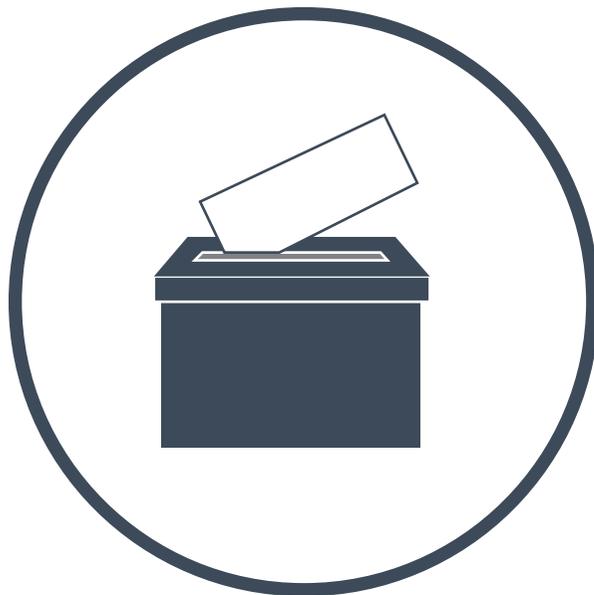




Secrecy of voting and voter data processing

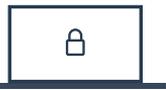


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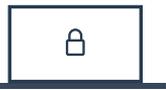


List of Abbreviations

CEC	Central Election Commission
MEC	Municipal Election Commission
PSC	Polling Station Committee
CRC	Count and Results Center
EMB	Election Management Bodies
ECAP	Election Complaints and Appeals Panel
LGE	Law on General Elections
FVL	Final Voters' List
RRF	Results and Reconciliation Form
SNV	Special Need Voting
CCR	Central Civil Registry
UDHR	Universal Declaration on Human Rights
ICCPR	Covenant on Civil and Political Rights
ECHR	European Convention on Human Rights and Fundamental Freedoms
LPPD	Law on Protection of Personal Data
NVT	New Voting Technologies

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I. Executive Summary

Elections are considered as an important aspect of democracy and the implementation of such processes in a free and fair way is essential to human rights dimension as well.

There are several international standards which set the principles and basis for implementing the election with regard to human rights. The key electoral principles they present are: universal, equal, fair, secret, free, transparent and accountable.

This report is written with an aim to review various aspects of the implementation of elections with regards to the human rights in the digital age, and how they fit and interact in the current electoral environment in Kosovo.

More specifically, the research aims to learn about the violations of human rights in two aspects of the voters' rights: the right to vote in secret, and privacy right during the voters' data processing in an election process. The research also aims to present the actual electoral process and identify issues and concerns with regards to the violation of human rights in these two aspects, and how they can be addressed..

The report provides a comprehensive review of electoral framework, in particular the election laws and electoral rules, and other relevant laws and legal acts which regulate the entire process. This legislation was analysed to establish: 1) whether the legal infrastructure ensures adequate mechanisms to safeguard the secrecy of voting and protection of personal data; 2) implementation of laws; and 3) what can be done to improve the situation in future. In addition, relevant institutions, international agencies, and experts were interviewed on how the electoral activities have been implemented thus far, violations and irregularities encountered, measures undertaken to improve such shortcomings, and whether concrete proposals for amendments have been made for future consideration.

Initially, the report provides a review of current electoral process and an analysis of the legal framework against the international practices and instruments, their interpretations and whether such principles are enshrined in Kosovo's legislation. In general, the report reveals that Kosovo legislation ensures sufficient attention is paid in that regard.

The right to vote and secrecy of vote is regulated by Kosovo election legislation; election administrators are responsible to create conditions and ensure that all necessary steps are taken in order secrecy voting is completely preserved. Findings establish that Kosovo legislation provides sufficient legal

instruments to ensure that voters can exercise their right by casting a secret ballot. However, they also reveal that legal measures are not sufficient means to preserve the secret voting and additional measures should be considered.

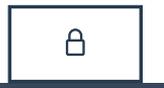
The other aspect of analysis was on processing of personal data. Organization and implementation of an electoral process in Kosovo entails a number of activities which require collection, processing, verification and usage of personal data in order to create conditions for voters to cast their vote on Election Day. These activities are carried out by the election management bodies. Notwithstanding, they require coordination and interactions with other relevant actors. This wide range of actors and the work carried out by each stakeholder, makes the process quite complex recon that relevant election data, and including personal ones shall become available to respective bodies depending their nature of responsibility.

As for the legal provisions related to data processing, electoral framework displays considerable shortcomings. The Law on General Election (LGE) provides very general and limited references to the Law on Protection of Personal Data, and the election legislation does not expand or interpret them further, thus leaving space for non-compliance during the implementation of electoral activities.

Finally, based on the findings and conclusions, the research offers recommendations for target stakeholders to address and undertake activities in order to improve the shortcomings as a result of the analysis conducted. In addition, the findings of the research, which is conducted as part of the project “Defending human rights in the digital age” will be used to further support the project activities on shaping Awareness Raising Campaign in the protection of human rights.

II. Methodology

Initially, an analysis of the electoral activities and legal framework was conducted to explain the actual electoral process, specifically provisions regulating voter registration, secrecy of voting, personal voter data processing, and any other legal references which support the principles of the right to vote. Parallel to the analysis of the domestic legal framework, an analysis was done for international treaties which are recognized widely on the universal principles on elections, or specifically the protection of personal data and secrecy voting.



The research methodology combines different forms and elements as: semi-structured interviews; analysis of electoral process and electoral legislation; local and international practices; analysis of election observer reports (as assessed by domestic and international organizations); analysis of completed researches and studies undertaken by local and international organizations on electoral specific issues; analysis of election adjudication cases and available reports related to electoral fraud; and comparative studies on specific election subject matters, specifically with the countries in the region and international practices.

Interviews were conducted with members of Electoral Management Bodies, as Central Election Commission members, Central Election Commission Secretariat staff, Election Complaints and Appeals Panel Secretariat; members of Central Civil Registry, and Agency for Protection of Personal Data. Additional interviews were conducted with relevant organizations involved in electoral support activities as Organization for Security and Cooperation in Europe, International Foundation on Electoral System, and with experts in specific fields who conducted researches or studies on report subject matters.

III. Overview of election management bodies and their activities

Election Management Bodies

Central Election Commission (CEC) is a permanent independent body responsible for organization and implementation of Elections in Kosovo, which prepares, supervises, directs, and verifies all activities related to the process of elections and announces their results in accordance with the Law on General Elections No. 03/L-073, entered into force on 5 June 2008, and as amended in October 2010. CEC consists of 11 members: a chairperson appointed by the President of Kosovo from the judges of the Supreme Court, and 10 members nominated by political parties represented in the Assembly of Kosovo and appointed by President.

Central Election Commission (CEC)



The CEC Secretariat is a technical body, established to carry out the technical aspects and activities related to the electoral process. Secretariat, implements CEC decisions and prepares reports, recommendations, and also provides administrative and other necessary support to CEC.

