



GOVERNMENT OF MONTENEGRO
PUBLIC PROCUREMENT ADMINISTRATION

Ref. No.: 01-4607

Podgorica, 26 November 2012

Pursuant to Article 24 of the Law on Protection of Personal Data (Official Gazette of Montenegro 79/08 and 70/09), the Public Procurement Administration hereby adopts the

**REGULATION ON PROTECTION
OF PERSONAL DATA**

Article 1

These rules provide for organizational and technical procedures and measures for protection of personal data implemented by the Public Procurement Administration, in purpose of preventing accidental or intentional unauthorized destruction, change or loss of the data, as well as an unauthorized access, processing, use or transfer of these data. Employees and external associates, who, in scope of their work process the personal data, must be familiar with the Law on Protection of Personal Data (Official Gazette of Montenegro 79/08 and 70/09).

Article 2

Specific terms, used in this Regulation, have the following meanings:

1. LPPD - Law on Protection of Personal Data;
2. personal data are all information relating to an individual whose identity is determined or can be determined;
3. processing of personal data is an action by which the personal data are, automatically or in some other manner, collected, recorded, organized, preserved, modified, used, an insight into them is conducted, published or made available in some other way, classified, combined, deleted, destroyed, as well as any other action performed upon the personal data;
4. collection of personal data is a set of data that are subject of processing and may be available upon personal, subject or other basis;
5. the operator of the data collection is the Public Procurement Administration;
6. the processor of the personal data is the Public Procurement Administration;



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7. a consent is a freely given statement, in written form or orally for the records, by which a person expresses his/her agreement that his/her personal data may be processed for a specific purpose;
8. special categories of personal data are those data relating to racial or ethnic origin, political, religious or other belief, social origin, trade union membership, as well as data concerning health, sexual life or sexual orientation, biometric data and data from civil or criminal records;
9. biometric data are those data related to physical or physiological characteristics that each individual possesses, and which are specific, unique and unchangeable, and on basis of which it is possible, directly or indirectly, to determine the identity of the person;
10. the person is a natural person whose identity is determined or can be determined, directly or indirectly, in particular by reference to a personal identification code or one or more characteristics that are specific to physical, physiological, mental, economic, cultural or social identity of that person.

Article 3

The operator of the personal data collections is the Public Procurement Administration. The operator of the personal data collection maintains the records on personal data collections, in accordance with the provisions of Article 26 paragraph 2 items 1-10 of the LPPD.

The following collections are recorded in the Public Procurement Administration:

- personal files,
- data related to the employment process,
- data based on the contracts on temporary and periodical performance of tasks and contracts on voluntary work,
- list of public procurement officers who are required to take professional examination in public procurement field,
- payroll of the employees.

The operator shall authorize the employee/s responsible for processing of the personal data, considering the nature of their scope of work. The authorization must include the following: title of the personal data collection, name and position of the person responsible for collection of personal data and name and position of persons who may conduct processing of personal data on grounds of the nature of their scope of work.

The operator shall, upon the written request submitted by an employee to whom the data are related, provide the notice on the data determined by the Article 43 of the LPPD, within 15 days as of the day the request was submitted.



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The operator of the personal data collection shall, upon written request by the person to whom the data are related, within 15 days as of the day the request was submitted: supplement the data if they are incomplete, modify or erase the incorrect data; erase the personal data if their processing is not in accordance with the Law; cancel the use of incorrect or incomplete personal data; and cancel the use of personal data if they are not used in accordance with the Law, provided that the rights of the request submitter are not restricted by the reasons determined in the Article 45 of the LPPD.

Article 4

Areas with computer equipment shall be protected by organizational and physical and/or technical measures that prevent unauthorized access to computers.

Access is allowed only during regular working hours, outside this period it is allowed only on basis of authorization held by responsible person of organizational unit.

The keys within the protected area shall be used in accordance with the protection plan and they shall not be left in the door lock.

Protected areas can not remain out of control, and should be locked in absence of workers responsible for control thereof.

Outside of working hours the cabinets and desks where the personal data are stored must be locked, computers and other technical equipment must be turned off and protected by a password.

An employee may not have the access to the personal data without presence of the authorized persons who have the right of processing the personal data.

Special categories of personal data may not be stored outside the protected premises.

Article 5

Computers in the premises intended for communication with clients must be positioned in such a manner as to ensure that the clients do not have a direct access to them.

Article 6

Maintenance and repair of computers and other equipment is permitted only with knowledge of the head of the administrative body and shall be performed only by the authorized service provider with whom the operator has an appropriate contract.

Article 7

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Employees, such as the personnel responsible for hygiene, security personnel and others, may be present in the protected areas outside the working hours only where the access to the personal data is disabled.

Article 8

Access to the software shall be protected so that it is allowed only to the legal or natural persons that are authorized for that in accordance with the legal provisions.

Article 9

Repair, changing and updating of application software system is permitted only with the approval of the head of the administrative body and shall be performed only by authorized services and organizations and individuals who have an appropriate contract with the Public Procurement Administration.

