

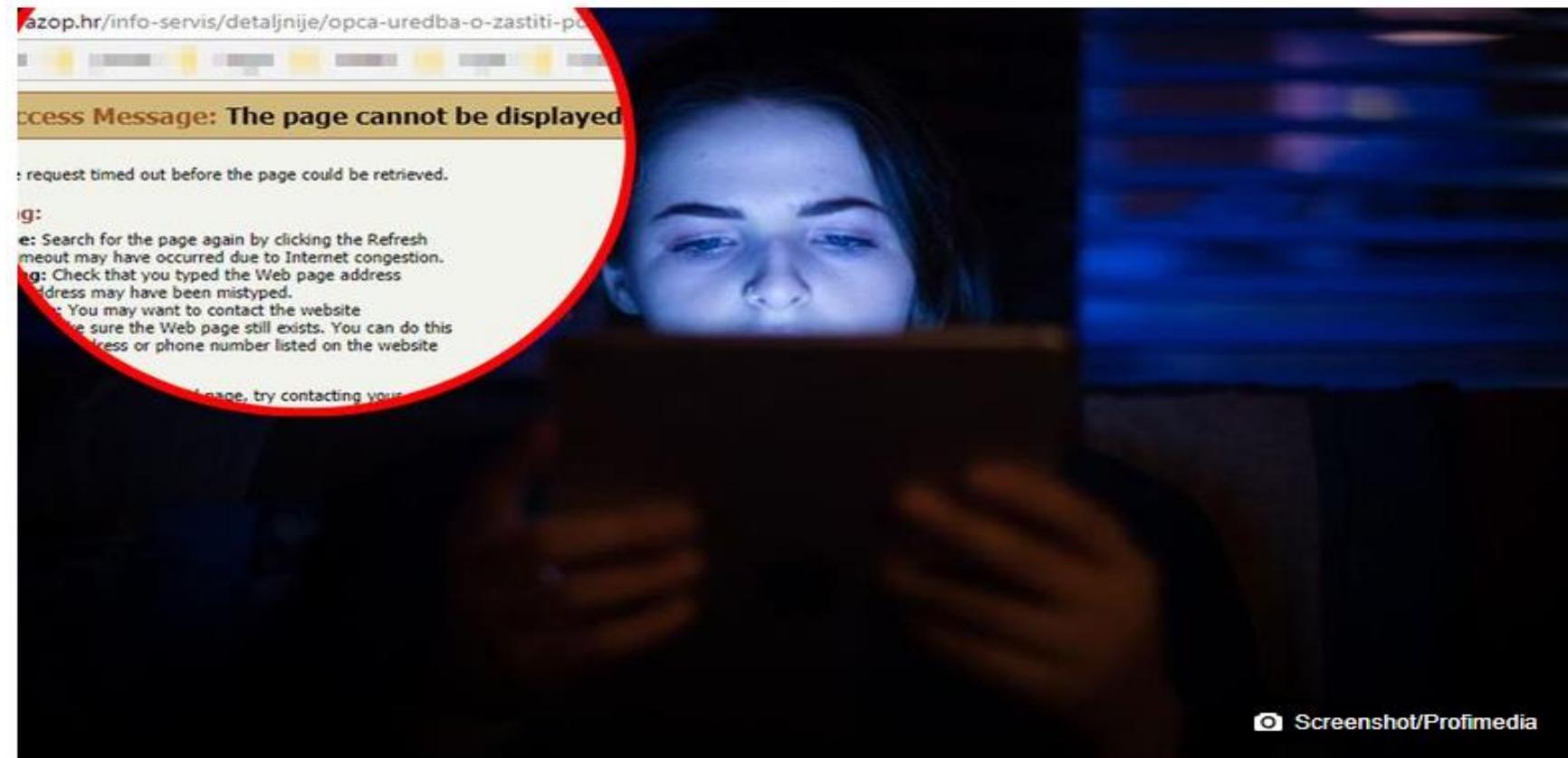
Jesmo li spremni za početak primjene Opće uredbe o zaštiti podataka?



