INFORMATION COMMISSIONER



ANNUAL REPORT

2024

SUMMARY OVERVIEW OF THE YEAR 2024

Access to public information

In the area of access to public information, the Information Commissioner dealt with 1,146 cases in 2024, which is 125 more than in 2023 (a 12% increase) and the highest number since its establishment. There were 776 complaints (of which 488 were against negative decisions, 276 complaints due to administrative silence on the part of the deciding authority, and 12 complaints against business entities under dominant influence), and in 370 cases, the Information Commissioner responded to requests from individuals regarding procedural issues and referred them to its practice. The average time taken to resolve a complaint was 30 days.

Compared to 2023, the total number of complaints in 2024 increased again (by 10%), a trend that the Information Commissioner has been observing for the past few years. Of the total number of complaints, the share of complaints against negative decisions was 63%, which is more than in the previous year. A welcome indicator is that, after several years of growth, the total number of complaints due to the administrative silence of the deciding authority has decreased. In 2024, there were 276 such complaints, which is 10% less than in 2023 (302). This means that, compared to the previous year, the authorities concerned were generally more responsive and missed fewer deadlines for providing access to public information, which consequently increased the level of transparency.

As in the previous year, in 2024 the Information Commissioner received the most complaints against state authorities (state administration and other (state) authorities), which are the largest group of obligated entities and consequently receive the most requests for accessing public information. It is encouraging to note that the number of complaints against this group of obligated entities due to administrative silence has decreased significantly (by 27%), but unfortunately, the number of complaints against municipalities has increased. Compared to 2023, the number of complaints against this group of obligated entities increased by 58% in 2024 (from 137 in 2023 to 217 in 2024), which is an extremely high increase. In order to stop this negative trend, municipalities will have to pay (even) more attention to this area.

In practice, procedures for accessing public information are becoming increasingly complex in terms of content and increasingly demanding in terms of the procedure, therefore, those responsible for appointing officials to provide access to public information should appoint officials with appropriate professional (prior) knowledge and a good understanding of first-instance administrative procedures, and all employees should be made aware of their basic obligations under the law. The Information Commissioner also recommends periodic training for all new and already appointed officials responsible for access to public information.

As in previous years, in 2024 the Information Commissioner conducted very few proceedings against business entities under dominant influence (12 cases, or 1.5% of all complaints). This can be attributed to the fact that these entities are only obliged to provide access to public information in a narrow part of their activities, which is precisely defined by law (only in relation to legal transactions for expenditures, management of real estate, and payments to management personnel), while at the same time ZDIJZ (Access to Public Information Act) imposes on them a broad obligation of proactive publication, according to which they must themselves publish most of the absolutely public information on their websites.

In 2024, there was another increase in the number of appeals relating to environmental information. Of these, the Information Commissioner rejected the applicant’s complaint in only two cases, while in all others it upheld the complaint in whole or in part and ruled that the obligated entities must provide the applicant with the requested environmental information. This indicates that the obligated entities

are unfamiliar with the definition of environmental information or, in practice, do not recognise the requested information as environmental information. The Information Commissioner urges obligated entities to act in the interests of transparency when deciding on environmental information and to exercise particular care in these procedures. Environmental information always concerns a wider group of people, and its disclosure is in the public interest. Our legislation stipulates the highest level of transparency for environmental information; no legal exceptions apply to it.

Personal Data Protection

In 2024, the field of personal data protection was marked by the entry into force of the new national Personal Data Protection Act (ZVOP-2), which, together with the General Data Protection Regulation (GDPR) and the Act on the Protection of Personal Data in the Context of Criminal Proceedings (ZVOPOKD), forms a set of systemic regulations for the field of personal data protection in Slovenia. There have also been important developments in the preparation and adoption of legislation in the field of digital business and artificial intelligence, which directly affect personal data protection and the powers of the Information Commissioner.

ZVOP-2, which entered into force on January 26, 2023, brought significant changes, particularly in the area of supervisory procedures, within the framework of which the Information Commissioner deals with reports from applicants with a special status, i.e., complaints as provided for in Article 77 of the GDPR. In addition, ZVOP-2 empowers the Information Commissioner to impose sanctions for violations of the provisions of the GDPR. These are imposed as minor offence sanctions.
In 2024, the Information Commissioner received a total of 855 reports of suspected personal data breaches (this number includes both inspection initiatives and reports from applicants with special status). On the basis of inspection initiatives, the Information Commissioner initiated 141 inspection procedures and, on the basis of reports from applicants with special status, conducted 184 supervisory procedures. In addition, the Information Commissioner initiated 37 inspection procedures ex officio in accordance with the annual work plan. Furthermore, it participated in 138 cross-border supervisory procedures as the supervisory authority concerned on the basis of Article 60 of the GDPR (cross-border cooperation procedure). In total, the Information Commissioner dealt with 1,030 new cases of suspected personal data breaches in 2024 and initiated 500 new supervisory procedures on this basis.

Of the 184 reports filed by applicants with special status under Article 77 of the GDPR and Article 30 of ZVOP-2, 75 were filed on suspicion of unlawful processing of the data subject's personal data, 109 were submitted on suspicion of violation of the data subject's rights, namely 82 on suspicion of violation of the right of access to their own personal data, 21 on suspicion of violation of the right to erasure, five on suspicion of violation of the right to rectification, and one on suspicion of violation of the right to object.

