

C O N T E N T

Of the Law on personal data protection

1. GENERAL PROVISIONS

1. Aim of the Law

Article 1

This law regulates the protection of the basic freedoms and rights of citizens, and especially the rights of privacy with regard to the collection, procession, storage, usage and exchange, as well as public disclosure of personal data.

The procession of personal data is performed in public interest, in the interest of the subject of the personal data or in the interest of a third party in accordance to the conditions and the procedures determined by this Law.

2. Scope of appliance

Article 2

This Law is applied while performing personal data procession, partly or in whole, on personal data which are a part or aimed to be a part of broader Collections of personal data run by state organs, legal and personal entities while performing substantive activity or profession; control over the performed activities while processing personal data, their protection, exchange with other states as well as their public disclosure.

The provisions of this Law shall be applied in cases when the Controller has no seat in the Republic of Macedonia, if the equipment used for personal data procession is in the Republic of Macedonia.

In cases of paragraph 2 of this Article the Controller is obliged to nominate a representative having a seat in the Republic of Macedonia who will be responsible to apply the provisions of this law.

Article 3

The provisions of this Law shall not be applied:

- over personal data processing performed by individuals exclusively for their personal activities or activities in their home;
- over the unique and unchangeable data which were published by the media, and
- over personal data processing for the aims of conducting criminal proceedings and protection of the security interests and the defense of the Republic of Macedonia.

3. Terms

Article 4

The terms used in this law shall have the following meaning:

1. "Personal data" is any data referring to a person, and which are:
 - Processed by an automatically functioning equipment or otherwise in accordance to the instructions given thereby;
 - Recorded with intention to be processed by an automatically functioning equipment or otherwise in accordance to the instructions given thereby; or
 - Recorded as being a part of a relevant Collection of data or with intent to be a part of such Collection of data.
2. "Collection of personal data" means a group of personal data created and kept for certain persons, available according to specific criteria, no matter if it is centralized, de-centralized or dispersed on functional or geographic bases.

3. "Subject of personal data Collection" is any individual to whom the data from the Collection refer to.

4. "Personal data processing" is any operation or a number of operations performed on personal data, automatically or otherwise, which refer to collecting , recording, organizing, storing, altering, finding, using, publishing or otherwise making the data available to the public, as well as their archiving, deleting or annulling.

5. "Controller of personal data Collection" is a legally authorized state organ, legal or personal entity performing substantive activity or profession, which alone or with others, is authorized to decide upon the aims and the way on which personal data shall be processed as well as upon their protection while processed (further on in the text refer to as Controller).

6. "Personal data Collection Handler" is a legally authorized state organ, legal or personal entity performing substantive activity or profession, which alone or with others processes personal data on behalf of the Controller.

7. "Third party" is any personal or legal entity, state organ or an institution, which is not a subject of the personal data Collection, a Controller or personal data Collection Handler.

8."Sensitive personal data" are personal data referring to:

- racial or ethnic origin;
- political orientation;
- religious beliefs or other beliefs of similar character;
- physical or mental health;
- sexual orientation;
- committed or allegedly committed criminal offences;
- convictions for the criminal offences committed

9." Personal data Collection for special objectives" is personal data Collection created for one or several of the following objectives:

- journalist objectives
- artistic objectives
- literature objectives.

II. PERSONAL DATA PROSESSION

1. Collecting of personal data and their quality

Article 5

In order to be processed in compliance to this Law, the personal data have to be:

- collected in a way prescript by the law for specific and precise legal objectives, and to be used and processed further on in a way which is in compliance with the aims for which the personal data have been collected;
- accurate and, if needed, updated ;
- stored in a form which allows identification of the subject of the personal data Collection, not longer than necessary to fulfil the aims for which the personal data have been collected and processed.

Personal data that are collected and processed in a way contrary to paragraph 1 of this article shall be annulled. The Controller is in charge for annulling the personal data.

2. Principles of the legal prosession of personal data

Article 6

The personal data prosession may be performed only upon a previously obtained consent of the subject of the personal data Collection.

