

# STRATEGY

## ON PERSONAL DATA PROTECTION IN REPUBLIC OF MACEDONIA

2017-2022

May, 2017



# STRATEGY ON PERSONAL DATA PROTECTION IN REPUBLIC OF MACEDONIA

2017 - 2022

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# LIST OF ACRONYMS

Abbreviation	Name
DPA	Data Protection Authority
DPO	Data Protection Officer
RBPD	Responsible body for personal data protection
DPDP	Directorate for Personal Data Protection
EU MC	EU member countries
GDPR	General Data Protection Regulation
LPDP	Law on Personal Data Protection
NGO	Non-Governmental Organization
PD	Personal Data
PIA	Personal data impact assesment
PDP	Personal Data Protection
QA	Quality assurance
RM	Republic of Macedonia
ToT	Trainer of Trainers
WS	Workshop

# 1. FOREWORD

This document is the second strategic paper for the Directorate for Personal Data Protection of the Republic of Macedonia. It is a crucial document describing the state of play of the data protection system on a national level, as well as expressing the urge and visualisation to have comprehensive and modern approach towards the protection of this human right on personal data protection.

In that sense, we have introduced new challenges and endeavours to be met in the forthcoming period taking into account the national and international requirements to be fulfilled, having in mind the main principles of independence, as well as the need on professional, transparent and qualified staff within the Directorate. In the Strategy we do envisage guarantying of data privacy, which means establishing system for prevention, respect and understanding for rights and obligations. **Data privacy** is the relationship between the collection and dissemination of data, technology used, the public expectation of privacy, and the legal and political issues surrounding them.

However, we do feel most obliged to say that a single person or entity shall not see the fruit of its own work if the entire society is not focused and engaged in gaining the expectations met recognizing the obligations raising from the protection of processing personal data.



## 2. INTRODUCTION

The Law on Personal Data Protection from 2005 ("Official Gazette of the Republic of Macedonia" no. 7/2005) provided for the establishment of **the Directorate for Personal Data Protection**, which will be responsible for supervision of the legality of processing of personal data and its protection on the territory of the Republic of Macedonia.

In the Republic of Macedonia the right to protection of personal data is regulated in Article 18 of the Constitutional Act of the Republic of Macedonia in 1991: "The safety and confidentiality of personal data are guaranteed. Citizens are guaranteed protection from violation of their personal integrity resulting from the registration of information through their data processing", while the right to privacy is defined in Article 17, 25 and 26 from the Constitutional Act.

The Law on Protection of Personal Data ("Official Gazette of the Republic of Macedonia" no. 7/2005) and the amendments to the Act ("Official Gazette" No. 103/2008, 124/2008, 124/2010, 135/2011, 43/2014, 153/2015 and 99/2016) has shown the compliance with the Directive of the European Parliament and of the Council 95/46/EC and other international instruments or national state of play.

There are data protection provisions in many sectorial legislation such as: Law on Criminal Procedure, Law for health protection, Police law, Law on electronic communications etc.

The legal framework for the protection of personal data in the country complements the Law on Ratification of the **Convention of the Council of Europe br.108/81 for the Protection of Individuals with regard to Automatic Processing of Personal Data** ("Official Gazette" No. 07/2005), ratified on 24.03.2006 and entered into force on 01.07.2006. The Parliament of the RM in 2007 has ratified **the Additional Protocol to the Convention** regarding supervisory authorities and trans-border of data.

The right of protection of personal data and the right to privacy are different human rights. Due to great importance of privacy for the individual, in most countries the right to privacy is regulated on constitutional level, as is the case with the Republic

of Macedonia. The right to privacy in the Constitution of the Republic of Macedonia encompasses some basic rights such as: to every citizen is guaranteed the respect and protection of the privacy of his/her personal and family life, dignity and reputation, every citizen is guaranteed the inviolability of the home, **security and confidentiality of personal data**. (These rights can be restricted only in cases defined by law and following appropriate legal action.)

For the purpose of supervising the lawfulness of the undertaken activities while processing and protecting personal data, the Directorate for Personal Data Protection as an individual and independent state body with the capacity of legal entity was established on 22 June 2005, when the first director was appointed. This status provides independence in relation to the executive, legislative and judicial powers, as well as in terms of the authorities of local government.

The Directorate is managed by a Director, who is appointed by the Parliament, for a period of 5 years with the right of one re-election.

The Director has a Deputy. Before stepping on the function, Director and Deputy director give solemn declaration in front of the parliament of Republic of Macedonia. For its work the Director and the Deputy are responsible in front of the Parliament.

The Director submits to the Parliament of the RM an Annual Work Report of the Directorate. If necessary and upon a request of the Parliament, the Director shall submit an additional report. The Director brings and adopts all decisions about the work of the Directorate.

The Directorate has 25 employees, from which 22 employees <sup>1</sup> with university degree having civil servant status, and having experiences in specific fields too, relevant for fulfilling the duties and competencies of the Directorate.

The headquarters of the Directorate is on the address: Blvd. "Goce Delchev" no. 18, MRTV building, 14th floor, Skopje.

<sup>1</sup> State from 31.12.2016

### 3. PRELUDES

This document summarizes the results of the strategy preparation process which took part in 2016. The Strategy paper is created with the expert support and input from the employees from the Directorate for Personal Data Protection to show the firm determination of strengthening its role as a policy creator in this area.

Workshops were held with the Data Protection Officers and other interesting parties and many discussion tables within the Directorate answered the questions about the priorities and results we want to strive for.

As basis, we followed the previous strategy paper document as well, with the aim of setting the right corner stone for new beginnings. Therefore an internal and external audit of the Action Plan 2012-2016 for the implementation of the Strategy 2012-2016 was conducted by focusing on real/measurable results and setting the methodology for record keeping of activities. The following results were presented: "The total number of completed activities in the period 2012-2014 is 62.5% of the activities listed in the Action Plan 2012-2016. According to the previously established terms of implementation, set in the Action Plan 2012-2016, there is a high level of realization before the deadline; de facto significant progress in the work of the institution is achieved."

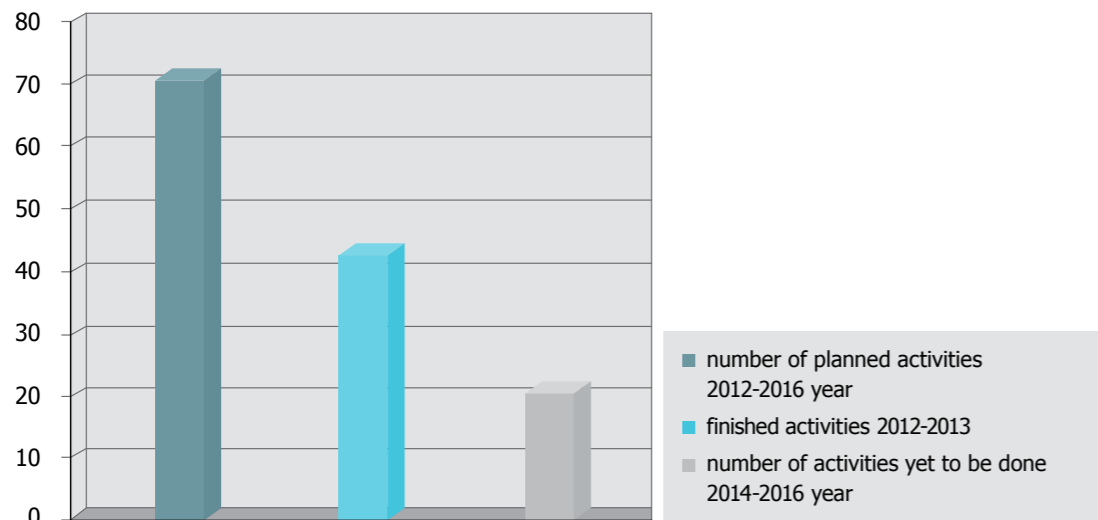


Figure no. 1

Yet, input was given from the public surveys prepared in the previous years and public polls within the campaigns organized which all stated the good path chosen towards the achievement of results.

