

GENERAL PERSONAL DATA PROTECTION POLICY

American Chamber of Commerce in Serbia, with the registered seat in Belgrade, Smiljaniceva 24/1, (hereinafter: AmCham or Data Controller) takes the protection of the personal data serious and it is determined to strictly comply with all the applicable laws that regulate privacy issues, including but not limited to the Law on Personal Data Protection (“Official Gazette of the Republic of Serbia”, No 87/18, hereinafter: LPDP), which will start with implementation from August 21, 2019, as well as the **Regulation (EU) 2016/679** 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 and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter **GDPR**), in the extent possible pursuant to the Serbian legislation.

This Policy provides an extensive overview of the personal data processing activities organized by the Data Controller, as well as all information relevant for such personal data processing, including, but not limited to:

- the overview of Data Controller business activities relevant for the personal data processing;
- the most significant definitions that could be found in this Policy;
- the type of personal data (as any information relating to an identified or identifiable natural person) that Data Controller collects and processes;
- the categories of natural persons (Data Subjects) which personal data are collected and processed;
- manner of the personal data collection and processing activities;
- purpose of processing;
- legal basis for processing;
- third parties that might have access to personal data;
- data subject’s rights;
- personal data safeguards;
- contact details of the Data Protection Officer – DPO;
- the usage of cookies;
- other important information in relation to the personal data protection.

1 Basic Information on AmCham

AmCham is one of the largest international business hubs, that is composed of 200+ companies united by a will to improve the Serbian business environment and be part of the influential community. Ranging from small companies to global corporations, the membership includes US, internationally and locally owned enterprises that have collectively invested over €14



billion and employ over 95,000 people in the country. Amcham Serbia is a non-profit, non-governmental, and non-political association and 100% member-funded.

AmCham builds the platforms of activities to serve the members interests and needs. The 3 main platforms are related to the **Improving Business Environment, Networking and Promotion, Excelling Professional Development**. All 3 platforms include the organizations of seminars, workshops, briefing sessions, corporate events, cocktail parties, programs, elections for AmCham bodies and similar (hereinafter: AmCham Events). All the aspects of the work in some extent depends of the certain level of personal data processing.

Besides that, AmCham collects and process the personal data of its employees, the video surveillance footage and records which might contain the personal data (photo or video record of the natural person), the credentials of the natural persons that are accessing to the AmCham's portal.

AmCham also uses all the modern channels of communication with its members and general public, such as Twitter Account and Facebook pages. In some extent, the personal data could be found also on such channels of communications as explained bellow.

2 Definitions

For the purposes of this Policy the following terms shall have the following meaning:

- **Personal data** means any information which makes the data subject identifiable as well as other data which is connected to such information;
- **Data Subject** means the identifiable natural person, i.e. the individual that is the holder of the certain personal data;
- **Data Controller** means AmCham, which determines the purpose and organizes the processing of personal data;
- **Data Processor** means any entity which performs certain personal data processing activities on behalf of the Data Controller;
- **Data Processing** means any operation performed on personal data, including but not limited to the collection, transmission, storage, and other use of personal data (hereinafter: processing);
- **Data Protection Authority** means Commissioner for Information of Public Importance and Personal Data Protection.

All other definitions which are not explicitly mentioned in this section but used in this Policy shall have the same meaning as in the LPDP. In case of any discrepancy between the definitions explained in this section and definitions explained in LPDP (LPDP definitions), the LPDP definitions shall prevail.

3 Principles of personal data processing

Data Controller is obliged to respect all the general principles set in LPDP, i.e:

- each data processing must be lawfully, fairly and transparent (**lawfulness, fairness and transparency**), which, *inter alia*, means that:
 - each personal data processing is based on adequate legal basis (depending on the purpose of each data processing and data subject category),
 - Data Controller collects and processes the personal data in fair manner, i.e. in the manner that it always respects the data subject rights, as well as its obligations prescribed by LPDP,
 - each data subject is properly informed by all the important aspects of the data processing, in clear and understandable manner, that this Policy is published and available to all potential data subjects, that the Data Controller is always ready to provide all the information relevant to the data processing to the data subjects etc;
- personal data is collected and processed for specified purposes which are legitimate in a manner that is compatible to such purposes (**purpose limitation**);
- personal data processing is relevant and limited to what is necessary for particular purpose (**data minimization**);
- the collected personal data that is processed is kept accurate (as provided by the data subject), and, where necessary, kept up to date (**data accuracy**);
- the personal data is stored only for the period necessary for the fulfillment of particular purpose (**storage limitation**);
- the processing is performed in a manner that adequately ensures security of the personal data, including the protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, by implementation of appropriate technical, organizational and personnel measures to ensure such protection (**integrity and confidentiality**).