As an exception of the rule in paragraph 1 of this article, the personal data processing may be performed without the consent of the subject, when:

- a law allows so;

- it is needed for the purposes of fulfilling an agreement to which the subject of the personal data Collection is a party, or upon request of the subject of the personal data Collection prior to his adjoining to the agreement;
- it is needed for the fulfillment of the legal obligations by the Controller;
- it is needed to protect the vital interests of the personal data subject when he/she can not give a valid consent due to physical or mental obstacles or other reasons prescript by the law.
- It refers to data contained in public registers, statements, documents or records, which are accessible;
- It is performed exclusively for research and statistic aims and refers to anonymous data;
- It is performed exclusively within the journalist profession;
- It is needed for the purposes of a criminal investigation or the defense of the country, upon a legally based request, and it lasts not longer than necessary to fulfil the aim.

The consent prescript in paragraph 1 of this article may refer to processing personal data in future, under the condition that the aim of procession remains same.

3.Principles of processing sensitive personal data

Article 7

It is forbidden to process sensitive personal data.

Exceptionally, the procession of sensitive personal data may be performed upon consent of the subject of the personal data Collection, or if:

- It is necessary for the protection of the vital interests of the subject of the personal data Collection, if he/she can not give a valid consent due to physical or mental obstacles or other legally prescript reasons;
- The processing which refers to social, political or religious beliefs of the subject of the personal data Collection or it refers to a membership in a syndicate, is performed after the subject have been publicly informed;
- It is necessary for the protection of subject's rights in a court procedure;

- It is needed for the purposes of a medical prevention, diagnosis, medical treatment or managing health service, and it is performed by a person whose profession is providing health protection under oath of keeping secrecy of the data which were revealed to that person, while performing his/her professional duty;
- The processing is performed for the purposes of the defence and security of the Republic of Macedonia, or for the purposes of revealing and suppressing criminal offences or running a penal records.
- The processing is performed for the purposes of historical, scientific or statistical research;
- The processing is needed for journalist aims and it refers to data on public persons and it regards to gaining and holding public offices or managing the interests of third parties. A permission for running such public data Collection shall be issued only if needed for the fulfillment of the right of informing, and only if it is in public interest, by providing protection of the privacy of subject's personal and family life.

The processing of sensitive personal data should be specially marked and protected.

The sensitive personal data could be transferred through the telecommunication network only if they are specially protected with crypto graphic method providing that they should not be readable during the transfer.

4. Principles of processing the unique birth registration number of the citizen (UBRN)

Article 8

The unique birth registration number of the citizen (UBRN) may be processed only upon a prior consent of the subject of the personal data Collection or under the terms defined by this Law.

UBRN may be processed for the purposes of identifying the subject of the personal data Collection and for the following reasons:

- Fulfilling the aims of this Law
- Fulfilling the rights and obligations of the subject of the personal data Collection or those of the Controller;
- For historical, scientific or statistical research.

The UBRN may be processed while performing activities to gain credit or to charge a debt, insurance, renting, founding a trade company, in credit related matters, health and social protection, employment and other services, for the benefit of the subject of the personal data Collection.

The Controller sees that the UBRN is not unnecessarily visible nor it is printed or taken from the personal data Collection.

5. Principles of processing personal data for special aims

5.1 Processing for historical or scientific aims

Article 9

Personal data may be processed for the aims of historical or scientific research, as well as for other aims not specified in Article 6 paragraph 2 of this law, if:

- The research can not be performed without identifying the subject of the personal data Collection and in cases when the consent can not be reached due to the quantity of the Collection, years of age or other related reasons;
- The use of the personal data Collection is on the grounds of an appropriate research plan, and it is managed by specially designated persons to that end;
- Personal data Collection is no longer needed for the research process nor it is needed to confirm the results of the research and it is archived, destroyed or altered, so the identity of the subject of the personal data Collection can not be determined.

5.2 Processing for statistical aims

Article 10

Except for the cases provided in article 6 paragraph 2 of this Law, personal data may be processed for statistical aims, if:

- The statistical data can not be collected or updated without the personal data;
- The statistical data are part of the activities of the Controller;
- The personal data Collections are used exclusively for statistical aims without availability of the personal data themselves in a way the identity of the subject of personal data Collection can not be identified.

5.3 Official plans and reports

Article 11

Except for the cases provided in Article 6 paragraph 2 of this Law, for the purposes of official planning and reporting, the state organs may collect and record personal data into official personal data Collections, in accordance to article 10 of this Law.