The table below summarizes the results of the evaluation (SWOT Assessment) of the current situation in the area of personal data protection:

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>Established institutional frame (Existence of DPDP)</li> <li>Compliance of the Law on Personal Data Protection with EU legislations and international documents</li> <li>Ongoing System of Trainings</li> <li>Established system of DPOs</li> <li>Rulebooks for Internal and external control</li> <li>Willingness to be in line with the latest IT technology</li> <li>Experienced and committed staff at DPDP</li> </ul>	<ul style="list-style-type: none"> <li>Lack of full harmonization of sectoral laws to LPDP and European standards</li> <li>Limited resources (both staff and financial) of DPDP</li> <li>Status/support of the DPOs within their organizations</li> <li>Low level privacy impact and data security assessment in IT developments/interconnections</li> <li>Still existing need on further rising awareness and culture of protection of personal data ...</li> </ul>

Opportunities	Threats
<ul style="list-style-type: none"> <li>• Using EU funds/further expert support</li> <li>• Involvement of NGO's</li> <li>• Opening the process of negotiation with EU for accession</li> <li>• Widening international cooperation, exchange of experience and information</li> </ul>	<ul style="list-style-type: none"> <li>• Existence of political crisis</li> <li>• Adoption of regulation in urgent procedure</li> <li>• Other policy priorities (security, sectoral, political...) might weaken influence</li> <li>• PDP falling out of focus because of critical events / extraordinary state (incidents, natural disasters, political or economic crisis-etc.)</li> <li>• Delay of EU accession</li> </ul>



## 4. MAIN INFLUENCING FACTORS

### 4.1. Going the world digital (E- Environment)

Whilst preparing this document several global trends were taken into account affecting the personal data protection mechanism with the aim of getting ready to respond the challenges in question such as:

- The global trends of Digitalization: resulting in more and more networked society, rapidly spreading internet of things, big data analysis, e-marketing, smart living, e-government concepts with co-operating databases;
- Continuing globalization resulting in increasing international flow of data even of personal nature;
- Getting the questions of national and global security more and more important, affecting also the privacy sphere of the citizens;
- Increasing the level of importance of educating children for personal data protection rights;
- Increased Community and Society Requirements on accountability, transparency, increased supervision and improved cooperation.

### 4.2. Changing legal environment

The European Union gave its answer to the challenges of the above global trends: It completely re-defined the legislative framework of protection of personal data, by the following items:

- The new Regulation 2016/679 (GDPR - General Data Protection Regulation) which completely replaces the Directive 95/46/EC and will be directly applicable from 25 May 2018 in all EU Member States.
- The new directive 2016/680 (Criminal Data Protection Directive) which shall be transposed by the Member States by 6 May 2018.
- New proposal for Regulation on privacy and electronic communication which will increase the protection of people's private life and open up new opportunities for business. This new Regulation is still under approval, but will replace the Directive 2002/58/EC.

Although the Republic of Macedonia is not a Member State (with status of candidate from 2006) it is a basic interest of the country to harmonize its national legislation with the above mentioned EU legislation. The most important novelties (relevant also for the Republic of Macedonia) include the revised rule of transferring personal data to countries outside EU; new rights of data subjects and new methodologies for assuring compliance; increased role and responsibility of supervisors (DPAs); new institutional structure and new rules of co-operation among DPAs.

## 5. Mission and vision of the Directorate for Personal Data Protection Document for the period of 2017-2022

Having all above considered we have agreed on the following:

### 5.1. Mission

**Our Mission is strengthening, promotion and protection of the natural persons' data privacy through supervision, guidance and legislative opinions.**

### 5.2. Vision

**Our vision is to be a recognizable protector and promotor of natural persons' privacy rights in relation to processing of their personal data, with a motivated team ready to respond to the challenges of the digital age.**

### 5.3. Values and Principles

To have a common basis of our organizational and personal behaviour we follow the values and principles as follows:

- Impartiality - working within the legislative and policy framework given to us, being independent and objective;
- Transparency - explaining what we are doing and why, in clear language that is accessible to all;
- Pragmatism - understanding our clients' needs and seeking solutions that work in practice;
- Integrity - we follow the same rules of protecting personal and business data as we enforce among others;
- Supportive, Proportionate, and Consistent - first provide support to understand obligations and get compliant, respond proportionately to breaches of rules, enforce implementation of decisions;

## 6. STRATEGIC GOALS

In order to fulfil the Mission and Vision, the following strategic goals have been recognized as important to be implemented.

In order to serve the basic interest of the Republic of Macedonia (as the Founder of the system of Personal Data Protection and the Directorate for Personal Data Protection) we have defined the following strategic goals:

- **Strategic Goal 1**

Republic of Macedonia is recognized as a country providing adequate level of Personal data Protection.

- **Strategic Goal 2**

Establishment of self-sustainable system for personal data protection providing adequate level of Personal data Protection

In order to fulfil our mission and serve the clients (natural persons, controllers and processors as well as partner organizations) according to our vision we have defined the following strategic goals:

- **Strategic Goal 3**

Continuous increase of the public awareness and the culture of protection of personal data

- **Strategic Goal 4**

Continuous compliance improvement of the controllers and processors of personal data

- **Strategic Goal 5**

Continuous cooperation with the partners

In order to be able to manage the above development within the Directorate we have defined the following strategic goals:

- **Strategic Goal 6**

Increasing efficiency of administrative procedures

- **Strategic Goal 7**

Handle International issues effectively

All these can be done only by a well prepared and motivated expert team, therefore we have defined the following strategic goal:

- **Strategic Goal 8**

Trained and motivated team to respond to challenges

Below we give a more detailed explanation of the goals and objectives, while the Annex defines the actions and activities necessary to meet the goals and objectives.

### *6.1. Strategic Goal 1 - Republic of Macedonia is recognized as a country providing adequate level of Personal data Protection.*

To serve the basic interest of the country, the legislation and practice of handling personal data in the Republic of Macedonia shall fit to the European standards, assuring the adequate level of protecting data privacy. This status has to be reached as soon as possible starting with the necessary activities as soon as the requirements and conditions of adequacy decisions get known.