4 Types of Personal Data and Categories of Data Subjects

Data Controller process the following types of data, depending on the data subject categories:

- **from the employees**, it collects and processes the personal data that are prescribed by the Serbian employment legislation, including, but not limited to the Employment Law, the Law on Data Bases concerning the Employment relations, as well as the laws related to the mandatory social and health insurance, additional voluntary pension and health insurance of employees and members of their families. Such processing is necessary for compliance with a legal obligation to which the Data Controller is subject, within the meaning of the Article 12 Paragraph 1 Point 3) of LPDP;

- **from the candidates for employment**, it collects and processes the CV, name and surname, as well as contact details such as phone, e-mail etc. Such processing is necessary for Data Controller in order to take steps at the request of the data subject prior to entering into a contract within the meaning of the Article 12 Paragraph 1 Point 2) of the LPDP, after the conclusion of the employees selection process, the records of candidates is kept only if they provided the consent for such processing pursuant to the Article 12 Paragraph 1 Point 1 of the LPDP;
- **from the subscribers of the AmCham Newsletter**, it collects the name and surname, as well as e-mail address. The legal basis for such processing is the informed consent of the data subject within the meaning of the Article 12 Paragraph 1 Point 1) of the LPDP;
- **from the users of AmCham Portal**, it collects and process the credentials via CRM, MailChimp, Outlook, i.e. name and surname, user name and password, e-mail address, telephone number, fax number, photo, biography, job title, organization, statistics related to the e-mail reception provided by the data processor and data about engagement in AmCham. The legal basis for such processing is the informed consent of the data subject within the meaning of the Article 12 Paragraph 1 Point 1) of the LPDP;
- **from the participants of the AmCham events**, it collects and process the name and surname, the company that data subject represents, contact details (e-mail and phone), signature, photo or video record that might contain personal data (image of data subject) and if necessary, information concerning a number of persons to accompany data subject on the event. The legal basis for such processing is the informed consent of the data subject within the meaning of the Article 12 Paragraph 1 Point 1) of the LPDP;
- **from data subject that communicates with the AmCham**, it collects only name and surname, and the data that data subject itself share with the AmCham. The legal basis for such processing is the informed consent of the data subject within the meaning of the Article 12 Paragraph 1 Point 1) of the LPDP;
- **video surveillance footage**, that might contain the records of the image of natural person. Such processing is necessary for the purposes of the legitimate interests pursued by the controller (physical protection of property and people), within the meaning of the Article 12 Paragraph 1 Point 6).

5 Manner of personal data processing and data processing activities



The manner of the personal data collection, as well as other type of processing, depends on the particular purpose of such collecting.

Usually the data is collected directly from the data subject (e.g. via form on our CRM platform, via social networks, on the AmCham events, through job applications, by e-mail etc.). If the data is collected indirectly, the Article 24 of the LPDP applies.

AmCham is performing the following processing activities: collection; recording; structuring; storage; adaptation or alteration; use; erasure; other processing activities which are necessary for the fulfillment of the particular purpose.

6 Purpose of Personal Data Processing

AmCham uses the personal data for following purposes:

- **creation and management of the online profiles** (for the participants of the AmCham events, users of AmCham portal);
- **sending the information on AmCham's activities** (Newsletter and other similar promo material – for participants of AmCham events, Newsletter Subscribers and other data subjects that provide informed consent);
- **communication with data subjects on their request** (e.g. Q&A, related to the data subject that communicates with AmCham);
- **improvement of the AmCham's activities, based on the user's feedback** (related to all data subjects except the employees and candidates for employment);
- **the data analytics** (related to all the data subjects that use the AmCham portal);
- **security of property and people** (related to the video surveillance footage);
- **preparation, conclusion and enforcement of the contract** (related to the candidates for employment);
- **fulfilling of the legitimate interests pursued by the Data Controller** (related to the video surveillance footage);
- **fulfilling of the obligations from the law to the extent prescribed by such law** (related to the employees, and other data subjects in the extent prescribed by the law).

