In the new Personal Data Protection law (RS Official Gazette no. 87/2018), which came into force on November 21st, 2018, is applicable as of August 21st, 2019.

It is necessary to know that the 9-month time limit was provided for familiarisation with provisions of the law and their harmonisation with the business operations, because we are talking about extensive and long-awaited changes of the personal data protection laws and regulations in the Republic of Serbia, with the aim of their harmonisation with the European Union laws and regulations, namely with the General Data Protection Regulation (hereinafter: GDPR) in particular, which is applicable as of May 2018.

EMS AD takes care of the protection of personal data and adheres to the provisions of the legislation in force in its business operations.

You may find out more about how EMS AD treats the personal data if you continue reading this Notice.

This is a general notice, and it should be interpreted in that way.

Key definitions

1. 'personal data' means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

2. 'data subject' means a natural person whose personal data are processed;

3. 'personal data processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, submission, duplication, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction (hereinafter: the processing);

4. 'restriction of processing' means the marking of stored personal data with the aim of limiting their processing in the future;

5. 'profiling' means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects
concerning that natural person’s performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

6. ‘pseudonymisation’ means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational and HR measures to ensure that the personal data are not attributed to an identified or identifiable natural person;

7. ‘filing system’ means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis;

8. ‘controller’ means the natural or legal person, or public authority which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by law, the controller or the specific criteria for its nomination may be provided for by law;

9. ‘processor’ means a natural or legal person, or public authority, which processes personal data on behalf of the controller;

10. ‘recipient’ means a natural or legal person, or public authority, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing;

11. ‘third party’ means a natural or legal person, or public authority, other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data;

12. ‘consent’ of the data subject means any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

13. ‘personal data breach’ means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed;

14. ‘genetic data’ means personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question;

15. ‘biometric data’ means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;

16. ‘data concerning health’ means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status;

17. ‘representative’ means a natural or legal person residing or having its registered seat in the territory of the Republic of Serbia who is authorized, in line with the article 44 of the Personal Data Protection law, to represent the controller or processor with regard to their respective obligations under the law;

18. ‘enterprise’ means a natural or legal person engaged in an economic activity, irrespective of its legal form, including partnerships or associations regularly engaged in an economic activity;
19. ‘multinational company’ means (a) an enterprise which is the controlling founder or controlling member of the enterprise, or founder of its subsidiary, that performs an economic activity in a country where its seat is not located; (b) an enterprise which is a significant shareholder in the enterprise, or its subsidiary, that performs an economic activity in the country where the seat of the multinational company is not located, pursuant to the law on enterprises;

20. ‘group of undertakings’ means a group of connected enterprises, pursuant to the law governing the connection of enterprises;

21. ‘binding corporate rules’ means personal data protection policies which are adopted and adhered to by a controller or processor established on the territory of the Republic of Serbia with the temporary or permanent place of residence or the seat on the territory of Serbia, and all for the purpose of regulating of the transfer of personal data to the controller or processor in one or more countries within multinational company or group of undertakings;

22. ‘Commissioner for Information of Public Interest and Personal Data Protection (’Commissioner’) means an independent and autonomous public authority which is established in line with the Personal Data Protection law, and is authorized to supervise the enforcement of this law as well as to perform other duties prescribed by the law;

23. ‘information society service’ means any service normally provided for remuneration, at a distance, by means of electronic equipment at the request of a recipient of a service;

24. ‘international organisation’ means an organisation and its subordinate bodies governed by public international law, or any other body which is set up by, or on the basis of, an agreement between two or more countries;

25. ‘public authority body’ means a state body, territorial autonomy body, a local self-governance body, public enterprise, institutions and other public services, organisations, and other legal or natural person exercising public;

26. ‘competent authorities’ are:

− government authorities competent to prevent, investigate and detect criminal as well as to prosecute perpetrators, and to enforce criminal sanctions, including the safeguarding against and prevention of threats to public and national security;

− legal person authorized by the law to perform duties referred to in the preceding paragraph.

Principles

Principles relating to personal data processing in compliance with the Personal Data Protection law (Official Gazette of the Republic of Serbia, no. 87/2018):
1. **‘lawfulness, fairness and transparency’**: Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject;
2. **‘purpose limitation’**: Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
3. **‘data minimisation’**: adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. **‘accuracy’**: Personal data shall be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
5. **‘storage limitation’**: Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
6. **‘integrity and confidentiality’**: Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical, organizational and HR measures.

### Lawfulness of processing

Processing of personal data shall be lawful only if and to the extent that at least one of the following applies:

1. the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
2. processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
3. processing is necessary for compliance with a legal obligation to which the controller is subject;
4. processing is necessary in order to protect the vital interests of the data subject or of another natural person;
5. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
6. processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

### Rights of the data subject

Data subject can exercise the following rights in EMS AD in line with the Personal Data Protection law:

1. Right to Transparent information, Information and right of access to personal data
2. Right of rectification
3. Right to erasure
4. Right to restriction of processing
5. Right to data portability
6. Right to object

In order to exercise any right, the data subject may contact EMS AD at any time.

Where processing is based on consent the data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. It shall be as easy to withdraw as to give consent.
Contact details of the person for protection of personal data

Within the implementation of the standard for personal data protection, EMS AD has, in the capacity of the Controller of personal data, designated a person for protection of personal data, who you may address with any questions and requests relating to the processing of your personal data as follows:

Name and Surname: Jelena Živković  
email: jelena.zivkovic@ems.rs  
Mailing address: Elektromreža Srbije joint stock company, Kneza Miloša 11 street, Belgrade

Data subject’s rights in the event of unlawful processing

In the event of unlawful processing of personal data, the data subject is entitled to all rights provided by the Personal Data Protection law, the application of which is supervised by the Commissioner for information of public importance and personal data protection (Poverenik za pristup informacijama od javnog značaja i zaštitu podataka o ličnosti). The data subject is also entitled to the right to complain to the Commissioner itself at the following mailing address: Bulevar Kralja Aleksandra 15, 11 000 Beograd, or e-mail address: office@poverenik.rs