#### *6.1.1. Achievement of adequacy (to be granted by the Commission of the EU)*

The adequacy statement will be issued by the European Commission after a thorough investigation of the personal data protection system of the specific country. The criteria of the adequacy decision are defined by the GDPR (Art 45) and the detailed procedure will be managed by the European Commission.

#### *6.1.2. Legislation harmonization (LPDP to GDPR, bylaws to new LPDP, sector legislation to new LPDP, secondary legislation with LPDP and EU legislation of the respective sector)*

In order to achieve the required level of adequacy, the harmonization of the relevant legislation is obviously needed on different levels: harmonization of the Macedonian LPDL to the GDPR; harmonization of the different sector legislation with the new LPDP; harmonization of the secondary legislations, bay-laws with the new LPDP; and adjusting the internal regulations accordingly.

## 6.2. Strategic Goal 2 - Establishment of self-sustainable system for personal data protection providing adequate level of Personal data Protection

Another condition of achieving adequacy is the stable and lawful operation of the entire personal data protection system. It shall work in a lawful, transparent, controllable, and self-sustainable way. In our interpretation, to achieve this status, the following objectives shall be set:

### 6.2.1. Strengthening the position as independent supervisory authority (according to the criteria of independence, based on GDPR Art 52)

The independent supervisory authority (like the Directorate for Personal Data Protection) has a key role (mission) in promoting, strengthening and protecting of the natural persons' data privacy through supervision, guidance and legislative opinions. In order to make this possible, both the current legislation and the new one (in harmony with the GDPR) shall define the conditions of independence (like autonomy in decision making, adequate financial and human resources, rules of appointment and dismissal etc.). The necessary steps should be made to assure the practical implementation of these independency criteria.

### 6.2.2. Achieving status of Certification body (according new LPDP, based on GDPR Art 42-43)

One of the most effective tools to achieve compliance of the processors and controllers to the rules of protection of personal data is the certification of their system of handling personal data. By this proactive approach, a lot of risks can be minimized at the controllers/processors, and the effective utilization of the resources of the DPA can be supported to. The most effective and simple way of such a certification system could be (considering the characteristics of our country) if the Directorate got the status of Certification Body by the new LPDP.

### 6.2.3. Strengthening the role of Data protection officers (according to new LPDP, and by providing support, trainings etc.)

Although the system of data protection officers has been well established by the current legislation, one of the most frequently mentioned shortage of the present state is, that the position of the DPOs in their organizations is somewhat weak and isolated. Because the DPO-s have a key role in assuring compliance it is very important

to strengthen their position within their organizations. This re-positioning can be supported also by enhancing their professional support by the Directorate, creation of a network of DPOs as well as providing regular trainings for them.

## 6.3. Strategic Goal 3 - Continuous increase of the public awareness and the culture of protection of personal data

Although in the recent period a lot of successful awareness rising programmes and actions were organized by the Directorate and its partners, we still believe, that there is a strong need on rising both the awareness level of the citizens on the importance of protecting their data privacy on one hand, but on the other hand, the general culture of handling personal data by the controllers, processors and users should be improved too (a "privacy by default" concept should be generally disseminated).

### 6.3.1. Increased level of knowledge of the citizens on their Data protection rights (a separate communications strategy is foreseen to support this)

The need on and right to protecting personal data is one of the basis of a society and economy respecting privacy. This basic concept is taken into consideration when defining the communications strategy of the Directorate for the next period (2017-2022), as well as when defining the specific actions under this objective.

### 6.3.2. Increased ratio of implemented decisions, which requires the increased number of control supervisions.

As listed among the values and principles, the Directorate is going to follow an approach of first providing support to understand obligations and get compliant, then responding proportionately to breaches of rules, third enforce implementation of decisions. The expected result is that the compliance ratio and ratio of implementing the decisions of the directorate will rise significantly.

### 6.3.3. Adoption of sector codes of conduct for PDP, as a tool, supporting compliance driven self-regulation of certain sectors.

In many countries key groups of controllers and processors prepare sector codes of conduct to set the sector standards for protection of personal data and privacy. This is a kind of self-regulation, with a certain control (approval of the codes) by the DPA, providing safety for both the controllers/processors and also for the data

subjects. The Directorate is going to encourage the representatives of the different sectors to create such safeguards.

#### 6.4. Strategic Goal 4- Continuous compliance improvement among the controllers and processors of personal data

This will be one of the main focus of many activities of the Directorate even in the next period. It has many components, which are part of other strategic goals too, therefore we specify here only one, but very objective.

6.4.1. *Enhancing accountability tools (Data Protection Impact Assessment, Privacy by Design, Audit etc.), which supports the controllers/ processors to implement a system which is compliant with the PDP rules.*

As the technology gets more and more complex, and the quantity of handled data is rapidly increasing the risks of handing personal data are also rising, and the ex post actions to make a certain data handling procedure compliant is getting more and more expensive. Therefore the ex-ante actions to assure compliance get more and more in focus. The Directorate is going support the controllers and processors by offering a wide range of techniques and tools to enhance their accountability in an ex-ante mode. It is our objective to promote the usage of such techniques as wide among the controllers and processors as possible.

#### 6.5. Strategic Goal 5 - Continuous cooperation with the partners

The right to data privacy is not an "isolated" right, but has many other neighbouring rights (most of the components of the "privacy"), but some competing rights too (e.g national security, right to free access to public information etc.). And, although the core competence of our directorate is to deal with the data privacy of natural (physical) persons, we have experienced in many cases that many natural persons are not able or not mature enough to protect their own rights. Therefore the NGO-s have an increasing role of protecting the components of the right to privacy. Therefore we consider both the state bodies responsible for promoting neighbouring or competing rights and the civil society as partners.

##### 6.5.1. *Increased cooperation with state bodies and private sector*

In the previous period some relations have been established with different state institutions and bodies (like Memorandum with KOMPSI, co-operation with the

Ombudsman). The circle of state institutions and bodies co-operating with should be widened and should be filled with real content (common actions, common events, trainings etc.) in order to increase the efficiency of promoting the complexity of the rights.

##### 6.5.2. *Enhanced cooperation with NGO's*

The NGOs may have multiple influence in promoting the protection of personal data: on one hand they may represent the data subjects, in many cases more effectively, than the single persons of data subjects, on the other hand they may be very good partners in rising the awareness level of the public or specific groups of the public. Both of these can be very fruitful if a good and effective co-operation can be set up among the Directorate and the relevant civil organizations. Therefore it is our objective to utilize all potential benefits of such co-operations in favour of our mission.

#### 6.6. Strategic Goal 6 - Increasing efficiency of administrative procedures

The above significant developments can be achieved, if our internal procedures are further developed in order to increase the efficiency and professionalism of our Directorate. As a Directorate, financed mostly from the state budget (ultimately by the citizens, but including some own incomes too), it is our responsibility to serve our clients in the most effective way and in favour of their interest.

