



ANNEX C1: Twinning Fiche

Project title: Strengthening the Information and Privacy Agency in Kosovo

Beneficiary administration: Information and Privacy Agency as well relevant line institutions, especially in the sectors justice, telecommunication and health.

Twinning Reference: KS 15 IPA JH 02 16 R

Publication notice reference: EuropeAid/165740/DD/ACT/XK

EU funded project

TWINNING INSTRUMENT

1. Basic Information

- 1.1 Programme: *IPA 2015/038065.3, Further Support to Judicial Reform in Kosovo¹, under direct management mode*

For British applicants: Please be aware that eligibility criteria must be complied with for the entire duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article 12.2 of the General Conditions to the grant agreement.

- 1.2 Twinning Sector: *Justice and Home affairs*

- 1.3 EU funded budget: *Maximum €2,000,000.00*

2. Objectives

2.1 Overall Objective

To strengthen rule of law and protect fundamental rights by improving data protection and access to public information in Kosovo.

2.2 Specific objective

To improve the performance of the Information and Privacy Agency (InPrA), by strengthening institutional capacities, legal and regulatory framework and public awareness on data protection and access to public information.

2.3 The elements targeted in numerous key strategic documents:

These include inter alia the Rule of Law Assistance Strategy 2016 to 2019, the Stabilisation and Association Agreement (SAA), the conclusions following the SAA Subcommittee of Justice, Freedom and Security in Pristina in 2018, the European Commission Report on Kosovo 2019 and the Strategic Development Plan for Personal Data Protection in Kosovo in 2016-2021.

- Rule of Law Assistance Strategy in Kosovo for the period 2016-2019**

The Strategy was published in May 2014 to guide programming of donor assistance to Kosovo in the indicated period. Included under Strategic Objective 2 is concept note 2.15 for a project for advancing the security of personal documents and protection of personal data.

- Stabilisation and Association Agreement (SAA)**

Article 84 of the SAA is fully devoted to the issue of protection of personal data: "The Parties shall cooperate on personal data protection legislation with a view to achieving a level of protection of personal data by Kosovo corresponding to that of the EU acquis. Kosovo shall

¹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence

ensure sufficient financial and human resources for one or more independent supervisory bodies in order to efficiently monitor and guarantee the enforcement of its personal data protection legislation.“

- **The European Commission Report on Kosovo 2019**

According to the findings in the EC Kosovo Report the "new Law on personal data protection was adopted in February 2019 with the aim to align the legal framework with the EU General Data Protection Regulation and Law Enforcement Directive. This constitutes significant progress in the area of data protection. Implementation of this Law should now follow, beginning with the appointment of the commissioner and issuing/updating the necessary secondary legislation. A new Information and Privacy Agency will supervise the implementation of the legislation for personal data protection and access to public documents. The new Law on personal data protection provides for inspectors to carry out inspections on compliance."

- **Strategic Development Plan for Personal Data Protection in Kosovo in 2016-2021**

This document is in fact a proposal for a Strategic Development Plan for Personal Data Protection in Kosovo for the period from 2016 to 2021, prepared² under a previous technical assistance project funded by EU. However, Officials from the InPrA confirmed that although the Strategy was not formally adopted, it is used by to guide the reforms. The document contains suggestions for strategic priorities in the area of data protection, but also in the area of access to public documents in case (as was not clear when the document was drafted in 2015) the successor to the National Agency for Protection of Personal Data (hereinafter: NAPPD) would receive also the responsibility to supervise implementation of the Law on Access to Public Documents³. The latter responsibility was previously shared between the Ombudspersons' Institution and the Prime Minister's Office, with the adoption of the Law on Protection of Private Data (LPPD) the Agency received also this new responsibility (see below and Article 1 of LPPD).

3. Description

3.1 Background and justification:

The EU Charter of Fundamental Rights stipulates that EU citizens have the right to protection of their personal data. The data protection package adopted in May 2016 aims at making Europe fit for the digital age. The General Regulation on Data Protection is an essential step to strengthen individuals' fundamental rights in the digital age and facilitate business by

² The document was prepared in October 2015. The Strategy and also the Final Report of the previous EU funded project "Support to Kosovo Institutions in the Field of Protection of Personal Data", that was implemented between January 2014 until December 2016, are attached to the Twinning fiche for information during the tender.

