



Pursuant to Article 17, paragraph 24 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina no. 25/04, 93/05, 48/07, 15/08, 63/23 and 9/24), at its session held on 21 March 2024, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the following

## INSTRUCTION FOR ANONYMISATION

### Article 1 (Scope of Application)

- (1) The method of anonymisation – which involves replacing and omitting of content from the official websites of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and judicial institutions, the Database of Court Decisions of Bosnia and Herzegovina, the Case Law Portal, the High-Profile Case Map and other information channels shall be governed by the Instruction for the Anonymisation (hereinafter: the Instruction).
- (2) The institution publishing the content referred to in paragraph (1) above shall anonymise it in compliance with this Instruction.

### Article 2 (Information that is Anonymised)

- (1) The data of **NATURAL PERSONS** participating in the proceedings in one of the following capacities shall be anonymised:
  - a) **PARTIES AND OTHER PARTICIPANTS IN THE PROCEEDINGS:** suspect, indictée, injured party, appellant, plaintiff, civil defendant, intervener, revisor, descendant, heir, guardian, witness and other;
  - b) **PARTY COUNSELS** – participating in the proceedings in one of the following capacities:
    - i. a person authorised to act on behalf of a party or a legal entity,
    - ii. an attorney / a notary public associate;
  - c) **LEGAL REPRESENTATIVE;**
  - d) **OFFICIAL PERSON** employed in a state authority, institution, association, legal entity: **social welfare worker, psychologist, pedagogue, defectologist, doctor (in addition to information about their narrow specialisation)** and other.
- (2) The following data pertaining to **LEGAL ENTITIES** shall be anonymised: (ID) number and VAT number, as well as confidential data (business records, bills of lading, account numbers, etc.) the disclosure of which could jeopardize their commercial interests.

### Article 3 (Method of Anonymisation)

- (1) Information that shall be anonymised include:
  - a) name, surname and nickname of a natural person;
  - b) date and place of birth;
  - c) residence/domicile address;
  - d) National Identification Number - NIN

- e) ID card number, passport number, driving licence number, insurance policy number, bank account, registration plates and vehicle identification number - VIN, and numbers of other identification documents;
  - f) Evidence Reference Number in war crimes cases (ERN number) and military post number (MP);
  - g) phone;
  - h) email address, URL/web address;
  - i) designations of cadastre municipalities;
  - j) other information (such as health condition, physical attributes) that are highly likely to make a natural person or an official person whose identity is protected under special regulations identifiable.
- (2) Information shall be anonymised by omitting and replacing it with initials and periods in accordance with this Instruction, while ensuring that additional processing of the anonymised data along with other available data does not expose the identity of the person in question.
- (3) Except for nicknames, pseudonyms, etc. contained in the decision to be anonymised, data that is to be anonymised shall not be placed in quotation marks.

#### **Article 4** **(Natural Person Name and Surname)**

- (1) The name and surname of a natural person shall be replaced with initials written in block capitals and periods.

*Example:* Mujo Mujic to be replaced with: **M.M.**

- (2) In the event that more than one person in the same decision has the same initials:
- a) for the first person: the word representing the given name shall be replaced with the initial followed by a period, while the word representing the surname shall be replaced with **the initial followed by a period and an ordinal number 1 shall be added – without a period.**
  - b) for other persons: the word that represents the given name shall be replaced with the **initial followed by a period**, while the word that represents the surname shall be replaced with **the initial followed by a period and the next ordinal number shall be added – without a period.**

*Example:* Mujo Mujic and Mara Maric shall be replaced with: **M.M.1** and **M.M.2**

- (3) In the event the person in question can be easily identified by their initials and other information from the decision, then different initials that cannot be associated with the anonymised name may be used.
- (4) The name and surname of a minor who participates in the proceedings in any capacity shall be replaced with the designation Mldb.1.
- (5) In the event that there are several minors participating in the proceedings, the name and surname of each subsequent minor shall be replaced with the designation Mldb with the next serial number being added to it (e.g. Mldb.2, Mldb.3, etc.).

**Article 5**  
**(Address and Place of Birth or Residence/Temporary Residence)**

- (1) The name of the city or of the place shall be replaced with initials – written in block capital followed by a period.
- (2) The rest of the address such as the street name and house number shall be omitted and replaced with an ellipsis.
- (3) When the name of a city or a place consists of two words, both words in the name shall be replaced with their initials followed by periods.
- (4) In the event that more than one city or place mentioned in a court decision have the same initials – an ordinal number shall be added to each city or place name with the same initials, beginning with the number 1 onwards.

*Example:* Banja Luka, Mirka Mirkovica 25 shall be replaced with: **B.L. ...**

*Example:* Bihac and Bijeljina shall be replaced with: **B. and B.1**

**Article 6**  
**(Email and web address)**

Name in the email addresses and URL/web addresses shall be replaced with an ellipsis.

*Example:* e-mail: mujo.mujić@bih.net.ba shall be replaced with: **e-mail: ...**

*Example:* web-address: www.ksudsa.net shall be replaced with: **www...**

**Article 7**  
**(NIN, ID, VAT number)**

When the text contains a National Identification Number, ID number, or VAT number, the numbers shall be omitted leaving just the designations NIN, ID, VAT and an ellipsis shall be added.