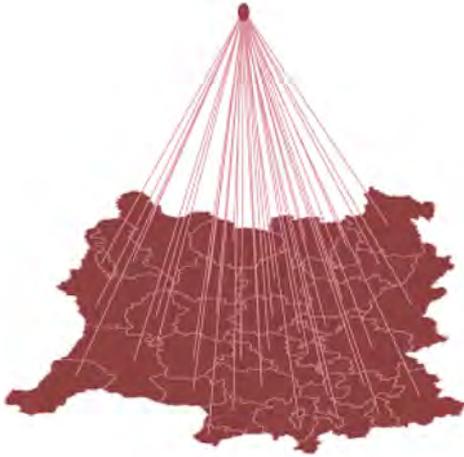


Central Election Commission Members



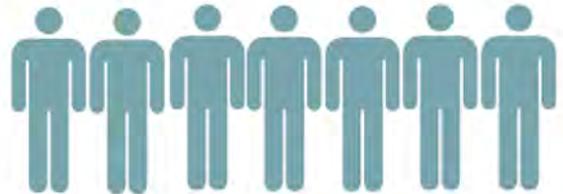
Municipal Election Commissions (MEC) are bodies established by the CEC in all thirty-eight municipalities of Kosovo to assist CEC Secretariat in performing its administrative and operational duties locally. The MECs generally consist of 7 or more members, appointed from nominations of the political entities that have passed the 5% threshold at the previous parliamentary elections, but the CEC can also suggest other suitable candidates from NGOs or academic institutions. The community parties with the reserved seats in the Kosovo Parliament can also have members at the MEC..

Municipal Election Commissions (MEC)

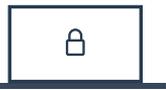


MEC are bodies established by the CEC in **38 municipalities** of Kosovo, to assist CEC Secretariat in performing its administrative and operational duties within their respective municipality.

The MECs generally consist of **7** or more members, appointed from nominations of the political entities that have passed the **5%** threshold at the previous Kosovo parliamentary elections, but the CECS can also suggest other suitable candidates from NGOs or academic institutions.



Polling Station Committees (PSC) are responsible for managing the polling station on Election Day. The Composition of these committees shall reflect the composition of the MEC and, in addition the Secretariat may invite newly certified parties to submit additional nominations for the committees. Each member is obliged to act impartially regardless of political party affiliation. PSCs are responsible for ensuring the integrity, security and tranquillity in the voting and counting process at the Polling Station under the immediate supervision of the MEC.



Polling Station Committees (PSC)

The Composition of PSCs shall reflect the composition of the MEC and in addition the CECS may invite newly certified parties to submit additional nominations for PSCs.



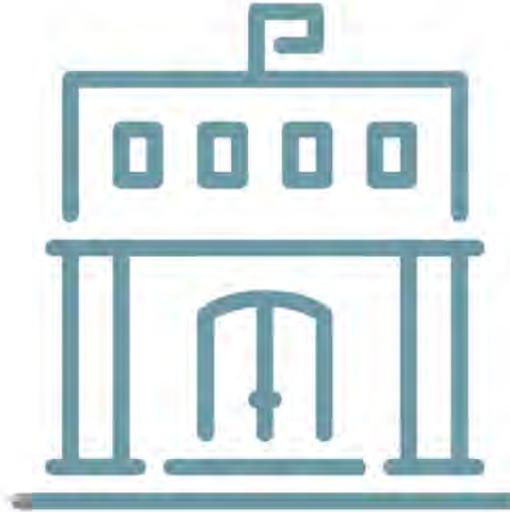
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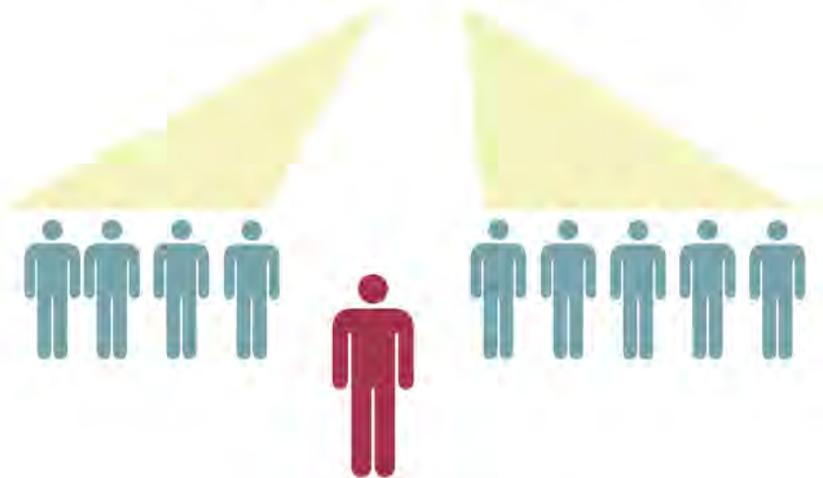


In order to address the complaints and appeals dealing with the electoral process, the electoral law has established the institution of the Election Complaints and Appeals Panel (ECAP) as an independent competent body. The Panel consist of 10 members including the Chairperson, who is nominated among the judges of the Supreme Court and appointed by the President of the Supreme Court, and members from among the judges of District Courts. ECAP reviews and adjudicates complaints and appeals submitted by a party that has a legal interest in a matter within its jurisdiction or whose rights have been violated with regard to the electoral process, as regulated by LGE and electoral regulations, within the determined legal deadlines.

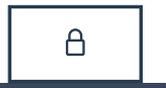
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In order to address the complaints and appeals dealing with the electoral process, the electoral law has established the institution of the ECAP



ECAP consist of 10 members including the Chairperson, who is appointed among the judges of the Supreme Court by the President of the Supreme Court, and members from among the judges of District Courts.



Electoral activities

Organizing an election is a process which requires implementation of numerous activities at various electoral phases. In an election, for example, these phases include: design and drafting of legislation;

- recruitment and training of electoral staff;
- voter registration;
- registration of political parties;
- certification of political entities and their candidates;
- electoral campaign;
- polling and counting;
- tabulation of results;
- resolution of electoral disputes;
- announcement and certification of results;
- reporting;
- auditing;
- storage and destruction of election material

This whole process is recognized as an 'electoral cycle', which sets election as continuous processes rather than isolated events. At the most general level, the electoral cycle is divided in three main periods: 1) the pre-electoral period, 2) the electoral period, and 3) the post-electoral period.

Activities involving personal data

Organizing an election involves activities that require collection and processing of personal data by Election Management Bodies from different stakeholders. In Kosovo, this data may be collected from various institutions and organizations such as: Central Civil Registry, Courts, Health institutions, Detention Centres, Prisons, Kosovo Judicial Centre, Civil Society Organizations, or directly from the voters itself, and political entities. All aforementioned players shall cooperate with CEC during an election period and provide the required information in order to support the organization and implementation of electoral activities.

The most activities involving personal data are carried out during an electoral period, more precisely during creation of voters' list (VL), polling and counting, and results' tabulation.

Voter registration

While 'active' voter registration system requires voters to register with the

relevant authority with an intention to participate in elections prior to an electoral event or on an ongoing basis, the 'passive' voter registration system does not require any specific action by the voters in order to be included in voter lists. The passive system predicts that the voter is registered automatically and would be included in voter lists without taking any individual action. Voter's lists are compiled on the basis of existing data maintained and updated by the relevant government authorities.

Kosovo boasts a passive registration system. VL is created based on the extract from the Central Civil Registry (CCR) which is maintained by the Ministry of Interior Affairs. Four main criteria define the voter eligibility: 1) persons who are at least 18 years of age on the day of the election and are registered as Kosovo citizens in the CCR; 2) persons who are registered as citizens of Kosovo in the CCR; 3) persons residing outside Kosovo and left Kosovo but meet the criteria in applicable legislation for being a citizen of Kosovo; 4) persons who obtained the status of the refugees as defined in the Convention Relating to the Status of Refugees of 1951 and its Protocol of 1966, and are eligible to be registered in the CCR as a habitual resident of Kosovo.