³ Please refer to Article 1.9 & 1.10 of the Law on Access to Public Documents and also articles 27 & 28 of Chapter VIII of the same law

clarifying rules for companies and public bodies in the digital single market. The regulation entered into force on 24 May 2016 and applies since 25 May 2018.

Proper protection of fundamental rights including a functioning data protection framework is essential for cooperation with many European institutions and agencies. Aligning the legal framework but also implementation gradually with the EU laws and practices is of paramount importance for Kosovo in view of its European integration agenda and the requirements of the Stabilisation and Association Agreement.

The legal foundation is enshrined in the Kosovo Constitution under Chapter II: Fundamental Rights and Freedoms: Under Art. 36, par. 4 it is provided that "Every person enjoys the right of protection of personal data. Collection, preservation, access, correction and use of personal data are regulated by law."⁴ The Constitution also explicitly under Article 41 refers to Access to Public Documents.⁵

The EU has been supporting Kosovo since 2010 through different programmes to improve the national legal and institutional framework for data protection and access to public documents. Nevertheless, legislation needs to be further harmonised with EU standards and in view of the recent reforms and substantial restructuring of the supervisory Agency, as outlined below, the institutional and professional capacities should be strengthened further.

3.2 Ongoing reforms:

The first Law on the Protection of Personal Data (Law No.03/L-172) was adopted in 2010 and laid the grounds for setting up the National Agency for the Protection of Personal Data (NAPPD), the authority responsible for enforcing data protection law in Kosovo and established its competences and powers. The first National Supervisors, who formed the Council that managed the NAPPD, were elected by the Kosovo Assembly in 2011. The National Supervisors were assisted by civil servants in their activities.

Among other issues the Agency had (and has) the competence to carry inspections (Chapter XIV of the current law). These inspections under the previous structure and law were carried out directly by the State Supervisors and only State Supervisors were mandated to carry out these inspections. As such, inspections constituted a key activity to ensure that the data protection law was properly implemented.

Though starting from zero only a few years ago, the number of inspections increased consistently during in the first years of operation: 2012 the Agency managed to carry out 49 inspections, the first full year in the existence of the NAPPD, while in 2013 already 79 regular inspections and 14 audits were implemented. In 2014 there were 114 inspections conducted, which was slightly increased to 131 in 2015. During 2016 however, respectively until the end of June of the year, a total of 28 inspections were carried out.

⁴ <http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf>

⁵ 1. Every person enjoys the right of access to public documents. 2. Documents of public institutions and organs of state authorities are public, except for information that is limited by law due to privacy, business trade secrets or security classification.

After June 2016 the mandate of the National Supervisors expired who the only ones were entitled to conduct these ex officio inspections. In view of the structural reform inherent in this field, the two laws that were drafted in parallel (the Law on Protection of Personal Data - LPPD and Law on Access to Public Documents - LAPD) the National Supervisors were not replaced after June 2016. Since then and to date the remaining Agency employees have not been able any more to carry out inspections.

Analysis conducted in the context of an EU funded technical assistance project⁶ during 2014 to 2016, resulted in a strategic reform of the Agency for restructuring its management and broadening its mandate. Two new Laws, the Law on Protection of Personal Data (LPPD) and the Law on Access to Public Documents (LAPD) were drafted, based on project recommendations and further consultations. They were submitted to the Assembly in June 2018 and in January 2019 the Assembly adopted the new Law on Protection of Personal Data while in July the Law on Access to Public documents was adopted. With the Adoption of the LPPD the previous National Agency for the Protection of Personal Data (NAPPD) is being transformed into the Information and Privacy Agency (InPrA). In addition as per Article 1 of the law the scope of the Agency is broadened: Article 1. *"This law determines the rights, responsibilities, principles and punitive measures with respect to the protection of personal data and privacy of individuals. This Law determines responsibilities of the institution responsible for monitoring the legitimacy of data processing and access to public documents."*

The staff of the Agency currently numbers 18 permanent civil servants. According to the budget impact assessment regarding the LPPD, the Ministry of Finance has approved additional 17 positions to be filled by 2020.

