

**THE REPUBLIC OF SERBIA
SECURITY INFORMATION AGENCY**



**INFORMATION BOOKLET ON THE WORK OF
THE SECURITY INFORMATION AGENCY**

Last updated on January 7th, 2019

Belgrade, 2008-2019.

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2. General information on the state authority and Information booklet

Name of the authority:

Security Information Agency

Note to readers: *Hereinafter, besides the full and official name of the Security Information Agency, the abbreviated terms "the Agency" and "BIA" will be used as well.*

Head office address:

Kraljice Ane bb St, Belgrade

Company Identification Number:

17410679

Tax Identification Number:

102199447

Petition mailing address:

Kraljice Ane bb St, Belgrade 11 000

e-petition mail:

kabinet@bia.gov.rs

Person responsible for accuracy and completeness of information contained in the Information booklet:

Bratislav Gašić, the Director, pursuant to Point 8 of the Instruction

Person in charge of specific information, data and activities relating to the compilation and publication of the Information booklet:

Miroslav Panić, Special Advisor to the Director, the person authorized to act in accordance with the Law on Free Access to Information of Public Importance.

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January 7th, 2019

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January 7th, 2019

Offices where the Information booklet is available or may be obtained in hardcopy :

Kraljice Ane bb St, Belgrade, from 7:30 AM to 3:30 PM on weekdays.

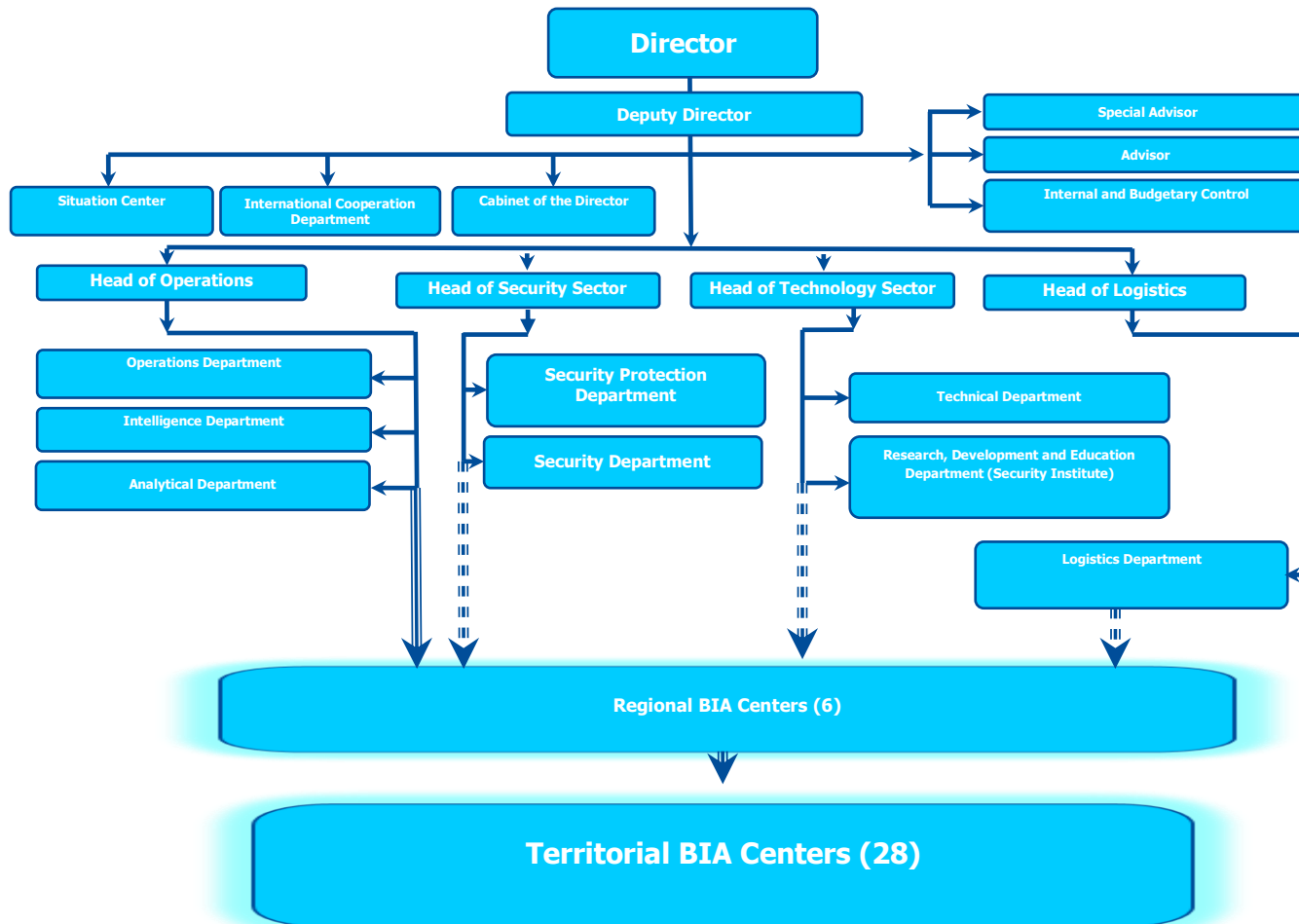
Online address to download the Information Booklet:

Serbian, Cyrillic:

<http://www.bia.gov.rs/download/dokumenta/Informator.pdf>

The Information booklet has been compiled in accordance with Article 39 of the Law on Free Access to Information of Public Importance ("Official Gazette of RS" Nos. 120/04, 54/07, 104/09 and 36/10) and the Instruction for the creation and publication of the Information Booklet on Public Authority Work ("Official Gazette of RS" No. 68/10), effective as from 29 September 2010.

3. Organizational structure
3.1. Organizational chart



3.2. Narrative presentation of organizational structure

Organizational units of the Agency are the following: the Cabinet of the Director, the Situation Centre, Departments and Regional Centres.

The Cabinet of the Director performs various tasks for the Agency, i.e. the Director and Deputy Director.

The Situation Centre performs the tasks within the Headquarters of the Agency providing operational readiness and coordination.

The Department is a basic organizational unit within the Agency in charge of a group of interrelated tasks, which plans, organizes, coordinates and directly carries out and controls the performance of all the tasks from its sphere of activity, while, at the same time, it develops working and functional cooperation with other organizational units of the Agency. The Department is in charge of all the activities carried out in the entire territory of the Republic of Serbia.

The Regional Centre is a basic territorial unit of the Agency which plans and directly carries out tasks from its sphere of activity on a certain territory.

4. Description of functions performed by senior officials

The Head of the authority is the Director of the Security Information Agency, Mr. Bratislav Gašić, who was appointed the Director pursuant to the Serbian Government's Decision dated May 29th, 2017. The Director manages the Agency and is responsible for legality and professionalism of its work, while, at the same time, he is subordinate to the National Assembly and Government of the Republic of Serbia. According to the law, the mandate of the Director lasts for five years.

Contact details: Tel. 011/3671-135
Fax 011/3671-720
e-mail direktor@bia.gov.rs

The Director, in accordance with the law, may have a deputy. The Deputy Director provides assistance to the Director, in line with the authorizations provided by the Director, while, at the same time, the Deputy Director replaces the Director in case of absence, being temporary unable to perform the duties and in many other cases prescribed by law.

The competences of the Director:

- to organize well functioning of the Agency, coordinate and direct the work of the organizational units;
- the Director is responsible for legal, professional and efficient performance of tasks from the Agency's sphere of activity.
- the Director is responsible for efficient and rational use of budgetary and other resources;
- to pass adequate acts and internal instructions which define in greater detail the issues related to the internal organization and the procedure of performing tasks and assignments from the Agency's sphere of activity and provide mandatory instructions on the procedures of performing tasks and assignments;
- to submit a proposal on the priorities of the Agency to the Government, as an annex to the document which defines security-intelligence policy;
- to deliver the annual plan of the work of the Agency;
- to submit the Report on the work of the Agency and Report on the security situation in the Republic of Serbia to the Government and the competent committee;
- to deliver proposals for national security improvement to the National Security Council;
- to implement the conclusions of the National Security Council and Coordination Bureau for Security Services, which direct and coordinate the work of security services;
- to inform the Government on the international cooperation of the Agency;
- to represent the Agency and conclude agreements and contracts;
- to make appropriate decisions and solutions regarding the employment status of officers;
- to issue clearances to officers for accessing confidential information;
- to decide on releasing active and former officers from data confidentiality duties;
- to decide on revoking the confidentiality of information and documents of the Agency, in line with a special law,
- to perform other duties defined by another regulation as an obligation of a Head of a state authority.

In accordance with the law and other regulations based on the law, the Director is allowed to authorize other members of the Agency to carry out certain tasks prescribed as the competences of the Director.