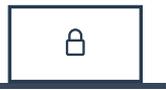
Polling and counting

Polling / types of voting

Regular Voting - is conducted at polling stations where all the eligible voters who find themselves in the Final Voters' List (FVL) may exercise this right. The procedures organizing the polling contain number of measures as: checking of ink in voter's finger, ID verification, signing of voters, and stamping of ballots. Once the voters receive the ballot, they are instructed to vote secretly in one of the ballot booths and then place the ballot in the ballot box in the presence of the polling station committee and observers.

Assisted Voting - is made available for voters who for whatever reasons are not able to mark or cast the ballot. They may be assisted to vote by another person chosen by the voter, and such person shall only assist one voter and shall not be a member of the polling station committees or accredited observers. The person who assists a voter is required to sign on the list, next to the name of the voter who was assisted.

Special Needs Voting (SNV) -category include: homebound eligible voters who cannot leave their home due to physical, medical, or any other kind of disability; eligible voters who are hospitalized, elderly people in specially designated homes for the elderly, persons of diminished mental capacity in institutions of health care, inmates in prisons and detainees in detention centre. In order to enable their voting, CEC establishes mobile teams who



serve these categories by going to their locations in order offer them the possibility to cast their vote. All eligible voters with special needs should register as an SNV voter prior election day within the deadline as specified by CEC. In addition, voters with voting rights who are hospitalized, are in prisons or detention centers, the CEC signs a memorandum of understanding with the Ministry of Justice and Ministry of Health to obtain lists of those eligible to vote for this category.

Conditional Voting – the law gives a voter an opportunity to cast a conditional ballot if they cannot be found on the voters' list at the polling station they showed up to. They are able to vote in an alternative polling station (dual station) available in every polling centre, by providing their personal information and signing on the Conditional Voters' List (CVL). Once the voter's personal data have been recorded in this list, PSC members write the same information in an envelope containing a blank ballot, which is then stamped and given to the voter for voting secretly. Once the voter has filled in the ballot, has placed it in a secrecy envelope, close the envelope, and puts the secrecy envelope in the ballot envelope. The procedure is carried out in front of the ballot box supervisor.

Voting by-mail – is offered for voters living abroad. An out of Kosovo voter can cast his/her ballot if he/she was successfully registered by CEC through the Out-of-Kosovo voting programme and within the specified legal deadlines. The voting procedures for voting by-mail are: taking a ballot in person from one of the points of distribution outside of Kosovo as determined and published by CEC or downloading ballot from the CEC website; filling the ballot and placing it in an unmarked envelope. The envelope should also be accompanied with copies of voter's identification documents containing personal information. Once the envelope is complete, the voter should send it by-mail to one of the mailboxes set and publically announced by CEC, and within the deadline determined by CEC.

Counting

Counting of regularly casted ballots is carried out at the polling stations. After the polling stations are closed, PSC members start counting in the presence of observers. The counting process at the stations includes a number of steps prior the counting of ballots as: counting the number of votes/signatures in the final list, counting of unused ballots, counting of spoiled ballots, and verification of seals and the serial numbers of the ballot boxes. Once these steps are completed, PSCs count the ballots and record all the data in the Results and Reconciliation Forms (RRF). Counting the conditional ballots does not take place at the PS, they are handed over to Counting and Results Centre (CRC) to undergo another counting procedure as regulated by the electoral

rule 06/2013 and internal CRC procedures on conditional votes. Once the counting is completed at the station level, PSCs transfer all materials to MECs, who then do a technical check of materials packing, and any eventual mistake in RRF. The MEC does not take any re-counting. The material from MECs is then transferred to CRC under police escort.

Count and Results Centre is the central location where all the sensitive material after Election Day is delivered. This includes material from the regular polling stations, special needs votes, conditional votes, and by-mail votes. CRC is responsible to count all the ballots cast through non-regular voting. In addition, CRC counts also the regular votes, which are counted at the polling stations due to any irregularity. In addition, CRC may undertake re-count of ballots if ordered so by CEC or ECAP, before recommending final results for certification to CEC.

IV. Legal Framework

The primary election legislation in Kosovo is the Kosovo Constitution of 15 June 2008, LGE, and the Law on Local Elections, which regulates specific matters to local activities, while all other election provisions of the LGE shall apply to local elections unless otherwise provided by the Law on Local Elections. The secondary legislation includes 19 Electoral Regulations issued by the CEC, which expand on principles included in the LGE, and the Rules of Procedure of the Central Election Commission, which define the functioning of that body; and the Rules of Procedure of ECAP, which expands the law in relation to the conduct of complaints and appeals.

Kosovo is not a signatory party to any international instrument on human rights or the conduct of democratic elections. Nevertheless, article 22 of Kosovo Constitution states the direct applicability of a number of agreements and instruments relevant for elections. These include the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights and Fundamental Freedoms (ECHR) including its Protocols, the Council of Europe Framework Convention for the Protection of National Minorities, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Furthermore, Article 53 of the Constitution obliges Kosovo authorities to interpret the human rights and freedoms guaranteed by the law and Constitution in harmony with the judicial decisions of the European Court of



Human Rights. The rights enshrined in the ECHR are directly enforceable, and in case of conflict, have priority over provisions of Kosovo laws. In addition, in 2014, the Committee of Ministers of the Council of Europe approved Kosovo's membership of the European Commission for Democracy through the Law, known as the Venice Commission. The Code of Good Practice in Electoral Matters of the Venice Commission of October 2002 now has reinforced importance as a reference for the conduct of democratic elections in Kosovo.

Secrecy of the vote by the international obligations is featured in both the UDHR as 'secret vote' and in the ICCPR as elections held by 'secret ballot'. The interpretation of this obligation prohibits connecting the identity of voters to their electoral choice before, during or after their ballot is cast. Secrecy of the ballot guarantees that voters can cast their vote freely. The continuous nature of the right to the secrecy of the vote, even in the run-up to Election Day, is emphasized in General Comment 25 of ICCPR: 'voters should be free from any coercion or compulsion to disclose how they intend to vote or how they voted'. The overriding concern of voting secrecy aims to protect voters from casting their vote without being subjected to any corruption, coercion or intimidation. The ICCPR has interpreted the secrecy of the ballot in this sense, noting that electors must be free from 'any form of coercion or compulsion to disclose how they intend to vote or how they voted'. Furthermore, it adds that the voter cannot waive his or her right to a secret vote. In General Comment 25, the ICCPR calls on states to 'take measures to guarantee the requirement of the secrecy of the vote during elections, including absentee voting, where such a system exists'. The requirement for 'independent scrutiny of the voting and counting process so that electors have confidence in the security of the ballot and the counting of the votes' also underlines the link between the secrecy of the vote, the transparency in which votes are counted and general voters' confidence in the process.

The international obligations to guarantee the secrecy of the ballot are well enshrined in the Kosovo legislation. Secret voting in Kosovo is guaranteed by article 45.2 of the Constitution, which expands further by Article 89 of LGE stipulating that:

- 'No person shall prevent or attempt to prevent an eligible voter from exercising his/her right to vote;
- 'No person shall be allowed to vote on behalf of another voter, except in accordance with provisions of article 89.5 of LGE'
- 'Each voter must mark his/her ballot in secret behind a voting screen.