As outlined above, the Kosovo Government has been engaged in the revision of the Law on Protection of Personal Data and the Law on Access to Public Documents since 2016. Also connected but less advanced is the re-drafting of the Law on Classification of Information and Security Clearance.

The transformation of the NAPPD to InPrA brings substantial changes to the organisation and its staff. LPPD entered into force on 11.03.2019, defining the competencies and additional duties of the Agency for overseeing the implementation of two fundamental constitutional rights, privacy and protection of personal data and legislation for access to public documents, according to the law on access to public documents. The current staff of the Agency has provided a draft Organigram for the new Agency, which is attached to the Twinning fiche for information, and also a list of sub-legal acts to be developed for the implementation of the LPPD.

⁶ The EU supported the Agency from its very beginning, initially with short-term assistance through the TAIEX instrument and then through a substantial technical assistance project “Support to Kosovo institutions in the field of Protection of Personal Data” and some complementary IT supplies for data management. In 2018 TAIEX assistance was also provided looking into whether the General Data Protection Regulation, adopted by the EU in 2016 has been transposed into the draft law in data protection of Kosovo. It is considered to be largely in line with the recommendations of the expert, but this needs to be verified once again at the onset of the mission.

Chapter XXII of the new law deals with the transitional provisions, Article 108 regulates the transfer of assets, rights and obligations, budget and personnel, stipulating that with the entry into force of this law, all physical assets, rights and obligations arising from related contracts and budgetary appropriations of the State Agency for the Protection of Personal Data are transferred to the Information and Privacy Agency.

During the inception phase of the new project a functional review of newly established InPrA will have to take full account of previous analysis and the innovations stemming from the new laws. The first quarterly reports will provide clear and operational recommendations how to properly establish legally and organisationally the new Agency and propose a time-bound and concrete work-plan outlining the deliverables of the Twinning project.

After the adoption of the Law on Protection of Personal Data in January 2019 and after the adoption of the Law on Access to Public Information, the newly created Agency has to develop the respective sub-legal acts, re-assess the needs of the staff in view of the new legislation and structure, update the Strategic Planning documents, and enhance cooperation in key areas, including those that have been identified already (the justice, health and telecommunication sectors). The institutional and legal framework for data protection and access to public information has to be established and regularized. Out of 38 municipalities, 35 now have data protection officers.

The Information and Privacy Agency needs further support to build its technical and professional capacities generally to be able to implement the new laws. Also specific areas need attention for example to handle cases of non-compliance by both public and private entities. Also workflows and case management inside the institution need to be reviewed. Although activities have been initiated Kosovo institutions still have much work to do to achieve compliance to existing laws and personal data protection standards. This process has to continue further to other levels of governance, including the municipal level, to achieve full compliance with personal data protection standards.

The Twinning project will use the momentum in raising institutions' and citizen's awareness. Moreover, assistance is needed for strengthening the oversight capacities of the Information and Privacy Agency for data protection and access to public documents in one institution.

The merger of the right to personal data protection and access to public documents has been justified and reasoned as the areas of “information rights” are closely interlinked. But the right to Access to Public Documents is a highly sensitive matter and requires that the InPrA implements its responsibilities independently and in line with the highest ethical standards.

3.3 Linked activities:

EU has been the main donor supporting the NAPPD, with the OSCE providing some smaller scale assistance to the institution.

TAIEX Assistance to the Kosovo National Agency for Protection of Personal Data implemented during April – November 2012 supported the Agency Agency on establishment of its legal framework, contributed in the development of the sub legal acts and development of the IT strategy.

The EU funded project 'Support to Kosovo institutions in the field of Protection of Personal Data', January 2014 – December 2016 supported the Agency in becoming functional and implementing the legislation on the protection of personal data in cooperation with other relevant institutions, but it also recommended the re-organisation and supported drafting of the new legislation.