5. Description of the rules regarding the transparency of activities

Mandatory data from Point 24. of the Instruction	Data or a note
Tax Identification Number	102199447
Working hours	regular working hours from 7.30 AM to 15.30 PM, i.e. other possible if necessary
mailing address, email and contact telephone numbers of the state authority, its organizational units and officers authorized to act upon requests for access to information	in the text
contact details of individuals authorized to cooperate with journalists and media	in the text
description of the procedure for obtaining identification marks for monitoring the work of the authority	not applicable
The design of the identification marks of officers who can get in touch with citizens, in line with the nature of their work, or a link to the address where these marks can be seen	in the text
description of accessibility of working premises to persons with disabilities	not possible without an escort
possibility of attending sessions and gaining direct insight into the work, procedure for getting information on the time and venue of sessions and other events that citizens are allowed to attend and the description of the procedure for obtaining approval for attending sessions and other events, in case such an approval is necessary	not applicable
audio and video recording of capacities used by the authority and of its activities	not allowed

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all authentic interpretations, expert opinions and legal views regarding the regulations, rules and decisions relating to the transparency of work no such content

Company Identification Number – Security Information Agency: **17410679**, Tax Identification Number (TIN): **102199447**

Head office of the Agency –Kraljice Ane bb St, Belgrade

Working hours– Regular working hours are from 7.30 AM to 15.30. PM. However, in accordance with the law and regulations based on the law, depending on the necessity, officers in the Agency are mainly engaged after hours, as well as on non-working days and state holidays.

Members of the Agency, who have the status of authorized officers, as well as the ones having the status of officers working on certain duties, prove their identities and status by **official ID cards**, when performing the duties prescribed by the Law on the Security Information Agency.

These identification marks are prescribed by the Regulation on official identity cards of Security Information Agency's officers (Official Gazette of RS", No 68/02). The samples of official ID cards of the Agency's officers are printed within the attachment of this Regulation and make its integral part (attachment No 1-3).

Access for persons with disabilities, in wheelchairs, is not possible without an escort, due to the existence of technical and security barriers at the entrances of premises used by the Agency.

In accordance with the law and regulations based on the law, considering the nature of work of the Agency, as well as obligatory measures aimed at the protection of the Agency's data secrecy, getting a direct insight and monitoring the work of the Agency through citizens attending its regular daily activities, is not possible. Audio and video recording is not allowed within the official premises of the Agency, except upon a prior approval, with the aim of informing the public on the issues of special interest to the public and citizens of the Republic of Serbia.

Mailing address: Kraljice Ane bb St, Belgrade

The Director of the Agency appointed the person authorized to act on requests for access to information of public importance, in accordance with the provisions of Article 38 of the Law on Free Access to Information of Public Importance.

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Email addresses and contact phones:

Person authorized – Miroslav Panić
contact phone: 011/3671-720
fax: 011/3671-720
e-mail: kabinet@bia.gov.rs

6. List of most frequently requested information of public importance

- what are the basic tasks of the Agency;
- what are the basic competences and authorizations of the Agency's officers;
- how can citizens "recognize" an officer of the Agency;
- what is the procedure for obtaining authorization for interception of communication;
- the possibility for joining the Agency;
- the possibility of gaining insight into the files on individuals;
- who controls the work of the Agency;
- public procurements;

6.1. The procedure for requesting information

As for the procedure for requesting information, the official request is used in most of the cases - the request for notifying on the availability of information and request for delivering the documents containing the requested information, sent via regular postal or electronic mail.

6.2. Examples of information delivered to applicants

L..... S.....

e-mail:gmail.com

Dear Sir/Madam,

The Security Information Agency (hereinafter: the Agency), the person authorized by the Director of the Agency, in the process upon the request of for exercising the right to access information of public importance - gaining insight into the information "from pages 16-19 of the document mentioning in the Open book of victims of the communist regime after September 14th 1944, as an information from BIA" - sent on 2018 via electronic mail from the following email address:gmail.com to the publicly available electronic email address: kabinet@bia.gov.rs, after searching through the documentation funds of the Agency, including also the documentation funds of its legal predecessors, hereby informs the applicant that the requested document, i.e. information is not in the possession of the Agency.

The Agency permanently handed over its archival materials on WWII and the period immediately after to the Archive of Serbia.

Kind regards,

PERSON AUTHORIZED
upon the auth. No. 15-3387 dated 01. 06. 2017.

Miroslav Panić

Delivered:

1. in the title (via electronic mail to the address:gmail.com)
2. a/a (P. No: 00/18)

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NEWS AGENCY.....
– , director –

Belgrade
..... No...

Dear Madam,

Acting upon Your request for exercising the right to access information of public importance dated .. November 2018, mailed to the Security Information Agency (hereinafter: the Agency) in November, 2018 - asking for "information on all the payments made by the Agency or any of its departments, for the period from 01.11.2017 until 01.11.2018, to any off the accounts held at banks or Treasury Administration of the following legal entities:

-company, Company Identification No:....., Tax Identification No:
- AGENCY, Company Identification No:, Tax Identification No:

pursuant to Article 16. of the Law on Free Access to Information of Public Importance (Official Gazette of RS, No. 120/04, 54/07, 104/09 and 36/10), within the period stipulated by this Law, we inform You about the following:

In the period from 01.11.2017 until 01.11.2018, the Agency did not make any payments to the accounts of the legal entities mentioned above.

Kind regards,

PERSON AUTHORIZED
upon the auth. No. 15-3387 dated 01. 06. 2017.

Miroslav Panić

Delivered:

1. in title (via electronic mail to the address:gmail.com)
2. a/a (P.No 00/18)

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A..... P.....
21102 N o v i S a d
St. No. ..

The Security Information Agency (hereinafter: the Agency), the person authorized by the Director of the Agency, in the process upon the request of the applicant A..... P..... from Novi Sad, St No. .. for exercising the right to free access to information of public importance - delivering a copy of a document containing the requested information/notification on whether it has the requested information in its possession (blank forms examples: "basic security vetting" and "security vetting") - forwarded to the Agency by mail on of November 2018, after searching through the documentation funds of the Agency, pursuant to Article 16 Paragraph 1 of the Law on Free Access to Information of Public Importance ("Official Gazette of RS", No. 120/04, 54/07, 104/09 and 36/10), within the period stipulated by this Law, hereby informs the applicant that the Agency does not have the requested documents (forms), i.e. the information.

The regulations defining the work of the Agency, especially the regulations on reporting, documentation and records of the Agency, do not prescribe establishing and making these kinds of forms.

Kind regards,

PERSON AUTHORIZED
upon the auth. No. 15-3387 dated 01. 06. 2017.

Miroslav Panić

Delivered:

1. in title (via electronic mail to the address:gmail.com)
2. a/a (P.No 00/18)

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.....
– researcher –

11000 B e l g r a d e
St.

Dear Madam,

The Security Information Agency (hereinafter: the Agency), acting upon the request for exercising the right to access the information of public importance dated .. of May, 2018, forwarded via electronic mail to the publicly available email address: kabinet@bia.gov.rs – delivering the information defined within 9 (nine) questions regarding the public procurements in the Agency within 2015-2017 period - pursuant to Article 16 of the Law on Free Access to information of Public Importance ("Official Gazette of RS, No. 120/04, 54/07, 104/09 and 36/10), within the period stipulated by this Law, informs you on the following:

- It is prescribed by the Serbian Budget System Law ("Official Gazette of RS", No. 54/09, 73/10, 101/10, 101/11, 93/12, 62/13, 63/13 – correction, 108/13, 142/14, 68/15 - the state law, 103/15, 99/16 and 113/17), Article 28 Paragraph 8, that a special part of Republic of Serbia's budget, relating to the the costs and expenses of the Security Information Agency and its indirect users, is stated in total amount, without stating the appropriations from the financial plan.

- Delivering the requested information, which would mean making all the comprehensive data on procurements within the Agency for the said period available, would make this imperative provision from the Serbian Budget System Law ineffective.

Kind regards,

PERSON AUTHORIZED
upon the auth. No. 15-3387 dated 01. 06. 2017.

Miroslav Panić

Delivered:

1. in title (via electronic mail to the address:gmail.com)
2. a/a (P. No 00/18)

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R..... LJ.....

.....

..... ..

Dear Sir/Madam,

Acting upon Your request dated .. of April 2017, for exercising the right to access information of public importance, delivered to the Security Information Agency (hereinafter: the Agency) on .. of April 2017, by mail, asking to deliver to You the document containing the requested information - a quote:" which shows your acting upon my informing you on having material evidence of the existence of political-judicial mafia in Serbia" - pursuant to Article 16 of the Law on Free Access to Information of Public Importance ("Official Gazette of RS" No. 120/04, 54/07, 104/09 and 36/10), within the period stipulated by this Law, we inform you on the following,

1. After a detailed analysis of your "report" and considering legally regulated competences and activities of the Agency - Article 2 of the Law on the Security Information Agency ("Official Gazette of RS", No. 42/02, 111/09, 65/14 and 66/14), as well as the provisions of Article 43 Paragraph 2 Point 1 of the Criminal Procedure Code ("Official Gazette of RS" No. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14), which prescribes that a preliminary investigation is conducted by the competent public prosecutor, the Agency has concluded that there is no legal basis for its engagement in this specific case.
2. In line with the previously said, we refer to You to inform the public prosecutor on the "available material evidences" which stand as a ground for suspicion that a crime has been committed or that a certain individual has committed a crime, as it is explicitly prescribed by Article 281 of the Criminal Procedure Code.