##### 6.6.1. *Introduction of new technologies (like on-line inspection, electronic case handling etc.)*

There are new technologies supporting not only our clients but also potential tools to increase the efficiency of our activities. Some of these tools are under implementation (like on-line origination of cases by the citizens), but some are quite new even among the DPA-s of the EU member states. It is our objective, to find the most appropriate and realistic tools to implement in our routine activities in order to raise the efficiency and effectiveness of our operation as well as fit to the new technologies applied by our clients.

##### 6.6.2. *Enhancing the system for Ex officio handling cases of obvious / notified Breach of PDP*

Evaluating the happenings of the recent years the Directorate recognized that a more systematic approach should be followed in case of likely obvious violations of

data protection rules. Even the new LPDP is going to set more precise rules on the obligations of the controllers and processors on notifying personal data breaches. Our objective is to set up a system of observing, evaluating and case origination system of the notified or likely obvious breaches.

### *6.6.3. Response according to the QA system*

We have already a working internal Quality Assurance system, based on the ISO 9001 standards. It is our objective, that all procedures and cases should be handled according to the rules set by the system, especially those which affects any type of our clients.

## *6.7. Strategic Goal 7 - Handle International issues effectively*

Our country is integrated in the European and world networks of businesses, culture, social life and security. As described above, the rules of cross border transfer of data will be changed soon, and new European supervision bodies for personal data protection will appear too. New concepts of co-operation are under preparation too (like one stop shopping among DPA-s).

### *6.7.1. Active co-operation with DPA-s of other countries and the Board and Commission in international cases (following the new rules of international transfer of personal data)*

Although the Directorate is already involved in several international organizations and events, and have already some experience in co-operation with other DPAs, this situation shall be further developed, and transformed into a more proactive approach. This objective should be met following the still developing new co-operation concepts and developing institutional setup.

## *6.8. Strategic Goal 8 - Trained and motivated team to respond to challenges*

All above goals and objectives can be managed and achieved only by a well-trained, professional and motivated team, considering their tasks and responsibilities as their personal mission contributing the mission and vision of the Directorate. There are two main components of meeting this goal: the continuous update of the knowledge of the team and its members as well as keeping the level of motivation of all team-members on a level of serving the above goal.

### *6.8.1. Trained team - Skills development*

The civil servants of the Directorate own special knowledge and skills fit to the requirements of meeting the current challenges of their job. There are ongoing education programmes on new technologies, new ways of handling cases etc. Our target is, that the continuous knowledge and skills rising with team building and permanent trainings should be further intensified, because the challenges shown by the global trends described above will need a lot of multidisciplinary expertise, skill of analysing complex cases, having international experience and in certain cases comparative approach. To support the controllers and processors to assure their compliance improvement will need specific training abilities too.

### *6.8.2. Motivated team - Working Environment, employee reward system (introducing wide range of motivation tools)*

Currently the most important asset of the Directorate is its experienced, professional and committed team. This commitment, however should be turned to a sustainable motivation, because the knowledge the employees of the Directorate own is getting more and more valuable even for the controllers and processors and in many other businesses. This motivation has different material and non-material components, and our objective is to find the most appropriate set of motivation tools.

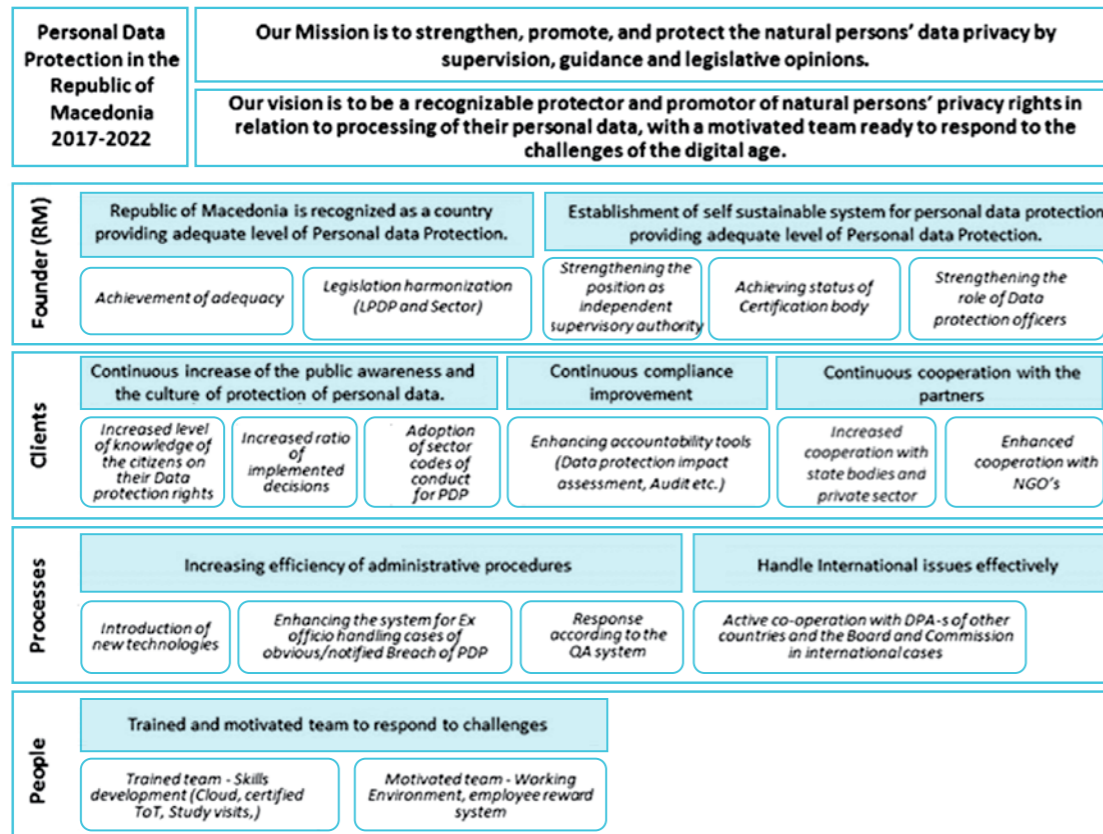
## 7. The strategic map set for the next period

The strategic map below summarizes all strategic statements we have defined for the next period.

There are several actions defined for each of the goals and objectives, identifying the necessary steps to be made from the current status to the desired future situation.

The strategic goals should be considered stable for the next period (unless some unforeseen significant environmental changes happen). The objectives have been defined to be stable for the next couple of years, however they have to be revised at least in every second year to assure the flexibility of the strategy.

The actions should be revised regularly too, taking into consideration their time-horizon.



## 8. Monitoring the progress

One of the success factors of the strategic management of the organization is the regular measurement / monitoring of the progress towards the goals and objectives.

In order to monitor this progress a set of indicators have been defined, linked to the hierarchy of the strategic goals, objectives and actions/activities.:

- Key performance indicators to the level of strategic goals and objectives
- Performance or operative indicators, success criteria to the level of actions

In the table, summarizing the strategic goals, objectives an actions/activities the proposed indicators /success factors are defined too. The initial and target value of the indicators will be determined after finalizing the definition and data sources of the indicators. The value of the indicators will be measured annually and presented in the Annual Report of the Directorate. Based on the results, the target values will be updated if necessary.

