
**RULEBOOK
ON AMENDMENTS TO THE
RULEBOOK ON MANNER OF ACCESS TO
REGISTERS AND DATA EXCHANGE**

(Official Gazette of BiH, 55/15)

Pursuant to Article 23, paragraph (2) point b) of the Law on the Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina (Official Gazette of BiH, 56/08) and the consent of the Council of Ministers of Bosnia and Herzegovina provided at their 10th session, held on 10 June, 2015, the Director of the Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina has passed a

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Article 1
(Subject)

In the Rulebook on Manner of Access to Registers and Data Exchange (Official Gazette of BiH, 35/09) in Article 2, paragraph (2), the points c), d), g) and h) shall be deleted. Previous points e) and f) shall become c) and d).

After the point d), new points e) and f) shall be added to read as follows:

“e) The qualified certificate is a collection of data in electronic form representing electronic identity in various electronic interactions, so as the secure and confidential Internet communications comprising the data referred to in Article 6 of the Law on Electronic Signature (“Official Gazette of BiH, 91/06), and it is issued by the certified authority that comply with the provisions of Article 8 of the Law on Electronic Signature.

f) Electronic media for identification – authentication of users, means any device or smart card with an integrated electronic circuit where electronic keys are stored and used for access by the authorized officials of the Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina (hereinafter: the Agency) and of the competent source and receiving authorities for the purpose of entering, processing and transferring – exchanging of the data contained in the registers managed by the Agency, which requires high level of secure protection and authentication.

Article 2

In Article 4, a new paragraph (1) shall be added to read as follows:

“Permanent access to data implies the right to permanently access specific data of the Agency.”

Previous paragraph (1) shall become paragraph (2).

Article 3

Article 5 is amended to read as follows:

“Article 5
(The Right to Permanent Access to Data)

Permanent access to data may be assigned to:

- a) source authorities;
- b) the legislative, executive and judicial authorities (hereinafter: the receiving authority) who are unable to fulfil its legal obligations if not allowed to access the data of the Agency;
- c) other legal entities having legal interest in them.”

Article 4

In Article 6, in the title of the article, before the word "access" the word "permanent" shall be added.

Article 5

In Article 7, in the title of the article, before the word "access" the word "permanent" shall be added.

Paragraph (2) shall be deleted.

Previous paragraphs (3), (4) and (5) shall become paragraphs (2), (3) and (4).

Article 6

After Article 7, a new Article 7a shall be added to read as follows:

“Article 7a
(Permanent Access for the Legal Entities)

(1) At their request, legal entities having a legal interest in data may be granted permanent access to data.

(2) A legal entity that has been granted permanent access shall be required to comply with the technical protection measures defined by the Agency for each individual location of access for each individual register.

(3) The legal entity referred to in paragraph (2) shall treat the data subject to the regulations and shall register each individual access.

(4) After the permanent data access has been granted for a legal entity, the Agency shall enter into an agreement with the legal entity, defining all the issues related to access to and protection of the personal data.

(5) The agreement referred to in the previous paragraph will particularly define the obligations of the legal entity to provide the conditions required for the access subject to Article 5 of the Law on the Protection of Personal Data.”

Article 7

Article 8 is amended to read as follows:

“Article 8
(Periodical Data Access)

- (1) Periodical data access means that the applicant may, at certain intervals, request for certain data from the Agency.
- (2) The Agency shall provide access to data to individuals subject to the Law on Freedom of Access to Information Act in Bosnia and Herzegovina ("Official Gazette", 28/00, 45/06, 102/09 and 62/11) and the Law on Protection of Personal Data ("Official Gazette" 49/06, 76/11 and 89/11).
- (3) Upon a written request, the Agency shall issue a decision on access to data.
- (4) The required data shall be submitted in paper or electronic form on a suitable medium (CD, DVD), or as an e-mail attachment.
- (5) These data also include statistical data.”

Article 8

In Article 9, paragraph (1), the wording “legislative, executive and court authority at any level in Bosnia and Herzegovina” shall be replaced by the wording “receiving authority”.

In Article 9, paragraph (2) is amended to read as follows:

“(2) Apart from the request, receiving authority, physical or legal entity shall be obliged to submit valid evidence verifying a legal basis for the use of data, so as purpose and time of using of the data and documents proving that established mechanisms for data protection are in place.”

