

ADMINISTRATIVE INSTRUCTION

on TCT Personal Data Protection Policy

The Permanent Secretariat of the Transport Community (the TCT Secretariat) is committed to protecting the fundamental rights and freedoms of natural persons, particularly their right to privacy concerning the processing of personal data.

Noting that a fundamental principle of the Transport Community Treaty is the progressive integration of the South-East European Parties' transport markets into the EU based on the "relevant acquis".

Having that the EU acquis includes data protection legislation, the General data protection rules (Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data GDPR: <https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng>), this inherently brings data protection considerations into the Transport Community's operational framework.

Wishing to provide a set of regulations binding on the TCT Secretariat and its Staff Members aimed at ensuring a high level of data protection,

Noting that the Staff Regulations are setting out the terms and conditions of service of the staff members of the Permanent Secretariat of the Transport Community, where Article 3.5 regulates the Use and release of information by the staff members,

Noting that the Permanent Secretariat in the employment procedure applies the Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data,

Having regard to the Agreement between the Transport Community and the Republic of Serbia regarding the Seat of the Transport Community Permanent Secretariat (<https://www.transport-community.org/headquarters-agreement/>) and the immunities provided therein,

ADOPTS THE FOLLOWING ADMINISTRATIVE INSTRUCTION:

I. General Provisions

Article 1

Purpose

1. This Administrative Instruction outlines the rules governing the protection of natural persons in relation to the processing of their personal data by the TCT Secretariat. Natural persons in the context of this administrative instructions are all identifiable natural persons who made correspondence with the TCT Secretariat, the officials and TCT secretariat staff members (in the context of the Staff regulations: the Director and Deputy Director, Staff members, Local staff, Seconded experts, locally contracted experts and others).
2. This Administrative instruction applies to the processing of personal data, regardless of whether it is wholly or partly by automated means or other than by automated means, which form part of a filing system or are intended to form part of a filing system.

Article 2

Definitions

For the purposes of this Administrative instruction:

- a. 'personal data' shall mean any information relating to an identified or identifiable natural person ('data subject'), including Officials of the TCT Secretariat as well as any other natural persons;
- b. 'identifiable natural person' shall mean a natural person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
- c. 'processing' shall mean any operation or set of operations which is performed on personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
- d. 'restriction of processing' shall mean the marking of stored personal data with the aim of limiting their processing in the future;
- e. 'pseudonymisation' shall mean the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of

additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;

- f. 'filing system' shall mean any structured set of personal data which are accessible according to specific criteria;
- g. 'Officials of the TCT Secretariat' means the Director, Deputy Directors and all other staff from the Contracting Parties, working permanently at the TCT Secretariat following the Staff Regulations of the TCT Secretariat, and seconded experts;
- h. 'Official in Charge' shall mean an official or TCT Secretariat staff member who, in doing his/her tasks, is engaged, in the name of the TCT Secretariat, in the processing of personal data;
- i. 'third party' shall mean a natural or legal person, public authority, agency, international organisation or body outside the Transport Community and other than the data subject, to which personal data are disclosed;
- j. 'consent' of the data subject shall mean any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by an explicit affirmative action, signifies agreement to the processing of personal data relating to him or her;
- k. 'profiling' means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;
- l. 'objection' of the data subject shall mean any indication of the data subject's wishes by which he or she, by a written request or by a clear sign of protest, signifies disagreement to the processing of personal data relating to him or her;
- m. 'data concerning health' shall mean personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status;
- n. 'without undue delay' shall mean as soon as possible given the complexity of the request(s) to be dealt with and the availability of the staff member in charge, but not later than within one month of receipt of the request;

- o. 'electronic means' shall mean electronic mail (e-mail);
- p. 'non-personalised electronic mass mailings' shall mean electronic mails sent simultaneously to a multitude of data subjects listed in a filing system (mailing list);
- q. 'cookies' shall mean data sent from the Transport Community website and stored on a data subject's computer by the web browser while the data subject is browsing.

Article 3

General Principles of Data Processing

1. The TCT Secretariat is processing personal data in line with this Administrative instruction.
2. The TCT Secretariat will collect personal data only for the specified, explicit and legitimate purposes listed in Article 4 (1), and not process them further in a manner incompatible with those purposes ("purpose limitation"). The TCT Secretariat will process them in a manner that is adequate, relevant, and limited to what is necessary for the purposes for which they are processed, adhering to the principle of data minimisation. Personal data will be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed ("storage limitation").
3. Personal data shall be kept accurate and up-to-date. Inaccurate personal data shall be erased or rectified without delay by the Officials in charge.
4. Officials in charge shall be responsible for processing personal data in a manner that ensures appropriate security of the personal data, including protection against processing not covered by this Administrative instruction and against accidental loss, alteration or destruction.

