

INSTRUCTION

No. 40, Dated 13.06.2014

“ON THE OF INTERNET AND OFFICIAL EMAIL IN PUBLIC INSTITUTIONS IN THE CONTEXT OF PERSONAL DATA PROTECTION”

Pursuant to letter "c" of point 1 of article 30 of law no. 9887, dated 10.03.2008 "On personal data protection", as amended, the Commissioner for Personal Data Protection;

INSTRUCTION:

1. The purpose of this Instruction is to establish mandatory rules for implementation by public institutions and relevant structures, which administer information systems during the use of the Internet and e-mail in the workplace by employees.
2. In accordance with the law on personal data protection and the purpose of this instruction, the following terms shall have the meaning as follows:
 - a) "Public institution" is the controller, which based on a legal or sub-legal act determines the purposes and means of processing personal data in the enforcement of his activity;
 - b) "Employee account" consists of a personalized name and password, by which the employee is authorized to access the e-mail of the institution;
 - c) "Data monitoring" is the recording of an employee's activity on his work computer through programs that determine how much time an employee consumes on performing certain activities on this computer;
 - d) "Email" means any message in the form of text, sound, or image sent through a public communications network, which may be stored on the recipient's network or terminal device until the recipient receives it;
 - e) "Information systems" means any device or group of interconnected or similar devices, one or more of which, on the basis of a program, performs automatic processing of computer data;
 - f) "Personal data" will have the same meaning as provided in Article 3 of Law no. 9887, dated 10.03.2008 "On personal data protection ", as amended. The official e-mail address is not considered personal data, but its content may contain personal data.

3. Employees should use the institution's e-mail and Internet service only for the purpose of fulfilling the tasks assigned to them by employers.
4. Employees will clearly be informed by the public institution, through the privacy policy on the allowed access to the Internet. The privacy policy is updated in accordance with the opinions published by the Commissioner.
5. Public institutions, in fulfillment of the purpose set out in point 1 of the instruction, must avoid unjustifiable and unreasonable interference with the employee's right to private life.
6. Relevant structures, in accordance with the legislation on personal data protection, do not monitor the personal data of employees during the use of the Internet in the workplace, except in cases ordered in written form by the head of the institution. The order to carry out the monitoring, which is notified to the employees in advance, should clearly define the specific purpose for carrying out this action.
7. Access to the internal emails of employees, who are temporarily not present at the workplace, should be carried out only in case of an absolute necessity and after the employee concerned has been informed. In any case, access is authorized by the immediate supervisor and this procedure must be documented.

Cases of an absolute necessity to access the e-mail address are:

- a) For institutional needs;
 - b) When the employer must have a legitimate reason to carry out this action;
 - c) When there are suspicions of a violation, or lack of loyalty by the employee to the institution where he works;
 - ç) In such a way as to be proportionate to the violation of the right to private life and correspondence related to the work activity.
8. If the employee quits the job or terminates the employment contract, the relevant structures in the public institution take the following measures:
 - a) Notify the employee that before his / her dismissal activates an automatic message (Out Of Office) to notify all senders of the impossibility of further communication;
 - b) Respect the deadlines set out in the bylaws adopted by the National Agency for the Information Society, regarding the access to e-mail after the employee dismissal from

the workplace and for reviewing the archive for the final deletion of the official e-mail address of the employee.

9. The employer must notify the employee before the e-mail address is deactivated, so that he can delete his personal data, which he may have kept at this address, which do not affect the relationship with the employer or take them by appropriate means, in the presence of the relevant structure.
10. The public institution and the relevant structure administering information systems must maintain the confidentiality of any information that contains personal data of which it is made aware.
11. The public institution determines the security measures in accordance with Decision no. 6, dated 05.08.2013 "On determining the detailed rules for securing personal data" and Instruction no. 21, dated 24.09.2012 "On determining the rules for maintaining the security of personal data processed by large controllers", as amended.
12. This instruction is binding to any public institution and relevant structure attached to it, which control the servers and have access to information systems.
13. Failure to comply with requirements of this instruction by the public institution will consist in violation of the law "On personal data protection" and is sanctioned under article 39 of the latter.

This instruction enters into effect immediately and is published in the Official Gazette.

COMMISSIONER FOR PERSONAL DATA PROTECTION

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