DOC. DR. SC. TIHOMIR KATULIĆ
KATEDRA ZA PRAVNU INFORMATIKU
PRAVNI FAKULTET SVEUČILIŠTA U ZAGREBU

PANIKA ZBOG GDPR-a SRUŠILA STRANICE AGENCIJE ZA ZAŠTITU OSOBNIH PODATAKA Mnoge domaće tvrtke još nisu uskladile svoje poslovanje s europskim propisima

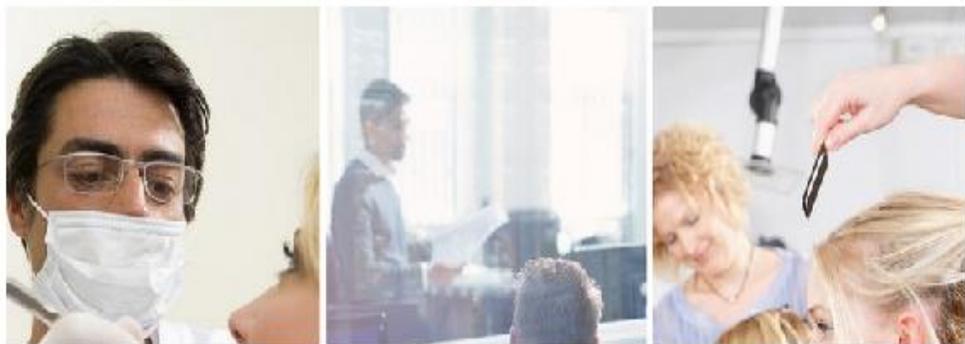
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Zaštita podataka

S GDPR-om je usklađeno samo 20 posto hrvatski tvrtki, a država tek sada traži konzultante

AUTOR: Filip Pavić | OBJAVLJENO: 6.6.2018. u 14:59



PUNO NEJASNOĆA

OSTAJU LI UTJERIVAČI DUGOVA BEZ POSLA? Što uredba o zaštiti podataka znači za rad agencija za naplatu potraživanja

AUTOR: Jutarnji.hr OBJAVLJENO: 26.05.2018. u 21:54

GDPR 'udara'

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Trump Commerce chief: EU data privacy law could hurt trade

BY HARPER NEIDIG - 05/30/18 03:54 PM EDT

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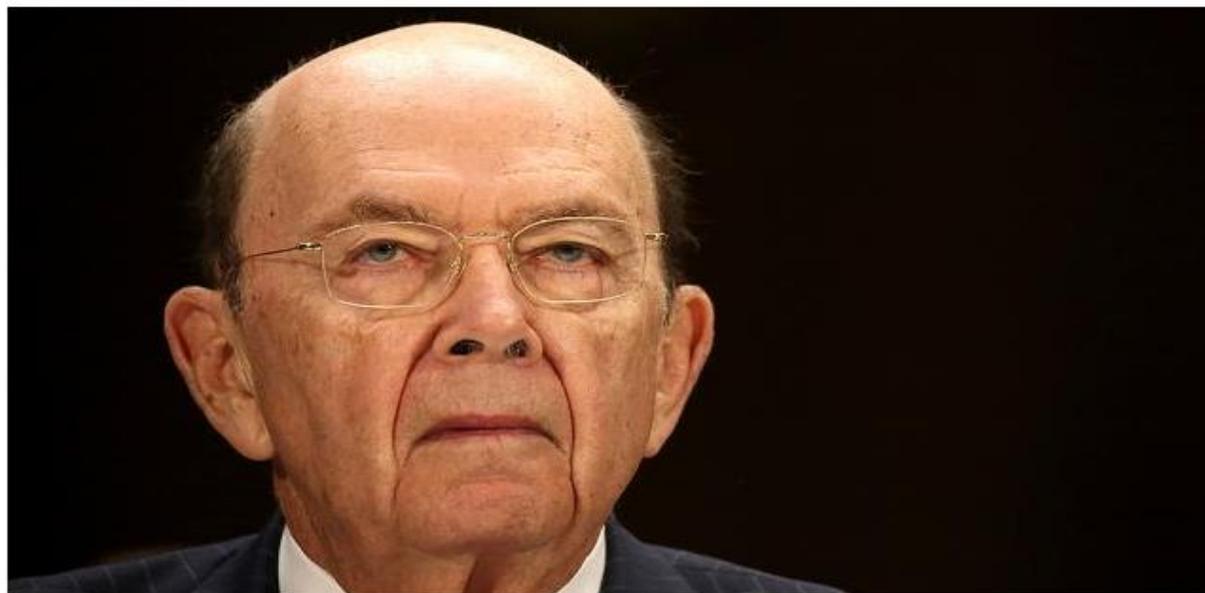
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NATIONAL SECURITY



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Commerce Secretary Wilbur Ross is warning that Europe's strict new data privacy laws could hurt trade with the U.S.