Article 4

Permitted data processing

1. Processing of personal data by Officials of the TCT Secretariat is permitted only if and to the extent that at least one of the following applies:
 - a. the data subject has given consent to the processing of their personal data for one or more specific purposes, or has not objected to the processing of their personal data in line with Articles 10 to 13;
 - b. processing is necessary for the performance of a contract with the TCT Secretariat and/or the Transport Community to which the data subject is party, or to take steps at the request of the data subject before entering into such a contract;

- c. processing is necessary for compliance with a legal obligation applicable to the TCT Secretariat, the Transport Community and/or individual Officials;
 - d. processing is necessary in the context of administrative, court or arbitration proceedings to which the TCT Secretariat, the Transport Community and/or individual Officials are party, and in particular for the establishment, exercise or defence of legal claims;
 - e. processing is necessary for the performance of the tasks carried out by the TCT Secretariat and/or the Transport Community, including promotion, publications and the organisation of events;
 - f. processing is necessary for historical, statistical, research or academic purposes;
 - g. processing is necessary, in specific cases, for other overriding legitimate grounds.
2. Where processing is based on consent or non-objection, the Official in charge shall be able to demonstrate that the data subject has consented or not objected to the processing of their personal data. The data subject shall have the right to withdraw their consent or object at any time. The withdrawal of consent or the objection shall not affect the lawfulness of processing based on consent before its withdrawal or objection. Withdrawal or objection shall not affect the legality of data processing in accordance with paragraph 1 from lines (b) to (g) of this Article.
3. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union or party membership, and the processing of data concerning health or a natural person's sex life or sexual orientation shall be prohibited, unless:
- a. the data subject has given explicit consent to the processing of those personal data for one or more specified purposes;
 - b. such processing relates to personal data which has been manifestly made public by the data subject;
 - c. processing of data concerning health is necessary for assessing the working capacity of Officials of the TCT Secretariat (including medical certificates for leave requested following the item 10.3 of the Staff Regulations), improving their working conditions, protection of other Officials of the TCT Secretariat and third persons, or the relation with insurances entered into by the TCT Secretariat and/or the Transport Community for the benefit of its Officials.

4. Profiling shall not be permitted.
5. Personal data may only be disclosed to third parties if the data have been collected in accordance with paragraph 1 of this article and are necessary for the legitimate performance of tasks covered by the competence of the third party. The Officials in charge shall take all reasonable efforts to ensure that the third party processes the personal data only for the purposes for which they were disclosed. At the least, in any communication involving the disclosure of data, the Official in charge shall require the third party in question to process the personal data only for the purposes for which they were disclosed. This is without prejudice to the obligations on Officials of the TCT Secretariat under item 3.5 of the Staff Regulations (Use and Release of Information).

Article 5

Right to Information

1. A data subject may, at any time, request and obtain the following information from the TCT Secretariat:
 - a. the purpose(s) of the processing for which the personal data are intended, as well as information on any purpose other than that for which the personal data were collected, if any;
 - b. the legal basis for processing the personal data in accordance with Article 4(1);
 - c. the source of the personal data when they have not been obtained from the data subject;
 - d. the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;
 - e. third parties or categories of third parties to which personal data has been or is intended to be disclosed, if any;
 - f. actions taken by the TCT Secretariat upon receipt of an objection or withdrawal of consent, or the receipt of a request for rectification, erasure or restriction in accordance with Articles 6 and 7,
 - g. the right to lodge a complaint with the TCT Secretariat in line with Article 8
2. Any request shall be addressed electronically to the TCT Secretariat at office@transport-community.org. It shall be addressed and responded to without undue delay, preferably by electronic means.

3. Paragraphs 1 and 2 of this article shall not apply where and insofar as the data subject already has the information, or where statutory confidentiality obligations prevent the TCT Secretariat from disclosure. In these cases, the data subject shall be informed accordingly.

Article 6

Right to Rectification

1. The data subject shall have the right to obtain, without undue delay, the rectification of inaccurate personal data concerning him or her. Considering the purposes of the processing, the data subject shall have the right to have their incomplete personal data completed through providing a supplementary statement.
2. The Official in charge shall communicate any rectification of personal data carried out in accordance with this Article to each third party to whom the personal data has been disclosed, unless this proves impossible or involves disproportionate effort.