Kind regards,

Delivered:

1. in title (via mail to the address:..... ..)
2. a/a (P. No: 00/17)

PERSON AUTHORIZED
upon auth. No. 15-1871 dated 04. 11. 2013.

Miroslav Panić

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INSTITUTE
– Mr. -

Belgrade
.....

Dear Sir/Madam,

Acting upon Your request for exercising the right to access the information of public importance dated .. of March 2017, delivered to the Security Information Agency (hereinafter: the Agency) on .. of March 2017, by mail, asking to deliver to You the information defined and specified within four (4) questions - the number of cases, including both individuals and legal entities, when special measures which deviate from inviolability of secrecy of letters and other means of communication were undertaken in 2015 and 2016 and, accordingly, the number of proposals that the Director of the Agency, in this regard, submitted during 2015 and 2016 to the President of the Higher Court in Belgrade, - pursuant to Article 16 Paragraph 1 of the Law on Free Access to Information of Public Importance ("Official Gazette of RS, No.120/04, 54/07, 104/09 and 36/10), we inform You on the following,

– The Agency does not have the document containing the requested information the way it is defined in Your request. The regulations defining the work of the Agency, including documentation and record keeping, do not prescribe making and recording a document which would consolidate all the data the way they are stated in Your request.

– The Law on Free Access to Information of Public Importance does not prescribe the obligation of a public authority in the Republic of Serbia to create a document only to act upon a request for free access to information of public importance, in case it does not already have such a document available at the moment when the request itself was delivered. Quite the contrary, Article 2 of this Law, which defines the concept of information of public importance, specifies that it is the information created during the working activities of a public authority or is related to it and is contained within a document.

Kind regards,

PERSON AUTHORIZED
upon auth. No. 15-1871 dated 04. 11. 2013.

Delivered:
- in title (via mail to the address:, Belgrade)
- a/a (P. No. 00/17)

Miroslav Panić

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ATTORNEY

- -

Dear Sir/Madam,

Acting upon Your request for exercising the right for access to information of public importance in the possession of a public authority, sent to the Security Information Agency (hereinafter: the Agency) via electronic mail on November 30th 2016, from the following email address: to the publicly available email address: kabinet@bia.gov.rs, asking for information about the expertize on the "gas pistols of BLOW brand from Turkey", in accordance with the applicable law which defines the work of the Agency and the regulations defining the access to data and documents in the possession of a public authority, we inform You on the following,

– Analysing the relevant documentation and records of the Agency, formed and created in accordance with the regulations on the records in the sphere of security, the Agency have not found any information on the expertize on the said pistols. Moreover, the mark "BLOW" does not stand for a pistol brand, but only explains that this is a gas pistol, as a type of weapon (*blow - meaning a discharge of gas, air - eg*) and it most probably relates to a replica made by „Voltran Ltd“ company from Turkey.

–In the period 2006-2015, i.e. until the new Law on Weapons and Ammunition came into effect ("Official Gazette" of RS, No 20/2015), there had been many cases in the Agency of expertizing the so-called replica pistols (start/gas pistols) conducted upon requests of various state authorities, which used to be sold legally until 2006, when police started to confiscate them and file criminal charges.

–The essence of these expertize findings was based on the following: if the said weapon can fire a gas cartridge and not standard ammunition, the said weapon can be considered as a gas weapon, but it is necessary for the complete classification to establish the harmful effects of gas on human health.

–After the said Law on Weapons and Ammunition, the provision of Article 3 Paragraph 11, classified gas weapons within the convertible weapons group, the purchase of which requires a necessary permit from the competent authority, as well as for the firearms, expertizing these types of weapons did not take place in the Agency.

Kind regards,

PERSON AUTHORIZED

„.....“ newspapers and magazines
- -

Belgrade

Dear Madam,

As for Your "request" sent to the Security Information Agency (hereinafter: the Agency) on October 4th of the current year, via electronic mail, regarding the following subject: "Reforms within Chapter 24 related to the fight against terrorism", presented within ... (...) questions, we inform You on the following:

1. How much has the procedure for the adoption of the National Strategy on Preventing and Combating Terrorism progressed?

The working group for developing the National Strategy for Preventing and Countering Terrorism, formed by Serbian Government, has ended its work on drafting the text of the National Strategy and Action Plan for the Implementation, both of which have already went through the phase of the public debate. The adoption of the Strategy and Action Plan for Implementation is due to take place until the end of 2016.

2. The progress on the realization of activities from the Action Plan for Chapter 24 - Subchapter Fight against terrorism?

The activities for the Subchapter Fight against terrorism, the coordinator being the Agency itself, are essentially activities within the doctrinal, normative and institutional aspect and by carrying out these activities, the system capable to respond adequately to the threat of terrorism, as a growing security phenomenon, is established.

In the strategic-doctrinal sphere, besides completing the work on writing the Draft of the National Strategy for Preventing and Combating Terrorism, which represents the first strategic document on this topic in the Republic of Serbia, many other strategic documents have also been written, defining basic directions of the policy in a certain sphere of significance for preventing and combating terrorism, as well as measures for the implementation of it:

- In the area of preventing financing of terrorism, on the basis of the National Terrorist Financing Risk Assessment, Serbian Government adopted the National Strategy on Anti-Money Laundering and Terrorism Financing and Action Plan for implementation ("Official Gazette of RS", No. 3/2015);

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- also, during 2015, the Financial Investigation and Money-laundering Strategy (2015) was adopted, which promotes financial investigations as an efficient and proactive tool for processing terrorist offences as well;
- As for the field of internal security, the Strategy on Community Policing has been adopted, which promotes a new approach to policing;
- The Strategy on the Development of the System for Enforcement of Criminal Sanctions which, besides all the other things, also promotes an approach to the development of the system for enforcing criminal sanctions, one of their main aims being to influence individuals, including also the ones convicted of terrorism, to change their behaviour and resocialize them.

In the normative field, with the aim of bringing the national legislation in line with the EU acquis relating to combating terrorism, including both prevention and repression, an analysis of compliance has been conducted, pointing out that the national legislation is mainly in line with international standards, as well as with EU acquis. In accordance with the activities defined in the AP, the legislative capacities and abilities to fight terrorism have been increased by:

- The Law on Amendments and Supplements of the Criminal Code ("Official Gazette of RS", No 108/2014), which introduced two new criminal offences - Taking part in a war or armed conflict in a foreign country (Article 386a) and Organizing participation in a war or armed conflict in a foreign country (Article 386b), as a response to the "foreign fighters" phenomenon;
- The Law on Restrictions of Disposal of Property with the aim of Preventing Terrorism ("Official Gazette of RS", No 29/2015), which represent a fundamental implementation instrument for transferring all the relevant UNSC resolutions on this topic into the national legislation of the Republic of Serbia - Resolution 1267 (1999) and Resolution 1989 (2011) and which regulates the temporary administrative order of the transfer, conversion, disposition and relocation of the property of "identified individuals", on the basis of the relevant state authority's decision;
- The Law on the International Restrictive Measures ("Official Gazette of RS", No 10/16), the implementation instrument having legal power, which enables a direct application of international restrictive measures representing the international obligation that the Republic of Serbia has taken over, including also the ones which are of crucial importance for preventing and combating terrorism on the national, regional and global level;
- The Law on Payment Services ("Official Gazette of RS", No 139/2014), which came into affect on October 1st 2015 and introduces the obligation of remitter licensing as a condition for doing business on Serbian financial market.

In the institutional field there are ongoing activities defined in AP, such as the following:

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- improving the capacities of the competent entities, including specialized services
- joint bodies have been established

In practise, the realization of these activities will provide a positive influence on the security of the Republic of Serbia and its citizens, by reducing the causes rooted in the terrorism phenomenon and the ones helping it develop, increasing capacities on normative and institutional level and making preconditions for the Republic of Serbia and its competent authorities to become an equal and relevant actor in a broad international campaign to achieve a more secure regional and global environment.

Kind regards,

PERSON AUTHORIZED
upon auth. No. 15-1871 dated 04. 11. 2013

Miroslav Panić

.....

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– , journalist –

11000 B e l g r a d e

.....

Dear Madam,

Acting upon Your request for accessing information of public importance, dated June 3rd 2016, sent to the Security Information Agency (hereinafter: the Agency) via electronic mail to the publicly available email address kabinet@bia.gov.rs, asking from the Agency to deliver a copy of the document containing the requested information - two notes that the Agency sent to the Ministry - identified in the request through the specification of their reference numbers and dates of register, pursuant to the Article 16. Paragraph 3 of the Law on Free Access to Information of Public Importance ("Official Gazette of RS", No. 120/04, 54/07, 104/09 and 36/10), we inform You on the following,

- The Agency is not able, justifiably, to act, i.e. decide upon Your request in the period of 15 days, prescribed by law, starting from the day when your request was received.

- In line with the previously said, the Agency needs additional time prescribed by law, within the period of maximum 40 days, starting from the day of the reception.

