



ATC

AKREDITACIONO TELO SRBIJE

REGULATION ON CONFIDENTIALITY OF INFORMATION

This document is valid without the signature of the persons who reviewed and approved the document.



REGULATION ON CONFIDENTIALITY OF INFORMATION

I. GENERAL PROVISIONS

Article 1

This Regulation determined the documents (deeds) and data (information) that the Accreditation Body of Serbia (hereinafter referred to as: ATS) considers confidential and constitutes a trade secret of ATS, and whose disclosure to unauthorized persons would be contrary to ATS business and would harm its interests and business reputation, as well as the interests and reputation of organizations which are accredited by ATS, in particular:

- manner of handling documents and data that are considered confidential,
- protection of confidentiality,
- breach of confidentiality and responsibility.

Article 2

Confidentiality is ensured by members of the ATS Management and Supervisory Board, Accreditation Council, ATS director, members of the ATS Committee, ATS employees, as well as other persons which based on a legal relationship, work with ATS (outsourced security arrangements) and who have in any way found out about the documents, deeds or information that are confidential. The duty to maintain confidentiality shall continue even after the termination of the mandate of the member of the body referred to in the previous paragraph of this Article and the termination of employment of the employee in ATS.

Persons referred to in paragraph 1 of this Article are obliged to get acquainted with this Regulation and give an irrevocable statement about it by signing the statement which is an integral part of this Regulation – *Confidentiality Statement*.

II. CONFIDENTIAL INFORMATION GENERATED DURING THE ACCREDITATION PROCEDURE OF THE CONFORMITY ASSESSMENT BODY

Article 3

ATS is responsible for managing all information obtained or generated during the accreditation process. The Accreditation Contract (*ATS-PR11-O07*), which ATS concludes with conformity assessment body (hereinafter referred to as: the CAB), defines the obligation to maintain the confidentiality of information from the accreditation process.

ATS is responsible for informing CAB in advance about the information it intends to release to the public. All other information obtained during the accreditation process, excluding those made publicly available by the CAB or those subject to the contract between ATS and the CAB (e.g. for the purpose of responding to complaints), is considered property and is treated as confidential.

When ATS is required by the law to disclose confidential information, then ATS is required to notify the CAB of the information provided, unless prohibited by law.

Information on the CAB obtained from sources that are not the CAB (e.g. complaint, regulatory bodies) is treated as confidential between ATS and the CAB. The identity of the provider (source) of this information is considered confidential by ATS and shall not be provided by the CAB unless the source agrees.

ATS staff, including all members of committees, contractors, staff of external bodies, or individuals working on behalf of ATS, are obliged to keep confidential all information obtained or generated



during the performance of accreditation activities, unless otherwise required by law.

III. PUBLICLY AVAILABLE INFORMATION

Article 4

ATS on its website www.ats.rs makes publicly available and publishes all relevant information about its work and the accreditation process.

Also, ATS is present on social networks: <https://twitter.com>; <https://www.linkedin.com>; <https://www.youtube.com>

Publicly available information on ATS refers to: information on the authority under which ATS operates; description of ATS rights and obligations; general information on the means by which ATS provides financial support; information on other ATS activities (trainings, seminars, meetings, etc.); information on the international arrangements and recognition in which ATS is involved.

Publicly available information on the accreditation process includes information on accreditation schemes, information on the assessment process and accreditation. ATS has published on its website <https://www.ats.rs/en/documents> published relevant documents for accreditation, accreditation fees, Rules of Accreditation (which defined the rights and obligations of conformity assessment bodies), the procedure for resolution of complaints and appeals (defining the submission and resolving of complaints and appeals), Rules for the use of accreditation symbols, Rules for the Use of Accreditation symbols, text reference to accreditation and ATS status as signatory to the EA MLA, ILAC MRA and IAF MLA agreement and other relevant documents and forms relevant to the procedure of accreditation.