Only one person shall be allowed behind the voting screen at any time unless the voter has requested the assistance from another person. A voter who is disabled in such a way so as it is not able to mark or cast the ballot and/or

illiterate may be assisted to vote by another person chosen by the voter if they so request assistance. Such person shall only assist one voter and shall not be a member of the PSC or an accredited observer’

- ‘Members of the PSC cannot in any way affect the decision of voters and will take particular care to ensure the voter will not to be disturbed by anyone while marking the ballot and the secrecy of voting is fully insured’

The violation of secret vote, is also considered as a criminal offence by Kosovo Criminal Code, Article 212, on preventing exercise of the right to vote, which stipulates:

- ‘Whoever, during the voting or the referendum unlawfully prevents, obstructs, hinders or influences the free decision of a voter or in any other manner prevents another person from exercising his or her right to vote shall be punished by imprisonment up to one (1) year’

The basic international treaties regulating the data privacy are: 1) ECHR Article 8, which provides a right to respect for one’s “private and family life, his/her home and his/her correspondence; 2) Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CPIAPPD), and the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) by which the European Parliament, the European Council and the European Commission intend to strengthen and unify data protection for individuals within the European Union.

Protection of personal data in Kosovo is regulated by the Constitution, article 36, which guarantees the right to privacy and protection of personal data. Then, Law No. 03/L-172 on Protection of Personal Data (LPPD) is the main legal basis for all public institutions, which, within their nature of responsibility deal with processing of personal data. This law determines the rights, responsibilities, principles and measures with respect to the protection of personal data for which all public institutions, in this case EMBs as well, shall comply with.

The legal basis for the CEC to collect and process personal data is laid out in LPPD, Article 5,1.3, which provide for authorization of “Data Controllers” to process personal data in compliance with a legal obligation to which the controller is subjected. The main legal articles providing obligations for “Data Controllers” are as follows:

Article 3.5 provides that personal data may only be stored for as long as necessary to achieve the purpose for which they were collected or further processed. On completion of the purpose of processing, personal data shall be erased, deleted, destroyed, blocked or anonymised, unless otherwise provided by the Law on Archive Material and Archives or any other relevant law.



Article 14, provides that “Data Controllers” establish appropriate organizational, technical and logic-technical procedures and measures to protect them and to prevent any accidental or deliberate unauthorized destruction, disclose, modification, access or use of data or their accidental or deliberate loss. This include: protection of premises, equipment and systems software, including access control; protecting software applications used to process personal data; preventing any unauthorized access to or reading of personal data during their storage and transmission including the transmission via telecommunications means and networks; by ensuring effective methods of blocking, destruction, deletion or anonymization of personal data; enabling subsequent determination of when personal data were entered into a filing system, accessed, modified, disclosed, destroyed, used or otherwise processed, and who did so, for the whole storage period.

Article 16.2 provides that data controllers and data processors shall describe in their internal acts the procedures and measures established for the security of personal data and shall nominate in writing competent persons who are responsible for filing systems and those who, due to the nature of their work, shall process personal data.

Article 17, 1 provides that data controller shall establish for each filing system a detailed description called filing system catalogue.

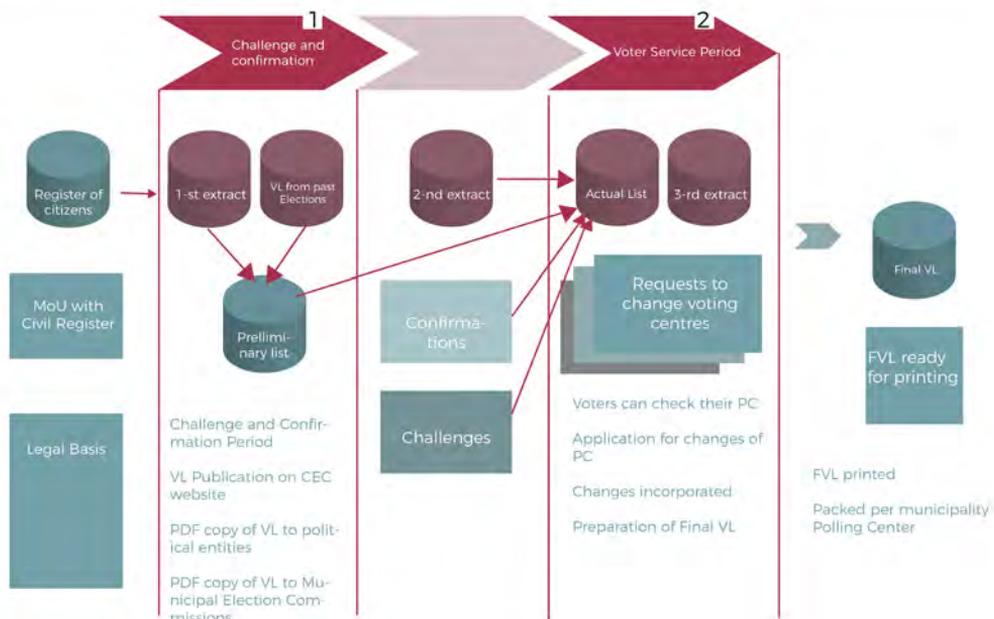
Although LGE makes general references to LPPD, there is very limited interpretation through the LGE and Electoral Regulations in order to expand further on principles of personal data processing included on LPPD. As such, both CEC and ECAP have deficiencies in the implementation of LPPD with regards to internal procedures for data processing, security of data processing.

V. Processing and protection of personal data

VL data processing

While the printed version of FVL in paper to be used by electoral bodies on Election Day contain more detailed personal data (including addresses and personal numbers), the publication of voter list is done in accordance with LGE article 8, and electoral rule 02/2013, and the law restricts the personal data only to: name, surname, date of birth, and the polling location (polling centre) where the voter is assigned to vote. The publication of this data is done through the CEC website, and as set out by CEC rule 8, a PDF copy of VL in CD format as such is made available for MECs, the designated contact person of each certified political entity, and accredited electoral observers upon their request.

Creation of voters' list



Electoral regulation 02/2013 Article 7, provides that the certified political entities and accredited observers shall review the LV only for the verification purposes of VL and challenge and confirmation period. Based on LPPD, political entities and accredited observers will be considered as “Data Controllers”. Any attempt to: create voter list databases, or to use voter lists to update whatever database they own; to make copies of lists, to transfer lists to a third party; or to use lists for the purpose of planning of political campaigns, is a violation of LPPD, and the Electoral Regulation 11/2013, Electoral code for political entities, their supporters and candidates. In addition, the electoral regulation 02/2013 provides that political entities and the accredited observers shall destroy all copies of VL received by CEC no later than 15 days after the certification of results.

Issues:

- CEC continuously retains copies of VL from previous elections for comparison purposes with the newly CCR received extract. LPPD, Article 3.5 provides that personal data may only be stored for as long as necessary to achieve the purpose for which they were collected or further processed.



On completion of the purpose of processing, personal data shall be erased, deleted, destroyed, blocked or anonymised, unless otherwise provided by the Law on Archive Material and Archives or any other relevant law. While the Electoral Regulation 02/2013 defines the destruction of VL by political entities and accredited observers, there is no LGE legal reference that determines the retention period or destruction of voters' data by CEC.

- Online search engine allows voters to check their polling location, search queries by voters' personal numbers. While previously this tool allowed voters to search information by different queries and revealing all voter information, it now limits the search queries only by submitting the voters' personal numbers, thus, protecting accessibility of personal data by others. However, this may also turn to a challenge, considering that some activities of the political entity published by CEC reveal personal numbers as well.

- VL data management internally by CEC requires appropriate organizational, technical procedures and measures to protect and prevent them by any accidental or deliberate unauthorized destruction, disclose, modification, access or use of data or their accidental or deliberate loss. VL database is managed by the designated officials in charge for VL creation and CEC does not possess any internal written procedure on the file access control. CEC does not yet have an Information Management System (IMS) in place to allow secure transfer of data internally among CEC or at municipal level with MECs. However, CEC Strategic Plan 2017, foresees the review and the design of an integrated IMS system.