## 9. ANNEX

# PROPOSAL ON THE MONITORING OF THE IMPLEMENTATION OF STRATEGY ON PERSONAL DATA PROTECTION

2017 - 2022

19 October, 2017

Prepared by: Gabor Frischmann,  
Senior expert on Strategy Implementation

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# ANNEXES

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Composition of the KPI on independence (Art 52 of GDPR)

## Annex 2:

Status report example on the Implementation of the Strategy on Personal Data Protection 2017-2022

## Annex 3:

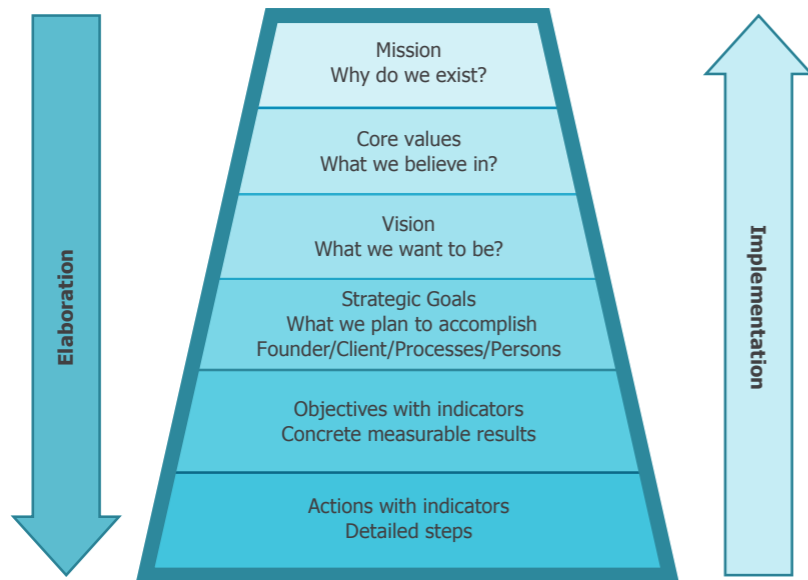
Status report example on the Implementation of the Actions belonging to Objective

# LIST OF ABBREVIATIONS

Abbreviation	Name
<b>DEUIC</b>	Department for EU Integration and International Cooperation (of DPDP)
<b>DGLA</b>	Department for General and Legal Affairs (of DPDP)
<b>DPA</b>	Data Protection Authority
<b>DPDP</b>	Directorate for Personal Data Protection
<b>DPO</b>	Data Protection Officer
<b>EC</b>	European Commission
<b>GDPR</b>	General Data Protection Regulation
<b>GS</b>	General Secretary (of DPDP)
<b>KPI</b>	Key Performance Indicator
<b>LPDP</b>	Law on Personal Data Protection
<b>MoF</b>	Ministry of Finance
<b>O</b>	Objective
<b>NGO</b>	Non-Governmental Organization
<b>QA</b>	Quality Assurance
<b>SG</b>	Strategic Goal
<b>TU</b>	Training Unit (of DPDP)

# 1. Proposed monitoring mode of the Implementation of the Strategy

The elaboration of the Strategy on Personal Data Protection for 2017-2022 has been a systematic work, based on a top-down approach, starting with the definition of the Mission of the Directorate finished with the creation of the Action plan. The implementation shall be similarly systematic, but in the opposite direction. If the elaboration process was correct, we can expect, that by implementing the elements of the Action plan we can meet the objectives, and the set of met objectives will result in achieving the strategic goals. And by that, we can expect, that the vision will be realized and the mission of the directorate will be fulfilled.



From implementation point of view the actions and objectives have critical roles:

- We have to check, whether the actions have been implemented, and
- We have to check, that by that, the objectives have been met or not.

Therefore the indicator system has to concentrate on that two levels of the strategic hierarchy.

For the action level preferably simple, "easy to check" indicators (success criteria) should be defined, while on the level of objectives mostly numerical quantitative indicators (KPI – key performance indicators) should be defined, to really measure the level of the progress towards the objective.

In the next chapters we describe the system of indicators and propose a method of evaluating the results.

# 2. Proposed system of KPIs

## Introduction

When elaborating the strategy, a set of KPIs have been defined, to measure the level of meeting of the Strategic goals and objectives. In the table below we give the definition, description and measurement mode of the given KPI.

In general,

- The objectives can be considered "met", if the related KPI meets the target value, shows the required development or is "Yes" (in case of Yes/No indicator).
- The strategic goals can be considered "met", if all the objectives belonging to it are met.

Practically there are two categories of KPIs:

- Quantitative KPI: showing an absolute figure or ratio, being relevant from the given objective point of view. It is very important, that this KPI should be based on objective calculation of factual data. Therefore we propose to link these KPIs to data bases / registries already available at the Directorate or propose to add some information to such registries or create some simple further registries/data bases. Most of the proposed KPIs are of such category.
- Event/happening based KPI (Yes/No type): showing the success of a set of actions, aimed at on single issue (like adequacy decision of the EC).

There are two types of KPIs:

- "End result" type KPI: when the value of the KPI is the Objective itself, or represents the meeting of the objective.
- "Management type" KPI: when the value of the KPI is a measure, showing the progress towards the meeting the objective.

## Proposed KPIs

In the table below we give the most important information on the KPIs, defined in the Action Plan to each of the Objectives.

Strategic Goal	Objective	KPI definition	Description	Measurement
SG 1: Republic of Macedonia is recognized as a country providing adequate level of Personal data Protection	O 1.1: Achievement of adequacy (to be granted by the Commission of the EU)	Positive adequacy decision by the Commission	Objective met, if the EC recognizes the country as a country with adequate level of protection of PD. The target "value" is "YES". This is an "end result" type high level KPI.	Based on the decision of EC.
	O 1.2: Legislation harmonization (LPDP to GDPR, bylaws to new LPDP, sector legislation to new LPDP, secondary legislation to higher levels)	No of cases, when conflict between LPDP and Sector legislation has been recognised	There may be cases, when during inspection or handling complaint conflict may be recognized between LPDP and sector legislation. Full harmonization can be assumed, if no such conflict is identified. Therefore the target value should be 0. This is an "end result" type high level KPI.	In the database of the inspections and complaints the major category of findings should be also registered. One of the categories should be the "conflict between LPDP and sector legislation". The annual number of such cases shall be determined.
		Ratio of aligned legislation (laws and bylaws - based on an alignment table)	Parallel to the codification/approval of the new LPDP an alignment table should be prepared, containing all laws and bylaws to be aligned to the new PDP legislation, and the timing of the harmonisation shall be defined too. The initial and quarterly target values shall be defined when creating the alignment table. The ration of already aligned items is an indicator of the progress. The target value is 100%. This is "management type" KPI.	This ratio should be measured based on a regular update of the status of the harmonisation in the alignment table. Proposed frequency: quarterly.