Article 5

In accordance with the Law on accreditation, ATS:

- keeps a public register of accredited CABs;
- keeps a public register of externally technical experts according to the field of accreditation and experts engaged in the accreditation decision-making process respecting the principles of personal data protection regulation.

IV. DOCUMENTS AND DATA WHICH ARE CONFIDENTIAL

Article 6

In addition to the document and data specified in Article 5 of this Regulation, deeds and data mentioned to ATS as confidential by the competent authority shall also be considered confidential, i.e. a person of another company, institution, etc, shall be considered confidential, provided that the person has warned ATS about the secrecy of data.

The documents and data from the previous paragraph shall be handled in accordance with the provisions of this Regulation.

V. MANNER OF HANDLING CONFIDENTIAL DOCUMENTS AND DATA

Article 7

ATS is responsible for the protection and security of documents (whether in paper or electronic



form).

Documents, deeds and data declared in accordance with Article 5, paragraph 2, point 1 of this Regulation, i.e. determined as a trade secret, shall be marked ‘‘CONFIDENTIAL’’ in the upper right corner, recorded in a special book, specially archived and stored in locked metal cabinets.

Marking of documents, deeds and data from the previous paragraph, their storage and archiving is performed by the responsible person, under the special authorization of the director of ATS (hereinafter referred to as: the responsible person).

The responsible person shall open the post referred to in Article 6, paragraph 1 of this Regulation, recording, acting, keeping and archiving the acts referred to in Article 6, paragraph 1 of this Regulation, in the manner prescribed by the provisions of this Regulation.

Documents in electronic form are kept confidential, and their protection is ensured by using access codes.

Article 8

Employees who handle documents, deeds and data determined by this Regulation as confidential, i.e. a trade secret, are obliged to keep them in a safe place and may not give them unauthorized access or use, or make any statements regarding these documents, deeds and data.

Confidential documents are kept in such a way as to ensure secrecy, in metal cabinets, tables and cabinets if they are provided with special security locks, and can be kept on employees’ desks only while they are used at work. Documents in electronic form are stored on computers protected by appropriate codes.

Article 9

Employees who work on designing, drafting, entering text and duplicating documents, deeds and data that are confidential, are obliged to destroy traces of the concept, i.e. to keep papers in a safe way, i.e. to protect the programme (document) on the computer and other material that could reveal the content of these documents and/or deeds.

Documents marked as confidential shall be reproduced in the number of copies determined by the director of ATS.

It is forbidden to reproduce materials marked as confidential in a large number of copies as specified. The original copy of the document marked as confidential shall indicate the number of copies of such material.

The reproduced material from the previous paragraph of this article is numbered with numbers from 1, including the last number of copies.

On the materials marked as confidential, a stamp is placed with the inscription: ‘‘After use, return to the place of storage’’.

Article 10

An ATS employee who uses a document marked as confidential may not copy or otherwise reproduce such material, nor allow other persons to use it.

It is not allowed to have telephone conversations revealing the data that are the subject of confidential mail from Article 4, paragraph 1.

It is not allowed to use data that are the subject of confidential mail for personal purposes (for unofficial notes, magazines, publishing in the press, lectures, etc.).



Article 11

In case of disclosure or disappearance of a confidential document, deeds or data, the responsible person is obliged to immediately, without delay, inform the director of ATS, in order to take the necessary actions to eliminate harmful consequences and determine the circumstances under which the discovery or disappearance of confidential documents, deeds and data.

The responsible person shall keep special records on discovered or missing documents, papers and data that are confidential.

VI. PROTECTION OF CONFIDENTIALITY

Article 12

The director of ATS may, in order to protect the confidentiality of ATS information and data, as well as the information received by ATS in the accreditation process, take activities and actions that enable protection of confidentiality.

Actions from the previous paragraph can be legal (adoption of general and individual acts concerning the protection of confidentiality, as well as taking sanctions provided for in the employment contract, for violating them) technical (controlled use of telephone, etc.), organizational (physical separation of premises in which there is a flow and storage of confidential documents and information) and other actions.