Table of the electoral data processed by CEC during preparation of the voters' list 2009-2014

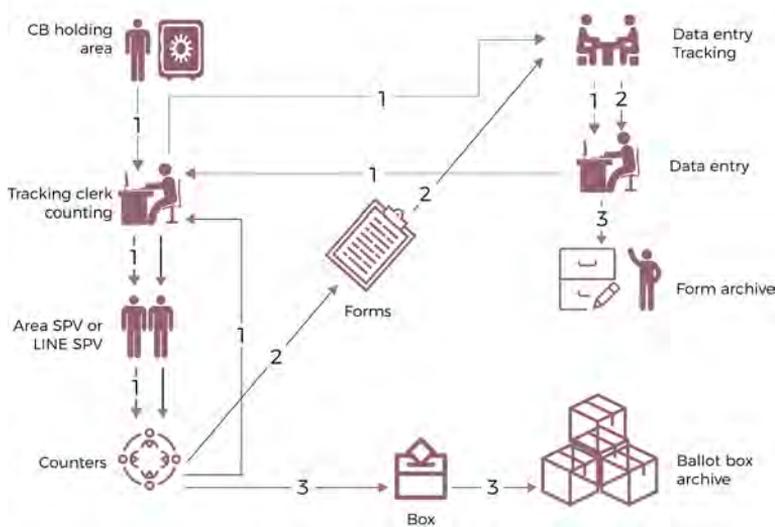
	Municipal Assembly & Mayoral Elections 2009	Kosovo Assembly Elections	Municipal Assembly & Mayoral Elections 2013	Kosovo Assembly Elections
Electorate	1,563,741	1,630,636	1,779,357	1,782,454

Count and Results Center

Count and Results Centre (CRC), is considered to carry out the bulk of operations during elections. In its operation, this centre processes a large number of personal data. The procedures for CRC are very sound. Due to the complexity of this operation, very detailed instructions were developed to guide the staff involved in the activities within the CRC. As the data to be

MATERIAL FLOW - COUNTING

Line 1 is for Numbering
Line 2 is for Counting
Line 3 is for Archive



processed are usually of sensitive nature, a considerable number of security measures, be it infrastructural, technical or human, have been established to ensure the integrity and security of the process. CRC activities are organized in the way that the designated teams who deal with certain activity have restricted access to enter other working areas in order to avoid any interference. There is no data sharing among the teams, and all activities requiring data processing and verification have restricted access as per the personnel's assigned activity only.

Issues:

- The law provides deadline for destruction of all election sensitive materials, which is 60 days after the certification of results, unless instructed otherwise by ECAP for any pending cases. This material includes: used and unused ballots, FVL, CVL, Poll Book, conditional ballot envelopes containing marked ballots, and other sensitive materials as prescribed by LGE. There is no LGE legal reference that determines the retention period or destruction of voters' data by CEC.
- CEC should ensure that all sensitive material is delivered by MECs so as to ensure their destruction. Occasionally MECs have kept the sensitive material even out of the election period. No legal reference which determines the timeframe of retention or destruction of electronic databases containing sensitive data.
- The CRC data are managed and supervised by responsible staff members of CEC Secretariat. There is no procedure to be found in writing and in clear and detailed format.



Political entities and candidates' data

Activities with regards to political entities such as the registration of political parties, certification of political entities and their candidates involve processing of personal data as well. While certification of political entities and their candidates takes place during the electoral period and according to the specified legal deadlines, registration of political parties may occur during the whole electoral cycle.

Each political entity applying for certification, shall provide a complete application along with all required documentation to support its application as laid out in the LGE, Article 15. The general criteria to be a candidate for an election are laid out in the LGE, Article 29. Any person whose name appears in the VL is eligible to be certified as a candidate. In order to verify the candidates' eligibility, CEC conducts a cross-checking of candidate lists against the VL. The LGE restricts this right with reference to certain categories of individuals who are not eligible to be candidates. As regards to candidates involved in criminal procedures, the law respects the presumption of innocence until the person is found guilty by a Court of Law. The established Political Party Registration Office (PPRO) within the CEC deals with political entities and candidate certification. Registered political parties are automatically certified at the time of elections unless they express their wish to be certified. All this process requires submission of party information and candidates' personal data, which are processed and verified by PPRO and then recommended to CEC for their approval and certification.

Political initiatives wishing to register as a party have to submit their applications with CEC as per the criteria set out in LGE Article 11 and 12. Besides the information in relation to the party, the parties are also required to submit a list with personal data of at least 500 party members who are residing in Kosovo and who are found on VL, whose eligibility is done through a cross checking of submitted data against the VL. Up until now, the total number of registered parties with CEC is 84.

Article 30, 32 and 31 of LGE provides that CEC shall keep confidential all candidate information submitted to the CEC until a candidate is certified, and shall not disclose any of the candidate's personal data if a candidate is not certified by CEC.

Issues:

- Article 30, 31 and 32 of the LGE provides that CEC must keep confidential all information about the submitted candidates to the CEC, while a candidate is certified, and shall not disclose the personal data of the candidate if a candidate it is not certified by the CEC. However, the aspect

of processing of such data is not handled in accordance with LPMDP.

- Office of the PPRO stores and maintains all the databases created through political activities for each election. LGE does not provide for any legal reference on the retention or destruction period of such data. Same as the VL, the data for certification of political entities and their candidates are collected for each election and serve the purpose for the elections organized.
- Procedures involve a large number of staff to process and verify the data - there is no advanced software system to ensure secure processing.

The table below presents number of political entities and their candidates certified for 2009 - 2014 elections.

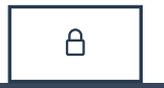
	Municipal Assembly & Mayoral Elections 2009	Kosovo Assembly Elections 2010	Municipal Assembly & Mayoral Elections 2013	Kosovo Assembly Elections 2014
Total number of political entities	74	29	103	30
Total number of candidates	6,789	1,266	7,926	1,235

VI. Issues reported as violations or irregularities by observers

The flow of elections is assessed normally by observers which have undergone an accreditation process with CEC. During an election period, CEC accredits a large number of observers, as an important integrity safeguard of the electoral process. Election observation is normally carried out by political parties, the media, individual voters, and international groups or organizations, as well as civil society organizations (CSOs).

While the majority of the listed stakeholders provide observation only during election period, there are CSOs who may provide regular monitoring of election activities, even in a non-election year, aiming to cover wider scope of election preparatory activities and assessing EMBs performance and accountability.

The total number of accredited observers 2009 and 2014 by CEC vary between 23,000 to 36,000 observers / per election. Public reporting by observers



aim to increase transparency and help ensure election management bodies' accountability. In addition, observation promotes compliance with the legal framework and it can lead to the correction of errors or weak practices, even while an election process is still under way.

Types of violations as reported by local and international organizations with regards to violation of the voting rights or when the secrecy of voting was prevented in 2009-2014;

- Attempts by observers or commissioners to influence voters to vote for a certain party;
- Voting interference;
- Family voting;
- Misuse of voting with assistance;
- Voters marking the ballot outside the voting booth;
- Photographing the ballot;
- Threats or incidents;
- Observers keeping notes of the family names of persons in the voters list;
- Vote buying;
- Fraud during the counting process at polling stations;

It is worth noting that the reports mainly treat the privacy of the vote only, but vaguely treat the issue of data processing if at all. This leads to the conclusion that there is lack of awareness in such aspect throughout all electoral stakeholders.