A TAIEX Mission analysed the draft Laws on Protection of Personal Data and Access to Public Documents in September 2018 and provided recommendations to the Agency. The expert report is attached to this Fiche for information.

As in the whole Western Balkans, the EU is strongly supporting Kosovo efforts to strengthen the efficiency and accountability of its public administration. As part of these reforms, efforts are made to increase access to public information in open-data format. The Government has committed to increasing the data-sets that are published on their open data portal (<https://opendata.rks-gov.net/en/>) for free usage by citizens and NGOs.

These efforts to increase access to data and indirectly, accountability to the public, have direct implications on the newly created InPrA. There is a need for increased usage of and training in data anonymization, in order to further expand the data that can be openly published. Close coordination is therefore needed between the InPrA and the Agency for Information Society (AIS), which is the agency responsible for the open data portal.

AIS is reporting to the Ministry of Public Administration (MPA). A recent Open Data Readiness Assessment carried out at the request of the MPA outlines the steps to be taken to make the open data agenda a reality⁷. A Steering Committee for the Open Data Initiative (SCOD) had its first meeting recently to move this agenda further. It consists of representatives from both the Government and NGOs.

The EU is also supporting the Ombudsperson Institution in Kosovo with a substantial technical assistance project and NGOs that work on related areas like fundamental rights, media or anti-corruption and other. Civil society is very keen on the implementation of the Law on Access to document and should be involved closely in the implementation of the project.

3.4 List of applicable *Union acquis/standards/norms:*

The Regulation (EU) 2016/679 of the European Parliament and of the Council, the European Union's new General Data Protection Regulation (GDPR), which regulates the processing by an individual, a company or an organisation of personal data relating to individuals in the EU.

Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

⁷ <https://map.rks-gov.net/page.aspx?id=1,33>

The Directive on the re-use of public sector information, also known as the ‘PSI Directive’ (Directive 2003/98/EC) entered into force on 31 December 2003. It was revised by the Directive 2013/37/EU, which entered into force on 17 July 2013. In 2017, the European Commission launched a public online consultation on the review of Directive 2013/37/EU. Building on the results of the consultation, together with an extensive evaluation of the Directive and an impact assessment, a proposal for a revision of the Directive was adopted by the European Commission on 25 April 2018.

On 22 January 2019, negotiators from the European Parliament, the Council of the EU and the Commission reached an agreement on the revision proposed by the Commission. Once adopted, the Directive would be renamed as the Open Data and Public Sector Information Directive and will make public sector and publicly funded data re-usable.

Relevant legislation in Kosovo includes:

Law on Protection of Personal Data, Law on Access to Public Documents and the draft Law on Classification of Information and Security Clearance. The two laws can be accessed at the website of the Kosovo Assembly⁸⁹.

Also the Law on Ombudsperson and the Annual Reports of the Ombudsperson in Kosovo¹⁰ are relevant for this project as in accordance with Article 21 of the LAPD citizens can submit their complaints to the Ombudsperson in case their right on Access to Public Document has been violated.

3.5 Results per component

Result 1: Legal base and regulatory framework strengthened

Sub-result 1.1: Functional review and relevant needs assessment in the area of data protection and access to public information in InPrA and for areas of justice, health and telecommunication completed with concrete and operational recommendations for the relevant institutions

Sub-result 1.2: Sublegal acts, Strategic Plans, Standard Operating Procedures, agreements for inter-institutional cooperation and other relevant administrative documentation drafted for implementation of the legislation on Data protection and Access to Public Documents

Sub-result 1.3: Relevant legal acts in the area of justice, health, telecommunication and other needed fields drafted

Result 2: Institutional and professional capacities enhanced

Sub-result 2.1: Leadership and management capacities of InPrA managing staff is enhanced

⁸ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=20505>

⁹ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18616>

¹⁰ http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&ved=2ahUKEwiWzcKtnrTiAhUixMQBHdgFD5gQFjAFegQIABAC&url=http%3A%2Fwww.theioi.org%2Fdownloads%2Fcvjtu%2FKosovo_OM_Annual%2520Report_2018_EN.pdf&usg=AOvVaw0bXeTRMdty5e2fhVJKryjj

Sub-result 2.2: Professional Capacities of all staff in InPrA strengthened, especially regarding inspections on data protection, dealing with complaints about access to public information, analytical skills regarding conflicts between data protection and other rights, e.g. access to public documents, ethics and other relevant issues.