In an op-ed for The Financial Times, Ross said that the lack of clarity around the tough new rules, formally known as the General Data

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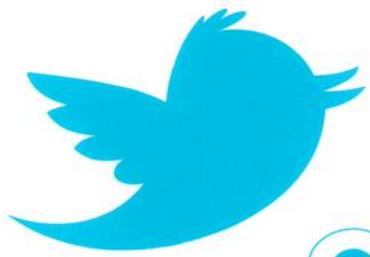
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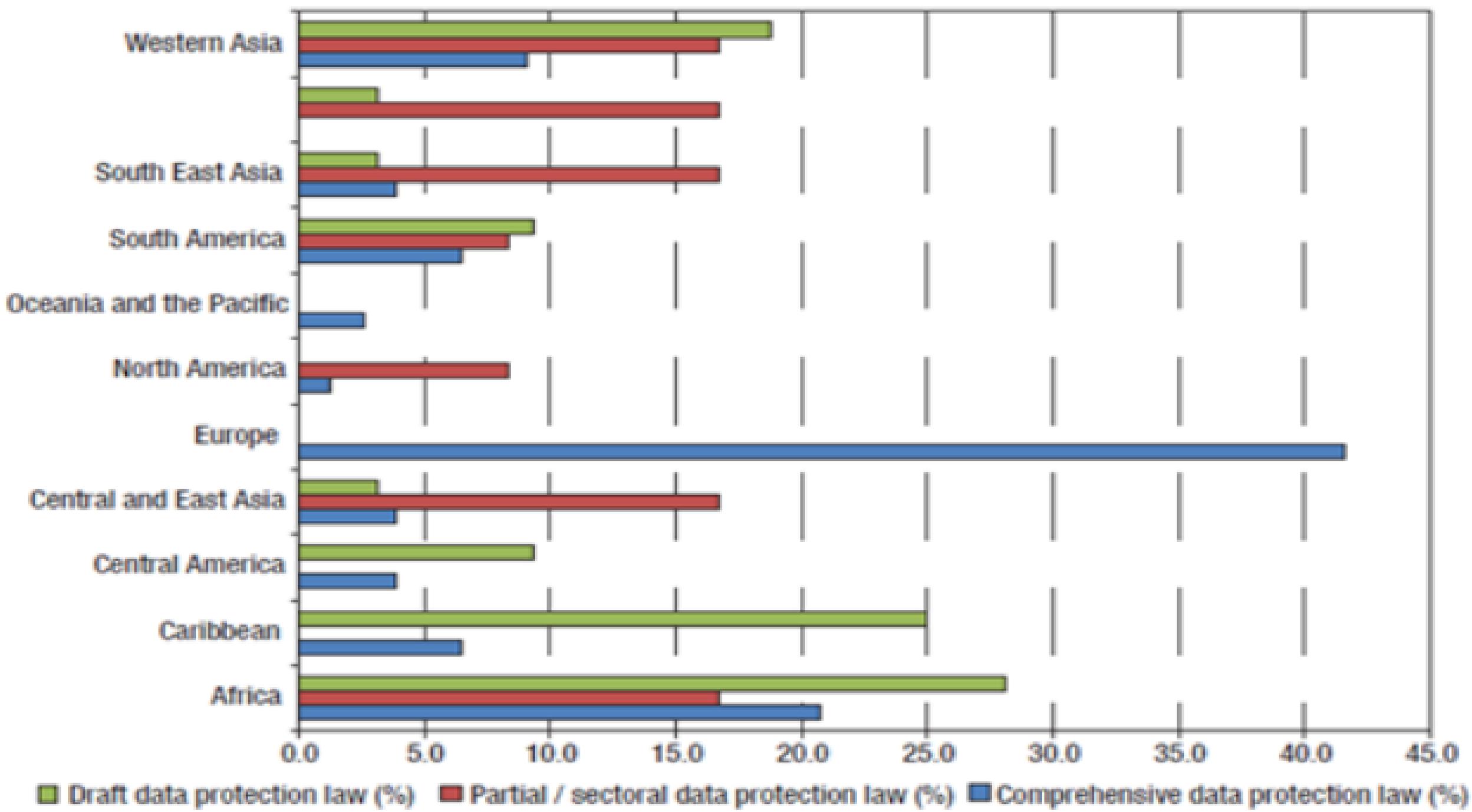


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UK business confidence about GDPR preparation falls - Financial Times

