

**National Assembly of the Republic of Serbia
Kralja Milana 14
11000 Belgrade
Serbia**

Call for Support of the Transparency of the Process for the Selection of a new Commissioner for Information of Public Importance and Personal Data Protection

Mr Mirko Krlić, MP
Chairperson of the Culture and Information Committee

Ms Nataša Mičić, MP
Deputy Chairperson of the Culture and Information Committee

Dear Chairperson and Deputy Chairperson,

The Commissioner for Information of Public Importance and Personal Data Protection of the Republic of Serbia was established in 2004, when the first Law on Free Access to Information of Public Importance was adopted. After the first Law on Personal Data Protection had been adopted in 2008, the institution also became the Data Protection Authority of Serbia. During the past 14 years, the Office of the Commissioner has given an **invaluable contribution to freedom of information and protection of citizens' personal data**. Furthermore, the new Law on Personal Data Protection was just adopted, and the Law on Free Access to Information of Public Importance is being reformed, and therefore the Commissioner's role will now be even more important.

Bearing in mind the importance of the Commissioner for Information of Public Importance and Personal Data Protection, as an independent institution that provides legal protection in the exercise of these two constitutional rights of citizens, and

Building from the standards set by the existing legal framework and good practices that provide for the selection of the best candidates in the procedure open to the public, **the undersigned organisations invite the Culture and Information Committee of the National Assembly of Serbia to honor the following standards:**

- In accordance with its jurisdiction referred to in Article 29, Paragraph 1 of the Law on Free Access to Information of Public Importance, Article 58 of the Law on Personal Data Protection and Article 203 of the Rules of Procedure of the National Assembly, to **start the procedure for the election of a new Commissioner, as soon as possible**, since the current Commissioner's mandate expires on December 22, 2018;
- To make the **procedure for selecting** the best candidate for this function **transparent**, based on the legal framework relating to the election of the president and members of the Republic Commission for the Protection of Rights in Public Procurement Procedures, by **publicly inviting** all interested persons who meet the requirements to provide evidence of their qualifications, **consider the applications received and publish the results** of this consideration;
- To **determine the legal conditions for selection**, where, in addition to general expertise and experience in the protection and promotion of human rights, priority should be given to **candidates with specific expertise and experience** in relation to the protection and promotion of both human rights within the Commissioner's jurisdiction (the right to access to information and the right to protection of personal data);
- To **conduct interviews with the best candidates** at a session that will be open to the public, in order to deliver reasoned decision on the proposal to the National Assembly;
- To **justify the proposal for a decision on the best candidate's choice** according to each of the set conditions.

For all of the above reasons, we call on you to take a firm stance for citizen's rights by following these recommendations. We call on you to ensure the highest standards in the selection and appointment of the new Commissioner in order to respect the foundations of a free, innovative and open digital society that delivers the best data protection standards in Serbia, in line with the European Union General Data Protection Regulation (GDPR) and the Convention 108 of the Council of Europe.

Best regards,

European Digital Rights (EDRi) – Europe, Access Now – Europe, Association for Technology and Internet (APTi) – Romania, Electronic Frontier Norway – Norway, Epicenter.works – Austria, Homo Digitalis – Greece, Open Rights Group – United Kingdom, Privacy International – United Kingdom



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