identification documents by ICAO Document 9303.

Article 3 **(Definitions of the Agency)**

- (1) The Agency is an administrative organization within the Ministry of Civil Affairs of Bosnia and Herzegovina (Hereinafter: the Ministry), in charge for the field of 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 cooperates with competent authorities in Bosnia and Herzegovina, being resource authorities, and with other authorities that use services of the Agency in accordance with this Law.
- (3) The Agency shall exclusively operate as professionally based, without representing, or protecting, or undermining the interests of any political party, registered organization or association, or of any constituent or other peoples in BiH.

Article 4 **(Financing)**

- (1) Financial means for the work of the Agency shall be provided entirely from the Budget of the Institutions of BiH and international liabilities of Bosnia and Herzegovina.
- (2) Incomes of the Agency collected on the basis of set fees for identification documents and other charges for provided services are budgetary revenue.
- (3) The Council of Ministers of Bosnia and Herzegovina (Hereinafter: the Council of Ministers), at the proposal of the Agency, determines fees for identification documents, other documents and services referred to in paragraph (2) of this Article.

Article 5 **(Establishment of the Agency)**

- (1) The Headquarters of the Agency is in Banja Luka.

- (2) The Agency shall have its basic organizational units which may be located outside the Headquarters of the Agency. Description of duties, number, name and places where basic organizational units are located outside the Headquarters of the Agency shall be determined by the Rulebook on Internal Organization and Systematization of the Agency.
- (3) An organizational unit of the Agency outside its Headquarters is the Center for Personalization and Transport of Personal Documents (Hereinafter: the Center).
- (4) Operational standards of the Center, as well as any other issues important for functioning of the Center, shall be determined by bylaws endorsed by the Council of Ministers, upon a proposal of the Director of the Agency, while internal organization and systematization of working positions within the Center shall be determined by the Rulebook on Internal Organization and Systematization of the Agency.

Article 6 **(Employment in the Agency)**

- (1) The personnel employed in the Agency shall comprise of civil servants and employees, whose number and structure are determined by the Rulebook on Internal Organization and Systematization of the Agency.
- (2) The employment of civil servants within the Agency is defined by the Law on Civil Service in BiH Institutions.
- (3) Employments of other employees of the Agency are defined by the Law on Labor in the Institutions of Bosnia and Herzegovina.

Article 7 **(National and gender perception)**

- (1) The structure of civil servants and other employees in the Agency shall generally be reflective of ethnic structure of the population of Bosnia and Herzegovina according to the last Census in Bosnia and Herzegovina.
- (2) Director and Deputy Director may not come from the same ethnicity.
- (3) The Agency shall also take into consideration the gender representation of the employees.

II – SCOPE OF WORK

Article 8 **(Scope of work and responsibilities of the Agency)**

- (1) Following duties shall be the responsibility of the Agency:
 - a) to propose and implement strategy and policy of development in the field of identification documents in Bosnia and Herzegovina pursuant to ICAO 9303 standard and other relevant standards;
 - b) to conduct procurement, storage, personalization, quality control and transport of identification documents for the needs of competent authorities of Bosnia and Herzegovina;
 - c) to technically design and establish registers defined by this Law;
 - d) to maintain and manage the databases where data from the registers defined by this Law and from information systems are collected, and which are used to access the said registers;

- e) to provide appropriate infrastructure, special conditions for work and data protection, and other technical preconditions for undisturbed functioning of databases within its competences and databases which are within competences of other ministries, institutions and authorities at their request and in accordance with the law;
- f) to issue data on registers and from the registers to authorized institutions and legal entities;
- g) to design, develop and maintain software solutions necessary for maintenance of the registers within the competencies of the Agency, whether by internal resources, cooperation with source authorities or through involvement of companies.
- h) to 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, in order to enable efficient data exchange from the registers defined by this Law;
- i) to set 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) to set standards which are necessary at 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) to implement administrative proceedings falling within the scope of competence of the Agency in accordance with the effective legal regulations;

(2) The Agency is responsible for personalization and technical processing of following identification documents:

- 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 consent of the competent authorities and special Decision of the Council of Ministers;

(3) The Agency maintains 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, official and diplomatic passports;
- e) driving licenses;
- f) registration of motor vehicles and registration documents;
- g) identity cards for foreign nationals;
- h) fines and infringements registers;
- i) other registers approved by the source authorities, and with special Decision of the Council of Ministers;

(4) The Agency is exclusively competent for technical maintenance and electronic storage of data and information kept in the registers defined as public good on the level of Bosnia and Herzegovina in paragraph (3) of this Article.