5.4 Genesis

Article 12

Except for the cases provided in Article 6 paragraph 2 of this Law, the following personal data may be collected for the purposes of genealogical researches: data for the spouse and other family members, information on getting into contact with the subject of the personal data Collection and other relevant information needed for the genealogical researches, unless the subject of the personal data Collection does not approve it.

5.5 Direct trade

Article 13

Upon a consent of the subject of the personal data Collection, data may be collected, in a way other than provided by Article 6 paragraph 2 of this Law, and stored in a personal data Collection, kept for the purposes of a direct trade, electronic devices trade, direct advertising, market opinion researches and other related purposes, if

- The personal data Collection is used in a defined and short marketing campaign;
- The personal data Collection contains data of the name, profession, years of age, sex or the language of the subject of the personal data Collection, as well as contact information;
- The Collection contains data for the duties or the status of the subject of the personal data Collection in the business or the public life, and if such data are used as information to be submitted.

For the purposes of paragraph 1 of this Law, the data may be published or used as a sample drawn from the personal data Collection, if the subject of the personal data Collection did not forbid such motions.

5.6 Processing personal credit data

Article 14

A person who keeps credit data Collection may in that Collection record the name and the contact information referring to the person to whom the credit applies, as well as information on not paying that credit.

III. TRANSFER OF PERSONAL DATA COLLECTION TO OTHER STATES

1. Transfer of personal data Collections out of state borders

Article 15

The transfer of personal data Collection to other states may be performed only in accordance to the legally prescript procedure and only if that other state has the same protection measures for the personal data Collections.

The transferred data form the personal data Collection may be used only for the purposes for which the transfer has been performed.

Article 16

The estimation of whether that other state applies the same protection measures to the personal data Collection shall be done in accordance to the conditions under which the transfer of the already processed personal data Collection is performed, or the conditions under which the transfer of the personal data Collection to be processed is performed.

While estimating the oneness of the protection measures applied to the personal data Collection, special consideration shall be put on he nature of the personal data Collection which is to be transferred, the aims and the length of the processing operations in the state to which the personal data Collection is to be transferred and especially to the legal provisions regulating the personal data Collections in that particular state.

The oneness of the provisions applied for protection of personal data in other state shall be estimated by the Personal Data Protection Directorate (further on in the text: Directorate).

Article 17

If the state to which the personal data Collection is to be transferred does not fulfill the conditions of its protection, the transfer shall not be performed.

The Directorate may not allow a transfer of data from the personal data Collection even when there are adequate legal provisions for their protection in the other state in accordance to the law and to the ratified international agreement.

Article 18

The provisions of Article 17 of this Law shall not apply if:

- The subject of the personal data Collection allows the transfer;
- The transfer is needed for the purposes of fulfilling an agreement concluded between the subject of the personal data Collection and the Controller;
- The transfer is needed for the purposes of fulfilling an agreement concluded between the subject of the personal data Collection, the Controller and third party;
- The transfer is needed to protect the public interest or to protect the fundamental rights and freedoms of the citizens;
- The transfer is needed to protect the vital interests of the subject of the personal data Collection.

Except for the conditions determined in paragraph 1 of this Article, the Directorate may allow personal data Collection transfer to other state even when the provisions of that state do not provide sufficient level of their protection, if the Controller of the other state verifies the existence of sufficient protection measures as for the rights of privacy of his personal and family life.

2. Connecting personal data Collections

Article 19

The connection of personal data Collections, established and kept for different purposes, may be performed upon previous notification of the Directorate by the Controller or the Controllers.

The Directorate approves the connection, if one of the personal data Collections, which is to be connected, contains sensitive personal data, or as a result of the connection, sensitive data arise, or in cases when the UBRN is used while connecting.

The approval for the personal data Collection's connection contains:

- The reasons for the connection
- Type of data of the personal data Collections which are connected
- Period of time allowed for the personal data Collection's connection
- Measures to protect the rights and freedoms of the subject(s) of the personal data Collection, or those of third parties.

The approval of paragraph 2 of this article may be renewed upon a written request submitted by the Controller.

The approval for connection of the personal data Collections is kept in a connection Record by the Directorate.

