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The Instrument for Pre-accession Assistance (IPA) provides assistance within the framework of the European Partnership of the potential candidate countries and the Accession Partnership of the candidate countries.

IPA is created as a flexible instrument made up of 5 components, with its main objective to support institution-building and the rule of law, human rights, including the fundamental freedoms, minority rights, gender equality and non-discrimination, both administrative and economic reforms, economic and social development, reconciliation and reconstruction, and regional and cross-border cooperation.

“The European Union is made up of 27 Member States who have decided to gradually link together their know-how, resources and destinies. Together, during a period of enlargement of 50 years, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders.”

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The European Union IPA Programme for Montenegro

IPA 2009

Twinning Project
MN 09 IB JH 03

Implementation of Personal Data Protection Strategy

The project is implemented by:

Ludwig Boltzmann Institute of Human Rights
Austria

Information Commissioner
Republic of Slovenia

An EU-funded Twinning project managed by the
Delegation of the European Union to Montenegro

Personal Data Protection

In modern information society, the protection of personal data is becoming ever more important. In all sorts of contexts, personal data of individuals are being collected, stored, merged and used. This may be helpful or inevitable on many occasions. However, it is important to secure that personal data are correct, that they are not used in a way which might jeopardize the individual's rights and that they are deleted when they are no longer needed. In other words: The individual must not lose control over his or her data. Data protection sets out to ensure just that. So, despite the name, personal data protection is actually not so much about protection of data, but much more about protection of human beings. Thus it forms an important part of human rights protection, enshrined in the Constitution of Montenegro, the European Charter of Fundamental Rights and the European Convention on Human Rights.

Twinning Assistance

The EU's Twinning instrument is one of the principal tools of institution building, in particular used in the context of the preparation for EU enlargement. The close cooperation between a public administration in the beneficiary country and its counterpart in an EU Member State enables the first to implement the EU *acquis communautaire* to the same standards as Member States. The Twinning team on the Member State side consists of Project Leader(s), of a long-term seconded EU expert, the Resident Twinning Adviser (RTA) and of a team of other specialists who provide their expertise on different subject matters.

Project Objectives

The Twinning project aims at strengthening the capacity of Montenegro for protection of personal data and implementation of the data protection legislation. It consists of two components: Harmonising the legislation and providing training on personal data protection.

Component 1 – Harmonisation of legislation

The Montenegrin Personal Data Protection Act will be scrutinised, mainly with regard to transposition of the general data protection directive of the EU (Directive 95/46/EC). Recommendations for further harmonisation of the act will be made.

The Montenegrin legislation will be analysed in order to identify laws and bylaws that need to be brought in line with the requirements of the Personal Data Protection Act and Directive 95/46/EC. Working groups will be formed in order to draft the necessary amendments.

In cooperation with data controllers in the private sector, their internal documents, processes and procedures will be analysed in order to bring them in line with the requirements of the Montenegrin Personal Data Protection Act and with Directive 95/46/EC.

Two manuals will be prepared, one for data controllers in both, the public and private sector and one targeted at the citizens, informing them of their rights and obligations with regard to personal data protection.

The standard procedures at the Montenegrin Agency for Personal Data Protection will be streamlined. Experts from the Member States will assist in establishing a system of registering notifications from data controllers. They will also provide their expertise with regard to other standard procedures of data protection authorities, such as inspections and complaints handling.

Component 2 – Training on data protection

The plan for professional training and development of the employees of the Agency for Personal Data Protection will be revised. Recommendations for amending the plan will be made and additional training will be provided.

Training on personal data protection will be provided to

- Persons employed in state authorities and in local self-government.
- Persons employed in public institutions across different sectors of work.
- Persons employed in the private sector.

Project Partners

Montenegro

Agency for Personal Data Protection

Ministry of Interior and Public Administration

EU Member States

Ludwig Boltzmann Institute of Human Rights, Vienna, Austria

Information Commissioner of the Republic of Slovenia, Ljubljana

Duration and Funding

The implementation phase of the project started in December 2010 and will last for 15 months. The IPA Twinning Budget is 700.000 Euro.

The project is funded by IPA 2009 programme.