Article 7

Right to Erasure, Restriction and Pseudonymisation

1. The data subject shall have the right to obtain, without undue delay, the erasure of personal data concerning him or her, where one of the following grounds applies:
 - a. the personal data are no longer necessary concerning the purposes for which they were collected or otherwise processed;
 - b. the data subject withdraws consent on which the processing is based, or objects to the processing according to Articles 4(1)(a), 10, 11 and 12, and where there is no other relevant legal ground for the processing of the personal data in accordance with Article 4 (2);
 - c. the personal data have been processed without a basis in Article 4;
 - d. the personal data must be erased to comply with a legal obligation applicable to the TCT Secretariat.
2. Where the TCT Secretariat is obliged, according to paragraph 1 of this article, to erase the personal data, the Official in charge, taking account of available technology and the cost of implementation, shall take reasonable steps to erase any links to, or copy or replication of, that personal data. Afterwards, the Official in charge shall inform the data protection officer.

3. Instead of erasure of personal data, the TCT Secretariat and the data subject may also agree to a restriction of processing personal data or of its pseudonymisation. Such agreement shall require the explicit consent of the data subject.
4. The Official in charge shall communicate any erasure, restriction of processing of personal data or pseudonymisation carried out in accordance with this Article to each third party to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort.

Article 8

Right to Complain

1. Every data subject shall have the right to lodge a complaint to the data protection officer if they consider that the processing of their personal data contravenes this Administrative instruction.
2. The data protection officer shall inform the complainant of the progress and the outcome of the complaint, as well as the scope of the rights available to the complainant. The data protection officer shall also inform the Official in charge about the complaint from the data subject and the outcome of their/decision.
3. The Director shall establish the rules for complaint proceedings as a first instance, to facilitate a timely procedure at reasonable costs to the parties.
4. If the data subject is not satisfied with the outcome of their complaint, they can lodge an appeal with the arbitration committee through the data protection officer. Any dispute between him/her and the Transport Community and/or the TCT Secretariat shall be settled by an arbitration committee.

Article 9

Appeal procedure

1. Any dispute between the TCT Secretariat and a data subject concerning this Administrative instruction (the TCT Data Protection Policy), in the second instance, is to be submitted to the arbitration committee.
2. The Director shall establish the rules for appeal proceedings as a second instance, to facilitate a timely procedure at reasonable costs to the parties.

3. The arbitration committee shall be composed of a representative of the current Presidency of the Regional Steering Committee, a representative of the Presidency of the Regional Steering Committee for the next term, and a representative of the preceding Presidency of the Regional Steering Committee. The current Presidency of the Regional Steering Committee shall chair the Committee.
4. Both the data protection officer and the data subject may initiate informal resolution of the issues involved at any time before or after the data subject chooses to pursue the matter formally.
5. An appeal shall not be receivable by the arbitration committee if the related dispute has been resolved by an agreement reached through informal resolution.
6. However, a data subject may submit an appeal directly to the arbitration committee in order to enforce the implementation of an agreement reached through informal resolution within 90 calendar days of the deadline for implementation as specified in the informal resolution agreement or, when the informal resolution agreement is silent on the matter, within 90 calendar days of the thirtieth calendar day from the date on which the agreement was signed.
7. The arbitration committee shall decide on the dispute in accordance with this Administrative Instruction. Matters concerning the interpretation of the Treaty establishing the Transport Community shall not be within the competence of the arbitration committee.
8. All arbitration committee proceedings shall take place in Belgrade or online, and the language of these proceedings shall be English. The Director shall establish the rules for arbitration committee proceedings as a second instance, to facilitate a timely procedure at reasonable costs to the parties.
9. Either party may file an appeal against a data protection officer's decision. It is to be lodged with the Presidency of the Regional Steering Committee (acting as a chair of the arbitration committee) within 30 calendar days following receipt of the data protection officer's decision. An appeal shall not be receivable by the Presidency of the Regional Steering Committee unless the deadline has been met.
10. The filing of an appeal with the Presidency of the Regional Steering Committee in the second instance shall have the effect of suspending the execution of the decision that is contested, and which is based upon the proposal of the data protection officer.

II. Special Categories of Processing

Article 10

Staff members

The protection of personal data of data subjects in their capacity as staff members of the TCT Secretariat, in accordance with Article 3 of the present Administrative Instruction, is governed by the Staff Regulations in their most recent version. Articles 5 to 7 of the present Administrative instruction shall not apply to the extent that the Staff Regulations in their most recent version apply.