VII. Potential issues for misconduct or abuse

The physical arrangements in place at polling stations are designed to ensure the secrecy of the ballot – voters can complete their ballot paper within the privacy of a polling booth, and deposit their completed paper in a ballot box, which is locked and sealed at the start of polling and which is not opened until the counting at PS locations begin. Notwithstanding, a number of phenomena that accompanied all the elections in Kosovo, continue to remain as challenges, though the last elections have shown some positive progress in that regard. The non-professionalism of PSCs during the polling day, has often lead to a number of voting irregularities. For worse, cases have been reported when PSCs, including observers have been involved in electoral fraud themselves. Two main recommendations that resulted from electoral observers with regards to voting irregularities and violations are that:

- Level of professionalism and education of PSCs should be increased. PSC members should be hired on a professional basis and training should be improved to ensure safeguards and implement appropriately voting procedures;
- Addressing culture of impunity so as to undertake legal measures and implement measures against election fraud practices;

The quality of the Civil Registry affects the accuracy of the VL. Due to passive voter registration system, there may be a misleading perception that voter registration is completely automatic and citizens have no role in the exercise. As such, VL will continue to have inaccurate addresses, names of deceased voters and names of voters not residing in Kosovo. All these issues have continually diminished the trust in accuracy of lists and created potential for fraud. However, the quality of Civil Registry requires support from all relevant actors to undertake specific projects and this may take a considerable time. Conditional voting has also become a common voting practice in Kosovo. This voting manner makes the work of PSCs more complicated and facilitates fraud.

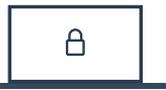
All observation reports note that elections were followed by a high number of votes with assistance and this way of voting may diminish the secrecy of voting rights.

The procedures for By-mail voting are very complex and have deficiencies in procedures of applications. In addition, LGE and Electoral Rule 03/2013 stipulates that those who have successfully enrolled in previous elections do not need to re-register, while the voter's status can change over time and that all the collected voter data should only serve the purpose of an election.

Election legislation has legal shortcomings when it comes to the interpretation of the retention period of personal data. As such, CEC and ECAP continue to retain and store a huge amount of personal data files and databases. If their treatment is not appropriate, there may be risk for data leakage or other ways of personal data violations.

VIII. Electoral redress and justice

The redress process is managed by ECAP, a body which receives complaints based on facts and dismisses a complaint that is found ungrounded. A natural or legal person, which rights are affected by any of the decisions taken by the CEC, he/she may appeal that decision within the specified deadline by law. Also, prior to certification of the election results, it is under the jurisdiction of ECAP, in exceptional circumstances, to cancel the results in a polling station or polling centre and order CEC to repeat the voting in a polling centre or



polling station, in cases where it is considered that it has an impact on the final results. The election law in Kosovo has defined powers of this body over the CEC. Article 12, paragraph 3 of LGE expressly stipulates that the ECAP decision is binding upon the CEC, unless an appeal allowed by this law is timely filed and the Supreme Court determines otherwise. The CEC shall certify the final election results only upon completion of all polling station and counting centre procedures, and when all outstanding complaints related to voting and counting have been adjudicated by ECAP and any appeals of ECAP's decisions on them have been determined by the Supreme Court of Kosovo. ECAP retains all case file records as collected from 2009 to 2014 elections. These records contain sensitive and personal data. ECAP does not possess proper storage mechanisms, be it physical or technical, in order to ensure security.

Issues:

- ECAP processes a vast majority of data which include personal data, and creates databases accordingly. However, ECAP does not possess appropriate physical or technical mechanisms as per the required standards prescribed in LPPD Article 14, in order to ensure secure data processing and storage.
- LPPD, article 74 requires that institutions processing personal data shall nominate and appoint a data protection official. As of now, Election Complaints and Appeals Panel has not submitted a name of contact person to the Agency.

Election Complaints and Appeals 2009-2014 – administrative offences

	Municipal Assembly & Mayoral Elections 2009	Kosovo Assembly Elections 2010	Municipal Assembly & Mayoral Elections 2013	Kosovo Assembly Elections 2014
Total number of cases	544	469	1109	341
Complaints	519	454	1064	326
Appeals	25	15	45	15
Approved complaints and appeals	115	151	125	96

Criminal Offences against voting rights (2009 – 2014)

	Municipal Assembly & Mayoral Elections 2009	Kosovo Assembly Elections 2010	Municipal Assembly & Mayoral Elections 2013	Kosovo Assembly Elections 2014
Total Filed criminal reports 2009-2014	1619			
Total number of convicted persons	54	136	16	0
Nature of criminal offences	87 - for abuse of official position or authority			
	43 - for falsification of voting results			
	32 - voter violation of voting confidentiality			

The laws in Kosovo provide sufficient provisions to prosecute and adjudicate all sorts of election fraud cases that have occurred so far in the electoral processes.

Criminal Code is the essential criminal law that has paid special attention to the election fraud cases through the articles 176, 177, 178, 179, 180 and 181. These articles stipulate criminal actions as: the violation of the right to be a candidate, threats to candidates, preventing one to exercise the right to vote, violating the free decision of voters, abuse of officials, giving or receiving bribe in relation to voting, abusing the right to vote, violating confidentiality in voting, obstructing the voting process, falsification of voting results and destroying voting documents.

Issues:

- Electoral crimes are not treated seriously and with priority. Considering that elections are cyclical processes, these cases should be treated on timely manner.



IX. Data mining and Voter Surveillance

The digital age has produced a number of practices or trends with regards to the usage of voters' data, which has also raised concerns over the implications for privacy and democracy. Some of these trends include: the voter of management databases to integrated voter management platforms; the shift from mass-messaging to micro-targeting employing commercial data brokerage firms; the analysis of social media and the social graphs; and the decentralization of data to local campaigns through mobile applications.

These practices have typically noted usage in the United States due to various reasons as: the liberal campaign finance laws; a decentralized two-party system that permits much local autonomy; a polarized political system that encourages a competitive race for increasingly sophisticated data mining and analytical tools; a widespread commercial market in personal data; and the absence of any comprehensive data privacy law.

To elaborate more on these trends, voter databases are now considered essential to many aspects of a campaign, including fundraising, get-out-to-vote activities, recruitment, and the tracking of issues across key electoral zones. The analysis and profiling of voters is increasingly supplemented by data on consumers, and the mining of those data to target increasingly narrower slices of the electorate in key electoral zones. Companies merge these data with other publically available sources to populate the database with a range of other data on voter preferences and create comprehensive voter files which are then sold to a range of clients for campaigning purposes. Simply put, the politicians shop for votes.

Evidence of similar voter management tools in other countries is inconsistent. In Europe, it would generally be regarded as illegal under data protection legislation to process sensitive data on political opinions and affiliations on people other than those who had explicitly signed up as members of or who had regular contact with established political parties. Under both, the 1995 European Data Protection Directive and the new General Data Protection Regulation (GDPR), political parties are clearly covered by data protection rules. There are a number of relevant provisions. Data on political opinions is unequivocally defined as a "sensitive" form of personal data. Article 8.1 states that "member states shall prohibit the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health or sex life". These categories mirror those mentioned in other international legal instruments, such as the Council of Europe Convention. They are also derived from the principles of non-discrimination on grounds of political opinion enshrined in Article 21 of the Charter of Fundamental Rights of the European

Union. There are also important constraints imposed by wider electoral regulations and traditions. In many societies, the practice of individual communication and targeting is simply not regarded as culturally acceptable. And in every country, campaign finance regulations severely limits the funds available to political parties through which they might build, and of course continually update, voter management system.

Though these trends are typically shown in United States, they may gradually be imported by other countries. United Kingdom is the only European country where parties admit to operating voter management databases of the kind seen in United States so far.