- (5) The Agency is not the owner of the data stored in the registers defined in paragraph (3) of this Article, but a source authority is.
- (6) The Agency is 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, in accordance with the law defining the electronic signature;
- (7) The Agency is responsible for cooperation with international institutions in charge for the field of identification documents.

Article 9
(Access, transmission and data exchange)

- (1) The Agency shall enable undisturbed access, transmission and exchange of data kept in the registers defined in Article 8, paragraph (3) of the Law between the competent authorities of Bosnia and Herzegovina.
- (2) The Agency shall enable source and receiving authorities access to the data. Data are accessed pursuant to technical and operational rules defined by the Agency and published in the Official Gazette of Bosnia and Herzegovina.
- (3) Data transmission is carried out upon request in accordance with the following rules:
 - a) If a request is submitted by the source authority of the appropriate data and if it is in accordance with the applicable laws of the source authorities related to processing of the appropriate data;
 - b) If a request is submitted by the receiving authority exclusively authorized to access such data or to transmit them;
 - c) If a request is submitted by the receiving authority that is unable to carry out its legal obligations without accessing those data;
 - d) The authority submitting a request bears responsibility for legality of access and use of data;
 - e) Any request must include name and surname, position and personal identification number of the person within the authority who submits a request and who, upon approval of the request, assumes responsibility for the downloaded data. Requests referred to in item c) must include legal obligations of the authority submitting a request as well as the purpose for the request.
 - f) The Agency must file electronically any request and any information given at the disposal for at least ten years as of the date of submission of the request. Any public authority may access the information through the request it submits. The authority of Bosnia and Herzegovina in charge for data protection is 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 is entitled to refuse or stop data transmission in case of obvious violation of laws. He/she immediately notifies the Minister of the Ministry, who takes final decision concerning transfer of those data.

Article 10
(Providing support and official cooperation)

(1) While carrying out the activities referred to in Article 8, the Agency shall provide support, cooperation and coordinate activities with the competent authorities of Bosnia and Herzegovina, entities and cantons whose data are maintained 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 in accordance with the Law regulating the field of personal data protection and other relevant laws.
- (2) Any data and registers within the scope of work of the Agency are professional secret unless otherwise stipulated by law or other regulation. All employees of the Agency are obliged to keep any data or registers they come across while performing their duties in the Agency as a professional secret.
- (3) Upon proposal of the Director of the Agency, the Council of Ministers shall adopt a regulation on measures for protection of confidentiality and security of data and registers in accordance with the Law on Classified Data Protection.

III – ORGANIZATION AND MANAGEMENT

Article 12
(Organizational structure)

- (1) The internal organization of the Agency is defined in the Rulebook on Internal Organization and Systematization of the Agency.
- (2) Rulebook—referred to in paragraph (1) of this Article shall be adopted in accordance with Article 23, paragraph (2) of this Law.

Article 13
(Director)

- (1) The Agency is headed by a Director (Hereinafter: the Director).
- (2) The Director shall be responsible for his/her work and for the activities of the Agency to the Minister of Civil Affairs and to the Council of Ministers.

Article 14
(Deputy Director)

- (1) The Director has one Deputy.
- (2) The Deputy Director is responsible for his/her work to the Director of the Agency.
- (3) The Deputy Director carries out the activities of the Director during his/her leave and carries out other duties assigned to him/her by the Director.

Article 15
(Disablement of the Director)

- (1) If the Director is not able to carry out his/her duties and responsibilities, Deputy Director shall perform the responsibilities until the Director is able to assume them or until a new director is appointed.
- (2) If the Director is unable to assume his/her duties and responsibilities, a procedure for appointment of a new director shall be initiated, in accordance with 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 BiH", No.37/03).
- (2) Director and Deputy Director are appointed for the five years term with possibility of reappointment in the next mandate.