Article 11

Data subjects seeking a professional relationship with the TCT Secretariat

1. Personal data of data subjects who have contacted the TCT Secretariat for the establishment of a professional relationship shall be erased by the Officials in charge after the relationship has expired or been terminated, or once it has become clear that such a relationship will not be established.
2. Cases under paragraph 1 include, but are not limited to
 - a. applicants for a position with the TCT Secretariat, as well as secondees, locally contracted experts and assigned to hourly rates;
 - b. participants in procurement procedures and applicants for the TCT Secretariat's vacant posts;
 - c. other applicants seeking a professional relationship with the TCT Secretariat;
3. Responses by the Official in charge to data subjects which have contacted the TCT Secretariat for the establishment of a professional relationship of the kind described in paragraph 2 shall bear the following clear and visible text: *"Please note that your personal data will be stored and processed by the TCT Secretariat in line with and for the period required by the purpose of your request. The Permanent Secretariat of the Transport Community is committed to protecting the right to privacy and has implemented measures to ensure the protection of personal data. If you want to learn more or have concerns, please send an email to office@transport-community.org."*
4. Should the recruitment procedure involve the establishment of a reserve list (as per Article 34 of the Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Staff of the TCT Secretariat), the vacancy notice shall mention that. Personal data of data subjects shall be deleted as soon as the reserve list expires.

5. Officials in charge shall screen their filing system and erase all existing data not required anymore in accordance with paragraphs 1 and 4 of this article.
6. All vacancy notices shall include the following visible text: *“Please note that your personal data will be stored and processed by the TCT Secretariat in line with and for the period required by the purpose of your request. The Transport Community Permanent Secretariat is committed to protecting the right to privacy and has implemented measures to ensure the protection of personal data. If you would like to learn more or have any concerns, please email office@transport-community.org.”*

Article 12

Participants in TCT Events Eligible for Reimbursement or Advance Payment

1. Data subjects which qualify as participants eligible for reimbursement to Transport Community events (as prescribed in the TCT RSC Decision 5/2023 and defined by TCT Rules on Reimbursement annexed to it - <https://www.transport-community.org/wp-content/uploads/2024/01/rsc-dec-5-23.pdf>) shall be informed, in the first response to their request for reimbursement or advance payment of the special personal data protection rules applicable to them.
2. The Official in charge shall store the personal data for as long as needed for reimbursement, advance payment, audit or other legitimate purposes.
3. Responses by the Official in charge to data subjects who have contacted the TCT Secretariat for reimbursement or advance payment shall include the following and visible text: *“The Permanent Secretariat of the Transport Community is committed to protecting the right to privacy and has implemented measures to ensure data protection. If you want to learn more or have concerns, please send us an email to finance@transport-community.org.”*
4. Reimbursement and advance payment forms shall also include the following checkbox: *“☐ I agree for my personal data to be stored and processed by the TCT Secretariat in line with and for the period required by the purpose of my reimbursement/advance payment request.”*

Article 13

Non-personalised Electronic Mass Mailings

1. Non-personalised electronic mass mailings, for the purpose of communicating with institutions or bodies of the Transport Community Treaty, including any sub-groups, working groups,

networks, committees, task forces etc., shall be addressed by the Official in charge only to the members of such institution or body, unless the institution or body has decided otherwise. Members of such institutions or bodies are entitled to the rights in Articles 5 to 8 of this Administrative instruction.

2. Subscription messages for the purpose of disseminating information to registered users shall include the following visible text: *“To unsubscribe or update your subscription preferences, [click HERE to log into your profile.](#)”*
3. Non-personalized electronic mass mailings for the purpose of disseminating information about the TCT Secretariat and its activities, including invitations to participate in conferences or other academic events, shall bear the following and visible text: *“If you no longer wish to receive newsletters or invitations to events from the Transport Community Secretariat by email, please reply to this message with “unsubscribe”.”* The follow-up notification shall sound as follows: *“The Permanent Secretariat of the Transport Community is committed to protecting *the right to privacy* and has implemented measures to ensure data protection. If you want to learn more or have concerns, please send an email to office@transport-community.org.”*
4. Upon receipt of an objection in reply to this, or any other format, the Official in charge shall remove the data subject objecting from the list used for the mailing in question without undue delay and provide information on the action taken to the data subject by electronic means. Where the staff member in charge has reasonable doubts concerning the identity of the natural person objecting, he or she shall request the provision of additional information necessary to confirm the identity of the data subject.
5. Any mailing lists maintained at the TCT Secretariat shall comply with the principles and rules outlined in Articles 3 and 4. The mailing lists shall contain no other personal data than the data subjects' e-mail addresses. They may be collected only through previous contacts with the data subject or from publicly available sources. Mailing lists shall be kept up to date by the Officials in charge regularly.