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EU to demand tough data rules on future trade deals - Financial Times

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Information Wars: How Europe Became the World's Data Police

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11. 06. 2018. Savjetovanje "Modernizacija zakonodavstva o zaštiti osobnih podataka- Opća uredba", 18.06., Zagreb [OPŠIRNIJE](#)

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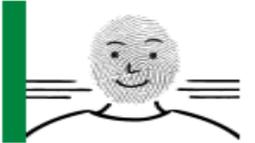
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For the public



Your right to get copies of your data



Your right to data portability



Your right to get your data deleted



Your right to get your data corrected

→ **For organisations**
Public bodies, private sector, sole traders

→ **General Data Protection Regulation (GDPR)**

→ **Data Protection Act 2018**

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29/05/2018

GDPR Day

As from 25 May 2018, the [European Data Protection Board](#) (EDPB) has been set to succeed the Article 29 Working Party, as established in the General Data Protection Regulation (GDPR). The new legal framework outlines that the EDPS provides the secretariat for the EDPB. The secretariat will offer administrative and logistic support for the EDPB as well as perform analytical work to contribute to the EDPB's tasks. [Watch the gallery](#) of the GDPR Day.



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EDPS preliminary opinion on Privacy by Design.



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GDPR

Our timeline contains key dates, events and some of the ways the GDPR strengthens data protection in the EU.

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Thursday, 31 May, 2018

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🕒 30 May 2018



EDPB adopted a draft version of the Guidelines on...

🕒 30 May 2018



EDPB adopted a statement on ePrivacy

🕒 28 May 2018

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Preparatory meeting for the first plenary meeting of the EDPB - Brussels

📅 24 May 2018

Press Conference with the EDPB Chair, Press Club Brussels Europe - Brussels

📅 25 May 2018

First plenary meeting of the EDPB - Brussels

📅 25 May 2018

Second Plenary Session of the EDPB - 4&5 July

📅 31 May 2018



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2016

- [Opinion 03/2016 on the evaluation and review of the ePrivacy Directive](#) (971 kB) - WP 240
- [Opinion 02/2016 on the publication of Personal Data for Transparency purposes in the Public Sector](#) (426 kB) - WP 239
- [Opinion 01/2016 on the EU – U.S. Privacy Shield draft adequacy decision](#) (613 kB) - WP 238
- [Working Document 01/2016 on the justification of interferences with the fundamental rights to privacy and data protection through surveillance measures when transferring personal data \(European Essential Guarantees\)](#) (408 kB) - WP 237



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The Switch

Equifax's massive 2017 data breach keeps getting worse

By **Brian Fung** March 1 [✉ Email the author](#)



A photograph of Mark Zuckerberg at a press conference. He is in the center, wearing a dark suit and tie, looking slightly to his right. To his left, a woman is holding up a smartphone to take a picture. To his right, several police officers in dark uniforms and caps are standing in a line, looking forward. The background is slightly blurred, showing other people and camera equipment.

Facebook-Cambridge Analytica: A timeline of the data hijacking scandal

Sam Meredith | @smeredith19 | Published 7:22 AM ET Tue, 10 April 2018
| Updated 9:51 AM ET Tue, 10 April 2018

COMPANY

SIZE OF BREACH

YEAR DISCLOSED

┌ 2 billion newly disclosed ┐

Yahoo*



2016-17

Yahoo*



500 million

2016


 Under Armour


150

2018

Equifax



143

2017

Heartland Payment Sys.



130

2009

LinkedIn



117

2016

Sony



100

2011

TJX



90

2007

Anthem



80

2015

J.P. Morgan

76[†]

2014

Target

70[‡]

2013

Facebook



50*

2018

*Debate whether this = breach

Max Schrems files first cases under GDPR against Facebook and Google

European data protection bodies vow to work with Irish colleagues on complaints

© Fri, May 25, 2018, 08:03 | Updated: Fri, May 25, 2018, 18:15

Derek Scally in Berlin



Privacy campaigner Max Schrems accused the tech giants of 'coercing' users to accept data policies

European data protection bodies have promised to work closely with their Irish colleagues on multi-billion-euro complaints filed by Austrian privacy campaigner Max Schrems against Facebook and Google.

Hours after new EU data protection laws came into force on Friday, Mr Schrems launched his latest challenge to Facebook, and a new suit against Google, accusing them of "coercing" users into accepting their data collection policies.