*Example:* **NIN 2110456415021** – the number shall be omitted and replaced with: **NIN ...**

**Article 8**  
**(Numbers of Identification Documents)**

The words in front of a number that describe the type of document such as ID card, passport, driving license, insurance policy, vehicle registration number, bank account and other personal documents shall remain, whereas the numbers of the listed documents and dates shall be omitted and replaced with an ellipsis.

*Example:*

**ID card number 123456** shall be replaced with: **ID card number ...**

*Example:*

The part of the document reading as follows: **licence plate number 123-A-456** shall be replaced with: **licence plate number...**

Example:

The part of the document reading as follows: **date of birth / born on 1 January 1977 / 1 January 1977** shall be replaced with: **date of birth ... / born on ...**

Example:

Part of the text reading as follows: bank account number 119276474859 at Raiffeisen banka d.d. shall be replaced with: **bank account number ... at Raiffeisen banka d.d.**

**Article 9**  
**(Information not to be anonymised)**

The information about the following persons/authorities shall not be anonymised:

- a) **courts;**
- b) **judges/members of judge panels rendering a decision, lay judges and the minutes keepers;**
- c) **lawyers (law firms)** as attorneys-at-law of the party;
- d) **notaries** when acting in accordance with powers of a notary public;
- e) **expert witnesses;**
- f) **court interpreters and translators;**
- g) **public attorneys and deputy public attorneys;**
- h) **other judicial authorities and their representatives** state-level, the RS and FBiH prosecutor's offices, district and cantonal prosecutor's offices, chief prosecutors and deputy chief prosecutors, public attorney offices etc.);
- i) **administrative authorities – police administrations;**
- j) **state authorities and their representatives** (legislative, judicial, executive – ministry, bureau, administration or other);
- k) **cities or local administrations and their representatives** (canton, city, municipality etc.);
- l) **public companies and their representatives** (city, municipal, cantonal or state);
- m) **legal entities** (registered as – d.d., d.o.o., k.d., a.d. or other) except for data from Article 2, paragraph (2) of this Instruction;
- n) **public institutions and their representatives** (university, faculty, school, kindergarten, hospital, clinic, theatre, museum, institute or other);
- o) **international organisations;**
- p) **non-governmental organisations;**
- q) **trade unions;**
- r) **the names of laws, books of rules, statutes, collective agreements and other general acts;**
- s) **case file designations** containing personal data of the defendant/convicted person (e.g. the case of “Suljić et al.”);
- t) **cadastral and land registry data** (numbers of land registry entries, land parcels, title deeds, cadastral parcels, etc.) except for the data from Article 3, paragraph (1) item i) of this Instruction.
- u) **special category of personal data if they constitute elements of a criminal offence.**

**Article 10**  
**(Publication of data in decisions with public importance)**

- (1) The name, surname, nickname, year, and place of birth of the suspect, defendant, convicted, or acquitted person in criminal proceedings, that is the name and surname of the parties in civil and administrative proceedings, may be published if the institution determines that it is

in the public interest. Other personal information listed in Article 4 of this Instruction shall be anonymised.

- (2) Special categories of personal data, such as racial origin, national or ethnic origin, religious beliefs, health status, sexual orientation, etc., shall be protected when the data listed in paragraph (1) of this article is to be disclosed, unless such data is necessary to understand the published content or when it constitutes the substance of a criminal offence.
- (3) Personal data referred to in paragraph (1) of this Article shall be anonymised when the purpose of the publication has been fulfilled, and in criminal cases, at the latest when the requirements for the expungement of the conviction have been met.

### **Article 11 (Consent of the Data Subject)**

Data pertaining to a person who has expressly consented to the publishing of personal data shall not be anonymised.

### **Article 12 (Omitting Sections of the Text)**

In the event that a section of the text needs to be omitted in order to protect personal data contained in court and prosecutorial decisions and acts, an ellipsis "(...)" shall be used to replace it. If the entire paragraph needs to be omitted, an ellipsis "[...]" shall be used to replace it.

### **Article 13 (Consistency in Anonymisation)**

- (1) When anonymising the names of natural persons, care will be taken to ensure the consistency in such a way that from the beginning to the end of the decision, persons are identified with the same initials or designations, regardless of whether the order of writing the first and last names has been changed in the text of the decision, or only the first name, last name or nickname has been mentioned, where it is obvious that it is the same person.
- (2) Although this instruction does not offer an answer for every possible situation that might occur in practice, it does offer guidance that will assist the person doing the anonymisation to properly anonymise the decision so as to achieve transparency while adhering to privacy protection standards.
- (3) If there is a dilemma about whether or not certain data should be anonymized and it is a kind of data that is not required for the decision to be understandable, then that data shall be anonymised.

### **Article 14 (Amendments)**

Amendments to the Instruction shall be passed in the manner and under the procedure as stipulated for its adoption.

### **Article 15 (Repeal of Previous Instruction)**

This instruction repeals the Instruction for the Anonymisation of Court Decisions of 14 April 2021, published in the Official Gazette no. 30/21.

**Article 16**  
**(Coming into Effect and Publication)**

The Book of Rules shall come into effect eight days upon publication in the Official Gazette of BiH.

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Sarajevo, 21 March 2024

President

Halil Lagumdžija