

Pursuant to Article 16, paragraph 1, item 4 of the Memorandum of Association of the INSTITUTE MIHAJLO PUPIN DOO BELGRADE - Consolidated text (Bulletin No. 12 / 03.12.2014), and in connection with the Law on Personal Data Protection (Official Gazette of RS No. 87/2018), Director of the MIHAJLO PUPIN INSTITUTE DOO BELGRADE, Prof. Sanja Vraneš, Ph.D. adopts on August 21, 2019:

THE RULEBOOK ON THE APPLICATION OF THE LAW ON PERSONAL DATA PROTECTION AND PRIVACY POLICY

PREAMBLE

The Regulation (EU) 2016/679 of the European Parliament and the Council from April 27, 2016 on the protection of individuals with regard to the personal data processing and free movement of such data and abolition of the Directive 95/46/EC (hereinafter: GDPR) is a Regulation of the European Union which regulates data protection and privacy of persons within the European Union, as well as the export of such data to the third countries. It has been published in the Official Gazette of the European Union on May 4, 2016, and has entered into force on the twentieth day after publication. It has been applied since May 25, 2018 in all EU member states.

The Law on Personal Data Protection of the Republic of Serbia (Official Gazette of the RS No. 87/2018 - hereinafter: the Law), which has been in force since August 21, 2019, is harmonized with the provisions of the above mentioned EU Regulation and represents a reform of personal data protection as a consequence of technological development and as a need for new ways of processing personal data.

I SUBJECT

Article 1

The Rulebook on Personal Data Protection and Privacy Policy (hereinafter: the Rulebook) of the INSTITUTE MIHAJLO PUPIN DOO BELGRADE (hereinafter: the Institute), in accordance with the provisions of the Law, provides legal security and transparency regarding the processing of personal data of employees and other individuals whose data are collected and/or processed at the Institute, presenting the basic legislative act which regulates the issues of legal basis, purpose of processing, type of data being processed, rights of individuals in terms of personal data processing, data protection measures, etc. relevant issues important for the protection of personal data.

The Rulebook also establishes the obligations of employees regarding the protection of personal data of individuals.

The Rulebook applies to employees of the Institute, but also to the contracted associates and other individuals hired by the Institute on any legal basis.

II DEFINITIONS OF TERMS

Article 2

Personal data is any data relating to a natural person whose identity is determined or identifiable, directly or indirectly, especially on the basis of identity - name and surname, identification number, location data, identifier in electronic communications networks, one or more features of physical, physiological, genetic, mental, economic, cultural and social identity.

Special types of personal data are data revealing racial or ethnic origin, political opinion, religious or philosophical beliefs or trade union membership, genetic data, biometric data, data on health status, sexual life or sexual orientation of an individual.

Personal data processing is any action or set of actions performed automatically or non-automatically with personal data or their sets, such as: collecting, recording, sorting, grouping, structuring, storing, comparing, modifying, discovering, inspecting, using, revealing by transmission, i.e. by submitting, duplicating, disseminating or otherwise making available, comparing, restricting, deleting or destroying (hereinafter: processing).

A controller is a natural or legal person, i.e. a government body that independently or together with others determines the purpose and method of processing.

A processor is a natural or legal person, i.e. a government body that processes personal data on behalf of the controller.

The Officer for Information of Public Importance and Personal Data Protection (hereinafter: the Officer) performs personal data protection tasks as an independent government body, independent in the exercise of its competence. Contact information is: The Officer for Information of Public Importance and Personal Data Protection, Bulevar kralja Aleksandra 15, 11120 Belgrade, phone +381 11 3408 900, fax +381 11 3343 379, e-mail address office@poverenik.rs

III PERSONAL DATA PROCESSED BY THE INSTITUTE

Article 3

The Institute may process the following personal data:

3.1 Data on employees, contracted associates and other natural persons engaged on any legal basis in the Institute:

- Name and surname, address of residence or stay, date and place of birth, sex, marital status, personal identification number, ID card number, passport number, citizenship, health insurance number, academic and professional qualifications (degree of education, titles, data on skills, licenses, knowledge of foreign languages, training, employment history, biography, etc.), financial data (bank account number, data on earnings and additional fees, etc.), data on performance of work obligations (position, assessment of mentor/superior, business e-mail address, IP address, access code, etc.), communication data (e-mail, telephone number, contact of family members/relatives, etc. for emergencies, etc.), as well as other data necessary for the performance of other obligations prescribed by the Institute as an employer and the implementation of employment contracts, i.e. another contractual relationship between a natural person and the Institute.