SG 2: Establishment of self-sustainable system for personal data protection	O 2.1: Strengthening the position as independent supervisory authority (according to the criteria of independence defined by the new LPDP, based on GDPR Art 52)	Composed KPI based on criteria of „independence“ or	Art 52 of GDPR do contain the criteria of independence. On that basis a composed indicator can be defined as proposed in <b>Annex 1</b> . In optimal case its value is 5, which should be targeted. At 3 the independence of the Directorate is questionable, below it the Directorate is not independent. This is an "end result" type high level KPI. <sup>2</sup>	See in the annex. Annual evaluation should be performed, by defining and summarizing the 5 components
		Annual country reports	The annual Country reports (prepared by the EC) do contain opinion on the independence of DPDP (based on the current Directive, but in the future on the basis of Art 52 of GDPR). Although this opinion is not a real measure, but just a verbal assessment of the situation, it can be assumed, that the Country report shows the status of development towards independence. The "target value" should be a "proven independence" statement.	Verbal evaluation based on the Annual Country report
	O 2.2: Achieving status of Certification body (according new LPDP, based on GDPR Art 42-43)	No of issued certifications	After the establishment of the certification system, a registry of certified controllers and certified DPOs should be set up. The target values should be defined too, year-by-year. The intensive growing of issued certifications is a measure of the successful operation of the system. This is "management type" KPI.	Based on the registry of issued certifications the absolute value of the granted certifications per the given year and the ration of certified vs all controllers in the given segment can be defined.

<sup>2</sup> It is proposed, however, that a group of most interested DPAs should request Art 29 WG to elaborate a methodology for measuring the independence of a DPA.

Strategic Goal	Objective	KPI definition	Description	Measurement
	O 2.3: Strengthening the role of Data protection officers (according to new LPDP, and by providing support, trainings etc.)	Satisfaction level of DPO-s (based on regular surveys)	The DPO survey should be done every year, and a part of it should deal with the status of DPOs in their organizations. Based on the answers a sector based and overall distribution of satisfactions and an average satisfaction level can be defined for the given time interval (e.g: from 0 /very unsatisfied/ to 10 /very satisfied/). By this regular survey, the timely development of the satisfaction level of the DPO-s can be measured. This is "management type" KPI.	Based on standard questions of annual survey of DPOs. The sector based and overall satisfaction level distribution and the sector based and overall satisfaction level can be calculated and shown on diagrams.
	O 3.1: Increased level of knowledge of the citizens on their Data protection rights (a detailed strategy is foreseen to support this)	Ratio of certified DPOs registered in the DPDP register	The register of DPOs should be maintained, and the (training and) certification status of DPOs should be added to it. Target is 100%. This is "management type" KPI.	To be derived from the registry of DPOs.
SG 3: Continuous increase of the public awareness and the culture of protection of personal data		Ratio of citizens knowing their rights on PDP (based on opinion polls)	At least in every 2 <sup>nd</sup> year a public survey on the awareness level of the citizens on their rights of PDP should be done with a section of standard questions. On that basis the growing of the awareness level can be measured. The expectation is to have a continuously increasing knowledge, but it is obvious, that the idealistic 100% cannot be achieved. This is an "end result" type KPI.	Based on standard questions in regular survey.

	O 3.2: Increased ratio of implemented decisions, which requires the increased number of controlled supervisions	Ratio of removed breaches and non-compliance (implemented inspection decisions)	The main elements of the decisions of DPDP should be registered in the database of inspections and complaints, and their implementation should be checked based on reports of controllers and by control supervisions. The initial ration should be defined based on an initial study, and then annual target figures should be defined. The optimal target value could be 100%, but in short/medium run this would be an unrealistic target. This is an "end result" type KPI.	Based on the databases of inspections and complaints. (but these databases must be complete).
	O 3.3: Adoption of sector codes of conduct for PDP, as a tool, supporting compliance driven self-regulation of certain sectors	No of sectors, where Code of conduct has been introduced and followed.	When creating the basic framework of codes of conducts the target sectors should be defined too. On this basis the long term target figure should be defined, and the annual development should be checked. This is "management type" KPI.	Based on the catalogue of codes of conducts.
SG 4: Continuous compliance improvement among the controllers and processors of personal data.	O 4.1: Enhancing accountability tools (Data protection Impact Assessment, Privacy by Design, Audit etc.), which supports the controllers / processors to implement a system which is compliant with the PDP rules.	Ratio of adequate controllers	One can expect, that by applying more developed accountability tools, the ration of adequate controllers will increase. In the database of inspections the compliance of an inspected controller should be registered. And the ratio of compliant controllers per total number of inspected controllers can be defined. The initial ration should be defined based on an initial study, and then annual target figures should be defined, and the development should be measured by the ratio. This is an "end result" type KPI.	Based on the databases of inspections. (but these databases must be complete).

Strategic Goal	Objective	KPI definition	Description	Measurement
SG 5: Continuous cooperation with the partners.	O 5.1: Increased cooperation with state bodies and private sector	Number of joint actions	In the annual work-plan of the directorate the joint actions with state bodies and private sector should be planned too. The number of implemented joint action shows the co-operation and support activity of the directorate well. This is "management type" KPI.	Annual report (event calendar) of the Directorate
	O 5.2: Legislation harmonization (LPDP to GDPR, bylaws to new LPDP, sector legislation to new LPDP, secondary legislation to higher levels)	No of common events with NGOs involved in issues of PDP	In the annual work-plan of the directorate the number of common events with NGOs should be planned too. The number of implemented events shows the co-operation and support activity of the directorate well. This is "management type" KPI.	Annual report (event calendar) of the Directorate
SG 6: Increasing efficiency of administrative procedures	O 6.1: Introduction of new technologies (like on-line inspection, electronic case handling etc.)	Ratio of fully electronic cases	After creating the complete possibility of electronic case handling, the ratio of cases managed paperless should be measured. This is a "management type" KPI.	Registry of cases.
		Ratio of on-line inspections	After creating the legal, procedural and technical conditions of performing on-line inspection, the ratio of on-line inspections (inspections, having on-line performed components) vs total number of inspections should be measured. This is "management type" KPI.	Database of inspections.

SG 6: Enhancing the system for Ex officio handling cases of obvious/notified Breach of PDP	O 6.2: Response according to the QA system	Ratio of cases originated based on obvious/notified data protection breaches	A database of obvious and notified data protection breaches should be set up, registering the "actions taken" relating to each of the items. The ratio of ex-officio originated cases per total number of items in the registry should be measured. The target ratio for the notified breaches should be 100%, but for the potential breaches the target ratio must be significantly lower (because the nature of the communications in the media). This is "management type" KPI.	The annual ration should be measured based on the information in the database
	O 6.3: Active co-operation with DPA-s of other countries and the Board and Commission in international cases (following the new rules of international transfer of personal data)	Ratio of cases conducted according to standards	For the case types, to which deadlines are defined (either by law/regulation or by the QA system) the case handling times should be measured (according to the regulation) and registered linked to the case. The ratio of cases managed within deadline should be calculated annually. This is "management type" KPI.	Based on the registry of cases and document mgmt. system. In many of such systems, the "official" case handling time is calculated automatically. If not, in that case a manual estimation could be given.
SG 7: Handle International issues effectively	O 7.1: Active co-operation with DPA-s of other countries and the Board and Commission in international cases (following the new rules of international transfer of personal data)	No of joint inspections (privacy sweeps / indirect inspection) led/participated/consulted	The needs/requests on "joint inspections" and number of implemented joint inspections with foreign DPAs (and actions with the Board or EC) should be registered. This figure shows well the international activity of the Directorate. This is a "management type" KPI.	Registry of active international cases.

