

Pursuant to Article IV 4.a) of the Constitution of Bosnia and Herzegovina, at the 20th session of the House of Representatives held on 2nd February 2012, and at the 13th session of the House of People held on 29th February 2012, Parliamentary Assembly of Bosnia and Herzegovina has adopted

LAW ON AMENDMENTS TO THE LAW ON IDENTITY CARDS OF BOSNIA AND HERZEGOVINA NATIONALS

Article 1

Article 2 of the Law on Identity Cards of Bosnia and Herzegovina Nationals (Official Gazette BiH, No. 32/01, 16/02, 32/07, 53/07 and 56/08) is amended and says:

“Article 2

The identity card is a public document serving as a proof of identity, the fact of place and date of birth, of permanent residence, or temporary residence of a displaced person and BiH nationality.

BiH nationals may use their ID cards to cross the State border in certain circumstances and subject to conditions established by bilateral agreements between BiH and other states.

BiH nationals can also use the identity card with qualified certificate for performing electronic services.

According to the Law, the identity card serves also as a proof of other facts which are contained in it.

A certificate or a temporary identity card issued during confiscation of the identity card based on this Law and the Criminal Procedure Code in all cases and in all purposes replaces identity card and shall be accepted as identity card, except for crossing the State border. The certificate and temporary identity is issued without charge.”

Article 2

In Article 3, after paragraph 6, a new paragraph 7. is added, and says:

“A copy of identity card can be required from a BiH national only in the procedure of audit or the termination of citizenship, and when it envisaged by a law.”

Article 3

In article 4, the words: “Law on Protection of Personal Data and BiH and Law on Central Register and Data Exchange” are replaced by the words: “Law on Protection of Personal Data (“Official Gazette of BiH”, No.49/06) and Law in Agency for Identification Documents, Registers and Data Exchange(“Official Gazette of BiH”, No.56/08), (hereinafter: Law on the Agency).”

Article 4

Article 6 is amended and it says:

“Article 6

The following data shall be collected from the BiH national applying for issuance of an ID card:

1. Name,
2. Surname,
3. Date of birth,
4. Place of birth,
5. Municipality of permanent residence or temporary residence for a displaced person,
6. Sex,
7. Personal identification number,
8. Photo,
9. Signature,
10. Fingerprints,
11. Citizenship of BiH.

In addition to data from paragraph 1. of this Article, the following data are entered in identity card: serial number, the issuance date-date of entering data in identity card, validity, data that can be read electronically, and the name of competent authority which issued the identity card. On the request of a citizen, the data on blood type determined by the test results of the authorized health institution can be entered in the identity card. On the request of a submitter of the request for issuance of identity card or when necessary for implementing Election Law in Bosnia and Herzegovina, data on entity citizenship is entered in identity card.

A citizen must indicate the post number and address. This information does not appear in the identity card.

The title and names of certain fields in identity card shall be written in Bosnian, Croatian, Serbian and in English. Data shall be entered in Latin and Cyrillic alphabet divided by slash (/). Computer and machine readable data which are switched into letters of English alphabet as defined by prescribed standards are entered in the field of the identity card envisaged by the standards. If special letters which are not defined by official languages and alphabets in Bosnia and Herzegovina are entered in the registries based on which data are entered in records of identity cards, then these letters are switched according to the international standards, and in line with the Guidelines issued by the director of the Agency for Identification of Documents, Registers and Data Exchange of Bosnia and Herzegovina (hereinafter: the Agency).

The form of identity card contains electronic memory element. In the process of personalization, data from paragraphs 1 and 2 of this Article, as well as the document type designation so that the document could be used for travelling outside Bosnia and Herzegovina, designation of the state and other data in line with the standards are stored and cryptographically protected in the electronic memory element. If it is impossible to perform electronic fingerprint submission from citizens, then designation that the fingerprints are not submitted is entered in memory element, as well as the name of official from the competent authority who was

submitting the fingerprints and the authority which issued identity card. A special guideline on the manner of entering data in electronic memory element is issued by the director of the Agency.

An identity card that contains qualified certificate of the Agency as competent authority can be issued on the citizen's request. Data envisaged by the Law on electronic signature of BiH ("Official Gazette of BiH", No.91/06) and regulations issued based on this Law are included in the qualified certificate.

The competent authorities defined in Article 7 of this Law electronically submit orders for entering data in the form of identity card to the Agency. The Agency enters data in the form of identity card and establishes storage of the identity card forms in one place in BiH.

The Agency issues by-laws in order to ensure relevant protection of those data, in accordance with the Law on Protection of Personal Data of BiH and The Law on the Agency."

Article 5

Article 8, paragraph 3 is amended and says:

"Identity card can be issued in person, by legal representative or by post. The citizen shall choose the manner of issuance when submitting the request for issuance of identity card."

After paragraph 3, a new paragraph 4 is added, and it says:

"It is considered that the issuance by post from the previous paragraph of this Article is completed when a citizen or another authorized person takes over identity card. If the identity card is not taken over in defined period of time, it shall be returned to the competent authority and it can be taken over afterwards in the authority which issued identity card."

Article 6

The Article 12 is amended and says:

"Article 12

No administrative fees shall be charged for the issuance and replacement of an ID card."

Article 7

In Article 20, after paragraph 1, a new paragraph 2 is added and says:

"Data on serial numbers of lost and stolen ID cards can be published on website of the Agency. The Agency shall issue a guideline on this."

The former paragraphs 2 and 3 become paragraphs 3 and 4.

Article 8

In Article 22, paragraph 1, the words: "Law that defines the area of central registers and data exchange at BiH level", are replaced with words: "Law on the Agency".

Article 9

In Article 23, after paragraph 1, new paragraphs 2 and 3 are added and say:

“Citizen of BiH may submit request for issuance of the certificate on facts from the registers electronically through portal of the competent authority from Article 7 of this Law with secure electronic signature authenticated by qualified certificate, and in accordance with Guidelines issued by the Agency. The competent authority can deliver the requested certificate electronically or in writing, as the party specified in the request.

The competent authority shall decline the request for issuance if they determine that the electronic signature is not in accordance with legal conditions.”

Article 10

In Article 24, in the first sentence, the words: “the authority that maintains central register at BiH level” are replaced with words: “the Agency”. In the second sentence, the words: “the authority that maintains central register” are replaced with words: “the Agency.”

Article 11

In Article 27, the words: “the Law on Central Registers and Data Exchange” are replaced with the words: “Law on the Agency.”

Article 12

In Article 40, paragraph 2, item c) is deleted.

Former items d) and e) become items c) and d).

In paragraph 3, the words: “the authority that maintains central register ”are replaced with words: “the Agency”.

In paragraph 3, after item d), a new item e) is added and says: ”e) implementing Article 6, paragraph 4, 20 paragraph 2 and 23 paragraph 1, item b) of the basic text of this Law.”

“Within 90 days, starting from the day of entering this Law into force, the Council of Ministers of Bosnia and Herzegovina, at the proposal of the Agency, shall issue a regulation on the price of identity card.”

Article 13

This Law enters into force on the eight day as of the date on which is publicized in the “Official Gazette of BiH”.

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29 February 2012
Sarajevo

Chairman of the House of
Representatives of the Parliamentary
Assembly of BiH,
Milorad Živković, PhD, signature

Chairman of the House of Peoples
of the Parliamentary
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Dragan Čović, PhD, signature