Facebook and Google hit with \$8.8 bil lawsuits on day one of GDPR

By Russell Brandom | @russellbrandom | May 25, 2018, 10:21am EDT

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On the first day of [GDPR enforcement](#), Facebook and Google have been hit with a raft of lawsuits accusing the companies of coercing users into sharing personal data. The lawsuits, which seek to fine Facebook 3.9 billion and Google 3.7 billion euro (roughly \$8.8 billion in dollars), were [filed by Austrian privacy activist Max Schrems](#), a longtime critic of the companies' data collection practices.

GDPR requires clear consent and justification for any personal data collected from users, and these guidelines have pushed companies across the internet to revise their privacy policies and collection practices. But there is still widespread uncertainty over how European regulators will treat the requirements, and [many companies are still unprepared](#) for

GDPR—Collective Actions Under the Privacy Banner

By Patrick Kane on March 26, 2018
POSTED IN EUROPEAN UNION, PRIVACY

As application of the European Union's (EU's) General Data Protection Regulation (GDPR)¹ quickly approaches, the enforcement authority of the European data protection authorities (DPAs) is rightfully on everyone's mind. The power to issue monetary fines against non-compliant entities of up to four percent of the entity's past year worldwide turnover is one of the GDPR's most striking provisions.² But, the GDPR also includes a provision that may prove to be equally important: giving individuals the right to bring collective legal action against non-compliant entities. If these collective actions become common, understanding by whom, under what grounds, and where these suits may be brought will be critical in assessing the importance of compliance and the benefits and risks of launching European data initiatives.



Who May Bring a Claim—European Class Actions

On January 25, 2018, the Court of Justice of the European Union (CJEU) ruled that Maximilian Schrems could not lead a collective-action lawsuit in his home country of Austria against Facebook.³ Schrems' suit claims that Facebook committed numerous violations of applicable data protection provisions.⁴ The CJEU ruled that in a collective action, the plaintiff assigned the claims cannot benefit from the EU consumer forum rule, which would have allowed Schrems to bring the case in his home country, when the other members of the class are not themselves a party to the contract in question.⁵

The CJEU's ruling barring his class action suit may be only a temporary setback for Schrems and other plaintiffs seeking to bring privacy-based collective action suits, as the GDPR gives individuals unprecedented power to enforce their privacy rights.⁶ First, and similar to Directive 95/46/EC, data subjects may individually bring a claim.⁷ Second, and more importantly, the GDPR now allows these same individuals to assign their claim to a not-for-profit entity established, in part, to protect individual privacy interests.⁸ In fact, the GDPR's Recital 147 expressly states that general jurisdiction rules shall not prejudice

Važi za sve

Nema odgode drastičnih kazni GDPR-a, Hrvatska neće stopama Austrije i Francuske

AUTOR: Filip Pavić | OBJAVLJENO: 25.5.2018. u 8:11



GDPR, ilustracija

Nema poštode od GDPR-a za hrvatske građane i poduzeća u prvoj fazi primjene, a kada bi do toga i došlo, za Hrvatsku bi to mogao biti iznimno riskantan potez, potvrdili su iz Agencije za zaštitu osobnih podataka (AZOP).

Nema poštode od GDPR-a za hrvatske građane i poduzeća u prvoj fazi primjene, a kada bi do toga i došlo, za Hrvatsku bi to mogao biti iznimno riskantan potez, potvrdili su iz Agencije za zaštitu osobnih podataka (AZOP).

Vežane vijesti

- **GDPR je pred vratima, a više od dvije trećine hrvatskih tvrtki još uvijek nije usklađeno**
- **Zbog uredbe Europske unije teže do kredita: trebat će se priložiti izjava o dugovanjima**

Na upit planira li hrvatska u provedbi GDPR-a slijediti primjer zemalja članica poput Austrije i Francuske i omogućiti tzv. „grace period“, odnosno fazu prilagodbe u prvim mjesecima primjene nove Uredbe u kojem se ne bi drakonskim novčanim kaznama sankcioniralo veliku većinu poduzeća koja se još nisu prilagodila odredbama Uredbe, iz AZOP-a kažu:

„Vežano za navodni grace period u Francuskoj i Austriji, niti su te države niti je ijedna druga država članica EU-a donijele ikakvu odluku o „grace period“ s obzirom da je Uredba donesena prije 2 godine.“

U Hrvatskoj, kao i ostalim državama članicama EU, već je bio „grace period“ koji je trajao dvije godine jer je GDPR na snagu stupio u 2016. godini, ističu, a samom Uredbom, konkretno člankom 99., jasno i decidirano je propisano da GDPR u punu primjenu u svim državama članicama kreće s 25.5. 2018. godine.