Sub-result 2.3: InPrA case management procedures are standardised, InPrA's electronic case management system is functional and up to date

Sub-result 2.4: Capacities of Data Protection Officers (DPOs) and Access to Public Documents Officers (APDO) throughout the public sector institutions, including (but not limited to) sectors of justice, health and telecommunication strengthened

Sub-result 2.5: InPrA participates in the implementation of the recommendations of the 2018 Open Data Readiness Assessment (OPRA)

Sub-result 2.6: Cooperation of InPrA staff with regional and European peer institutions strengthened

Result 3: Awareness regarding data protection and access to public information increased

Sub-result 3.1: Communication and Awareness raising strategy (with gender perspective) drafted and under implementation, InPrA website is updated and operational

Sub-result 3.2: Responsiveness of Kosovo public and private institutions to issues related to data protection and the right for access to information increased

Sub-result 3.3: Kosovo citizens are more aware of their rights regarding data privacy and access to public information.

3.6 Means/input from the EU Member State Partner Administration(s)*:

MS Project Leader may participate in the project also as a short-term expert (STE) and in this case the MS Project Leader should satisfy requirements stipulated in the fiche for both the Project Leader and the relevant STE profile.

3.6.1 Profile and tasks of the PL:

Requirements: The Member State Project Leader (PL)

- University degree or equivalent professional experience of 8 years within an EU MS data protection agency or similar relevant institution;
- Minimum 3 years of management experience within an EU MS public administration or data protection agency or other relevant body;
- Experience in project management;
- He/she must have good leadership skills and a broad knowledge of policies and processes data processing, data protection and/ or access to public documents;
- Fluency in written and spoken English;
- Proven contractual relationship to public administration or mandated body as defined in twinning manual.

Tasks of Project Leader

- General overall supervision and coordination of the project;
- Ensuring backstopping and mobilisation of the short-term experts;
- Bears the overall responsibility for the correct and successful implementation of the project and for its sound financial management;
- Permanent contacts with the main counterpart in the BC;
- Responsible to undertake all activities specified in the project and for achieving the mandatory results.

3.6.2 Profile and tasks of the RTA:

Requirements: RTA

- University degree or equivalent professional experience of 8 years within an EU MS institution relevant to this project;
- Minimum 3 years of experience in an EU MS data protection authority or other relevant body;
- Experience in project management;
- Experience in implementing similar or related assistance and cooperation projects will be considered an asset;
- Fluency in written and spoken English;
- Proven contractual relationship to public administration or mandated body as defined in twinning manual.

Tasks:

- Throughout its entire duration he/she is in charge of the day-to-day implementation, including preparation of STE mission to enable the experts to be aware of the specifics of Kosovo, quality review of mission reports and recommendations;
- Advice and technical assistance to the representatives of the Beneficiary administration;
- Reports regularly to the Member State PL;
- Quality support on reports and recommendations of STE in view of the current situation in the Beneficiary administration;
- Actively contribute to the work of any sector monitoring process set up in the Beneficiary country;
- Regularly updates the work plan to be transmitted to the Project Steering Committee under the authority of the Member State PL;
- Advising on EU policies and best practices, related legislation and regulations;
- Provides sector relevant information to EU Office;
- Networking with stakeholders of the project in Kosovo and in MS.
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3.6.3 Profile and tasks of the Component Leaders:

Requirements: Component Leaders

- University degree or equivalent professional experience of 8 years within an EU MS public administration or data protection authority or other relevant body;
- Minimum 3 years of experience in an EU MS public administration or data protection authority or other relevant body;
- Fluency in written and spoken English;
- Proven contractual relationship to public administration or mandated body as defined in twinning manual.