- The Institute can also process certain categories of special types of personal data: data on health status, religious affiliation, etc. in accordance with Article 17 of the Law, such as obligations or application of statutory powers in the field of labour, social security and social protection, provided that the Institute does not process a large number or other types of personal data other than those necessary to achieve the mentioned purpose.

If the Institute processes special types of data based on the person consent (e.g. for the purpose of adjusting the training conditions to the health condition of an employee or contracted associate or other natural person engaged by the Institute on any legal basis), the consent must be obtained in writing and it must contain detailed information on the type of data being processed, the purpose of the processing and how the data is used.

According to the Law on Science and Research, the Institute collects the following personal data: name and surname of the researcher, name of one parent, gender, personal identification number of the researcher, identification number of the researcher, scientific or teaching title, date of acquiring the title and institution where it was acquired, scientific research organization in which the researcher is employed and the address of residence, list of scientific publications, patents and technical solutions that the researcher has achieved in his scientific research work.

3.2 Data on the Institute business partners:

- name and surname, name of the employer/institution/organization/educational institution/body, etc. that person represents or comes from, date and place of birth, address of residence or stay, gender, personal identification number, ID card or passport number, information on academic and professional qualifications, position or function, contact e-mail address, contact phone.

3.3 Data on candidates for recruitment or other form of engagement in the Institute:

- name and surname, date and place of birth, personal identification number, academic and professional qualifications, data on special knowledge, training, licenses, work experience, etc. contained in the CV and/or motivation letter (level of education, titles, data on skills, knowledge of foreign languages, other trainings, licenses, lists of previous employers, etc. data on work experience, etc.), contact data (e-mail, telephone number).

During the recruitment, the Institute does not prescribe the form of the CV of the candidate for employment and other work engagement in the Institute, therefore it can come into possession of a larger amount of data than required only by the will of the candidate, and there are situations when natural persons submit a CV to the Institute when there is no job vacancy, offering their engagement and in these situations the Institute treats the obtained personal data in an identical manner.

IV PERSONAL DATA SOURCE

Article 4

The Institute collects personal data directly from the data subject electronically, in writing and/or orally.

The Institute can collect data on employees, contracted associates and other natural persons engaged on any legal basis in the Institute and on candidates for recruitment or other form of employment in the Institute and from sources other than those referred to in the previous paragraph of this Article 4 of the Rulebook, primarily from previous employers, provided that the data are relevant for recruitment, i.e. other work engagement at the Institute.

The Institute is obliged to permanently delete all excessive data immediately upon their receipt.

V PURPOSE AND LEGAL BASIS OF DATA PROCESSING

Article 5

Personal data are collected for purposes that are specifically defined, explicit, justified and lawful and cannot be processed further in a way that is not in accordance with those purposes. The personal data collected are appropriate, relevant and limited to what is necessary in relation to the purpose of the processing.

The Institute processes the personal data exclusively for the purposes listed in the further text of the Rulebook and does not process more data or a wider range of data than those necessary for the realization of the stated purposes in the further text.

The processing of personal data is performed in accordance with Article 12 of the Law:

"Processing is legal only if one of the following conditions is met:

- 1) a data subject has consented to the processing of his/her personal data for one or more specially designated purposes;
- 2) processing is necessary for the execution of the contract concluded with the data subject or for the undertaking of actions, at the request of the data subject, before the conclusion of the contract;
- 3) processing is necessary in order to comply with the legal obligations of the controller;
- 4) processing is necessary in order to protect the vital interests of the data subject or another natural person;
- 5) processing is necessary for the purpose of performing activities in the public interest or performing the legally prescribed powers of the controller;
- 6) processing is necessary in order to achieve the legitimate interests of the controller or a third party, unless those interests are overridden by the interests or fundamental rights and freedoms of the data subject requiring the protection of personal data, and in particular if the data subject relate to a minor."

5.1 Employment or other work engagement in the Institute and human resources management:

The Institute processes personal data for the purpose of establishing and realizing employment, including other legal bases on the basis of which the Institute hires external associates, consultants and other third parties, such as: determining the adequacy and qualification of candidates for certain jobs; to manage working hours and absences; for the calculation of salaries, travel expenses and daily allowance; for determining benefits based on sick leave and other types of leave from work; to assess employee progress; to provide additional training and education; for disciplinary proceedings; for the purposes of other records prescribed by law.