Kosovo legislation provides sufficient provisions to protect the processing of sensitive data by unauthorized entities, and using voter data for other than electoral purposes. LPPD has interpreted the sensitive data in the sense that 'personal information revealing racial or ethnic origin, political or philosophical opinions, religious beliefs, trade-union membership or any information on health status and sex life, any entries in or removals from criminal records or records on minor offences'. Article 7 of LPPD on protection of sensitive personal data, provides for protection by any unauthorized access.

Electoral regulation 02/2013 on creation, confirmation and challenge period of voter lists, Article 7, provides that the certified political entities and accredited observers will review the lists only for the verification purposes of lists and follow the challenge and confirmation period. Based on LPPD, political entities and accredited observers will be considered as "Data Controllers", and any attempt to: create VL databases, or to use LV to update whatever database they own; to make copies of VL, to transfer LV to a third party; or to use LV for the purpose of planning of political campaigns, is a violation of LPPD, and the Electoral Regulation 11/2013, Electoral code for political entities, their supporters and candidates.

X. New Voting Technologies (NVT)

Kosovo election legislation does not provide references for e-voting. In case Kosovo agrees to introduce any type of e-voting, legislation amendments are required in the respective laws.

At this stage, application of e-voting system in Kosovo is only at the discussion level. The main discussions occurred during the electoral reform



process, as a result of diminished public and political confidence in election results after the 2010 elections, which have been assessed by the majority of electoral stakeholders as elections with the highest number of irregularities and violations. The discussion was initiated by political parties through the established Assembly of Kosovo ad hoc committee on electoral reform in 2013, but no progress was made in that direction. Political parties have diverse stands with regards to introducing the e-voting system and did not consider it as a subject with priority until now.

Though the political debates produced no concrete proposal, few studies were conducted in that regard. Below are two cases related to e-voting and e-counting in Kosovo context:

Case 1: 'E-Voting Systems Using Smart Cards and Digital Certificates' – Kosovo Case

The project was initiated and conducted by the Faculty of Electrical Engineering and Computers in 2011. A team led by Dr. techn. Blerim Rexha and supported by a group of students, presented the concept of the e-voting project, using smart card as secure processing and privacy protected device and constraining their processing capability to a certain number of voter records, which is equal to the final number of voters that voted at specific polling stations. In order to implement such solution, Central Election Commission shall configure each smart card, as part of polling station infrastructure, to allow decryption of number of records that matches the number of voters in Voters' List. For security reasons, polling station certificate and its associated private key are stored in a smart card. The access to private key is protected by a personal identification number, which processed based on number of commissioners at the polling station. In 2011, the project concept was also presented to a specific audience, by demonstrating the demo version of the system, its functions and the steps required from voting to counting of votes and the presentation of results.

The main highlights of the project:

- Voting in Polling Station through electronic equipment
- Manner - touch screen hardware/ ballot box and biometric fingerprint reader, using smart cards and digital certificates
- Mobile voting (I-phone, Android)
- Internet voting (through CEC Web page)

The project was expanded further in 2012 and 2014, by providing further analysis on appropriate architecture for electronic voting, to compare the developed model cost of e-voting and efficiency against the traditional paper

based voting system. In addition, an analysis was conducted to present an efficient solution using national biometric identity cards for conducting anonymous transactions over Internet, whereby user identity is substituted by his/her pseudonym in eID biometric contact less card.

Some technical specifications:

- Preparation time : 1 year
- Average Cost: 5.1 million EUR
- Technical requirements at PSs : Internet connections, computer, biometric finger print reader, Electronic Ballot Box format touch screen.
- Requirements from Institutions:
- Amendment of election legislation to include E-voting system
- New Kosovo ID cards - biometric, digital with integrated chip
- Digital Voting Certificate / in concept valid only once

Some comparative data between classical and e-voting:

- Trust- Various Security encryption keys
- Voter privacy - both systems guarantee that
- Voting at the polling station will be faster through e-voting system
- Cost- E-voting is less expensive (on the long run with depreciation rules the equipment can be used up to 5 years)
- Transparency - e-voting ensures more transparent process
- Efficiency - faster voting process and faster results (preliminary results could be announced within 30 minutes after close of Polling Stations, Kosovo wide).

Case 2: 'Electronic counting of votes in Kosovo' is a study conducted by IFES. This study was carried out aiming to provide EMBs with instructions on conducting a feasibility study of electronic counting. The study was initiated after the completion of 2010 elections which resulted in huge irregularities in the counting process. The study provides a detailed analysis of the steps an EMB should undertake if there are considerations to implement such a system. The study was finalized by offering elements on analysing the general environment context as well as guidelines on the conduction of a feasibility study in particular, which were categorized in stages as prescribed below:

- Stage 1: Decision in Principle - this phase provides a need for an assessment for balancing various components in order to determine whether the technology fulfils all the actual counting shortcomings and whether it is to be adopted or not.
- Stage 2: Pilot Prerequisites - while there is a quick tendency to enter a



pilot project, this phase reveals the need that all preconditions should be in place prior to piloting phase.

- Stage 3: Pilot Project – during the piloting phase, in the context of the electronic counting, feasibility study should assess key issues, as whether the technology used during the piloting operates appropriately, whether any possible shortcoming can be overcome, and testing the reactions of main actors by using the technology.
- Stage 4: Decision on Adoption of Electronic Voting or Counting Technology – this phase should assess whether the pilot project resulted in the need to review any aspect of the decision in principle, thus, also concluding the final decision with regards to the implementation of the electronic counting.

Each stage then offers other components, instructions for the stakeholders to be involved and activities to be undertaken, and a detailed timeframe that a feasibility study requires, including the target institutions / organizations. As of now, no concrete step was done in that regard.

E-voting in the region

There is no country in the region implementing e-voting at this stage. The most serious attempt by countries in the region is in Bulgaria, which has passed the legislation amendments, reached the necessary parliament votes, and was also backed by a national referendum, which resulted in 70% of the votes who supported the e-voting system. Bulgaria prepares to implement e-voting for upcoming elections which are to be held in March 2017. However, they are facing technical problems with regards to providing the necessary number of voting machines, which is about 12,000 for all polling stations country wide, due to a short timeframe of preparations. The electoral commission decided to provide voting machines for only 500 polling stations across Bulgaria, saying that it was impractical to secure one for every polling station by the time elections take place. However, the Bulgarian court overthrew this decision, citing a 2014 amendment to the electoral code which stipulates the right to choose whether to vote with a paper ballot or via a machine. Bulgarians voted experimentally with voting machines for the first time in 2009, which was followed by the introduction of regular machine voting in 500 polling stations for local elections in 2015 and the presidential elections in 2016. The introduction of machine voting across the country was foreseen for the next parliamentary elections scheduled in 2018, but with the resignation of the Prime Minister in November 2016, this plan has changed and there is a serious challenge to the electoral administration.

Albania, is another country attempting to implement e-voting. The idea for e-voting was proposed several years ago. Two pilot projects were undertaken

in 2013 elections, to test the electronic counting and electronic identification of voters. Both projects were unsuccessful due to technical problems with the contracted company, which were asked to change some of the specifications by CEC Albania at a very late phase and this was not accepted by the company in charge to produce the voting machines.