Tasks:

- Advice and technical assistance to the representatives of the Beneficiary administration;
- Reports regularly to RTA and the Member State PL;
- Actively contribute to the work of any sector monitoring process set up in the Beneficiary country;
- Support the RTA in updating the work plan to be transmitted to the Project Steering Committee under the authority of the Member State PL.

3.6.4. Profile and tasks of other short-term experts:

Requirements: STE

- University degree or equivalent professional experience of 8 years within an EU MS public administration or data protection authority or other relevant body;
- Minimum 3 years of experience in an EU MS public administration or in areas relevant to their specific assignment;
- Fluency in written and spoken English;
- Good skills in reporting and communication.

Tasks:

- Delivering expertise under the overall responsibility of the Member State PL and the coordination and supervision of the RTA;
- Delivering support to the Beneficiary administration through specific activities in the Beneficiary country, including workshops, seminars, training sessions, meetings with officials of the Beneficiary administration, joint drafting sessions, etc;
- Preparation and reporting work, before and after their missions to the Beneficiary country.

4. Budget

Maximum Budget € 2.000.000.00

5. Implementation Arrangements

5.1 European Union Office in Kosovo

Postal Address: Kosova Street 1, P.O. Box 331, Pristina, 10000 Kosovo

Phone Number: +383 38 5131 200

Email: delegation-kosovo@eeas.europa.eu

Contact person:

Contact person

Mrs. Burbuqe Kelmendi

Project Officer/Twinning Coordinator

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5.2 Institutional framework

The main beneficiary is the Information and Privacy Agency (InPrA) and all its employees. The InPrA will ensure efficient coordination with officials and counterparts in the relevant line institution. Activities will also target line institutions, especially Office of the Prime Minister and relevant institutions from judicial, health and telecommunication sectors in both public and private sector.

5.3 Counterparts in the Beneficiary administration:

5.3.1. Project Leader

Mr. Jeton Arifi, Director, International Relations Department
Information and Privacy Agency

5.3.2 RTA Counterpart:

Mr. Shpend Recica, Chief Finance Officer
Information and Privacy Agency

6. Duration of the project

30 months

7. Management and Reporting

7.1 Language

The official language of the project is the one used as the contract language, under the instrument (English). All formal communication regarding the project, including interim and final reports, shall be produced in the language of contract. Interim and Final Reports as well as outputs will be translated into official languages in Kosovo (Albanian and Serbian).

7.2 Project Steering Committee

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements via-à-vis the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

7.3 Reporting

All project progress reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twining: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements via-à-vis the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

8. Sustainability

The achievements of a Twinning project (activities, documentation and mandatory results) should be maintained by the management of InPrA as a permanent asset to the Beneficiary administration even after the end of the Twinning project implementation. This means that the Beneficiary should put in place effective mechanisms in the administration to disseminate and consolidate the results of the project.

9. Crosscutting issues

Equal opportunities and gender balance will be taken into account at all stages and aspects during the implementation of the priorities and activities. Mainstreaming of gender and minority issues both within the target institutions and the outputs (services provided by these institutions) will be ensured. The importance of this dimension is reflected in the Kosovo Civil Service Law, the Law on Gender Equality, and the Anti-Discrimination Law.

The team of experts involved in the project should possess relevant skills to ensure effective mainstreaming of gender equality and minorities inclusion/participation. The events organised under the project will ensure that they target both sexes equally. Progress reports, print, visual and audio material will be produced in the official local languages (Albanian and Serbian) and will be appealing to the potentially different needs, interests and communication styles of diverse women, men, boys and girls. The foreseen activities will promote the requirements of gender equality and a more active participation of women. The design of measures will also take account of the Kosovo Gender Profile which was published in 2018 as well as more recent gender disaggregated statistics, as relevant.

Actions will ensure gender balance both amongst participants in working groups for development of new policies as well as amongst trainees benefitting from the various opportunities for attaining new skills, if possible. Furthermore, the specific needs of both women and men will be incorporated into the development of all training modules developed in order to ensure their accessibility to both target audience. Gender-disaggregated data will be maintained and reported relating to all applicable indicators

10. Conditionality and sequencing

Projects to be implemented through twinning require the full commitment and participation of the senior management of the beneficiary institution. In addition to providing the twinning partner with adequate staff and other resources to operate effectively, the senior management must be actively involved in the development and implementation of the policies and institutional change required to deliver the project results.