Dodaju i da je svrha Uredbe zaštita pojedinca, a ako država članica ne osigura takvu zaštitu, ona može odgovarati za kršenje propisa EU pa čak i gore, pojedinac bi mogao državu tužiti za odštetu“, upozoravaju.

Naime, države članice koje ne poštuju pravo EU-a, odnosno, koje ne poštuju u konkretnom slučaju odredbe GDPR-a, podliježu infrakcijskim mjerama koje se pokreću od strane Europske komisije, tvrde iz AZOP-a.

Da Europska komisija može sankcionirati zemlju članicu koja nije usklađena s GDPR-om potvrdili su nam i iz hrvatskog Predstavništva Europske komisije.

“Europska komisija pažljivo će pratiti primjenu uredbe o zaštiti osobnih podataka te podržati države članice u nenoj primjeni. Međutim, bude li potrebno - a vjerujemo da to neće biti slučaj - Komisija može pokrenuti postupak zbog povrede prava.“

Isključenje primjene upravnih novčanih kazni na tijela javne vlasti

Članak 47.

Ne dovodeći u pitanje izvršavanje ovlasti Agencije utvrđenih odredbom članka 58. Opće uredbe o zaštiti podataka, u postupcima koji se provode protiv tijela javne vlasti, tijelu javne vlasti ne može se izreći upravna novčana kazna za povrede ovoga Zakona ili Opće uredbe o zaštiti podataka.

Pojmovi

Članak 3.

(1) Pojmovi u smislu ovoga Zakona imaju jednako značenje kao pojmovi korišteni u Općoj uredbi o zaštiti podataka.

(2) »Tijela javne vlasti« u smislu ovoga Zakona su: tijela državne uprave i druga državna tijela, jedinice lokalne i područne (regionalne) samouprave.

SAVJETOVANJE SA ZAINTERESIRANOM JAVNOŠĆU O NACRTU PRIJEDLOGA ZAKONA O PROVEDBI OPĆE UREDBE O ZAŠTITI PODATAKA

- Preuzmi Word dokument
- Ostali dokumenti

- ⊖ PRIJEDLOG ZAKONA O PROVEDBI OPĆE UREDBE O ZAŠTITI PODATAKA 15
 - ⊖ I. OPĆE ODREDBE 1
 - Predmet Zakona 6
 - Rodna neutralnost 1
 - Pojmovi 16
 - ⊖ II. NADLEŽNA TIJELA 2
 - Nadzorno tijelo 2
 - Akreditacijsko tijelo 1
 - Ovlašti Agencije 9
 - ⊖ III. AGENCIJA ZA ZAŠTITU OSOBNIH PODATAKA 4
 - Upravljanje Agencijom 4
 - Uvjeti za imenovanje ravnatelja i zamjenika ravnatelja 7
 - Razrješenje ravnatelja i zamjenika ravnatelja 3
 - ⊖ Stručna služba 1
 - Članak 10. 7
 - Članak 11. 1
 - Članak 12. 1
 - Članak 13. 1

ako je u vezi s rješenjem donesena odluka o upravnoj novčanoj kazni u iznosu od najmanje 100.000,00 kuna koja je postala pravomoćna.

Odgovornost odgovorne osobe

Članak 47.

(1) Ako se protiv poduzeća izriče upravna novčana kazna sukladno ovom Zakonu ili Općoj uredbi o zaštiti podataka, odgovorna osoba u poduzeću odgovara prema odredbama ovog Zakona.

(2) Odgovorna osoba kaznit će se za povrede iz članka 83. stavka 4. Opće uredbe o zaštiti podataka upravnom novčanom kaznom u iznosu od 5.000,00 do 200.000,00 kuna, a za povrede iz članka 83. stavka 5. i 6. Opće uredbe o zaštiti podataka kaznit će se upravnom novčanom kaznom u iznosu od 5.000,00 do 500.000,00 kuna.

(3) Odgovorna osoba odgovara za povredu ovog Zakona ili Opće uredbe o zaštiti podataka i u slučaju ako nakon počinjenja povrede prestane raditi u poduzeću ili ako je nakon počinjenja povrede poduzeće prestalo postojati.

15 komentara na članak
13 opći komentar
2 nadopuna teksta

Zastara izvršenja upravne novčane kazne

Članak 48.