IV. THE RIGHTS OF THE SUBJECT OF THE PERSONAL DATA COLLECTION

1. Access to the personal data Collection

Article 20

The subject of the personal data Collection has the right to be informed by the Controller, whether the data of the personal data Collection are processed by the Controller or by other person upon his authorization.

Upon a written request submitted to the Controller, the subject of the personal data Collection shall be informed on:

- The personal data Collection created for him (her);

- Purposes for which the Collection has been created;
- The subject(s) who may access the personal data Collection, and
- Other information provided by the Law.

2. Access limitations

Article 21

The subject for whom the personal data Collection has been created, shall not be informed on the data contained in the Collection, if:

- That might imperil the security and the defense of the Republic of Macedonia, or the criminal investigation;
- That might seriously damage the health of the subject of the personal data Collection, or the rights of other person;
- That might seriously endanger the performance of the supervisory functions directed towards protection of the economic interests of the Republic of Macedonia.

Article 22

The Controller shall not provide such information to the subject of the personal data Collection, if those information contain data on some other person who might be identified if the subject of the personal data Collection is supplied with the requested information, unless the other person agrees, or that has been provided by the law.

3. Exercising the right of access

Article 23

The subject of the personal data Collection may access the Collection upon a written request which contains the data of the Collection which are wanted to be seen.

The Controller to whom the request has been submitted has to act with regard to it, immediately and without any unnecessary delays, three days from the day the request has been submitted, the latest.

Article 24

When the Controller of the personal data Collection has once responded to the request of the subject of the personal data Collection, he(she) does not have any obligation whatsoever, to respond to a same or related request submitted by that subject, if meanwhile there are no changes in the personal data Collection, unless 6 months have passed of the last request submitted.

4.Cessation of the personal data Collection procession

Article 25

The subject of the personal data Collection may at any time submit a written request to the Controller for cessation of the personal data Collection procession, if the procession causes significant damage or suffering to the subject himself (herself) or to his (her) family members.

The Controller of the personal data Collection shall in 15 days after the day he receives the request, inform the subject of the personal data Collection that he:

- Acted in accordance to the request; or
- The request is denied.

If the request for cessation of the further procession of the personal data is denied, the subject of the personal data Collection has the right to initiate a procedure before the competent court.

Article 26

If the subject of the personal data Collection proves that the personal data which apply to him are not complete, that they are outdated, incorrect or forcibly collected, or those data do not correspond to the aim they were collected for in the first place, the Controller is obliged, without any delay, to alter, renew or to correct the personal data, or to permanently or temporary cease the procession of those data, or to delete those data from the Collection, unless the personal data are subject to alternation, renewal or correction in accordance to the principles provided by other laws.

If the Controller does not act in accordance to the provision of paragraph 1 of this Article, the subject of the personal data shall notify the Directorate.

Article 27

The subject of the personal data Collection is entitled, at any time, to request, in written, the Controller that the data of the Collection are not used as advertising material applying to the subject.

Article 28

The subject of the personal data Collection who have suffered damages due to Controller's failure to act upon the request of Articles 25,25 and 27 of this Law, has the right to be compensated by the Controller.

VI.CONFIDENTIALITY AND PROTECTION OF THE PERSONAL DATA PROCESSION

Article 29

In order to provide confidentiality and protection of the subject's personal data procession, while processing the personal data Collection, the Controller must apply adequate organizational and technical measures which refer to:

- Preventing unauthorized access to the equipment used for the procession of personal data;
- Preventing unauthorized reading, copying, altering or removing the media in which the personal data Collection is put;
- Preventing unauthorized reading, entering, altering or deleting data of the personal data Collection;
- Preventing access of the users of the personal data Collection to data they do not have right to process;
- The possibility to check who had an access to the system and which data of the personal data Collection were read, entered, altered or deleted, when it happened and which device was used;
- Preventing unauthorized access to the personal data Collection fro other location through communication devices;
- Preventing reading, copying, alternation or deletion of data while transferring the data through communication devices or while transport of the media in which the personal data Collection is put;
- The possibility to check the locations from which one can access the data through communication devices;
- The possibility of making security copies of the data of the personal data Collection on a regular bases;
- Organizing the work in accordance to the specific requirements for protection of the personal data Collection.

