

Decision Imposing the Law on Amendments to the Law on Central Registers and Data Exchange

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Art. II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall "Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation";

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative's intention to use his final authority in theatre, regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement, in order to facilitate the resolution of any difficulties as aforesaid "by making binding decisions, as he judges necessary" on certain issues including (under sub-paragraph (c) thereof) "measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities";

Considering Article 5 of the Council of Europe Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, which provides, *inter alia*, that "Personal data undergoing automatic processing shall be...adequate, relevant and not excessive in relation to the purposes for which they are stored."

Noting Article 6(c) of Directive 95/46/EC of the European Parliament and of the Council on the Protection of Individuals with Regard to the Processing of Personal Data and on the Free Movement of Such Data, which similarly requires that data undergoing automatic processing be adequate, relevant and in excess.

Bearing in mind the need to ensure that data stored in the Central Register are secure and not subject to misuse.

Having taken into account and considered the totality of the matters aforesaid, the High Representative hereby issues the following

DECISION

Imposing the **Law on Amendments to the Law on Central Registers and Data Exchange** as hereinafter set out.

The Law which follows shall enter into force pursuant to Article 7 thereof but on an interim basis until such time as the Parliament of Bosnia and Herzegovina adopts the same in due form, without amendment and with no conditions attached.

This Decision shall come into effect forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina and in the Official Gazettes of both Entities and the District of Brcko.

Law on Amendments to the Law on Central Registers and Data Exchange

Article 1

All references to "Article 7" in Article 8 of the Law shall be replaced with the words "Article 8".

Article 2

Items (g), (h), (n) and (o) shall be deleted from Article 20 of the Law, and the items shall be re-lettered accordingly.

Article 3

A final item shall be added to Article 20, which shall read "fingerprint data".

Article 4

The words "Article 7" in Article 22 shall be replaced with "Article 8".

Article 5

Items (g), (h), (l) and (m) shall be deleted from Article 22.

Article 6

Two additional paragraphs shall be added to the end of Article 22, which shall read as follows:

"Fingerprint data collected from individuals pursuant to Article 6 of the *Law on Identity Cards of Citizens of Bosnia and Herzegovina* may only be disclosed or transferred to another public body of BiH under Article 8 of this Law when necessary in the interest of national security.

Apart from the conditions for disclosure and transfer under the previous paragraph, fingerprint data may be disclosed or transferred to a prosecutor in BiH, upon his/her request, for the purpose of investigating a crime that is punishable by imprisonment of three years or more. In such a case, paragraphs 2-7 of Article 8 regarding conditions of disclosure and transfer shall be followed."

Article 7

This Law shall enter into force on the 8th day from the day of its publication in the Official Gazette of Bosnia and Herzegovina. It shall also be published in the Official Gazette of the Republika Srpska, the Official Gazette of the Federation of Bosnia and Herzegovina and the Official Gazette of the District of Brcko.

Sarajevo, 28 June 2002

Paddy Ashdown

High Representative