

21st of May 2019

Google LLC

1600 Amphitheatre Parkway
Mountain View, CA 94043
USA

Law on Data Protection in Serbia - New legal obligation for Google

Dear Sir or Madam,

We wish to inform you that **in next three months** you are expected to **appoint a representative in Serbia** to whom all **issues related to personal data processing** should be addressed.

New Law on Personal Data Protection in Serbia

The new [Law on Personal Data Protection](#) ("Official Gazette of the Republic of Serbia" No. 87/2018) was adopted in Serbia on the 9th of November 2018. This Law shall be applicable beginning the 21st of August 2019. We believe it is of utmost importance to emphasise that the new Serbian Law on Personal Data Protection was modelled after the EU General Data Protection Regulation (GDPR).

Pursuant to Article 3, *which mirrors Article 3 of the GDPR*, this Law is applicable to processing of personal data of data subjects from Serbia, by a controller or processor based outside of Serbia. Said article applies if the processing activities are related to offering goods or services, irrespective of whether a payment of the data subject is required, or to monitoring the behaviour of Serbian data subjects within the territory of Serbia.

Why does it apply to Google?

Consequent upon the above, your company undisputedly qualifies as a controller outside of Serbia, as you process personal data, as well as monitor and target data subjects in Serbia.

We draw this conclusion from the fact that Google Chrome, Gmail, YouTube, Google Docs and numerous other applications that you own are aimed at and offered to Serbian citizens or people who have a permanent or temporary residence in Serbia. Furthermore, some of your applications can be used entirely in Serbian, and google.rs uses Serbia's national domain. Additionally, advertisements and marketing content on your websites target people in Serbia. Moreover, you monitor the behaviour of users from Serbia by using cookies, behavioural advertising, tracking geolocation for advertising, etc. On the other hand, by using integrated features users' personal data is shared with companies that you cooperate with.

All of the aforementioned activities are considered monitoring and targeting data subjects and therefore, as a controller and processor outside of Serbia, you fall under the territorial scope of application of this Law.

What does it entail for you?

Pursuant to Article 44 of the new Law, which mirrors Article 27 of the GDPR, controllers and processors outside of Serbia to whom the Law applies will need to appoint a representative in Serbia. Said representative shall have the mandate to be addressed by the Serbian Data Protection Authority (i.e. [The Commissioner for Information of Public Importance and Personal Data Protection of the Republic of Serbia](#)) and data subjects on all issues related to processing of personal data.

The representative should be explicitly designated by a written mandate to act on the company's behalf with regards to obligations under the new Law, no later than the 21st of August 2019. In accordance with the Law, a fine may be imposed on companies for failing to appoint their representatives in Serbia.

We sincerely hope that your company will continue to conduct its business activities in accordance with all regulatory provisions, setting an example for other companies to follow. We would kindly ask you to notify us if you happen to have already appointed a representative in Serbia, i.e. to notify us when you appoint a representative.

About us

We are [SHARE Foundation](#), a non-profit organisation from Serbia established in 2012 to advance human rights and freedoms online and promote positive values of an open and decentralised Web, as well as free access to information, knowledge, and technology. Protection of personal data is one of the issues of utmost importance for us. In that sense, we have produced a lot of content on the topic to raise awareness, but also a [guidebook](#) that shall help companies become compliant with the new legislation and hold personal data protection to the highest of standards.

We welcome any questions you might have regarding the obligations under the new Serbian Law on Personal Data Protection.

Kind regards,

A handwritten signature in black ink, appearing to read "D. Krivokapić", written in a cursive style.

Danilo Krivokapić
Director of SHARE Foundation