The measures of paragraph 1 of this Article should provide a level of protection suitable to the risk appearing during the procession as well as suitable to the nature of the processed data.

The Director of the Directorate shall prescript the way of usage of the adequate technical and organizational measures provided in paragraph 1 of this Article.

Article 30

When the processing of the personal data Collection is performed on behalf of the Controller, he is obliged to choose the Handler of the personal data Collection who will guarantee that the technical and organizational measures to be applied for protection of the procession of the personal data, will be fully respected.

While processing personal data, the Handler of the personal data Collection has to :

- Act in accordance to the authorizations and instructions given to by the Controller
- Undertake adequate technical and organizational measures to provide the protection of the personal data procession, and
- To act in accordance to this Law.

2. Confidentiality obligation

Article 31

Anyone who had access to the personal data Collection on behalf of another while processing personal data, is obliged to maintain the confidentiality of those data.

3. Destroying the personal data Collection

Article 32

If there are no more reasons for the existence of the personal data Collection processed by the Controller, or that Collection is no longer needed for the future work of the Controller, the personal data Collection shall be destroyed.

4. Archiving of personal data

Article 33

The personal data of scientific, historical or statistical research significance shall be transferred to the State Archive of the Republic of Macedonia. Their further maintenance shall be performed in accordance to the Law on Archive.

VI. PERMISSION FOR PERSONAL DATA PROSESSION

Article 34

The Directorate shall issue permissions for the personal data proccession, as well as permissions for establishing, keeping and maintaining of personal data Collection, except in cases provided by article 6 paragraph 2 first line of this Law, upon a prior written consent of the Controller.

For more efficient protection of the privacy rights of the subject of the personal data Collection, or of a third party, the Directorate may provide additional protective conditions.

The permission is valid for a certain period of time, depending on the aim of the personal data proccession, and it might be renewed upon a written request of the Controller.

The following should be contained in the request for permission issuance for processing personal data and the processing permission itself:

- The name and the address of the Controller or of his representative;

- The address where the personal data Collection has been established;
- The type of personal data permitted to be included into the personal data Collection;
- Period of time for which the permission has been issued;
- Special conditions for the establishing and keeping sensitive personal data Collections, determined by the supervisory body;
- The user or users of the Collection.

The permission is kept in the Register of permissions, run by the Directorate.

For any change of the conditions determined by paragraph 2 of this Article, the Controller shall immediately notify the Directorate in written.

For any change, except for the change of the address of the Controller or his representative, new permission is issued, in accordance to the conditions provided by paragraph 2 of this Article.

Article 35

In cases provided by Article 7 paragraph 2 of this Law and in cases when the Controller is nominated upon a decision of the Government of the Republic of Macedonia, the issuance of a permission for processing sensitive personal data is not necessary.

The Controller who wants to be registered for the reasons of paragraph 1 of this article has to submit the request of Article 34 of this Law, to the Directorate, in which he would give a general description of a measures he is going to undertake for the fulfillment of the aims and the principles of this Law.

Article 36

A Commission of the Directorate composed of three members shall decide upon the request for issuing permission for processing personal data.

After receiving the request for permission for processing, the Commission shall determine whether the processing of the data is allowed in accordance to this Law and whether the data of the request are fulfilling the conditions providing in article 34 of this Law.

The Commission is obliged to bring the decision on the request for permission for processing personal data within 30 days. If the request is denied, the Commission has to give the reason for the denial.

The Controller has the right of an appeal against the decision by which the request is denied, to the Directorate, within 8 days after the day he received the decision.

The Directorate decides upon the appeal within 15 days of the day the appeal was received.

VII. DIRECTORATE FOR PROTECTION OF PERSONAL DATA; CREATION AND TASKS

Article 37

The Directorate is created as an independent state organ, having a status of a legal entity, to perform supervision over the legality of the activities undertaken in the process of personal data procession and their protection.

The Directorate is headed by the Director who is nominated and suspended by the Assembly of the Republic of Macedonia upon a proposal given by the Government of the Republic of Macedonia.

The Director of the Directorate is nominated for the period of 4 years, maintaining the right to be re-nominated, but not more than twice.

