

1. In your jurisdiction is a court considered to be a data controller for data protection law purposes in all, or any, of the following situations:

a. When performing its judicial functions?

By performing judicial scrutiny in administrative disputes before the Administrative Court.

b. For purposes connected with the administration of justice, including the publication of a judgment or court decision, or a list or schedule of proceedings or of hearings in proceedings?

With the goal of transparent work of courts, every court must announce allocation of cases per judge, schedules of hearings within procedures that took place before said court, as well as anonymized decisions it has adopted.

c. For purposes connected with the efficient management and operation of the courts and for statistical purposes?

Data are used for both purposes, and access to data is enabled in accordance with the Law on Protection of Personal Data and other laws.

2. In your jurisdiction does a data subject (e.g. a party to litigation, a witness, or a party whose interests may be affected by the litigation) have a right to information regarding the processing of their personal data by or on behalf of the courts?

Article 42 of the Constitution of the Republic of Serbia stipulates that processing of personal data is solely regulated by laws, which also prescribe its goal and purpose, as well as the operator's obligation to inform every data subject of processing their data.

3. In your jurisdiction does a data subject whose personal data is published in a court document such as a judgment, have the right to seek rectification of allegedly inaccurate or inappropriately disclosed personal data?

Yes.

4. In your jurisdiction is personal data contained in a judgment or decision of a court, or in a list or schedule of proceedings or hearings, generally made accessible to the public? If so, are there exceptions and what are they? If not, is

there a redaction requirement, or alternative requirement, to be implemented before a judgment / list/schedule can be published so as to safeguard the rights of data subjects?

Every decision is anonymized in a way that personal data is not made available to the public. The method of anonymizing court decisions is regulated by the Courts Rules of Procedure, which is adopted by the Minister of Justice.

5. How are complaints addressed in your jurisdiction concerning alleged breaches by the courts of the rights of data subjects? Does your jurisdiction have a person or body with special responsibility for the supervision of data processing operations of courts when acting in their judicial capacity?

In the Republic of Serbia, every breach of rules on personal data protection can be subject to inspection by Commissioner for (Information of Public Importance) and Personal Data Protection. Should a person who has requested for inspection to be conducted be displeased by the Commissioner's decision, they have the right to court protection in an administrative dispute. This does not exclude the possibility for the person to request compensation from the operator.

6. In your experience have data protection rules impacted adversely on your judicial independence? If so, how have they done so?

No.

*answers were provided by a judge at the Administrative Court, who had, for a time, worked at the Commissioner's Office.