Article 14

Visual Recording

To the extent events organised by the TCT Secretariat are visually recorded (photographs, videos, films, etc.), invitations to participate shall bear the following and visible text: *“Please note that [photos will be taken at this event] [and it may be video recorded in whole or in parts]. Pictures will be used by the Transport Community and the TCT Secretariat for the promotion of its activities, and not for*

commercial purposes. If you do not want to feature in the photos, please make yourself known to the organisers at the beginning of the event."

Article 15

Transport Community Website

1. For all the users of the Transport Community website (<https://www.transport-community.org/>), the data protection privacy policy is prescribed and published in a separate tab: <https://www.transport-community.org/privacy-policy/>
2. If you would like to learn more or have concerns, please send an email to office@transport-community.org.
3. To the extent the Transport Community website uses cookies, the link entitled "Privacy Notice" shall bear the following and visible text: *"Cookies: The Transport Community website uses cookies on its sites to provide services and functionalities to its users. We use the following types of cookies: Strictly necessary cookies, which are essential for managing your connection status, and Analytical cookies, which enable us to collect data about your use of our website to improve its performance and design. Those cookies are not necessary, and you can reject their use*

III. Final Provisions

Article 16

Officials in Charge

1. Officials in charge shall comply with this Administrative Instruction. In case they come across a case of noncompliance, they shall, without undue delay and, where feasible, not later than 72 hours after becoming aware of it, notify the TCT Secretariat Director and Deputy Director of the personal data breach.
2. The obligation to comply with the present Administrative Instruction shall also be extended by way of a binding contract to secondees, persons locally recruited and assigned to hourly rates, to the extent that they are involved in the processing of personal data.

Article 17

Outsourced Processors

1. Where processing is carried out on behalf of or for the TCT Secretariat by any other (legal or natural) person than a staff member (outsourced processor), the Official in charge of collaboration shall be responsible for ensuring that processing by or with the involvement of an

outsourced processor complies with the requirements of this Administrative instruction, and that the outsourced processor provides sufficient guarantees to implement appropriate technical and organisational measures to ensure compliance.

2. The conditions under which an outsourced processor carries out the personal data processing shall be stipulated in the contract with the outsourced processor. In particular, the contract shall guarantee that the outsourced processor
 - a. processes the personal data only on documented instructions from an Official in charge;
 - b. has committed him- or herself to confidentiality;
 - c. is liable for all breaches of data protection requirements;
 - d. is capable of taking and takes the following measures, as required:
 - i. the pseudonymisation and encryption of personal data;
 - ii. ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;
 - iii. restore the availability and access to personal data promptly in the event of a physical or technical incident;
 - iv. a process for regularly testing, assessing, and evaluating the effectiveness of technical and organisational measures to ensure the security of processing.
 - e. does not engage and/or subcontract another processor without prior specific or general written authorisation of the data protection officer. In this case, the same data protection obligations as set out in the contract between the TCT Secretariat and the outsourced processor shall be imposed on that other processor by way of a contract in such a manner that the processing will meet the requirements of this Administrative instruction and the outsourced processor remains fully liable;
 - f. taking into account the nature of the processing, assists the Officials in charge by appropriate technical measures in the fulfilment of the TCT Secretariat's obligations under this Administrative instruction;
 - g. at the choice of the TCT Secretariat, deletes or returns all the personal data to the TCT Secretariat after the end of the provision of services relating to processing, and deletes existing copies;

- h. makes available to the TCT Secretariat all information necessary to demonstrate compliance with the obligations laid down in this Article and allow for and contribute to audits, inspections, etc.

Article 18

Data Protection Officer

1. The TCT Secretariat Official in charge of legal matters is designated as the Data Protection Officer. They may delegate the performance of the ensuing tasks to another TCT Official dealing with legal issues (if any);
2. The Data Protection Officer shall closely collaborate with the Officers in charge;
3. The Data Protection Officer shall monitor the application of the provisions of this Administrative instruction to all processing operations carried out by the TCT Secretariat and its Officials. They shall give guidance to Officials in charge of data processing upon request. He or she shall handle complaints based on the rules and rights established by this Administrative instruction from all data subjects, including Officials of the TCT Secretariat.
4. In the event of an appeal from Article 9(7), the data protection officer shall collect all necessary documentation and submit it to the arbitration committee for a decision.
5. The data protection officer shall ensure the enforcement of the arbitration committee's decision.
6. The Data Protection Officer shall document any case of non-compliance, comprising the facts relating to the case, its effects and the remedial action taken. He or she shall report annually to the Director and Deputy Director. The report may include advice on how data protection in the Transport Community can be improved.

Article 19

Entry into Force

This personal data protection policy takes effect on the date of its adoption.

For the Permanent Secretariat of the Transport Community

Matej Zakonjšek
Director

Done in Belgrade, on 29 May 2025