The contract will not be signed if at the moment of signature the following pre-conditions are not fulfilled:

- 1) The Assembly of Kosovo has adopted the law on Access to Public Documents and

2) A qualified Head of the Agency (Commissioner) has been appointed.

This project can only be contracted until 15 December 2019, after this date the respective funds will not be available anymore and the project will be cancelled.

11. Indicators for performance measurement (where possible, data will be presented disaggregated by gender)

Specific Objective:

1. Number of inspections and controls increased as compared to baseline year and then to previous years (Baseline 2015 : 131 inspections and 31 controls, 50 % increase by 2022)
2. Number of complaints submitted to the Ombudsperson Institution regarding violation of the right for Access to Public Documents decreased (Baseline 2018: 61 complaints)

Result 1 - Component 1: Upgrading the legal base and regulatory framework

1. Functional Review of InPrA completed, report approved by beneficiary, containing a clear set of operational recommendations (Report available)
2. Strategic Plan of InPrA updated and under implementation in view of findings of Functional Review (see component 2) (Strategic plan drafted and adopted in 2020,)
3. All sublegal acts, as required by the new laws on data protection and access to documents, drafted and in force (14 sub-legal acts deriving from both laws)
4. Number of Consultations on Drafting Legislative and Administrative Measures increased as compared to the previous year (Baseline 2018: 106)
5. Number SOPs necessary for implementing the new legal framework drafted (6 SOP docs for each of the two laws LPPD and LAPD)

Result 2 - Component 2: Strengthen institutional and professional capacities

1. Annual expenditure for InPrA increased as compared to annual expenditure for NAPPD 2019, later compared to previous year (baseline 2018: 253,784.70 EUR)
2. Training needs assessment and capacity building plan available and adopted by InPrA by 2020
3. At least 8 training modules developed and implemented in cooperation with the Kosovo Institute for Public Administration (KIPA) or Justice Academy or other public training institutes, at least 4 modules for data protection and 4 modules for access to public documents)
4. All employees of InPrA and relevant staff in other relevant line institutions in justice, health, and telecommunication trained (minimum 24 officials in InPrA and minimum 60 officials from target sectors)
5. Increased number of Data Protection Officers (DPOs) appointed in the public sector (250 in Q 1 in 2015, 50 % increase by 2022)

6. One international exchange for and two internships for InPrA staff on data protection, one international exchange visit and two2 internships for InPrA staff access to public documents (in total at least 40 staff participated in all these exchanges)

Result 3 - Component 3: Awareness regarding data protection and access to public information increased

1. Communication strategy and implementation reports in the Annual Report of InPrA
2. Increased number of complaints submitted to InPrA (regarding breaches to data protection law) (baseline 2018: 42, target for 2022: at least 50 % increase)
3. Number of complaints regarding Access to Public Documents increases every year by 30 % (baseline zero in 2018)

12. Facilities available (provided by the beneficiary)

- office space including chairs, tables, air-conditioning, etc.;
- computers including laptops and photocopiers;
- software and licenses including email systems and Internet access (enabling speedy communication);
- security measures linked to infrastructure and/or communication systems;
- secretarial support;
- venues for conferences, training and workshops;
- information access rights relevant to the assignment.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format (compulsory)
2. National Agency for the Protection of Personal Data (NAPPD) Annual Report 2015-2018 (in Albanian only)
3. Strategic Development Plan for Personal Data Protection in Kosovo in 2016-2021 & Human Resource Strategy for the NAPPD 2016 -2019
4. Planned organigram for InPrA
5. List of Sublegal Acts foreseen under the new legislation Law on Protection of Personal Data (LPPD) and Law on Access to Public Documents(LAPD) (in Albanian only)
6. 2018 Report of TAIEX expert on draft legislation LPPD and LAPD
7. Final Report of March 2017 of the EU funded project “Support to Kosovo institutions in the field of Protection of Personal Data”