5.2 Business activities:

The Institute processes personal data for the needs of the concluded contracts implementation, project management, organization of office operations, monitoring of goods and services and business development, for reporting to contracting authorities and government agencies on implemented projects, for training and other services provided by the Institute. There is always a legitimate interest of the controller in situations when work is obtained on the market, among other things after the tender procedure or in tender procedures, and especially when it is necessary to prove the possession of human capacity to perform work within the scope of the controller.

5.3 Communication, information technologies and information security:

The Institute processes personal data for the purpose of managing and maintaining the functionality of the communication and information network, maintaining security, including information security, and performs video surveillance in order to secure property and persons in a manner and to the extent in accordance with the Law and other relevant regulations.

5.4 Compliance of business with relevant regulations:

The Institute processes personal data in order to fulfil legal obligations and harmonize operations with applicable legal regulations, primarily in the field of work, safety and health at work, tax legislation, financial and general regulations.

VI DATA DISCLOSURE AND DATA TRANSFER OUT OF THE REPUBLIC OF SERBIA

Article 6

Recipients of personal data are: competent state bodies in the process of registering employees and family members for compulsory social insurance and in the process of exercising employees' rights before the competent authorities, line ministry, and contractual partners in case of legitimate interest of the controller and any other recipient if reasonable and necessary.

Depending on the specific purpose, the following may have the access to certain personal data:

- Employees, as well as external associates hired under another contractual relationship, i.e. legal basis (which undertake to maintain the confidentiality of data), only to the extent necessary for the purposes of processing;
- Business partners, that perform certain processing tasks for the controller as processors, such as external associates that provide certain services to the Institute, as well as software companies that develop and maintain software in which data is stored;
- Competent state i.e. public authorities, if it is a legal obligation of the controller, and only for the purpose and to the extent necessary to achieve a specific legal obligation, i.e. which is prescribed.
- Contracting authorities, in the procedure of joint submission of tenders or tenders with a subcontractor;
- Other competent authorities when it is reasonable and necessary, e.g. in case when life and health of employees are in danger.

Recipients and persons who have access to personal data are obliged to take appropriate technical, organizational and personnel measures to protect personal data. In situations when the

Institute is the controller and data processing is done by a third legal entity as a processor on behalf of the Institute, the contract regulates relations with processors and all important aspects of personal data processing as well as protection measures.

The Institute does not intend to disclose personal data to another country or international organization. When it is necessary, in order to realize the legitimate interests of the controller, personal data can be given to contractual partners from abroad, in the process of forming bids, i.e. concluding foreign contracts. Some processors who can access personal data have registered offices in foreign countries, primarily in EU member states or in member states of the Council of Europe Convention 108. Data transfer to these countries is based on the required level of adequate protection of personal data in those countries, in accordance with the Law. If individual processors have their registered offices outside the mentioned group of countries, the disclosure of data would be possible only with the application of the provisions of Article 65 of the Law which regulates transfer with the application of appropriate protection measures.

VII DATA RETENTION DEADLINES

Article 7

The Institute shall retain personal data until the deadline determined by the Law, and for data which retention period is not determined by the Law, the data shall be kept only until the deadline for achieving the purpose for which they were collected.

If personal data are collected through a recruitment or other form of engagement at the Institute, for persons employed at the Institute personal data are kept until the deadline defined by the Law, and for persons not employed up to 2 (two)) years after the expiration of the recruitment notice, i.e. from the day when the person voluntarily submitted his/her personal data to the Institute, all for the purpose of subsequent assessment of the need to hire candidates for employment or other engagement in the Institute on any legal basis.

If personal data are collected due to compliance with the legal obligations of the Institute (e.g. in the field of labour law, regulations on safety and health at work and other regulations), personal data are kept until the deadline specified by the Law.

If personal data are collected due to the existence of a legitimate interest in processing (e.g. in the process of forming and submitting bids, contractual obligation under the project, etc.), the data are kept within 2 (two) years from the date of the decision of the Purchaser by which it informs that the offer submitted by the Institute is not accepted, in any form, i.e. if the offer is accepted until the end of the contract, i.e. project and 2 (two) years after its completion, unless another retention period is determined by the provisions of the contract, i.e. project.

After fulfilling the purpose, i.e. after the expiration of the legally prescribed period for data retention, the data will be permanently deleted.

Personal data may be retained for a longer period of time, for the purpose of fulfilling legal obligations or for establishing, performing or defending a legal claim, in accordance with regulations.