The Director of the Directorate has a deputy who is also nominated and suspended by the Assembly of the Republic of Macedonia upon a proposal given by the Government of the Republic of Macedonia, for a period of 4 years. The Director of the

Directorate and the deputy Director of the Directorate, for their work and for the work of the Directorate, are responsible to the Assembly of the Republic of Macedonia.

Article 38

A person who fulfills the following conditions may be nominated for a Director:

- To be a national of the Republic of Macedonia;
- To be a distinguished lawyer; and
- There is no security measure, of preventing him/her to perform a profession, work or duty, against that person.

The position of the Director may cease if suspended or in case of death.

Reasons for suspension of the Director:

- If the Director requests his own suspension;
- If the Director is convicted of crime and sentenced for at least 6 month of imprisonment; and
- Because of incompetent, one-sided and unprofessional performance of his duties.

Article 39

Before taking the position, the Director makes the following ceremonial statement before the Assembly of the Republic of Macedonia:

"I hereby declare to perform my position of a Director with my full conscience, impartially and responsibly, I will protect the rights of the citizens by protecting their personal data and I will respect the Constitution and the Laws of the Republic of Macedonia".

Article 40

The position of a Director is incompatible to other public positions or professions.

The Director is independent in the performance of his position.

The Director enjoys immunity. The assembly of the Republic of Macedonia decides on his immunity.

Article 41

The following are the competencies of the Directorate:

- evaluating the legality of the processing of the personal data Collections;
- promotes the principles of processing personal data and takes care they are respected by the Controllers ;
- decides on the requests for the permissions for processing personal data ;
- researches and has access to the personal data Collections created by the Controller , by types of subjects and by aims ;
- controls the operations for processing personal data applied by Controllers;
- collects data necessary for the regular performance of its duties ;
- sorts the information with regard to the protection of the personal data;
- maintains a central Register of permissions for personal data procession;
- keeps records on the connections of the personal data Collections ;
- keeps records for permissions issued for transfer of personal data to other states ;
- receives reports with regard to the personal data procession, by the Controller;
- undertakes actions upon complaints of individuals or associations representing a certain individual with regard to the violation of that persons rights referring to the personal data Collection processing;
- provides assistance to all interested persons with regard to processing of personal data;
- double-checks all cases of cessation of the processing of personal data, regardless the reasons which cause the cessation ;
- intervene in the process of personal data procession, archiving , deleting or annulling the personal data collection, completely or partially, if there is any

justified risk of violation of the rights of one or more subjects of personal data collections , evaluating the type of personal data or the modalities of the procession ;

- issues and order by which the further personal data procession by the Controller is forbidden;
- maintains international cooperation in the area of protection of personal data Collections and is involved in the work of international organizations and institutions dealing with protection of personal data.

By a sub-law, the Directorate shall prescript the content and the way of keeping the central register and the records of paragraph 1, lines 8,9 and 10 of this article.

Article 42

The Director submits an annual report of the work of Directorate to the Assembly of the Republic of Macedonia.

When needed and when the Assembly of the Republic of Macedonia requests so, the Director submits additional reports.

The annual report of the work of the Directorate is published in the "Official Magazine of the Republic of Macedonia".

Article 43

The Director and the employees of the Directorate shall maintain the confidentiality of the data they worked with, during the mandate, i.e. the employment in the Directorate, as well as after the mandate or the employment are finished.

The employees of the Directorate may not, opposite to the Law and without consent of the Controller of personal data Collection, disclosed to the public or to a third party any of the data of the Collection.

The provisions of paragraph 2 of this article shall not be applied if it is necessary for the purposes of revealing and preventing criminal offences, and if it is allowed by a law or a court decision.

Article 44

In order to efficiently and regularly perform the duties and the competencies of the Directorate, the Director and the employees are authorized to:

- enter in any of the premises in which a registered system of personal data Collection is processed, upon a presentation of an adequate individual authorization and a document for an official identification, and to see any of the personal data Collection.
- ask for a written or oral explanation, to invite and interview persons with regard to the personal data Collection which is worked on.
- ask for documents to be presented or any other data with regard to the subject
- examine the equipment by which processing the personal data is performed and the equipment where personal data Collections are maintained; and
- order the preparation of expert analyses as well as opinion with regard to the work of the Controller.