-The reasons that make this deadline extension make sense can be found in the fact that, looking into Your request, it has been established that you identified the two requested documents, defined as secret upon the decision of an authorized individual, made in line with the Data Secrecy Law ("Official Gazette of RS", No. 104/09), by specifying precise reference numbers used for registering these documents in the Registry of the Agency, including the date of their register as well. According to the regular procedure prescribed by law, related to forming, transferring, delivering and using these documents containing secret data, presenting these data by any individual not authorized for accessing secret data, leaves room for suspicion of violating the provisions of the law prescribing the protection of secret data. The Governing Law, through its imperative provision - Article 36 Paragraph 3 of the Data Secrecy Law, prescribes the obligation of a public authority for these kinds of cases, i.e. the obligation of an authorized individual to undertake, without delay, all the necessary measures for establishing facts on whether secret data have been compromised and whether the prescribed procedure have been violated. Since the outcome of deciding upon the request can be directly conditioned by the results of the undertaken measures, the Agency needs additional time to decide validly on Your request.

Kind regards,

PERSON AUTHORIZED
upon auth. No. 15-1871 dated 04. 11. 2013.

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The Security Information Agency, the person authorized by the Director's authorization No 15-1871 dated November 4th 2013, in the process of deciding upon the request of from Belgrade for accessing information of public importance dated June 21st 2016, pursuant to Article 16 Paragraph 10, Article 38 Paragraph 1 and Paragraph 2 Point 1 and Article 21 of the Law on Free Access to Information of Public Importance ("Official Gazette of RS", 120/04, 54/07, 104/09 and 36/10), regarding Article 192 Paragraph 1 of the Law on General Administrative Procedure ("FRY Official Gazette", No 33/97 and 31/01 and "Official Gazette of RS", No 30/10), on July 5th 2016, issues a

D E C I S I O N

The request of from Belgrade for accessing information of public importance, dated June 21st 2016, asking for delivering the information on the identity of the individual who was in the position of the Head of the State Security Department in 1995, IS DENIED, for the reasons of protecting the right to privacy.

O p i n i o n

..... from Belgrade, No 12, represented in this specific issue by , the Director for (hereinafter: the applicant), submitted the request for accessing information of public importance dated June 21st 2016, which was mailed to the Security Information Agency (hereinafter: the Agency) on June 22nd 2016 - delivering the information on the identity of the individual who was in the position of the Head of the State Security Department (hereinafter: the Agency) in 1995.

Acting upon the submitted request, the contents of the request itself and relevant documentation of the Agency were analysed in the process.

Analysing the request, it has been decided as stated in the enacting terms of the decision for the following reasons:

Analysing the request it has been established that the assumed interest of the public to know, based on the Article 4 of the Law on Free Access to Information of Public Importance is at odds with the privacy protection interest from Article 14 of the said law.

On June 22nd 2016, the applicant mailed a request to the Agency asking for delivering the information which would mean delivering the personal data on a specific individual, which enjoy special protection regime based on the Constitution of the Republic of Serbia ("Official Gazette of RS", No 98/2006) and imperative provisions of the Law on Personal Data Protection ("Official Gazette of RS", No 97/08, 104/09 - the state law, 68/12 - CC and 107/12).

Article 42 of the Constitution establishes the personal data protection guarantee, through prescribing that collecting, keeping, processing and using personal data is prescribed

by law, as well as the prohibition, under the threat of punishment, of using the personal data for purpose other than intended, in accordance with the law, except in the case of a criminal procedure or the security protection of the Republic of Serbia, in a way prescribed by the law. The same Article establishes the constitutional guarantee stating that everyone has the right to be notified on the collected information on themselves, in compliance with the law, as well as the right to court protection due to the misuse of the said information.

The Article 1 Paragraph 2 of the Law on Personal Data Protection, a system law in this field which regulates, among all the other things, the conditions for collecting and processing personal data, the rights of individuals and protection of the rights of individuals whose personal data are collected and processed, as well as the protection of data, prescribes that the protection of personal data is provided for every individual, regardless of their citizenship and place of residence, racial group, age, gender, language, religion, political and all the other views, nationality, social background or status, assets, place of birth, education, social status and other personal characteristics.

Pursuant to Article 2 Paragraph 1 Point 1 of this Law, personal data are all the data relating to a certain individual, regardless of its form and information carrier (paper, tape, film, electronic media etc.), the person on whose behalf and request the information has been obtained, the creation date of information, the place the information has been obtained from, the method of obtaining the information (directly, by listening, watching etc, i.e. indirectly, gaining insight into the document that contains the information etc), or regardless of any other information characteristic.

The Article 24 of the Law on Personal Data Protection prescribes that the rights prescribed by this law, including the right to notification as well, can be exercised only by the individual to whom these information relate, i.e. in the case of his/her death by his/her legal heirs.

Delivering the requested information, i.e. making some information available to a certain group of people, these information being beyond any doubt the personal data on a specific individual, as they are conceptually defined in the law, would constitute a real and serious violation of that individual's right to privacy which is, as such, guaranteed and protected by the Constitution itself, law, ratified international agreements and generally accepted rules of international law, which represent an integral part of the legal system of the Republic of Serbia and are directly applied.

In such a state of affairs, considering the nature of the requested information, including the specific character of work that the individual performed, i.e. the institution in which the individual whose personal data are requested was employed, it is assessed that the necessity of protecting the right to privacy as a conflicting interest outweighs the interest of the public to know in the specific case. This is all the more so due to the fact that this is neither an individual who is of the public interest or a state official and politician nor an individual who, by behaving in a certain way, gave rise to requesting this information, especially regarding the private life.

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The Article 8 of the Law on Free Access to Information of Public Importance stipulates that the rights contained within it can exceptionally be subjected to limitations prescribed by this law if necessary in a democratic society for the reasons of preventing serious violation of the outweighing interest based on the Constitution and law, while Article 14 prescribes that an authority will not make it possible for the applicant to exercise the right to access to information of public importance if, by so doing, the individual's right to privacy, right to reputation or any other right of the individual whom the requested information is related to, would be violated.

Considering the reasons mentioned above, on the basis of the Article 14 in conjunction with the Article 8 Paragraph 1 of the Law on Free Access to Information of Public Importance, it has been decided as stated in the enacting terms of the Decision.

LEGAL REMEDY:

This decision can be appealed to the Commissioner for Information of Public Importance and Personal data Protection within 15 days from the receipt of the decision, the appeal being delivered to the second instance body in two identical copies.

PERSON AUTHORIZED

upon auth. No.15-1872 dated 04. 11. 2013.
Miroslav Panić

To be delivered to:
1 x Applicant
1 x Agency

A..... I.....
..... B
St.

Dear Sir/Madam ,

Acting upon Your request for accessing information of public importance, dated September 17th 2015, delivered to the Security Information Agency on September 18th of the the same year, by mail - delivering a copy of the document containing the requested information - on the date and time when the Agency received a phone-call from the mobile telephone number you cited at 2014, based on the Article 16 of the Law on Free Access to Information of Public Importance ("Official Gazette of RS" No. 120/04, 54/07, 104/09 and 36/10) and within the period stipulated by this Law, we inform You on the following,

– You request the data representing the information on a certain individual, whereby, except from Your claims that you are the owner of the said (mobile) telephone number, You have not delivered any other documents that would undoubtedly link You with this number, in the sense of You being the owner or user of it.

– Not engaging ourselves in checking Your claims, i.e. whether the Agency itself has the requested information available or not, we point out that the provision 14 of the Law on Free Access to Information of Public Importance prescribes that a state authority will not make possible for the applicant to exercise the right to access the information if that would violate the right to privacy of the individual to whom the requested information relates.

Accordingly, we refer You to obtain the requested information from the public telecommunication operator that provides You with a concrete telecommunication service, assuming that the operator can, undoubtedly, link the requested information with You, based on the evidences of its users that the operator keeps in accordance with law.

Kind regards,

PERSON AUTHORIZED
upon auth. No. 15-1872 dated 04. 11. 2013.
Miroslav Panić

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CENTRE FOR.....
– Mrs, M..... M..... –

Belgrade
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Dear Madam,

Acting upon Your request for accessing information of public importance, dated July 27th, 2015, delivered to the Security Information Agency (hereinafter: the Agency) via e-mail, asking for delivering the copies of documents containing the requested information - a copy of the contract between the Agency and limited liability company „.....”, No dated December 200., copies of other agreements, contracts and similar documents concluded with the said legal entity in the period from January 1st 2005 until July 26th 2015, as well as copies of other agreements, contracts and similar documents concluded with seven (7) companies stated in the request, in the period from January 1st 2005 until July 26th 2015 - based on the Article 16 of the Law on Free Access to Information of Public Importance ("Official Gazette of RS", No 120/04, 54/07, 104/09 and 36/10), within the period prescribed by this law,

– We deliver a copy of the Contract No dated December 200.. between the Agency and limited liability company „.....”, founded by We point out that, in the Contract, in accordance with positive regulations governing the areas of personal data protection, the right to privacy and right to keep business secrets safe, the parts of the Contract revealing this information have been anonymized.

– In the period from January 1st 2005 until July 26th 2015, the Agency did not conclude any agreements, contracts or other documents with the said legal entity.

–In addition to that, in the period from January 1st 2005 until July 26th 2015, the Agency did not conclude any agreements, contracts or similar documents with companies stated in Point 3 of Your request (seven companies).