The debate on e-voting was initiated again in 2016 by opposition party, expressing the distrust that the current government will organize democratic elections, which are scheduled for June 2017. Fierce debate took place between position and opposition, the opposition party has also presented a platform on e-voting and yet there is no consensus in that regard. The government has raised its concerns over the implementation due to the very short time frame of preparations. Concerns were raised by international stakeholders as well. The head of the OSCE Presence in Albania has warned that there is not sufficient time for the application of technology in the upcoming parliamentary elections. Among others, he also noted that “Electronic voting is a very complex process that requires thorough planning as well as an intensive campaign for voters’ awareness. E-voting not necessarily generates trust, adding that the system requires a preliminary trust between all actors in the administration of elections”

Types of e-voting

There are four main types of voting introduced thus far:

Ballot scanning technology uses a ballot paper that is either marked by a voter himself/herself or with assistance of a ballot marking device in a polling station, which is then inserted into a scanning device and counted by electronically “reading” the voter’s mark on the ballot. Such devices can be located in polling stations or counting centres, which are considered controlled environments. Direct scanning technology record the voter’s choice in the polling station, usually through touch-screen or push-button devices, and count the votes electronically. Similar to ballot scanners, DRE systems are also usually located in controlled environments.

Internet voting can allow voters to vote anywhere in an uncontrolled environment. Votes are stored and aggregated electronically in a centralized location. The internet is the primary voting channel currently in use in remote electronic voting systems.

Hybrid forms of NTV combine the controlled environment of the polling station with the centralized recording and counting of internet voting. In these systems, voters must vote on a computer in a polling station and the votes are then transmitted electronically to a central server.

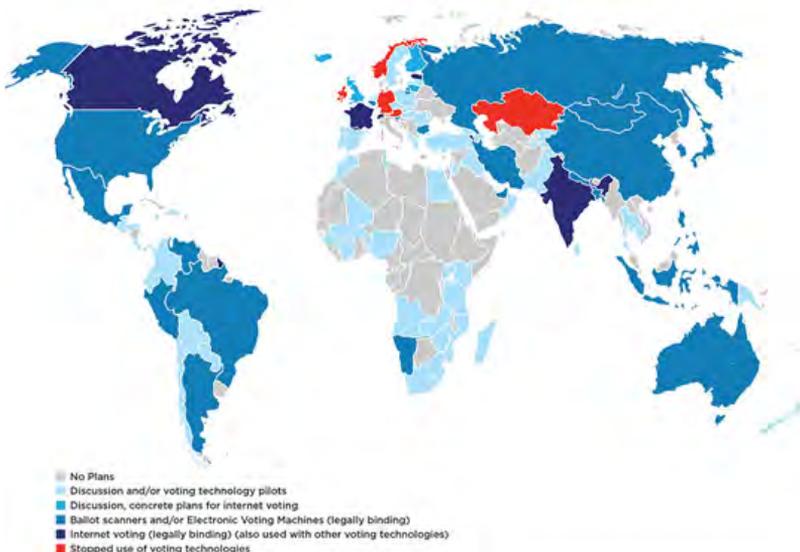


Advantages and challenges of New Voting Technologies (NVT)

The rationales for introducing new voting technologies vary between Europe and other countries worldwide due to differences in many aspects of the respective states. There are also diverse stances among the European countries. However, some advantages that were brought up are: NVT have the potential to increase voter turnout, make it easier to involve citizens living abroad, lower election administration costs, facilitate the conduct of simultaneous elections, reduce human administration costs, facilitate the conduct of simultaneous elections, reduce human error (including invalid ballots), improve the accuracy of counting, and increase the speed of tabulation and publication of results. NVT may also have the potential to increase access for voters with disabilities and voters who speak minority languages.

At the same time, NVT also present certain potential challenges. One challenge is the need to preserve the secrecy of the vote, while at the same time ensuring the integrity of the results. It has thus far proven difficult for electronic voting processes - especially Internet voting - to respect both of these fundamental democratic principles simultaneously. Another challenge is that NVT introduces additional complexities into the electoral process, such as the need to amend legislation; plan how NVT will be acquired, tested, evaluated, certified and secured; and to provide voter education and training of election officials; as well as general concerns about the transparency of the process and access for observers. The use of NVT does not, therefore, necessarily build confidence; rather, it seems to require pre-existing confidence in the election administration for successful implementation. These challenges, if not fully addressed, may weaken public confidence in the election process.

FIGURE 1. World Map of Electronic Voting (2015)



Source: <http://www.e-voting.cc/en/it-elections/world-map/>.

XI. Conclusions

This report analyses two aspects of the voters' rights: the right to vote in secret and privacy right during the voters' data processing in an election process. The research aimed to present the actual electoral process and identify issues and concerns with regards to the violation of human rights in these two aspects, and how they can be addressed and improved further.

Initially, the report provides an analysis of the legal framework against the international practices and instruments, their interpretations and whether such principles are enshrined in Kosovo's legislation. In general, the findings reveal that Kosovo legislation has paid a good attention in that regard.

The findings also show that Kosovo legislation provides sufficient legal measures to ensure the secrecy of the vote and appropriate conditions that voter can exercise his/her voting right by casting a secret ballot. However, it is noted that legal measures are not sufficient to preserve the secret voting. The actual voting types and procedural aspect of management for some of them cause a great potential of risk which consequently could result in the right of secret voting diminished and/or violated.

As for the legislation related to data processing, electoral framework has considerable shortcomings. Electoral process entails a number of activities which require collection and processing of personal data. LGE provides very general and limited references to the Law on Protection of Personal Data, and the election legislation does not expand or interpret them further, thus leaving space for non-compliance during the implementation of electoral activities. Specifically, the election law is not clear and there are deficiencies relating to the processing and publication of personal data.

In addition, election framework has legal gaps when it comes to the interpretation of the retention period of personal data. As such, CEC and ECAP continue to retain a huge amount of personal data files and databases without any proper treatment.

Other findings reveal that there is lack of awareness by electoral stakeholders on data protection legal requirements in general, and that those who provide observation and monitoring of electoral processes do not treat this aspect well.



XII. Recommendations

For Central Election Commission and Election Complaints and Appeals

1. Revision of subsidiary legislation (electoral regulations, rules of procedures, code of conducts) in accordance with the Law on General Elections and Law on Protection of Personal Data, with special emphasis to the treatment of personal data requirements;
 - o Harmonization of electoral regulations with LPPD
 - o Adopt internal procedures for file access control
2. In accordance with the Law on Protection of Personal data, Improve physical and technical infrastructure of data records:
 - o Assessment of electronic storage spaces/equipment
 - o Review possibilities of advancing the ICT management system/ software applications so as to ensure secure data processing;
3. Develop a records retention and destruction schedule in coordination with Kosovo Archive Directorate and Agency for Protection of Personal Data, as per the Law on General Elections, Law on Archive and Materials, and Law on Protection for Personal Data.

For CEC Secretariat

Increase oversight towards Municipal Election Commission activities, especially post-election activities, to ensure timely and appropriate handover of all sensitive election materials;

For National Agency for the Protection of Personal Data

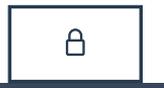
- Increase awareness of Election Management Bodies (CEC and ECAP) on the obligations deriving from LPPD towards Data Controllers
- Organize capacity building trainings for CEC and ECAP on principles of data processing
- Monitor the electoral activities proactively to ensure their compliance with the law:
 - o Improve communication and coordination with CEC nominated staff member as a contact person with the Agency
 - o Conduct an audit after each election cycle
- Request nomination from Election Complaints and Appeals Panel as Data Protection Officer

For Civil Society Organisations:

- Include personal data protection component in their electoral monitoring programme
- Organize events / roundtables with electoral stakeholders in order to discuss issues related to violation of privacy during electoral processes

For Kosovo Assembly

- Harmonization of the Law on General Elections with the Law on Protection of Personal Data.
- Review of voting alternatives so as to ensure better secret voting and eliminate potentials for electoral fraud



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Implemented by:



An EU funded project
managed by the European
Union Office in Kosovo

This publication was co-financed by