7 Legal Basis

AmCham is collecting and processing the personal data providing that such collection and processing is based on the appropriate legal basis. Depending on the purpose of the collection (Section 6 of this Policy) and category of data subjects (Section 4 of this Policy) processing of the personal data should be performed based on the:

- **informed consent of the data subject** (Article 12 Paragraph 1 Point 1) of the LPDP), prior notice of such subject on all relevant aspects of the personal data processing. The consent is freely given, specific, informed and unambiguous, and could be withdrawn at any time. Withdrawal leads to the cease of any further processing activity, considering that the data processing occurred before the withdrawal remains valid.
- **compliance with a legal obligations** (Article 12 Paragraph 1 Point 3) of the LPDP) solely in the extent necessary for the fulfilling of such obligations, provided that all the necessary measures are taken in order that the access to the personal data is enabled only to the authorized persons and state bodies, for example for fulfilling the requirements from the employment and tax regulation;
- **performance of a contract, i.e. for the preparation of the conclusion of such contract** (Article 12 Paragraph 1 Point 2) of the LPDP), only in the extent necessary for such purpose;
- **protection of the legitimate interests of AmCham or third parties** (Article 12 Paragraph 1 Point 6) of the LPDP) AmCham, as an exception, is processing the personal data in order to pursue the legitimate interest.

7 Third Parties

Personal data could be shared with the:

- AmCham members;
- AmCham partners;
- Companies that are engaged to organize AmCham events;
- Physical security companies;
- Companies that make the software for the personal data processing;
- Companies that maintain the AmCham's information systems;
- Hosting companies;
- Other companies that fall under category of the Data Processor, Data Recipient or Data User, pursuant to the applicable laws and regulations.

For the sake of clarity all the above third parties are obliged to implement the data protection safeguards, pursuant to the applicable laws, and in accordance with the instructions of AmCham.



Some of the third parties that might have access to the personal data, fall under the category of the Data Processors within the meaning set in the Section 2 of this Policy, as well as Article 4 Paragraph 1 Point 9) of the LPDP. Data Controller has contracts with all the Data Processors regarding the compliance of privacy law, pursuant to the Article 45 of the LPDP (Data Processing Agreements). The Data Controller remain responsible of any data processing activities performed by processors and other entities.

The data processing activities are in most of the cases provided by the processors that perform their business activities at locations in Serbia. However, some of the data processing activities might be provided by the processors incorporated and active in EU or third countries (including some of the members of the EBTS group, see Section 2.3).

The transfer to such countries is performed:

- based on adequacy decision for the EU/EEA countries pursuant to the Article 64 of the LPDP. The cross-border transfer to these countries is free pursuant to the Article 64 Paragraph 2 of the LPDP;
- Based on adequate guarantees pursuant to the Article 65 Paragraph 2 Point 2 of the LPDP, , i.e. based on the agreement (Data Transfer Agreement) that incorporates standard data protection clauses adopted by Data Protection Authority.

Personal data might be shared with the public bodies if that is necessary for fulfilment of the AmCham's legal obligations, providing that the usage of the personal data by the public bodies is limited to the minimum necessary to comply with concrete legal requirement.

8 Data Subject's Rights

The data subject is entitled to the following rights:

- **Right to be informed** about the personal data that is processed (Article 23 of the LPDP and Article 13 of GDPR);
- **Right to access to the personal data processed**, right of the data subject to request the Data Controller to provide information whether his/her personal data are being processed, and what is the processing purpose. In case of such request, Data Controller is obliged to deliver the copy of the personal data which is processed in electronic form and free of charge (Article 26 of the LPDP and Article 15 of GDPR);
- **Right to rectification**, right of the data subject to obtain the rectification of his/her inaccurate personal data without undue delay (Article 29 of the LPDP and Article 16 of GDPR);

- **Right to erasure (Right to be forgotten)**, right of data subject to request the erasure of the personal data if the conditions from the Article 30 of the LPDP, i.e. Article 17 of GDPR, are fulfilled;
- **Right to restriction of processing**, right of the data subject to request the restriction of processing, if conditions from Article 31 of the LPDP, i.e. Article 18 of GDPR, are fulfilled;
- **Right on data portability**, right of the data subject to receive his/her personal data, in a structured, commonly used and machine-readable format, as well as the right to transfer such data to another Data Controller (Article 36 of the LPDP and Article 19 of GDPR);
- **Right to object**, right of the data subject to object at any time to the processing of his/her personal data, pursuant to the Article 37 of LPDP, i.e. Article 21 of GDPR;
- **Rights in relation to the automated individual decision-making, including profiling**, pursuant to the Article 38 of the LPDP, i.e. Article 22 of GDPR;
- **Right to be informed in case of data breach** pursuant to the conditions set in Article 53 of the LPDP, i.e. Article 34 of GDPR;
- **Right to address to the data protection authority**;
- Other rights prescribed by the LPDP, GDPR, and/or any applicable law.