Kind regards,

PERSON AUTHORIZED
upon auth. No. 15-1872 dated 04. 11. 2013.
Miroslav Panić

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P..... V.....
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..... **33/7**

Dear Sir/Madam,

Acting upon Your request for accessing information of public importance dated September 16th 2014, delivered to the Security Information Agency (the Agency) via e-mail - delivering the information on how to apply for employment in the Agency, in accordance with the Article 16 of the Law on Free Access to the Information of Public Importance ("Official Gazette of RS", No 120/04, 54/07, 104/09 and 36/010), we inform You on the following

1. In the initial stage, it is necessary only to submit the initial application containing a short biography, by mail, to the address Kraljice Ane bb St, 11 000 Belgrade, or by email to the address kabinet@bia.gov.rs, since, according to the positive regulations, the Agency is not obliged to announce a public competition in its process of employing new members.

2. An employment relationship in the Agency can be established in accordance with the general conditions applying to establishing an employment relationship in a public authority, as well as if a person meets the requirements prescribed for the employees in the ministry in charge for internal affairs and by the Act on internal organization and job classification in the Agency, i. e.:

- to be a citizen of the Republic of Serbia only;
- to be a resident of the Republic of Serbia;
- to have at least secondary level of education;
- to be of legal age;
- to be in good health;
- to have required qualifications;
- to be of the required age, in good physical and mental condition and to meet the special requirements needed for certain positions;
- to meet special security requirements;
- that there are no ongoing criminal proceedings against the person for criminal offences prosecutable ex officio; that the person has not been sentenced for criminal offences prosecutable ex officio; that the person has not been sentenced to imprisonment longer than three months and that the person has not been terminated from employment in a public authority due to a final decision of a judicial authority for severe breaches of the official duties, i.e. that the person has not been terminated from employment in a legal entity with public powers due to a breach of the official duty or non-compliance with labour discipline.

Kind regards,

PERSON AUTHORIZED
Miroslav Panić

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Z..... M.....
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Dear Madam,

Acting upon Your Request dated November 28th 2014, for delivering the information on the possibility for gaining insight into the personal files on Your relatives, delivered to the Security Information Agency (hereinafter: the Agency) via e-mail, on the basis of the positive regulations of the Republic of Serbia governing the access to information and documents held by public authorities and positive regulations defining the work of the Agency, we inform You on the following

– The Agency, regularly and on permanent basis, delivers the documentation which is available and in compliance with all the requirements prescribed by the law regulating archival and registry material, to the competent archival institutions in the Republic of Serbia. It is possible to access and use the said documentation afterwards, but only for scientific and research purposes for the time being, i. e. only in specific cases and upon the request of the competent courts in rehabilitation proceedings.

–The systemic law in the Republic of Serbia governing the field of the personal data protection contains very strict provisions on gaining insight into official documents of a public authority containing the personal data, allowing this only to the individual to whom the said information (documents) relate to and in case of the individual's death - to his legal heirs.

–In addition to this, we point out that the Agency permanently delivered the archive material relating to the WWII and the period immediately afterwards, which it took over from the former State Security Service within the Ministry of Interior, to the Archive of Serbia.

Kind regards,

PERSON AUTHORIZED

Miroslav Panić

F..... Z.....

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Dear Sir/Madam,

with regards to Your request for accessing official documentation for the purpose of research and preparation of PhD thesis, delivered to the Security Information Agency (hereinafter: the Agency) on February 25th 2014, via e-mail, in accordance with the legal regulations governing the work of the Agency, legal regulations governing the field of data secrecy in the Republic of Serbia as well as the access to information and documents held by public authorities, not engaging at all in checking the facts on the existence of any kind of documentation that is the subject of Your interest, we inform You on the following

–The mentioned legal framework in the Republic of Serbia does not provide any possibility for accessing documentation held by the Agency for research and scientific purposes.

–However, we point out that the Agency, in line with the relevant legal regulations governing that field and after the prescribed time limits expire, regularly sorts out and delivers permanently the documentation which has certain historical and cultural value to the Archive of Serbia, which can, afterwards, be accessed by the rules governing access to the archives.

Kind regards,

PERSON AUTHORIZED
Miroslav Panić

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M..... L.....
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e-mail:

Dear Sir/Madam,

with regards to Your addressing the Security Information Agency (Hereinafter: the Agency) on March^{28th} 2014, via e-mail, on the subject of getting, allegedly, a necessary approval from the Agency for accessing the archives held by archival institutions in the Republic of Serbia (the Archive of Yugoslavia, the Archive of Serbia etc.) for the purpose of research, we inform You on the following,

–Regarding the archive materials held by the stated archival institutions, especially the materials You mentioned in Your request, the Agency does not have any competencies in the sense of giving/denying the access approval.

–The only exception in this respect is exclusively and only the archive material originating directly from the Agency itself and, in that case, upon the request of a competent archival institution, the Agency gives its opinion on the way of using the said material upon a concrete request for research and scientific purposes.

–As for any other archive material, that we suppose to be actually the subject of Your interest, the access is allowed in accordance with the rules and regulations of archival profession, while the Agency itself does not have any competences or anything to do with the mentioned rules and regulations.

Kind regards,

PERSON AUTHORIZED
Miroslav Panić

FOND
.....

Belgrade
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Dear Madam,

Acting upon Your request for accessing information of public importance, dated April 7th 2014, delivered to the Security Information Agency (hereinafter: the Agency) on April 8th 2014, by mail, registered under No 15-4226, asking for delivering the information on whether there is a special organizational unit within the Agency in charge for the cooperation with the Office of the War Crime Prosecutor in investigations of war crimes, as well as on the number of officers working within the same unit, in accordance with Article 16 of the Law on Free Access to Information of Public Importance (Official Gazette of RS", No 120/04, 54/07, 104/09 and 36/10), we inform You on the following,

–There is no special organizational unit within the Agency, formally established by the act defining the internal organization, which is in charge exclusively for cooperation with the War Crime Prosecutor, i.e. for investigating war crimes.

–The Agency cooperates with this prosecution office with special jurisdiction as a single legal entity, on the bases and in the way prescribed by legal regulations, in accordance with the prescribed competences of the Agency.

– Depending on the circumstances of a case or a type of the Prosecution request, in case of cooperation, several organizational units of the Agency are involved.

Kind regards,

PERSON AUTHORIZED

Miroslav Panić

7. Description of competences, powers and obligations

7.1. Competences

Security-Information Agency (BIA) was established by the Law on Security-Information Agency, which had come into effect on July 27th 2002, as a special organization within the system of state authorities in the Republic of Serbia, with the legal entity status and it is in charge of performing professional tasks referring to protection of security of the Republic of Serbia (Article 2 of the Law on BIA).

BIA is a civilian national security service and it is a part of a common security and information system of the Republic of Serbia.

Competences of the Security-Information Agency (Article 2 of the Law on BIA) are the following:

- Protection of security of the Republic of Serbia;
- Detection and prevention of activities of undermining or toppling the constitutionally established order of the Republic of Serbia;
- Research, collection, processing and assessment of security and intelligence information and data significant for security of the Republic of Serbia and informing competent state authorities regarding the named data,
- Besides the said, BIA also performs other tasks stipulated by the Law on BIA.

7.2. Obligations

1. When performing tasks and activities within its competences stipulated by law, the Agency is obliged to act based on and within the Constitution, laws, other regulations and general Acts, the national security strategy, the defense strategy and the established security and intelligence policy of the Republic of Serbia (Articles 2, 3 and 4 of the Law on Basics of organization of the security services in the Republic of Serbia).
2. The Agency is obliged, twice a year, to submit the Report on its work, together with the report on the security state of the Republic of Serbia, to the National Assembly and the Government of the Republic of Serbia.

3. The Agency is obliged, while performing activities within its scope, to act upon the general stands and guidelines of the Government, which refer to the security and intelligence policy of the Republic of Serbia.
4. The Agency is obliged to establish intensive cooperation with other entities in the security and intelligence system of the Republic of Serbia, as well as with other competent state authorities and services, based on principles of division of competences, partnership and professionalism.

7.3. Powers

7.3.1. Powers based on the Law on the Security-Information Agency ("Official Gazette of RS", no. 42/02, 111/09, 65/14 – US, 66/14 and 36/18)

- While performing duties within its competence, the Agency applies appropriate operational methods, procedures and measures, including appropriate operational and technical means, which provide collection of data and information in order to remove and prevent activities of undermining or toppling the Constitutionally established order of the Republic of Serbia, endangering security in the country and, with regard to that, takes other necessary measures and activities based on laws and regulations enacted in accordance with law (Article 9 of the Law).
- The Agency members are authorized to request from the official and other authorities, legal entities and individuals, and to receive from them, information, data and expert help significant for clarification of facts referring to performing tasks within the Agency scope of work. (Article 10 of the Law).
- Based on the prior decision of the Higher Court in Belgrade, upon the substantiated Director's proposal, if necessary for reasons of protecting security of the Republic of Serbia and if circumstances of the case imply existence of suspicion that a hostile activity is either being conducted or is about to be conducted and that it cannot be revealed or prevented in any other way, or that it would cause disproportionate expenses or major danger, the Agency is entitled to take special measures that deviate from the principle of inviolability of confidentiality of letters and other means of communication. A proposal and a decision are made in written form, containing the name of the special measure, data and facts significant for deciding upon it, the scope of the mentioned measure and its expiration date. The approved measures can be applied for three months, and based on the new proposal they can be prolonged not more than three more times with three months' duration. (Art. 13-15a of the Law).