Article 17
(Special requirements for appointment of Director and Deputy Director)

- (1) Apart from requirements stipulated in the Law on Ministerial Appointments, Appointments of the Council of Ministers and other Appointments in Bosnia and Herzegovina, candidate for the Director must meet special requirements as follows:
 - a) University degree in Engineering in the field of informatics or electronic business; in Economy information-oriented; or in Law;
 - b) Minimum two years experience at the managerial position in the field of information-communication technologies;
 - c) Fluency in English
- (2) Apart from requirements stipulated in the Law on Ministerial Appointments, Appointments of the Council of Ministers and other Appointments in Bosnia and Herzegovina, candidate for the Deputy Director must meet special requirements as follows:
 - a) University diploma in Engineering or Economy;
 - b) Minimum two years experience at the managerial position 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 is entitled to dismiss the Director and the Deputy Director:

- a) Upon personal request;
- b) If the Council of Ministers assesses the performance of the Director and/or Deputy Director, i.e. the operations of the Agency, as unsatisfactory;
- c) If they are permanently unable to carry out their duties and responsibilities;
- d) If an effective prison sentence of more than six months for a criminal act is declared.

Article 19
(Director's duties and responsibilities)

- (1) The Director of the Agency shall have duties and obligations as follows:
- a) Representing the Agency;
 - b) Preparing the annual work plan pursuant to the Guidelines of the Ministry and the Council of Ministers, and other Plans concerning the responsibilities of the Agency;
 - c) Preparing the annual budget plan of the Agency, in accordance with the Law on financing of the Institutions of Bosnia and Herzegovina;
 - d) Managing and directing performance of activities within the responsibilities of the Agency;
 - e) Participating in development of the state-level action plan defining the issues in the field of development of identification documents and resources for data transmission in Bosnia and Herzegovina;
 - f) Proposing to the Ministry 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 determined by Article 8 of the Law;
 - g) Preparing annual reports on work of the Agency, in accordance with the Law on Administration;
 - h) Carrying out necessary analysis for the purpose of rational distribution of employees and technical assets of the Agency;
 - i) Providing with the Ministry, competent authorities of Bosnia and Herzegovina acting pursuant to this Law, and other relevant authorities and institutions in Bosnia and Herzegovina;
 - j) Providing 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 carries out other activities, such as:
- a) Proposing to the Council of Ministers, in accordance with the Law on Administration, the Rulebook on Internal Organization, other regulations stipulated by Law, and necessary regulations in order to perform duties within the competence of the Agency in accordance with the applicable laws in Bosnia and Herzegovina;
 - b) Assigning duties to the Deputy Director and heads of the organizational units of the Agency in accordance with the Law, Rulebook on Internal Organization and other regulations;
 - c) Making decisions on employment, appointment and termination of work of civil servants and the employees of the Agency, in accordance with the applicable laws in Bosnia and Herzegovina;
 - d) Preparing and implementing a program of specific trainings and education for the employees in the Agency;
 - e) Performing other duties envisaged by laws and other regulations.
- (3) The Director is responsible for legal functioning of the Agency, as well as for legal use of budgetary and other assets designated 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 for:
- a) Personal identification numbers;
 - b) Permanent and temporary residences of Bosnia and Herzegovina nationals;
 - c) Identity cards and identity cards for foreigners;
 - d) Passports, official passports and diplomatic passports;
 - e) Driving licenses;
 - f) Registered vehicles and documents regarding registration of vehicles;
 - g) fines and registers of infringements;
 - h) Other registers assigned to the Agency.
- (2) The said registers may be kept by the source authorities within their competence, 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 upon proposal of the Director of the Agency, for all the registers stipulated in Article 20. of this Law, the following will be defined:
- 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 authority providing data in accordance with the relevant laws;
 - d) Mode of providing data;
 - e) Modes and rules of data exchange;
 - f) Data protection methods;
 - 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 no later than six months as of the date of entering into force of this Law.
- (2) The 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 in accordance with 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 Agency Director, set up 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 issue 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 issue 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 performance of the activities of those authorities shall become the equipment of the relevant authorities.

(3) The Council of Ministers shall, upon proposal of the Director of the Agency, with prior consent of the Minister of Civil Affairs of Bosnia and Herzegovina and the Minister of Finances and Treasury of Bosnia and Herzegovina, set up special Rulebook on equipment inventory and ownership transfer to the authorities defined 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 Public Service in the Institutions of Bosnia and Herzegovina, and other employees in accordance with the Law on Labor in the 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 Register and Data Exchange ("Official Gazette of Bosnia and Herzegovina" No.32/01, 16/02, 32/07 and 44/07) ceases to be effective.
- (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) ceases to be effective.
- (3) Until relevant regulations are adopted, the Agency shall apply bylaws set up on the basis of regulations referred to in paragraphs (1) and (2) of this Article, unless they are contrary to this Law.

Article 26
(Entering into force)

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

Parliamentary Assembly of BiH No.199/08
June 17th 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