Strategic Goal	Objective	KPI definition	Description	Measurement
SG 8: Trained and motivated team to respond to challenges	O 8.1: Trained team - Skills development	No of effective training day per staff member	The trainings and training days of the whole staff of DPDP should be planned and measured for each year, based on the professional needs and activity plan of the Directorate. The training history of each staff member should be registered. This is "management type" KPI.	Based on the training history
	O 8.2: Motivated team - Working Environment, employee reward system (introducing wide range of motivation tools)	Fluctuation ratio	The annual fluctuation ratio should be calculated, based on the number of employees left (based on the person's own initiative) vs total number of employees. This figure should be as low as possible. This is "management type" KPI.	Based on the employment registry.
		Employee satisfaction level (based on regular surveys)	In every 2 <sup>nd</sup> year an employee survey should be held including standard and actual questions. The standard questions shall cover employee satisfaction components (relating to motivation, office infrastructure, management behaviour, rewarding system etc.) This is an important feedback to the management. This is a "management type" KPI.	Based on the survey

### Evaluation of the progress, based on the KPIs

The above described 22 KPIs are sufficient to measure the progress of the implementation of the Strategy.

The evaluation of the overall progress should be done on a quarterly and annual basis:

- The management of the Directorate should check the status and define corrective steps on a quarterly basis.
  - It is proposed that the annual results should be presented to and discussed in a whole staff meeting right after the determination of the annual result figures, preferably at the beginning of the next year. Such all-staff meetings should be used also to involve and activate people, re-fresh their motivation etc. If no progress (or significant backlog) relating to any of the Objectives is identified, the reasons of the problem should be identified and corrective measures should be defined. The corrective measures may be:
    - if the priority of the Objective is still high, and the actions serving the meeting the Objective are still relevant, than additional management attention and/or resources should be allocated, or
    - if the priority of the Objective is still high, and the performed actions have not resulted in getting close to it, than the action plan should be revised, or
    - by checking the relevance of the Objective (whether it gets a lower priority).

The Status reports should be prepared by a small but permanent team. They have to have access to all relevant data bases. After deriving the necessary input data from the data bases, they check the data, fill them in the KPI calculating excel tables (if the database itself cannot generate the given KPI), and generate the necessary diagrams. They prepare also the very brief explanation (background) to the progress / stagnation / backlog, and if they have any proposal on improving the situation, they do formulate these suggestions too.

A proposed example for the Progress report is shown in **Annex 2**.

The "end result" type KPIs should be presented in Annual Report of the Directorate too.

### 3. Evaluation of the Success Criteria of the actions

During the detailed action planning procedure, the success criteria of each of the actions have been defined. The success criteria describes, when the implementation of an action is considered satisfactory. Basically there are two different types of success criteria:

- quantitative criteria:
  - o showing the number of implemented items, vs a planned number
- event based (qualitative) criteria:
  - o showing, whether a pre-defined event/happening /affair has happened

The concrete values should be defined within the frames of the annual planning, and the evaluation should be done quarterly and right after completing of the action (if it is a "single" action) or on a quarterly and annual basis (in case of continuous actions).

The evaluation of most of the quantitative success criteria is simple. Almost all data to the quantitative criteria can be derived from the different data bases, reports, event-calendars. There may be some quantitative criteria, which may rely on opinion polls, public or internal surveys, where data gained are based on subjective opinions. In this case it is important, to

- well define both the questions and answer categories, to minimize interpretation differences
- use stabile set of standard questions, because only in this case can we expect data, suitable to show real tendencies
- use a wide sample surveyed, in order to reduce statistical failures.

By this general method, the results of the surveys can be considered correct and relevant, even if the individuals participating in the surveys give their subjective opinion. Therefore, it is advised to involve survey experts in creating questionnaires for external or internal surveys.

In order to assure the regular monitoring of the progress, the responsible persons shall prepare quarterly progress reports, including determination and presenting the status of the success criteria. These reports must be prepared and submitted to the KPI reporting team and to the Sponsor prior to the progress meeting on the Objectives. The structure of the action status report should be similar to the structure of the KPI status reports. An example is annexed in **Annex 3**.

## Annex 1

### Composition of the KPI on independence (Art 52 of GDPR)

*KPI on independence* = **A+I+R+S+C**, its value can vary from 0.....5.  
(0 is worst, 5 is best)

Component ID:	Criteria based on Art 52 of GDPR	Value
<b>A (Autonomy)</b>	(2) The member or members of each supervisory authority shall, in the performance of their tasks and exercise of their powers in accordance with this Regulation, remain free from external influence, whether direct or indirect, and shall neither seek nor take instructions from anybody.	A=1: if during a calendar year neither external influence attempts nor seeking of instructions has occurred

Component ID:	Criteria based on Art 52 of GDPR	Value
<b>I (Incompatibility)</b>	(3) Member or members of each supervisory authority shall refrain from any action incompatible with their duties and shall not, during their term of office, engage in any incompatible occupation, whether gainful or not <sup>4</sup> .	<p>I=1: if in the given year there have been no incompatibility cases</p> <p>I=0.5: if in the given year only solved (either fired or cut) incompatibility cases occurred</p> <p>I=0: if there have been at least 1 unsolved incompatibility case</p>
<b>R (Resources)</b>	(4) Each Member State shall ensure that each supervisory authority is provided with the human, technical and financial resources, premises and infrastructure necessary for the effective performance of its tasks and exercise of its powers, including those to be carried out in the context of mutual assistance, cooperation and participation in the Board.	<p>R=1: if all pre-conditions defined for the given year by the "Study on pre-condition of the implementation of the strategy" are assured</p> <p>R=0: if none of the additional pre-conditions are assured for the given year</p>
<b>S (Staff)</b>	(5) Each Member State shall ensure that each supervisory authority chooses and has its own staff which shall be subject to the exclusive direction of the member or members of the supervisory authority concerned.	<p>S=1: if all activities are performed with own staff</p> <p>S=0: if more than 10% of the involved persons are not own staff.</p>
<b>C (Control)</b>	(6) Each Member State shall ensure that each supervisory authority is subject to financial control which does not affect its independence and that it has separate, public annual budgets, which may be part of the overall state or national budget.	<p>C=1: if the Directorate has an own budget, meeting the conditions of "Study on pre-condition of the implementation of the strategy"</p> <p>C=0: Directorate is manipulated by financial control</p>

<sup>4</sup> The cases of incompatibility shall be defined by national legislation, but examples of incompatibility: being official of any political parties, having occupation in any business or public organization, any engagements except scientific and education role.

