

II MONITORING OF THE IMPLEMENTATION OF EXISTING REGULATIONS

1. *Public Information Law*

1.1. The implementation of the Public Information Law has been partly elaborated on in the section on freedom of expression.

2. *Broadcasting Law*

2.1. On July 20, the Republic Broadcasting Agency (RBA) released in the daily "Dnevnik" a list of candidates for the twelve members of the Programming Committee of the Broadcasting Institution of Vojvodina (RTV), who are elected at the proposal of the Agency from the ranks of professional associations, scientific institutions, religious communities, citizens' associations and NGOs. The list includes sixteen candidates, which were proposed, among others, by the Independent Journalists' Association of Vojvodina, traditional churches and religious communities, the Arts Academy in Novi Sad and other groups. The purpose of publishing the list of candidates is to enable the citizens to pronounce themselves about individual candidates before the RBA tables the list, as its proposal, to the Parliament, which will ultimately appoint the programming committees of both RTS and RTV.

According to the Broadcasting Law, the Programming Committee is an advisory body of institutions of the Public Service Broadcasting representing the interests of the viewers and listeners. The Programming Committee reviews the realization of the programming concept and submits its recommendations and suggestions to the Director General and the Managing Board of the Public Service Broadcaster. Under the Law, the Programming Committee has 19 members elected by the Parliament – seven from the ranks of members of parliament and twelve at the proposal of the RBA. The Programming Committee may not include elected or appointed persons in the Government or republic authorities, or members of the RBA Council. Their term of office shall be three years and they may not be reappointed.

3. *Law on Personal Data Protection, Law on Electronic Communications*

On July 6, the Commissioner for Information of Public Importance and Personal Data Protection Rodoljub Sabic and Ombudsman Sasa Jankovic presented the results of the oversight of the implementation of the Law on Personal Data Protection, conducted with telephone operators in Serbia, in the context of the constitutionally guaranteed secrecy of communication, as well as in relation to their recommendation concerning the need to improve the state of affairs in this field. The Commissioner and the Ombudsman said that the actual situation related to the protection of privacy significantly diverged from the standards laid down by the Serbian Constitution and the relevant international documents. Namely, the Ministry of Internal Affairs and the security services have access to the databases of telephone operators, revealing whom the citizens have called, from where and when – although, under the Law, the access to such information requires a court order – which may lead to abuse. Sabic and Jankovic recommended that urgent amendments be adopted and that effective organizational measures and IT solutions be put in place, in order to speed up prior court control and decision making on requests for access to communication and data on communication, more clearly defined obligations of electronic communication operators, as well as that access to telecommunications be recorded without the possibility for deletion, so as to include all data necessary in order to be able to perform subsequent control of lawfulness and regularity of access.

The oversight of the implementation of the Law on Personal Data Protection of telephone operators in Serbia has revealed not only that Ministry of Internal Affairs and the security services enjoy access to databases of telephone operators, revealing whom the citizens have called, from where and when, without a proper court order, but also that the number of such individual cases of access to databases, at annual level, is in the range of hundreds of thousands, if not more. It has also been established that the operators keep the data much longer than the one-year period laid down in the Law on Electronic Communications. Specifically, the data in question allows the tracking of the source and destination of the communication, its beginning, duration and end, the type of communication (a voice call, SMS or MMS message, e-mail and the like), the type of equipment utilized by the user, as well as the user's location, if he/she is using mobile equipment. Such practice may seriously threaten the journalists' right to protect their sources of information. If access to such data by the MUP and intelligence services remains free and without control, the possibility for journalists to protect their sources becomes merely declarative. For that reason, the urgent acceptance and implementation of the recommendations tabled by the Commissioner and the Ombudsman is vital not only for the sake of preserving the



right to protect personal data, but also for journalists, the media and freedom of expression. Only if these recommendations are completely implemented, the right of journalists to protect the secrecy of their sources may be fully enjoyed.