The operator shall record the changes and amendments to the system in an appropriate manner.

Article 10

For preservation and protection of application software, the same provisions apply as for other data contained in this Regulation.

Article 11

All the data contained in the software that are intended for use within computer information system, and are obtained via media for transfer of computer data or via telecommunication channels should be checked before their use due to possible presence of computer viruses.

Article 12

An employee may not install the application software without knowledge of a person responsible for operation of the computerized information system. Also, a program may not be removed from the software without approval of the responsible person within the organizational unit and knowledge of the person responsible for operation of the computerized information system.

Article 13

Access to the data through the application software shall be protected by a password of the system for data authorization and identification. The password system shall also enable the identification of the time when the data were entered into the system, the person who



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performed entering of the data, etc. The authorized person shall determine the plan of entering the data and change of the password.

Article 14

All procedures and passwords used for entering and administration of the personal computers network, e-administration, shall be kept in a sealed envelope that is protected from an unauthorized access. They shall be used only in exceptional or emergency circumstances. Each use of the content contained in the sealed envelopes shall be documented. After each such use, a new password shall be determined.

Article 15

For purposes of restarting the computer system, or in case of its failure or some other exceptional circumstances, a copies of the personal data collections shall be made and they shall be kept at softwares. The copies should be fireproof, protected against flooding and electro-magnetic interference in regular climate conditions and they should be kept locked.

Article 16

An employee who is responsible for receipt and recording of the mail, shall give the postal item directly to the individual to whom it is addressed or to the department to which the postal item was sent.

Article 17

Personal data may be transfered to information, telecommunication and other media only only if there are measures and means provided against unauthorized destruction of data, change or loss thereof, as well as unauthorized access, processing, use or transfer of personal data.

Sensitive personal data shall be transfered to the recipient until the receipt or delivery book is signed with a confirmation of delivery.

Personal data shall be submitted directly or by registered mail. The envelope containing the data which are being transfered must not be made in such a manner that its content could be seen by the normal light. Also, the envelope should be sealed in a manner ensuring that its opening could not be performed without visible signs that it had been opened.



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Article 18

Processing of the special category of personal data shall be particularly marked and protected. The data referred to in the above paragraph may be protected by telecommunication networks only if they are explicitly protected by cryptographic methods and electronic signature in order to ensure unreadability of the data during their transmission.

Article 19

Personal data are transmitted to users who demonstrate appropriate legal basis or on the basis of written request or consent of the individual to whom the data are related.

For each transmission of personal data the user must submit a written request, and the legal basis must be clearly indicated in the law which authorizes the user to obtain the personal data or it must contain a written consent of the individual to whom the data are related.

The Public Procurement Administration keeps records on personal data that are made available for use, according to the purpose for which they were provided and the legal basis for their use.

In case of acquisition and transfer of personal data between the state authorities, it is necessary to take into account the legal provisions regulating the administrative affairs. The original documents shall not be given, except when ordered so in written form by the court. The original document shall be replaced by its copy during its absence.

Article 20

In order to ensure protection of personal data from loss, destruction, unauthorized access, modification, publication or abuse, the Public Procurement Administration uses certain technical and security measures for protection of the personal data.

The personal data in written form shall be kept in a safe that is locked. The access to the safe containing personal data shall be granted only to the officer who, in accordance with his/her job description, manages processing of the personal data.

The personal data shall also be preserved in the electronic form, and the responsible person for creating and processing of the personal data, that is, for handling the electronic form of the collection application shall be an officer who, in accordance with his/her job description, manages the processing of personal data and is the only one who possesses the password for access to the application.

Article 21



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Personal data may be used only for the time necessary for achieving the purpose of their use, unless regulated otherwise by a separate law.

After expiry of the time period for their use the data shall be deleted, destroyed, unless stipulated otherwise by a law or some other legal act.

The time limits for erasing the personal data from the database must be precisely established.

Article 22

To delete data from computer media, such deletion method shall be used as to ensure that it is impossible to restart some or all of the deleted data.

Personal data shall be disposed off in a manner that prevents reading of some or all of the deleted data.

It is forbidden to throw the trash containig personal data into the bin.

A special committee shall take appropriate records upon data destruction.

Article 23

The employees shall, in case they are in knowledge of unauthorized destruction of confidential information, malicious or unauthorized use, access, alteration or damage thereof, immediately notify the authorized person, or make an attempt themselves to prevent such activity.

Article 24

The heads of organizational units and authorized persons appointed by the Director of the Public Procurement Administration shall be responsible for implementation of procedures and measures for protection of personal data.

Article 25

Each employee who processes the personal data shall implement the prescribed procedures and measures for protection of personal data and for protection of information of which they knew or were acquainted with in the process of their work. The obligation of protection of data does not cease to apply by termination of employment.



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Article 26

The internal regulation shall be posted on the bulletin board of the Public Procurement Administration, in order to inform all the employees about the conditions and manner of processing the personal data and measures for their protection.

Director
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