## Annex 2

### Status report example on the Implementation of the Strategy on Personal Data Protection 2017-2022

**Reporting period:** .....

**Overall evaluation:**

A summary in several sentences on the most important achievements and problems.

**Report prepared by:** .....

**Explanation of the symbols:**

- ... no progress
- critical backlog/no results
- backlog/some results but not satisfactory
- + moderate development/results
- ++ big development/results
- 😊 Objective met

Below an example of the quarterly/annual status report template is given. *(All elements in the Status, Details, Background, Correction, Responsible are examples only!)*

Strategic Goal	Objective	KPI	Status	Details	Back-ground	Correction	Resp.
SG 1: Republic of Macedonia is recognized as a country providing adequate level of Personal data Protection	O 1.1: Achievement of adequacy (to be granted by the Commission of the EU)	Positive adequacy decision by the Commission	■■■		Not yet started, waiting on EU details	Send official letter to EC, asking info on timing	GS
	O 1.2: Legislation harmonization (LPDP to GDPR, bylaws to new LPDP, sector legislation to new LPDP, secondary legislation to higher levels)	No of cases, when conflict between LPDP and Sector legislation has been recognised  Ratio of aligned legislation (laws and bylaws - based on an alignment table)	+	link to the diagram showing annual figures	Alignment program works fine		
SG 2: Establishment of self-sustainable system for personal data protection	O 2.1: Strengthening the position as independent supervisory authority (according to the criteria of independence defined by the new LPDP, based on GDPR Art 52)	Composed KPI based on criteria of „independence“ or	-	link to diagram	No progress in office, salary, attempts to influence	Show dramatic efforts of DPDP and risks of being not independent to Parliament report, meet MoF again	Director
		Annual country reports	-	link to relevant part of the Country Report			

SG 3: Continuous increase of the public awareness and the culture of protection of personal data	O 2.2: Achieving status of Certification body (according new LPDP, based on GDPR Art 42-43)	No of issued certifications	-	link to diagram/table	No interest among controllers;	Revise certification fee, show benefits on events/web	GS
	O 2.3: Strengthening the role of Data protection officers (according to new LPDP, and by providing support, trainings etc.)	Satisfaction level of DPO-s (based on regular surveys)	- / ++	link to diagram	In some sectors no progress (lack of understanding and resources). Huge improvement in case of .... sector		
	O 3.1: Increased level of knowledge of the citizens on their Data protection rights (a detailed strategy is foreseen to support this)	Ratio of citizens knowing their rights on PDP (based on opinion polls)		link to diagram	TV spots work fine, regional citizens' forum is very popular		

Strategic Goal	Objective	KPI	Status	Details	Background	Correction	Resp.
	O 3.2: Increased ratio of implemented decisions, which requires the increased number of controlled supervisions	Ratio of removed breaches and non-compliance (implemented inspection decisions)	+	link to diagram	New penalty regulation works fine, and new control supervision practice looks very effective	Send official letter to EC, asking info on timing	GS
	O 3.3: Adoption of sector codes of conduct for PDP, as a tool, supporting compliance driven self-regulation of certain sectors	No of sectors, where Code of conduct has been introduced and followed.					
SG 4: Continuous compliance improvement among the controllers and processors of personal data.	O 4.1: Enhancing accountability tools (Data protection Impact Assessment, Privacy by Design, Audit etc.), which supports the controllers / processors to implement a system which is compliant with the PDP rules.	Ratio of adequate controllers					

SG 5: Continuous cooperation with the partners.	O 5.1: Increased cooperation with state bodies and private sector O5.2: Enhanced cooperation with NGO's	Number of joint actions  No of common events with NGOs involved in issues of PDP					
SG 6: Increasing efficiency of administrative procedures	O 6.1: Introduction of new technologies (like on-line inspection, electronic case handling etc.) O6.2: Enhancing the system for Ex officio handling cases of obvious/notified Breach of PDP O6.3: Response according to the QA system	Ratio of fully electronic cases  Ratio of on-line inspections  Ratio of cases originated based on obvious/notified data protection breaches  Ratio of cases conducted according to standards					

Strategic Goal	Objective	KPI	Status	Details	Background	Correction	Resp.
SG 7: Handle International issues effectively	O7.1 Active co-operation with DPA-s of other countries and the Board and Commission in international cases (following the new rules of international transfer of personal data)	No of joint inspections (privacy sweeps / indirect inspection) led/ participated/ consulted					
SG 8: Trained and motivated team to respond to challenges	O 8.1: Trained team - Skills development	No of effective training day per staff member					
	O 8.2: Motivated team - Working Environment, employee reward system (introducing wide range of motivation tools)	Employee satisfaction level (based on regular surveys)					

## Annex 3

### Status report example on the Implementation of the Actions belonging to Objective 2.3

*Strengthening the role of Data protection officers (according to new LPDP, and by providing support, trainings etc.)*

**Reporting period:** .....

**Overall evaluation:**

A summary in several sentences on the most important achievements and problems.

**Report prepared by:** .....

**Explanation of the symbols:**

- ... no progress
- critical backlog/no results
- backlog/some results but not satisfactory
- + moderate development/results
- ++ big development/results
- 😊 Objective met

Below an example of the quarterly/annual status report template is given. (All elements in the Status, Details, Background, Correction, Responsible are examples only!)

Strategic goal : 2		Establishment of self-sustainable system for personal data protection					
Objective: 2.3	Strengthening the role of Data protection officers (according to new LPDP, and by providing support, trainings etc.)					Sponsor: Director	
	<p><b>KPI</b> Satisfaction level of DPO-s (based on regular surveys) and All DPOs registered in the DPDP register are certified (database)</p>						
ID	Necessary action	Success criteria	Period	Status	Background	Correction	Resp
2.3.1	Positioning of DPO with the new LPDP	New law in force	<b>2017-18</b>	😊	New LPDP adopted, including re-positioning of DPOs		DGLA
2.3.2	Establish system for certification of DPO-s	All DPOs certified by the end of the period	<b>2019 - 2022</b> Continuous	...	Not yet started, because delay of bay-law	To accelerate preparation of by-law	DGLA
2.3.3	Establishment of sector based registry of DPO-s	Establishment of all sector based registers	<b>2018</b> Continuous	+	Former Registry updated, new groups of DPOs under notification based on LPDP		DGLA

2.3.4	Support establishment of sector based networking of DPOs	At least 3 sector based DPOs' networking is active in 2018	<b>2018 -</b>	-	DPOs are very busy with new law. But in TELCO sector a spontaneous co-operation started	Re-timing and organization of set-up events is necessary	DEUJC
2.3.5	Support to establishment of professional body (chamber, association) of DPOs	Ratio of controllers/processors having DPOs as members of the joint bodies	<b>2020</b>	...	Not yet started (but no delay!)		DEUJC
2.3.6	Holding regular trainings for DPOs	At least every 2nd year all DPOs get further training	<b>2017</b> Continuous	+	80% of already notified DPOs got basic training on new LPDP		TU
2.3.7	„Information day“ with the top management for promoting the role of the DPOs	number of events	<b>2018</b> Continuous	+	First 2 info-days held in law enforcement sector		DEUJC

