



R4.D3

**Support to Access To
Right on Protection of Personal Data
EuropeAid/135668/IH/SER/MK**

**Proposal for classification of the areas/sectors
to be used by the DPDP in different areas of its activities
(Activity A4.1/4.6.3.3)
Final version**

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1. Introduction

The present nomenclature (classification of the areas/sectors) is not consistent and some areas are duplicated, which is evident from the annual reports. It even looks like that in the subsequent reporting years (for inspection department) new areas are added, so inevitably, some sectors/areas subsequently are duplicated (in the areas such as: judiciary, public service, law enforcement, industries, etc.). The main remark on the unified nomenclature is the separation of the controllers/processors presented in the reports jointly for the public and private sector, although the department for inspection supervision is divided into (sub) sectors for public and private sector.

Also in the present classification areas/sectors are intermixed with different activities, such as video surveillance, e-mail abuse, social networks, false profile of minors, etc.

2. Some comparative examples:

As in the DPDP, most EU MS DPA's do not use uniform and consistent classification of the areas for their inspection and other activities as evident from their annual reports. They report and present statistical data mainly on the basis of the activities performed in the reporting years.

a) For instance, the Czech Republic DPA, (The Office for Personal Data Protection -Urad pro ochranu osobnich udaju) in the last report for the year 2014, used the present inspection activities under following thematic groups:

- Work place;
- Transport;
- Residential buildings (housing);
- Health care system;
- Registry of debtors;
- Energy service providers.

Also some important cases, based on the inspection activities in the reporting year, are present in the report. Obviously, these thematic groups varied in the reports - similarly as in DPDP - according to inspection activities in the reporting period.

b) In this respect, we observed a good practice in the French DPA COMMISSION NATIONALE DE L'INFORMATIQUE ET DES LIBERTÉS (CNIL), documented by their annual reports. It looks like they are using the same basic classification of areas/sectors for presenting their inspection activities in the reporting years. Within each sector, specific organizations/companies being audited in the reporting years are enumerated. This list of areas/sectors is as follows:

- Associations;
- Insurance;
- Banks;
- Local Authorities;
- Retail Trade;
- Culture;
- Education;
- Public Finance;
- Industries;
- Housing;





- Ministries;
- Police – Justice;
- Healthcare;
- Private Security;
- Sports and
- Transports.

c) In Germany¹, the Federal Commissioner for Data Protection and Freedom of Information (**Bundesbeauftragter fuer den Datenschutz und die Informationsfreiheit**) provides monitoring for data protection only in the public sector, in public federal government positions and at public corporations, the telecommunications and postal services (which were transformed from public to private ownership but are still under public shareholder control). In such way, annual comparison and trends assessment is possible and can be presented in the annual reports.

3. Proposal for classification of the areas/sectors

This proposal for classification of the areas/sectors is meant to be used by the DPDP in different areas (not only for inspection supervision, but also on activities upon received complaints and registry). This is important for comparability of statistical data (in the annual reports and other statistical presentations).

The draft proposal for classification of the areas/sectors on 22.02.2016 was discussed in the first meeting of the Working Group for Legal/Enforcement/Cooperation on Thursday, February 25th. In this meeting the draft proposal was **generally accepted as a good basis** for possible establishing of classification of the areas/sectors to be used by DPDP. However, some remarks and some additional proposals were made on the presented draft.

One remark was that it is difficult to make a clear division between public and private sector and that there should be clear criteria for this division (ownership, public authorisation or public regulation). For instance, health service is regulated by state but may be provided either in public or private sector. It was also proposed to include a new category that is neither private nor the public sector, namely **natural persons** who can act also as controllers / processors of personal data. Also taking into account suggestions from the WG meetings, some areas are simplified or joint to be used more easily.

We suggest a **new classification to be implemented for statistical reasons in the beginning of the calendar year. It can be used also for case management software within the office.**

PROPOSED AREAS

1. Law enforcement

- Ministry for internal Affairs ;
- Financial Police;
- Intelligence Services;
- Other

2. Judiciary

- Courts;
- Public Prosecutor Office;

¹ See Annual Report of BfDI 2013-2014, pages 240-242





- Public Attorney's Office;
 - Prisons and prison administration;
 - Advocates, notaries and executing services;
 - Other
- 3. Defence**
- Ministry of Defence;
 - Armed forces of the Republic of Macedonia
- 4. Health**
- Health service institutions and other health institutions;
 - Health Insurance
- 5. Education**
- Primary education;
 - Secondary education;
 - Higher education (public universities, faculties and higher schools)
 - Institutes;
 - other
- 6. Social security**
- Social protection;
 - Pension and disability insurance;
 - Child protection;
 - Other social services
- 7. Finance**
- Revenues and taxes;
 - Customs;
 - Banks and exchange offices;
 - Stock exchange houses;
 - Insurance companies;
 - Accounting offices;
 - Real estate;
 - Other
- 8. Utility**
- Water and Sewage services;
 - Energy supply;
 - Other
- 9. Local self-government;**
- 10. Labour and working relations ;**
- 11. Industry and transport;**
- 12. Construction;**
- 13. Telecommunication and postal services;**
- 14. Media**
- TV and Radio;
 - Electronic media;
 - Printed media.
- 15. Marketing**
- Marketing;
 - Call centres;





- Surveys
- 16. Retail and wholesale(trade)**
- 17. Tourism and catering services**
 - Hotels and Restaurants;
 - Tourist agencies;
 - other
- 18. Culture and entertainment**
- 19. Lottery and games**
- 20. Associations**
 - a. NGO's
 - b. Chambers
 - c. Foundations
 - d. Other
- 21. Political parties**
- 22. Natural persons**
- 23. Other**

As already mentioned, in the present use the classification areas/sectors is intermixed with different **activities**, such as video surveillance, illegal use of photographs, child protection, etc. It was therefore proposed at the WG meeting to **separate classification for activities** to be monitored and investigated by the DPDP.

A list of 16 activities are proposed, with additional possibility of adding other activities which are not covered with this classification, but are listed as other activities in the area of processing of personal data. In this way, an easier use of the classification is presented enabling ease of use of data for presentations, monitoring and follow up of the activities of the Directorate for certain time intervals. The proposed activities should also be added as a separate category in the **annual and monthly plans** for inspections.

Proposed Activities:

ACTIVITIES

1. Video surveillance;
2. Employment and working relations;
3. Submission of personal data for use;
4. Direct Marketing;
5. Consumer protection and service users;
6. Internal DP regulation;
7. Controllers obligations for submission of reports to the Central registry of DPDP
8. Processing of Unique ID numbers
9. Processing of Personal data
10. Data processing on internet and social media
11. Processing of Data for minors/juveniles;
12. Processing of special categories of data (sensitive data)
13. Rights of entities on personal data
14. Transfer of personal data to other countries
15. Technical and organisational measures for providing secrecy and protection of processing personal data
16. Other data protection processing activities