(1) Na zastaru prava na naplatu upravne novčane kazne primjenjuju se odredbe općeg zakona koji propisuje porezni postupak.

(2) Zastara počinje teći od dana pravomoćnosti odluke.

(3) Za vrijeme trajanja obročne otplate upravne novčane kazne, zastara ne teče.

KOMENTARI Prvo komentari s najviše lajkova



Biljana Cerin 22.02.2018 21:00

👍 13 🗨️ 0

Prema ovom članku, odgovorna osoba u svemu sto nije poduzeće - znači svi u tijelima javne vlasti, ministarstvima itd. - ni za što novčano ne odgovaraju - zbog čega?

Smatram da se time ide nasuprot duhu Uredbe i pravima ispitanika, gdje upravo tijela javne vlasti moraju služiti kao primjer odgovornog ponašanja prema osobnim podacima.

Suradnja s tijelima državne uprave i drugim tijelima

Članak 14.

Središnja tijela državne uprave i druga državna tijela dužna su Agenciji dostaviti nacрте prijedloga zakona i prijedloge drugih propisa kojima se uređuju pitanja vezana uz obradu osobnih podataka radi davanja stručnih mišljenja u odnosu na područje zaštite osobnih podataka.

Suradnja s nadzornim tijelima za zaštitu podataka drugih država

Članak 15.

(1) Predstavnici gostujućeg nadzornog tijela imaju ovlasti za provođenje zajedničkih operacija, uključujući istrage i zajedničke mjere provedbe, u skladu s odredbama ovoga Zakona i Opće uredbe o zaštiti podataka.

(2) Sporazumom između Agencije i gostujućeg nadzornog tijela Agencija daje ovlast predstavnicima gostujućeg nadzornog tijela da prate i sudjeluju u provođenju nadzornih aktivnosti sukladno članku 62. Opće uredbe o zaštiti podataka.

(3) Sporazumom iz stavka 2. ovoga članka utvrdit će se istražne ovlasti iz članka 58. stavka 1. Opće uredbe o zaštiti podataka koje će se dodijeliti gostujućem nadzornom tijelu te osobno ime i radno mjesto predstavnika gostujućeg nadzornog tijela koji će sudjelovati u zajedničkoj operaciji.

(4) Kada predstavnici gostujućeg nadzornog tijela sudjeluju u zajedničkim operacijama na području Republike Hrvatske, voditelj obrade, izvršitelj obrade i ispitanik te sve druge stranke koje su neposredno uključene u konkretnu radnju moraju prije početka zajedničke operacije biti upoznate da u operaciji sudjeluju i predstavnici gostujućeg nadzornog tijela.

Zastupanje ispitanika

Članak 41.

Ispitanik ima pravo ovlastiti neprofitno tijelo, organizaciju ili udruženje koje je osnovano u skladu sa zakonom, a u čijem se statutu navode ciljevi od javnog interesa te je aktivno u području zaštite prava i sloboda ispitanika s obzirom na zaštitu njegovih osobnih podataka, da podnese pritužbu u njegovo ime i da u njegovo ime ostvaruje prava iz članka 77., 78. i 79. Opće uredbe o zaštiti podataka i pravo na naknadu iz članka 82. Opće uredbe o zaštiti podataka.

Davanje stručnih mišljenja

Članak 42.

(1) Na pisani zahtjev fizičke ili pravne osobe Agencija daje stručno mišljenje iz područja zaštite osobnih podataka, najkasnije u roku od 30 dana od dana podnošenja zahtjeva, ovisno o složenosti zahtjeva.

(2) Ako je pri davanju stručnog mišljenja potrebno uključiti i druga tijela u tuzemstvu ili u inozemstvu u svrhu dobivanja podataka ili informacija bitnih za stručno mišljenje, rok za davanje mišljenja iz stavka 1. ovoga članka može se produžiti za još 30 dana.

Naknada za postupanje po zahtjevu

Članak 43.

(1) Obavljanje zadaća Agencije provodi se bez naplate u odnosu na ispitanike, službenike za zaštitu osobnih podataka, novinare i tijela javne vlasti.

(2) Agencija će naplatiti razumnu naknadu na temelju administrativnih troškova ili odbiti postupiti po zahtjevu ako su zahtjevi ispitanika očito neutemeljeni ili pretjerani, a osobito zbog njihove učestalosti.