Paragraph (3) shall be amended to read:

“(3) Contents of the application form for transfer of data is amended, and it is given on the Form no. 1, which is an integral part of this Rulebook.”

After paragraph (3), a new paragraph, paragraph (4) shall be added to read as follows:

“(4) An authorized person from the receiving authority or a legal or natural entity shall complete and submit the form referred to in paragraph (3) of this Article, containing the data prescribed by the Article 9 paragraph (3) point e) of the Law on the Agency for Identification Documents, Registers and Data Exchange.”

Article 9

In Article 10, paragraph (1), the parentheses symbol and the wording between them: “(depending on whether the applicant for transfer of data belongs to legislative, executive or court authority at any level of Bosnia and Herzegovina or to other legal entities)” shall be deleted.

Article 10

After Article 10, a new article, Article 11 shall be added to read:

“Article 11

(Data Transfer Abroad)

- (1) The Agency may transfer the data abroad.
- (2) Transfer of personal data shall be carried out only as prescribed by the Law on Protection of Personal Data in Bosnia and Herzegovina.
- (3) Transfer of data abroad is carried out by the competent authorities in Bosnia and Herzegovina subject to a specific international agreement or agreement concluded by Bosnia and Herzegovina, so as subject to the applicable regulations in Bosnia and Herzegovina, pertaining to international legal assistance and cooperation in the civil legal and criminal law matters, and the decision shall be submitted to the said authorities.
- (4) Transfer of data abroad may be allowed in other cases where the requirements under Article 17 and 18 of the Law on the Protection of Personal Data are met.
- (5) The transfer of data is carried out as prescribed in Article 5, paragraph (1), and the request is handled subject to Article 10 of this Rulebook.”

Article 11

In Article 13, paragraph (1) point c) in the end, after the punctuation point, the following sentence shall be added:

“Registers can be accessed by the employees and administrators who have their own credentials (username and password), or other electronic media or smart card where qualified certificates are stored.”

Point d) is amended to read as follows:

“d) Upon receipt of the credentials, the employee is responsible for the lawful use of passwords or electronic media or smart cards, as well as keeping their confidentiality from unauthorized access by other people. The employee is obliged to change the password once a month.”

In point e) the wording “workstations for processing and access to data” shall be replaced by the word “registers”, and in the end, instead of the punctuation mark full stop, the punctuation mark comma shall be added, so as wording “or the electronic media or smart card.”

Point f) is amended to read as follows:

“An employee who has not been assigned a username and password, or electronic media or a smart card cannot access the registers.”

Point g) is amended to read as follows:

“It is forbidden to access registers using someone else's credentials.”

In point i), behind the word “stations”, the wording “processing and data access” shall be added and the wording: “floppy disc drive and a CD-ROM” shall be replaced by the wording “removable media”.

Article 12

In Article 14 (1), the word "special" is replaced by the word "electronic".

Paragraph (2) is amended to read as follows:

“(2) The Agency manages electronic records of periodic data access subject to the regulations governing office management in institutions of Bosnia and Herzegovina.”

Article 13

In Article 15, the wording “legislative, executive and judicial authorities at any level of government in Bosnia and Herzegovina” shall be replaced by the wording “receiving authorities”.

Article 14

Article 16 shall be amended to read as follows:

“A fee for the transfer to and exchange of information with the legal and natural entities shall be determined in accordance with the Decision on the Amount of Fees for Accessing Data from the Registers of the Agency adopted by the Council of Ministers of Bosnia and Herzegovina.”

Article 15

This Regulation shall enter into force on the eighth day following the day of its publication in the Official Gazette of BiH.

Ref: 15/02-2-209/15
Date: 17 June 2015

Director:
Siniša Macan, M.Sc.

Applicant

Authority/Name and surname, position, JMB of the responsible person

Request for transfer of personal data

Personal data file in the register of personal data

which is requested (eg. a file from the register of permanent residence)

Legal framework for access to data (list legal regulations)

Purpose of data transfer (name the purpose of requesting data)

Time period for which the access to data is requested

(Refers only to direct electronic data access)

Annexes:

Signature of the applicant