Contact details of the Serbian Data Protection Authority (DPA):

Commissioner for Information of Public Importance and Personal Data Protection

Bulevar Kralja Aleksandra 15, 11120, Belgrade, Serbia

office@poverenik.rs

The Data Controller will provide the data subject with all relevant information considering the manner and conditions for exercising their right pursuant to the applicable legislation.

9 Personal Data Safeguards

Within its business organization, Data Controller is trying to comply with the highest industry standards of the personal data protection, and therefore it implements all the necessary organizational, technical and personnel measures in order to ensure that the personal data is protected from the accidental, unlawful, or unauthorized destruction, loss, alliteration, access, publication, or usage, including but not limited to the following measures: Technical protection measures; Control of the physical access to the systems where the personal data are stored; Control of the access to the data; Control of the data transfer; Control of the personal data entry; other information security measures; all other measures necessary to ensure the adequate level of data protection.



The third parties that have access or in other manner process the personal data, including the Data Processors, are also obliged to comply with the all the above-mentioned measures.

10 Data Retention Period

AmCham process the personal data within the time-frame that is adequate for fulfilment of the particular purpose:

- In case that the personal data is collected based on prior informed consent, the data is deleted or anonymized within the 10 days following the withdrawal of the consent;
- the employment records are kept permanently pursuant to the Law on Employment Records;
- the records of the candidates for employment are kept until conclusion of the employee selection process and erased 10 days after such conclusion. After selection process is concluded the candidates for employment records are kept only if they give the informed consent within the meaning of the Article 12 Paragraph 1 Point 1) of the LPDP for their data to be kept for the purposes of contacting them in case of the future need for employment. Furthermore, the data subject is authorized to withdraw his/her consent before the conclusion of the selection process – in such case the candidate will not be considered for the employment position;
- Video surveillance footage is kept for 30 days after which is automatically erased.

11 Information relevant for the Personal Data Processing

Data subject is authorized to address the Data Controller's Data Protector Officer (DPO), for all the issues related to the personal data processing, including the exercising of his/her rights as explained in Section 8 of this Policy, by e-mail: _____. Data Controller will address on any inquiry of the data subject as soon as possible, depending on its complexity, but not later than 10 days from the day of the reception of such inquiry.

12 COOKIES

AmCham CRM platform is using cookies. Cookies are the small packages of data stored on the personal computer (or other device that data subject is using for the access to internet). Cookies enable the functionality of the web page, and some of them even tracking and analyses of the user behavior on the internet. Cookies usually don't reveal the user's identity. In case that Cookie enables the user's identity, Cookies will be treated as any other personal data, and therefore all that is said about the personal data is *mutatis mutandis* applicable on such cookies.



European Telecom regulation, as well as Serbian telecom regulations (Law on Electronic Communications) enables the usage of the Cookies, under the condition that the user (data subject) is in clear and precise manner notified about the purpose of the Cookies collection and processing, and that user had an opportunity to refuse such processing.

The removal of the Cookies is possible by the changing of the settings in your Internet Browser (Internet Explorer, Firefox, Chrome, Opera etc.). Stored Cookies could be removed, but depending on the type of cookie, such removal could reduce the functionality of our CRM platform.

AmCham usually uses only **Functional Cookies**, type of cookies that improves the functionality of the Web Page or certain features of the Web Page. Such Cookies could be placed by AmCham or by third parties and could be removed in the manner prescribed above (setup of the Internet Browser). Removal of such type of Cookie could interfere with the proper functioning of Web Page;

AmCham could use the analytics tools such as Google Analytics in order to perform the analyses of the Web Page itself.

13 SPECIAL PRIVACY NOTICE

Beside this Policy, considering the specifics of the purpose that collecting and processing should fulfill and legal basis for such processing, AmCham will notify the data subject on all the specifics and details of such processing (Special Privacy Notice) by using all the available channels of communication (e.g. e-mail). For such processing this Policy and Special Privacy Notice shall be applicable.

14 MISCELLANEOUS

This Policy is entering into force on the day of its publication on the AmCham's Web Page.

This Policy might be periodically updated, provided that the changes will not in any way decrease the level data subject's privacy protection. All the eventual amendments shall enter into force from the day of their publication on the AmCham CRM platform. Data Subjects shall be informed on all important changes of this notice by usual means.