In order to preserve the confidentiality and security of information, ATS has issued the Guide for the cloud (forwarding the documentation of the CAB assessment team), the Guide for webmail (electronic communication), the Guide for use of the Webex platform and the Guide for the implementation of AKREDIS.

Article 13

Documents and information determined by this Regulation as confidential may be disclosed to third parties:

- director of ATS,
- other employees by special written authorization of the ATS director.

When disclosing data and getting acquainted with documents or papers that are confidential, the persons referred to in the previous paragraph of this Article shall emphasize that these data or documents and papers are determined as confidential and warn persons to whom they are notified of the obligation to protect confidentiality and liability in case of breach.

Article 14

Reproducing, transcribing, copying and compilation of excerpts from documents, deeds and confidential data may be done only with the prior written consent of the director of ATS.

Article 15

On the disclosure of documents, deeds and data that are confidential, and which are recorded as such in terms of Article 5 of this Regulation, third parties shall keep special records, which contain:

- name and function of the person, i.e. the name of the body to which confidential data, documents and deeds have been communicated or given,



- what data, documents and papers have been communicated and to what extent,
- when and for what purpose they were announced.

VII. BREACH OF CONFIDENTIALITY AND RESPONSIBILITY

Article 16

A breach of confidentiality is considered as the following:

1. Any handling of documents, deeds and data determined as confidential to ATS, which is contrary to this Regulation
2. Unauthorized disclosure, turn over or otherwise making available documents, deeds and data that are confidential and represent a trade secret of ATS.
3. Obtaining data, documents and papers that are confidential and represent a trade secret of ATS, with the intention of handing over to an unauthorized person.

Article 17

Communication is not considered as a breach of confidentiality:

1. At the sessions of the ATS Management and Supervisory Board, the sessions of the Accreditation Council and the ATS Committee, if such communication is necessary for the performance of tasks within the scope of these bodies and working bodies, provided that those present are warned that these documents, deeds and data, shall be considered as a trade secret, with the duty to keep it.
2. Competent supervisory bodies of ATS, inspection bodies, investigative and judicial bodies, at their request, when the given data shall or can be communicated based on the laws, regulations or authorizations arising from the functions performed by that person, or the position of that person;
3. When reporting a criminal offense, economic offense or misdemeanor to the competent authority.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 18

The director, deputy director, assistant directors and head of ATS departments should acquaint ATS employees with this Regulation, especially those who handle deeds, documents and data that are confidential and represent a trade secret, or may in any way come into contact with such documents, deeds and data, as well as to ensure consistent application of this Regulation, and in case of violation of its provisions, to immediately take appropriate actions, provided by general acts of ATS. Other ATS employees are informed about this Regulation by publishing it on the ATS bulletin board.

Article 19

Amendments to this Regulation shall be made in accordance with the procedure provided for its adoption.

Article 20

This Regulation shall enter into force on the eighth day from the day of its publication on the ATS bulletin board.



On the day this Regulation enters into force, the Regulation of Confidentiality of 18th September, 2007 shall cease to be valid.



CONFIDENTIALITY STATEMENT

I hereby declare:

1. That I am familiar with the provisions of the Regulation on Confidentiality of Information of the Accreditation Body of Serbia.
2. In accordance with the Law on Accreditation, the Decision on Amendments to the Act on Establishment of the Accreditation Body of Serbia, the Statute, Rules of Procedure, the Regulation on Confidentiality of Information and other general acts of the Accreditation Body of Serbia, I shall conscientiously, responsibly and timely perform my function keep the confidentiality of information and data that I come across during the performance of my activities for the needs of the Accreditation Body of Serbia.
3. That I shall inform the Accreditation Body of Serbia of all situations in which there has been a breach of confidentiality and I shall not disclose confidential information outside the Accreditation Body, except when the law provides that such information shall be disclosed.

Belgrade, 20__.

Statement made by:

(Name and surname)

(Place of residence, address)

(ID number)

(Signature)