Article 45

After the control of Article 44 of this Law is performed, a Record document is created and a copy of it is submitted to the Controller who was the subject of the control.

The record document of paragraph 1 of this article is signed by the employee of the Directorate who performed the control and by the Controller who was the subject of the control.

If the Controller refuses to sign the Record document, the employee of the Directorate puts a note of that in the Record and has the right, within 7 days, to submit the notes to the Director for control.

Article 46

If the results of the control confirm violations of the provisions of this Law with regard to the personal data procession, the Director is notified, so he can initiate adequate procedure before a competent organ.

Article 47

If the results of the control confirm violations of the provisions of this Law with regard to the personal data procession, the Controller is invited to adjust his work to the provisions of this Law, and to especially:

- remove the reasons which led to that ;
- complete , update, correct, reveal or maintain the confidentiality of the personal data ;
- to provide additional measures of protection of the personal data Collections;
- to stop the transfer of the personal data to other states ;
- to provide the data or their transfer to other subjects; or
- to delete the personal data

The Controller might ask the Directorate to reconsider this case.

Against the final decision of the Directorate, the Controller may initiate a third instance administrative procedure before the competent court, in accordance to the Law on administrative disputes.

Article 48

Financial resources for the work of the Directorate are provided by the budget of the Republic of Macedonia and by the incomes that the Directorate provides, on the basis of payments done for the issuance of permission for processing personal data.

VIII SANCTIONES

Article 49

An individual Controller of personal data shall be fined, for felony, with 25.000 to 50.000 denars, if:

- he does not annul data collected and processed in contrary of the provisions of this Law (article 5),
- he performs procession of personal data contrary to the principles provided by this Law (article 6),
- he processes UBRN in contrary to the principles of its procession provided by this Law (article 8) ,
- contrary to the principles provided by this Law he processes personal data for the aims of historical or scientific research (article 9) , statistical aims (article 10) , aims of official planning and informing (article 11), aims of genealogical researches (article 12), aims of direct trade (article 13), or procession of personal credit data (article 14),
- contrary to the provisions of this Law transfers personal data out of the state border (article 15),
- performs connecting of the personal data Collections without prior notification or permission of the Directorate (article 19),
- contrary to the provisions of this Law he does not provide access of the subject to the personal data collection (articles 20 and 23),
- he submits the subject information which refer to another person, without the consent of that person or contrary to the Law (article 22),
- he does not cease the procession of personal data after receiving the written request of the subject of the personal data collection , under the conditions prescript by this Law (article 26);
- he provides the usage of personal data for the aims of advertising material besides the request of the subject of the personal data that he does not do so;
- he does not undertake adequate technical and organizational measures for protection of personal data while processing (article 29).

A legal entity -Controller of personal data shall be sentenced for the felony of paragraph 1 of this article with a fine amounting 150.000 to 300.000 denars.

Article 50

An individual Handler of personal data Collection shall be fined, for felony, with 25.000 to 50.000 denars , if :

- while processing the personal data on behalf of the Controller does not provide adequate usage of the technical and organizational measures for protection of personal data (article 30 paragraph 1); and
- the procession of personal data is performed contrary to the one provided by the agreement or the Law (article 30 paragraph 2).

A legal entity -Handler of personal data collection shall be sentenced for the felony of paragraph 1 of this article with a fine amounting 150.000 to 300.000 denars.

IX TRANSITORY AND FINAL PROVISIONS

Article 51

The Directorate begins its work on the day of the nomination of the Director.

The Assembly of the Republic of Macedonia shall nominate the Director of the Directorate within 6 month from the day this Law enters in to force.

Within 30 days of the day of nomination of the Director of the Directorate, the legal documents referring to the organization and system of the working positions of the Directorate, shall be passed.

The other sub-legal documents provided by this Law, shall be passed within 6 months of the day the Directorate was established.

Article 52

Until the day the Directorate begins its work, the Ministry of the internal affairs will carry on its competences.

Article 53

On the day of entry into force, the Law on protection of personal data shall be terminated ("Official Magazine of the Republic of Macedonia" Nr. 12/94)

Article 54

This Law enters into force 8 days after the day of publishing into the "Official Magazine of the Republic of Macedonia".