- When special security reasons for the Republic of Serbia ask for it, the Agency can take over and directly perform activities which fall into competence of the Ministry of internal affairs, based on the decision made by agreement between the Director of the Agency and the Minister of internal affairs (Article 16 of the Law).

- The Agency is authorized to process, keep and use the collected information and documentation regarding activities within its scope, but it must keep appropriate records about it and provide protection of their confidentiality. The Agency keeps records of people, organizations, documentation and other data within its competence. (Article 11 of the Law).

7.3.2. Powers based on the Law on Police

According to the provision of the Article 12 of the Law on the Security-Information Agency, the Agency members engaged in activities of detecting, monitoring, documenting, prevention, repression and blocking activities of organizations and individuals directed towards conducting organized crime activities and criminal acts with the foreign element, element of terrorism and most serious types of criminal acts against humanity and international law and against the Constitutionally established security system of the Republic, can apply powers stipulated by law and other regulations that are applied by authorized official authorities and employees performing certain tasks with the Ministry of internal affairs, i.e. the police, in accordance with rules regulating the work of police and the said ministry.

In compliance with regulations of the Law on police, only the Agency members with Authorized officials status (OSL) and those with status of Officials performing certain tasks (OD), engaged on the said activities, have certain police powers, regulated by the Law on police.

7.3.3. Powers based on the Criminal Procedure Code (ZKP)

Provisions of the Articles 161 till 187 of the Criminal Procedure Code ("Official Gazzete of RS", no. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14), which stipulate special evidentiary activities as regards offenders of criminal acts of organized crime, terrorism and corruption, and this also includes felonies that fall within competences of the Agency (criminal acts against the Constitutional system and security, criminal acts against humanity and international law, including terrorism and terrorism financing), among other state authorities and organizations, also stipulate the Agency's power, in specific circumstances, based on the previously written and substantiated order from the judge for the previous procedure, brought based upon the substantiated proposal by the Public Prosecutor, with a view to

prevent, detect and prove these criminal acts, under conditions and in the way stipulated by regulations of the said law, to take the following actions:

- Secret control of communications;
- Secret surveillance and recording;
- Simulated actions;
- Computer data search;
- Engaging an undercover investigator;
- Controlled delivery (stipulated by the Republic Public Prosecutor or a Public Prosecutor with special competencies)

7.3.4. Powers based on other laws and regulations

1. Security check and approval

- Article 54 of the Data Confidentiality Law;
- Article 26 of the Law on organization and competences of state authorities in repression of organized crime, terrorism and corruption;
- Article 81, paragraph 7 of the Law on Defense;
- Article 9 of the Law on Foreigners;
- Article 231, paragraph 3 of the Air Traffic Law;
- Article 13 of the Law on Dual-use goods' export and import;
- Article 8 of the Law on export and import of arms and military equipment;
- Article 13 of the Law on Production and trade of arms and military equipment. (36/18);
- Article 7, paragraph 1, Indent 4 of the Decree on determining activities of security protection of certain people and facilities.

2. Security assessments and reporting

- Article 15 of the Law on custodial sentence execution for criminal acts of organized crime;

- Article 7, paragraph 1, point 5 of the Law on international legal aid in criminal matters;
- Article 225 of the Air Traffic Law;
- Article 7, paragraph 1, indent 2 of the Decree on determining activities of security protection of certain people and facilities,
- Decree on users of external information of the Security-Information Agency and types of editions ("Official Gazzete of RS", no. 83/2004 and 52/2007);

3. Procedure control

- Article 28 of the Law on Dual-use goods' export and import,
- Article 33 of the Law on Export and import of arms and military equipment.

8. Description of activities within competences, powers and obligations

8.1. Description of activities within obligations

- The Agency performs its tasks based on the principles of constitutionality and legality, respect for human rights and freedoms, professionalism, proportionality in application of powers, confidentiality, impartiality, efficiency, focusing and selectivity, economic, organizational and technological rationality, subordination, planning and cooperation.
- The Agency's work is based on the Constitution and within the Constitution, laws, other regulations and general acts brought in accordance with law, confirmed international agreements and universal rules of international law, the national security strategy, the strategy of defense and the established security and intelligence policy of the Republic of Serbia.
- The Agency is obliged to act upon the principle of political neutrality and it can neither take actions in favour or at the expense of political parties, interest groups or individuals, nor it can discriminate any person based on his/her race, gender, language, religion, political or some other belief, nationality, ethnic or social origin or other status.

8.1.1. Reporting to the National Assembly, i.e. its competent committees

According to the Constitution, the Law on BIA, the Law on Basics of organization of the security services in the Republic of Serbia and the Rules of Procedure for the National Assembly, the National Assembly supervises work of security services directly and through its Committees, first of all the Committee for security services control, inter alia through reviewing and adopting periodical reports of the Agency's work.

- In accordance with legislation and at least once during regular sessions of the National Assembly, the Director of the Agency submits to the Committee a Report on the work of the Agency, which includes also the Report on security state in the Republic of Serbia, but he also submits the report if need be or at the Committee's request. There were four Committee sessions in 2018 (two regular ones and two on demand), where the issues were discussed regarding the work of the Agency and its results. In 2018, the Committee realized two control visits to the Agency: the first one to the Agency headquarters in Belgrade and the second one to the territorial organizational unit in Kraljevo.
- During the 2014-2018 period, the National Assembly delegates had asked the Agency in twenty five cases to deliver information and clarifications they needed in order to perform

their delegates' duties, based on the Article 287 of the Rules of Procedure of the National Assembly. All said cases were demands for specific information regarding certain, defined security phenomena and events. All those demands were answered by the Agency, in a timely manner.

8.1.2. Reporting to the Government

Concerning the fact that the Agency has a special organizational status within the state administration authorities' system, it is directly controlled by the Government when it comes to its work, in accordance with the Law on Government and the Law on State Administration. The said control is, *inter alia*, realized by the Government establishing and pursuing the security and intelligence policy of the Republic of Serbia and it approves the annual program of the Agency's tasks, it examines and adopts the annual report on the Agency work and proposes the said Law to the budget, with the Agency budget being its constituent part.

8.1.3. Reporting to the National Security Council

The Law on Basics of organization of the security services in the Republic of Serbia stipulates that the National Security Council, the authority in charge of harmonization and management of security services in Serbia's work, also is in charge of certain aspects of control over the Agency work, *inter alia*, through competences of this Council to:

- Examine issues from the Agency's scope of work;
- Provide its opinion regarding proposals to annual and middle-term plans of the Agency's work;
- Provide its opinion to the Government regarding proposals to the budget of the Agency and monitors the way the approved budgetary funds are spent;
- Provide its opinion to the Government regarding proposals for appointment and dismissal of the Director of the Agency.

Note: Description of certain competences and powers is contained in the text of this Information, while in regards to others the description is not available, since it would compromise the data specified by law or some other regulations brought based on law, as classified ones.

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9. Specification of regulations

9.1. Competences of the Agency are determined by the following regulations:

Law on the Security-information Agency ("Official Gazette of RS", no. 42/02, 111/09, 65/14 – CC decision, 66/14 and 36/18) and a provision brought for this law to be enforced:

- Decree on the way of registration, processing, keeping, use and delivery to other competent state authorities information and documents regarding activities which fall within the Security-Information Agency competences ("Official Gazette of RS", no. 68/02);
- Decree on official identity cards of the Security-Information Agency members ("Official Gazette of RS", no. 68/02 and 82/02);
- Decree on users of external information of the Security-Information Agency and types of editions ("Official Gazette of RS", no. 83/04 and 52/07);
- Decree on disciplinary liability of the Security-Information Agency members ("Official Gazette of RS", no. 48/12);
- Decree on determining activities of security protection of certain individuals and facilities ("Official Gazette of RS", no. 72/10 and 64/13);
- Law on basics of organization of security services of the Republic of Serbia ("Official Gazette of RS", no. 116/07 and 72/12);
- Law on Police ("Official Gazette of RS", no. 6/16, 24/18 and 87/18);
- Criminal Procedure Code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/13, 45/13 and 55/14);
- Law on organization and competences of state authorities in repression of organized crime, terrorism and corruption ("Official Gazette of RS", no. 94/16 and 87/18 – other law);
- Law on organization and competences of state authorities in war crimes proceedings ("Official Gazette of RS", no. 67/2003, 135/2004, 61/2005, 101/2007, 104/2009, 101/2011 – other law and 6/2015);

- Law on confidentiality of data ("Official Gazette of RS", no. 104/2009) and regulations brought for this law enforcement:
 - Decree on security queries' models ("Official Gazette of RS", no. 30/2010);
 - Decree on contents, form and way of delivering the certificate for access to classified information ("Official Gazette of RS", no. 54/2010);
 - Decree on contents, form and way of keeping records of accessing classified information ("Official Gazette of RS", no. 89/2010);
 - Decree on a way and procedure of determining data confidentiality, i.e. documents ("Official Gazette of RS", no. 8/2011);
 - Decree on special measures of protection of classified data in information and telecommunication systems ("Official Gazette of RS", no. 53/2011);
 - Decree on special measures of surveillance over classified data handling ("Official Gazette of RS", no. 90/2011);
 - Decree on special measures of physical and technical protection of classified data ("Official Gazette of RS", no. 97/2011);
 - Decree on closer criteria for determining confidentiality levels "Top Secret" and "Secret" ("Official Gazette of RS", no. 46/2013);
 - Decree on special measures of protection of classified data referring to establishing whether organizational and technical requirements based on the contractual relationship were fulfilled ("Official Gazette of RS", no. 67/2013);
 - Decree on closer criteria for determining confidentiality levels "Confidential" and "Restricted" in the Security-Information Agency ("Official Gazette of RS", no. 70/2013).