VIII PERSONAL RIGHTS REGARDING PERSONAL DATA PROTECTION

Article 8

The data subject has the following rights:

- the right to be informed about the processing (information) as well as to request access to data (insight) from the controller in accordance with the Article 26 of the Law, which includes the right to review, read, listen to data and make notes and obtain copies of personal data,
- the right to request from the controller the correction, supplementation or deletion of personal data in accordance with Article 29 or Article 30 of the Law,
- the right to request from the controller a restriction of processing in accordance with Article 31 of the Law,
- the right to object in accordance with Article 37 of the Law,
- the right to data transfer in accordance with Article 36 of the Law,
- the right to revoke consent at any time, whereby the revocation of consent does not affect the admissibility of processing on the basis of consent before revocation, if the legal basis for processing is the consent of the person whose data are processed for one or more specific purposes (Article 12, paragraph 1, item 1) of the Law), i.e. when the person has given explicit consent for the processing of special personal data for one or more purposes of processing, unless the Law prescribes that the processing is not performed on the basis of consent (Article 17, paragraph 2, item 1) of the Law),
- the right to submit a complaint to the Officer for Information of Public Importance and Personal Data Protection, Bulevar kralja Aleksandra 15, 11120 Belgrade, telephone 011/3408 900, fax 011/3343 379, email office@poverenik.rs in accordance with Article 82 of the Law.

The data subject can exercise the rights from the previous paragraph by sending a request to the following email address info@pupin.rs.

The Institute will respond to the submitted request as soon as possible, and no later than within 30 days from the day of receipt of the request, and in case of complexity or a large number of

requests, an additional deadline may be required to respond to the request which cannot be longer than 90 days, of which the applicant will be notified in writing.

Providing personal data is: a legal and contractual obligation and the legal consequences of refusal are determined by the Law.

Article 9

In accordance with the provisions of Article 38 of the Law, the data subject has the right not to be subject to a decision made solely on the basis of automated processing, including profiling, if that decision produces legal consequences for that person or that decision significantly affects his position.

Paragraph 1 of this Article shall not apply if the decision is:

1. necessary for the conclusion or execution of a contract between the data subject and the controller;
2. based on the Law, if the Law prescribes appropriate measures for the protection of the rights, freedoms and legitimate interests of the data subject;
3. based on the consent of the data subject.

In the case referred to in paragraph 2, items 1) and 3) of this Article, the controller is obliged to apply appropriate measures to protect the rights, freedoms and legitimate interests of the data subject, and at least the right to ensure the participation of a natural person under the control of the controller in decision making, the right of the data subject to express his/her attitude regarding the decision, as well as the right of the data subject to challenge the decision in front of the authorized person of the controller.

Decisions referred to in paragraph 2 of this Article may not be based on special types of personal data referred to in Article 17, paragraph 1 of this Law, unless Article 17, paragraph 2, items 1) and 3) of this Law apply and if appropriate measures to protect the rights, freedoms and legitimate interests of data subjects are provided.

IX EMPLOYEES OBLIGATIONS

Article 10

Employees and other persons employed in the Institute are obliged to provide their personal data that are necessary for the Institute to fulfil its legal obligations, as well as when there is a legitimate interest of the Institute for processing.

Employees and other employees of the Institute are obliged to respect and protect personal data that they process while working in or with the Institute and are authorized to process only those data for which they have been granted access, in accordance with the tasks entrusted to them.

The person for the protection of personal data at the Institute is Ana Divac-Šarić, Ph.D. in Law, contact phone 011/6774 479, e-mail ana.saric@pupin.rs.

X PERSONAL DATA PROTECTION MEASURES

Article 11

Within its business organization, the controller implements all necessary organizational, technical and personal measures for the protection of personal data, including but not limited to:

- Technical protection measures;
- Control of physical access to the system where personal data are stored;
- Data access control;
- Data transfer control;
- Data availability control;
- Other measures of information security;
- All other measures necessary for the protection of personal data.

Third parties who process personal data on a certain legal basis also have the obligation to apply all necessary technical, organizational and personnel protection measures.

The Institute keeps and processes all personal data as a business secret, with the application of all available technical and organizational data protection measures, in accordance with the Law, all other relevant regulations and normative acts of the Institute.

XI FINAL PROVISIONS

Article 11

This Rulebook shall enter into force and apply on the 8th day from the day of its publication in the Bulletin of the Institute.

INSTITUT MIHAJLO PUPIN DOO BELGRADE

Director

Prof. Sanja Vraneš, Ph.D., El.Eng..

