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REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of natural persons with regard to the processing of personal data and on the free movement of such data

Based on Regulation 2016/679 of the European parliament and of the council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) replaces the existing Personal Data Protection Act and Bylaws. The application of the Regulation enters into force on May 25th, 2018.

According to the Regulation, the obligation to keep a record of the personal data collection is terminated and the new Personal Data Protection Act (which we expect will be passed by the end of this year) will prescribe the way in which existing collections, registered with the Personal Data Protection Agency, will be handled.

The Regulation is binding entirety and directly applicable in all EU Member States.

The Regulation defines the scope of application to companies, institutions, state bodies, bodies of local and regional self-government units, associations and, in general, all legal entities as well as natural persons who process personal data outside the household needs. Territorial application is also considered if the headquarters/processing manager is in the EU or processing is carried out in the EU (regardless of the seat). There are newly defined concepts of personal data, examinee, processing, storage, processing manager, joint processing manager, processor, recipient, acceptance and personal data breach. Special emphasis is given to the principles of processing, the lawfulness of processing, the basics for processing personal data and the rights of respondents. The obligations of the processing manager have also been highlighted, which must ensure compliance with the requirements of the Regulation and must prove that compliance. The manager of the processing performs technical and organizational measures, and establishes and implements the policies. We come to obligation to report the supervisory authority on security breaches within 72 hours (time calculation is carried out in accordance with Article 300. of the Mandatory Relationship Act), and notification of injured parties. A Personal Data Protection Officer doesn't have to be employed, but must meet conditions such as that must not be released or punished for the performance of its duties. And many others that every legal entity must satisfy if it wants to avoid the sanctions that each member state imposes for itself (sanctions must be effective, proportionate and dissuasive), but may be imposed up to 10,000,000.00 EUR or in the case of an entrepreneur up to 2% of total annual turnover worldwide for the previous financial year, whichever is greater (in case of more severe infringements the penalty is doubled).

Here is the link to Regulation for more details:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2016:119:FULL&from=EN>

BENKO KOTRULJIĆ ltd
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