9.2. Application of other regulations:

- Constitution of the Republic of Serbia ("Official Gazette of RS", no. 98/2006);
- Ratified international conventions:
 - Universal UN Declaration on Human Rights;
 - European Convention for protection of human rights and fundamental freedoms;
 - European Convention on Combating Terrorism;
 - European Council Convention on Preventing Terrorism;

- UN Convention against transnational organized crime;
- Convention on Psychotropic Substances;
- Convention of Council of Europe on laundering, search, seizure and confiscation of profits of crime and on terrorism financing;
- International convention on terrorism financing suppression;
- Common convention on narcotic drugs;
- Convention of Council of Europe on acces to official documents;
- Convention on Council of Europe on protection of people in reference to automatic processing of personal data;
- Criminal Code ("Official Gazzette of RS", no. 85/2005, 88/2005 - amendment, 107/2005 - amendment, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016);
- Law on Cooperation of Serbia and Montenegro with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed on the Territory of the Former Yugoslavia since 1991 ("Official Gazzette of RS", no. 18/2002 and "Official Gazzette of MN", no. 16/2003);
- Law on Prevention of money laundering anf terrorism financing ("Official Gazzette of RS", no. 113/2017);
- Law on Organization and competences of state authorities for countering high-tech crime ("Official Gazzette of RS", no. 61/2005 and 104/2009);
- Law on Personal data protection ("Official Gazzette of RS", no. 97/2008, 104/2009 – other law, 68/2012 – US, 107/2012 and 87/18 – other law);
- Law on Liability for Human rights violation ("Official Gazzette of RS", no. 58/2003 and 61/2003 - amendment);
- Anti-Discrimination Law ("Official Gazzette of RS", no. 22/2009);
- Law on Free Access to information of public importance ("Official Gazzette of RS", no. 120/2004, 54/2007, 104/2009 and 36/2010.);
- Law on General administrative procedures ("Official Gazzette of RS", no. 18/2016);

- Law on export and import of arms and military equipment ("Official Gazette of RS", no. 107/2014);
- Law on export and import of dual-use goods ("Official Gazette of RS", no. 95/2013);
- Law on electronic communications ("Official Gazette of RS", no. 44/2010, 60/13 – CC decision and 62/14);
- Law on Air traffic ("Official Gazette of RS", no. 73/2010, 57/11, 93712, 45/15 and 66/15 – ther law);
- Law on Limiting disposal of assets in order to prevent terrorism "Official Gazette of RS", no. 29/2015, 113/2017 and 41/2018);
- Law on international limiting measures ("Official Gazette of RS", no. 10/16);

Security-Information Agency of the Republic of Serbia, when performing its tasks established by law, fully obeys also other positive norms of the Republic of Serbia, as well as ratified international agreements and universal rules of international law.

10. Services provided by the authority to the interested parties

This obligatory part of the Information Booklet is not relevant for the Security-Information Agency, since the Agency is not the direct services provider.

11. Providing services procedure

This obligatory part of the Information Booklet is not relevant for the Security-Information Agency.

12. Survey of data on services provided

This obligatory part of the Information Booklet is not relevant for the Security-Information Agency.

13. Revenues and expenditures data

Financial means for the Security-Information Agency are provided in the Budget of the Republic of Serbia and from its own revenues, in accordance with the law.

13.1. The 2018 budget

Budget of the Agency for 2018 is stipulated by the **Law on Budget of the Republic of Serbia for 2018** ("Official Gazette of RS", no. 113/2017), in accordance with the Proposal of the Financial Plan of the Agency, amounting 5.305.654.000 dinars in total.

13.2. The 2019 budget

Budget of the Agency for 2018 is stipulated by the **Law on Budget of the Republic of Serbia for 2018** ("Official Gazette of RS", no. 95/2018), in accordance with the Proposal of the Financial Plan of the Agency, amounting 6.268.995.000 dinars in total.

13.4. Other information on the Agency budget

Based on the Conclusion regarding implementation of audit of financial reports and audit of regularities of operation of the Security-Information Agency, no: 400-278/2013-01 from Feb. 12th 2013, authorized personnel of the State Audit Institution performed the audit of the Annual financial report of the Security-Information Agency for 2012 and a revision of regularities of operation (its compliance with law).

14. Procurements Data

The Law on the Budgetary system of the Republic of Serbia ("Official Gazette of RS", no. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013, 63/2013 – amendment, 108/2013, 142/2014, 68/2015 – other law, 103/2015, 99/2016, 113/2017 and 95/2018) in the Article 28 paragraph 8 stipulates that a separate part of the budget of the Republic of Serbia referring to expenditures and expenses of the Security-Information Agency and its indirect users should be presented in total amount, without specifying the appropriations

from financial plan. Citing data on procurements in the Security-Information Agency would make this regulation of the Law on the Budget system of the Republic of Serbia senseless.

15. State aid Data

Security-Information Agency has not allocated, nor is currently allocating, state aid in any form (transfers, subventions, dotations, donations, participation in projects financing, loans under preferential terms, exemption from fees, transfer of funds, and alike).

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16. Information on salaries, fees and other incomes

Law on the budgetary system, in Article 28, paragraph 8, stipulates that the separate part of the Budget of the Republic of Serbia referring to expenditures and expenses of the Security-Information Agency and its indirect users should be presented in total amount, without stipulating appropriations from financial plan. Citing data on paid salaries, fees and other incomes in the Security-Information Agency would make this regulation of the Law on the Budget system of the Republic of Serbia senseless.

17. Resources Data

17.1. Financial assets

Financial assets for the Agency are provided within the Budget of the Republic of Serbia.

17.2. Non-financial assets

The Security-Information Agency is a user of immovable and movable property owned by the Republic of Serbia, based on the Agreement of demarcation of property and assets and regulation of mutual rights and obligations with the Ministry of Interior of the Republic of Serbia, made based on the Article 27, paragraph 2 of the Law on the Security-Information Agency, as well as immovable and movable property, which were procured in order to perform regular tasks within the the Agency's scope of work, from its creation until now

18. Keeping information records

Regarding tasks that fall within its competences, the Agency processes, keeps and uses collected information and documentation, keeps appropriate records about that and provides protection of their confidentiality (Article 11, paragraph 1 of the Law on BIA).

The way of recording, processing, keeping, use, protection and delivery to other competent state authorities of information and documents of the Agency is determined by the Government (Article 11, paragraph 2 of the Law on BIA).

Government Decree on the way of recording, processing, keeping, use, protection and delivery to other competent state authorities of information and documents on tasks that fall within competences of the Security-Information Agency ("Official Gazette of RS", no. 68/2002) prescribes that the Security-Information Agency keeps records of people, organizations, documentation and other data that fall within the competence of the Agency, using both manual or automatized way of record-keeping, on several different media – i.e. paper, microfilm and electronic records.

Compliant to positive legislation shaping this area – Law on Data Confidentiality ("Official Gazette of RS", no. 104/2009), the Law on BIA and by-laws for enforcing these laws – Security-Information Agency applies general and specific, normative, physical and technical and logical, individual or combined, measures for protection of data in its possession, regardless of the kind, way and form of holding, as well as media – they are kept in.

These measures, inter alia, include:

- Determining data operator;
- Determining specific zones, buildings and facilities intended for data protection;
- Measures of physical and technical protection, including installation and mounting of technical protection equipment, determining the security zone area and protection out of the security zone area;
- Special protection measures in case of the Agency documentation transfer, in order to prevent possible loss, theft or destruction.

Normative protection measures include:

- Organizational measures,
- Personnel measures – data can be accessed only by people with specific authorizations, and if those are confidential data, also with approval that includes security check and a signed statement on the obligation to keep data confidentiality.

Physical and technical measures include:

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- Technical protection of facilities and premises of the Agency, using electronic and mechanical equipment;
- Electromagnetic radiation protection;
- Fire protection;
- Protection of possible failures in plumbing and electrical installation.

Logical measures of protection in the authorization for data accessing procedure realization, including control of changes, entail:

- identification
- verification
- authorisation

19. Types of information held

19.1. Types of information posted on website:

- press releases;
- announcements;
- press material;
- news;
- data on the Agency's work posted in media,
- Information Booklet.

19.2. Information held by the Agency that are not posted on the website

Based on the Article 11 of the Law on BIA ("Official Gazette of RS", no. 42/2002 and 111/2009), the Security-Information Agency processes, keeps and uses collected information and documentation regarding:

1. Individuals and organizations which activities are significant for:
 - Protection of security of the Republic of Serbia and detection and prevention of activities directed towards undermining or destruction of Constitutional order of the Republic of Serbia,
 - Research, collection, processing and assessment of security and intelligence data and information important for security of the Republic of Serbia.
2. Phenomena and events important for national security of the Republic of Serbia.
3. Other activities determined by law.