(3) Agencija će naplatiti naknadu za davanje mišljenja poslovnim subjektima (odvjetničkim društvima, konzultantima i dr.) koja su poslovni subjekti zatražili u svrhu obavljanja svoje redovite djelatnosti odnosno pružanja usluga.

(4) Kriterije za određivanje visine naknade iz stavaka 2. i 3. ovoga članka utvrđuje Agencija. Kriteriji se objavljuju u »Narodnim novinama« te na mrežnim stranicama Agencije.

(5) Iznos naknade iz stavaka 2. i 3. ovoga članka uplaćuje se u korist državnog proračuna.

CYBER RISK FEBRUARY 14, 2018 / 1:11 PM / 4 MONTHS AGO

Rise of the data protection officer, the hottest tech ticket in town

Salvador Rodriguez

5 MIN READ



SAN FRANCISCO (Reuters) - They may not have the cachet of entrepreneurs, or geek chic of developers, but data protection officers are suddenly the hottest properties in technology.



'Up to 75,000' jobs in privacy may be created due to EU regulation

Some firms may face 'operational hurdles' over new law, privacy organisation says

Thu, Nov 10, 2016, 09:00

Elaine Edwards



The International Association of Privacy Professionals estimates that about 11,800 positions will be created in the EU in response to the new law. Photograph: Pawel Kopczynski/Reuters

-  Up to 75,000 jobs may be created worldwide for the new data-protection officer role required under a European Union regulation due to come into force in 2018, according to figures published by a privacy organisation.
- 
-  The International Association of Privacy Professionals (IAPP), which opened its annual data-protection congress in Brussels on Tuesday, said it had “conservatively” estimated earlier this year that at least 28,000 such professionals would be needed in Europe and the United States once the General Data Protection Regulation (GDPR) takes effect in 2018.
- 

Obveze prema Uredbi – smanjiti rizik od povrede

- Poštivanje načela obrade
 - Zakonitost, transparentnost, ograničenje svrhe, točnost podataka minimizacija pohrane, informacijska sigurnost,
 - Odgovornost (accountability)
- Prava ispitanika
 - Uvid i pristup, ispravak, brisanje, prijenos itd.
- Tehničke i organizacijske mjere zaštite
- Otkrivanje i postupanje po incidentima

Projekt sukladnosti

- Multidisciplinarni GDPR projektni tim
- Pravni stručnjaci, eksperti u području informacijske sigurnosti, analitičari podataka, arhitekti poslovnih procesa, tehnološki eksperti,
- Voditelj projekta
- Nedvosmislena podrška uprave!

Projekt sukladnosti

- „Otkrivanje” koji osobni podaci se prikupljaju, gdje se nalaze
- Izrada evidencije obrada osobnih podataka
 - Prepoznavanje pravne osnove, kategorija podataka i ispitanika, roka zadržavanja itd.
- Prepoznavanje uloga zaposlenika i vanjskih suradnika
- Uspostavljanje procedura odgovora na zahtjeve ispitanika
- Prijava i odgovor na povrede
- Odabir i imenovanje Službenika za zaštitu podataka

Projekt sukladnosti

- Implementacija preporuka iz snimke stanja
- Pravna implementacija
 - Izrada evidencije obrada
 - Ugovori s izvršiteljima obrade, sporazumi sa zajedničkim voditeljima
 - Izmjene i dopune pravilnika o radu, politika zaštite osobnih podataka, obavijesti za korisnike web stranica
 - Sadržaj i upravljanje privolama
 - Odabir i pozicija službenika za zaštitu podataka
 - Identifikacija i dodjeljivanje odgovornosti

Projekt sukladnosti

- Organizacijska i tehnička implementacija
 - Uspostava tehničkih i organizacijskih mjera zaštite
 - Uvođenje industrijskih standarda poput ISO 27000, COBIT, PCI DSS
 - Otkrivanje i odgovor na povrede
- Tehnička implementacija - Prilagodba informacijskih sustava
 - Consent management system
 - Konsolidacija baza podataka, kontrola pristupa podacima
 - Anonimizacija, pseudoanonimizacija, enkripcija

Trajna sukladnost

- Zaštita osobnih podataka – trajna aktivnost
- Nema ključ-u-ruke rješenja
- Redovita analiza rizika, procjene učinka za nove obrade, periodična provjera implementiranih mjera
- Interdisciplinaran pristup, trajna edukacija
- Praćenje eksternih faktora – razvoj regulatorne i sudske prakse, industrijski standardi, sektorski kodeksi ponašanja itd.



Hvala na pažnji!

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