19.3. Other information referring to the Agency's work:

Security-Information Agency is a special organization with status of a legal entity, which, as the state authority holds also other information referring to its work, such as:

- Data on the Agency's staff and their status;
- Data on implemented public procurements' procedures;
- Data on the assets used by the Agency,
- Data on budget planning and realization.

20. Types of information that the state authority enables access to

Information contained in the document held by the Agency, which were a result of work or related to work and which are not classified as confidential, based on law and other regulations brought based on law, can be made available based on a request for free access to information.

Moreover, the information that were by law or a regulation brought based on law classified as confidential and which period of confidentiality has not expired yet can be, upon the decision of the Director of the Agency that revokes confidentiality, made accessible to public if, in the concrete case, public interest to know prevails over the interest of confidentiality protection, i.e. access to information would not cause serious legal or other consequences for interests protected by law, would not threaten security, economic or defense interest specially significant for the Republic of Serbia or cause damaging consequences for performing tasks that fall within the Agency's competence.

Namely, Article 11 of the Law on the Security-Information Agency stipulates that the Agency should process, keep and use collected information and documentation on operations that fall within its competence and should keep the appropriate records about that.

Besides that, according to provisions of the Law on Data confidentiality, the Agency is obliged to take general and specific measures of confidentiality protection for data and documents it holds, in order to protect them from unauthorized detection, giving, exchange and use, as well as from theft, loss or destruction.

The acces to information may be denied or limited regarding the following types of information and for the following reasons:

1. When a request refers to certain data that the authorized officer of the Agency, in accordance with law, had classified with a certain confidentiality level, the Agency can deny access to the said data based on provisions of the Article 9, point 5 of the Law on free access to information of public importance, if the material conditions are also met, in the sense that there is possibility that serious legal or other consequences for interests prevailing over the interest to access information would ensue, such as:
 - Defense of country, national or public security, international relations (Article 9, paragraph 1 point 3.);
 - Ability of the state to manage economic processes in the country, pursuing justified economic interests (Article 9 paragraph 1 point 4.);

- Prevention or detection of a criminal act, charges for a criminal offense, conducting pre-trial proceedings, i.e. court proceedings, execution of the judgment or enforcement of sentence, conducting any other legally regulated proceedings, a fair treatment and a fair trial (Article 9 paragraph 1 point 2.);
 - Life, health, security or any other important welfare of an individual (Article 9, paragraph 1 point 1.);
2. Request for access to information can also be partially or completely revoked based on the Article 14 of the Law on free access to information of public importance, if that would harm the right to privacy, the right to reputation or any other right of the person that the asked information refers to personally, such as:
- Personal information of persons that are mentioned in the said document and that the asked information refers to personally;
 - Personal information of the Agency member (social security number, date of birth, residential address and phone number, nationality, medical records, social status, etc.),
 - Data on payments from the budget – bank account number, social security number, residential address.
3. Besides that, a request for access to information can be partially or completely revoked in case of abuse of a right to access information (Article 13).

21. Information on submitting the request for access to information

Request to access information of public importance contained in the document held by the Agency, which are the result of the Agency's work or are related to it, can be submitted to the Agency in one of the following ways:

- In written form, to the mailing address: "Security-Information Agency, Belgrade, bb Kraljice Ane St.", or by handing it over at the reception desk;
- By email, to the address kabinet@bia.gov.rs;
- In oral form, on the minutes at the Agency's Headquarters, from 9am til 3pm, on working days,
- By fax no. 011/3671-720.

In compliance with provisions of the Law on free access to information of public importance:

1. Request must contain the name or title of an applicant, applicant's address and the information needed, described as precisely as possible.
2. A reason for asking for the said information does not have to be stated in the Request.
3. Request can ask for: inquiry whether the authority holds the information needed, inquiry whether the said information is available or not, access to document containing the needed information and delivery of a copy of the said document containing the information.
4. With reference to exercising this right, the authority can only charge for expences of duplication and for sending the copy of the document containing the needed information, in compliance with the Regulation and the [Bill of Costs](#) established by the Government, and not other possible expenses that the authority might have in reference to acting on the said request.
5. The Agency is obliged to act on the said request without delay and not later than 48 hours, 15 days or up to 40 days, depending on the type of information needed. Obligation for the said information to be delivered "without delay", and not later than 48 hours, is valid when the needed information refers to issues significant for life and health of people. The Agency will provide all other information not later than in 15 days. As an exception, when it is not possible to grant the request within 15 days, the Agency will inform the applicant about that not later than seven days from the reception of the request, and at the same time will inform the applicant within what period it will comply with the said request. The additional deadline can not be later than 40 days.
6. The Agency is obliged either to enable access to the information, or to issue a Decision completely or partially revoking the said request for reasons stipulated by the Law on free access to information of public importance.
7. In case the Decision revoking the request is issued, i.e. that before the mentioned deadlines the said Decision is not issued or the request is not granted, the applicant is entitled to file a complaint to the Commissioner for information of public importance and personal data protection, not later than 15 days from the day of the delivery of Decision or other legal act, i.e. from the expiration date before which it was necessary to act on the said request.

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8. Applicant is entitled to file to the Commissioner an appeal rejecting his request as unclear, not later than 15 days from the day of delivery of the conclusion.

Below is the following:

1. [Information access request template \(not obligatory, so that the requests not submitted on the attached form will also be reviewed\);](#)
2. [Template of the Appeal against Decision revoking the request for access to information, i.e. against the Conclusion revoking the said request;](#)
3. [Template of the Appeal due to Failure to Act upon Request for access to information.](#)

REQUEST TEMPLATE

The Republic of Serbia
Security-Information Agency

Belgrade
bb, Kraljice Ane St.

REQUEST
for access to information of public importance

Based on the Article 15 paragraph 1 of the Law on Free Access to Information of Public Importance ("Official Gazette of RS", no. 120/04, 54/07, 104/09 and 36/10), I ask the said state authority to be allowed to grant my right to access information in one of the following ways (*please, circle the ordinal number or ordinal numbers*):

1. To inform me whether it holds the information this request refers to
2. To inform me whether the needed information is available or not
3. To allow me access to the document containing the needed information
4. To deliver to me a copy of the document containing the needed information
5. To deliver to me a copy of the document containing the needed information or a notification whether it holds the said information:
 - 5a) by mail, to the address _____
 - 5b) by email, to the address _____
 - 5c) by fax, to the no _____

The needed information or the document name:

(Describe as precisely as possible the needed information, specifying other data that would facilitate finding the needed information)

In _____,

On _____, 201__.

name, surname or title

address

other contact data

signature

APPEAL AGAINST THE AGENCY'S DECISION REVOKING OR REJECTING THE REQUEST

**To the Commissioner for information of public importance
and personal data protection**

Belgrade
15, Kralja Aleksandra Bd.

A P P E A L

(.....
.....)
complainant's name, surname, address

against the decision-conclusion of the Security-Information Agency no.
from

The said decision (resolution, conclusion, notification in written form with the element of decision), contrary to the law, revokes-rejects the request I had submitted on, thus denying me to exercise my constitutional and legal right regarding free access to information of public importance. I contest this decision entirely / in its following part:

.....
.....
.....
.....

since it is not based on the Law on free access to information of public importance.

Based on the given reasons, I suggest Commissioner should grant my appeal, annul the decision of the First instance authority and empower me to exercise my right regarding free access to information of public importance.

I submit this appeal in a timely manner, within the legal deadline specified in Article 22 of the Law on free access to information of public importance.

In
Date:

.....
Complainant / name and surname
.....
Address
.....
Other contact data
.....
Signature

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Note: A copy of the submitted request and a proof of its application-forwarding to the authority, as well as a copy of the authority's decision disputed with the said appeal are obliged to be attached to the appeal.

**APPEAL WHEN THE AGENCY HAS NOT COMPLIED /
NOT COMPLIED COMPLETELY WITHIN THE LEGAL DEADLINE
(SILENCE OF ADMINISTRATION)**

**To the Commissioner for information of public importance
and personal data protection**

Belgrade

15, Kralja Aleksandra Bd.

In compliance with the Article 22 paragraph 1 Point 2 of the Law on free access to information of public importance, I hereby lodge

A P P E A L

against the Security-Information Agency for it **has not complied / not complied completely within the legal deadline** (*specify why the appeal is lodged*) with my request for exercising my right regarding free access to information of public importance, which I had submitted to that authority on, asking to be allowed, in compliance with the Law on free access to information of public importance, notification on holding the said information, access or a copy of the document containing the needed information, i.e. whether the needed information is available or not

.....
.....
.....

(*specify data regarding the request and the information needed*)

Based on the above, I suggest the Commissioner should grant my appeal and empower me to exercise my right regarding free access to information of public importance.

Besides the appeal, there is a copy of the request with the proof of submitting it to the public authority attached.

In

Date:

.....
Complainant / name and surname

.....
Address

.....
Other contact data

.....
Signature