In addition to the aforementioned supervisory procedures, in 2024 the Information Commissioner dealt with 160 official notifications of personal data breaches by personal data controllers on the basis of Article 33 GDPR and 15 notifications from healthcare providers due to identified cases of unlawful processing of patients' personal data in accordance with Article 46 of the ZPacP. In the area of patient rights, the Information Commissioner dealt with 13 complaints regarding violations of the right to access one's own medical records (Article 41 of the ZPacP) and 15 complaints regarding violations of the right to access medical records after the patient's death (Article 42 of the ZPacP). The Information Commissioner also examined 14 complaints from individuals filed under the ZVOPOKD, 13 of which concerned suspected violations of the right of access to one's own personal data and one of which concerned a suspected violation of the right to erasure and rectification. In 2024, the Information Commissioner also examined 11 complaints regarding the refusal to disclose personal data from official records or public registers on the basis of the fourth paragraph of Article 41 of ZVOP-2.

In the field of data protection, the supervisory authorities at the Information Commissioner resolved a total of 1,003 national cases in 2024, including inspections, complaints, and other administrative matters, as well as the handling of reports and notifications of data breaches, and 157 procedures within the framework of cross-border cooperation under Article 60 of the GDPR. A total of 145 minor offence proceedings were also resolved.

In the reports received and reviewed by the Information Commissioner, the complainants cited similar violations of personal data protection as in previous periods. Most reports concerned suspected illegal video surveillance. This was followed by reports concerning the illegal disclosure and transfer of personal data to unauthorised persons, the illegal or excessive collection of personal data, the use of personal data for direct marketing purposes, inadequate security of personal data, and unlawful access to personal data files.

For 2024, it can also be concluded that in many cases, complaints are filed due to a lack of understanding of the provisions and scope of the GDPR, and that controllers themselves are often to blame for the filing of complaints, who, when collecting or obtaining personal data, do not provide individuals with all the information required by Articles 13 and 14 of the GDPR. Despite raising awareness among controllers and despite the templates for such notices published by the Information Commissioner on its website, inadequate information provided to individuals remains one of the most frequently identified violations. Many of the reports received did not meet the standards for initiating an inspection procedure from the point of view of public interest, or the alleged violations did not indicate a systemic problem – they often concern alleged one-off violations committed in the past, which cannot be remedied by inspection measures and can only be sanctioned in minor offence proceedings. It was also noted that many reports would not have been filed if individuals who believed that their right to data protection had been violated had first contacted the controller of their data for clarification. In most cases, controllers rectify irregularities before the Information Commissioner issues a regulatory decision, which also indicates that controllers often do not violate data protection legislation intentionally, but rather due to a lack of detailed knowledge of the legal rules. On the contrary, experience from procedures in which the Information Commissioner verifies the adequate security of data and in cases of video surveillance shows that violations were often the result of negligent or inadequate security of personal data and intentional unlawful processing of personal data by the management or employees of data controllers.

Within the framework of cross-border supervisory cooperation procedures, in 2024 the Information Commissioner participated in 463 cooperation procedures under Articles 60 and 61 of the GDPR in relation to controllers carrying out cross-border processing of personal data. In 156 newly initiated cross-border cooperation procedures under Article 60 of the GDPR, the Information Commissioner acted as the competent authority (under Article 56 of the GDPR), and in one case as the lead authority. In 19 cases, the Information Commissioner participated in the exchange of information procedure under Article 60. In the cross-border procedures in which it participated, 138 draft decisions were issued pursuant to Article 60 of the GDPR, and 138 procedures were concluded with a final decision. The Information Commissioner also participated in 287 mutual assistance procedures between supervisory authorities under Article 61 of the GDPR. Participation in cross-border inspection cases, as introduced by the GDPR, is undoubtedly one of the key innovations and improvements, particularly in terms of the uniform operation of supervisory authorities in different EU and EEA Member States. Of course, such cooperation represents a major challenge for the Information Commissioner, as well as for other supervisory authorities, in terms of the additional resources required, both financial and human.

In performing its advisory role and activities to promote compliance and prevention, the Information Commissioner has developed an extensive set of instruments and tools over the years to influence the level of awareness and thus understanding and respect for the law. The GDPR and ZVOP-2 impose on the Information Commissioner the duty to carry out various consultations (written

and oral opinions to individuals, on draft regulations, opinions on impact assessments regarding the protection of personal data), preparing criteria and lists of the supervisory authority regarding obligations under the GDPR, and maintaining a register of Data Protection Officers.

The Information Commissioner pays particular attention to advising and preparing opinions for proposers when drafting regulations, especially ministries that have a significant impact on personal data protection. In the public sector in particular, it is laws that establish the basic framework for lawful processing and determine how, when, and to what extent interference with an individual's data protection is permissible. Laws must therefore be proportionate, effective, linguistically clear and comprehensible, and lay down predictable, determinable and constitutionally compliant rules for the processing of personal data. In 2024, the most important areas in which the Information Commissioner prepared opinions on regulations included the digitisation of healthcare, law enforcement powers, the operation of various national registers, education and training, and the processing of personal data in scientific research.

In addition to providing regular telephone advice to data controllers through daily on-call service, in 2024 the Information Commissioner also regularly issued opinions for the general and professional public – it issued 981 opinions in response to requests from individuals and organisations (of which 850 were written and 131 were telephone consultations) and 84 comments on legislative acts. In addition to written opinions, 1,479 telephone consultations were carried out, and all opinions are published on the Information Commissioner's website.

An important innovation in the field of impact assessments was brought about by the so-called legislative impact assessment under Article 24 of ZVOP-2. As a result, there has been a significant increase in the number of impact assessments received regarding the protection of personal data and the number of opinions issued on impact assessments, with the Information Commissioner issuing 36 opinions in the preliminary consultation process. The quality of the impact assessments received is improving, but there is still a significant difference in the perception of the advantages of impact assessments. The Information Commissioner publishes opinions on legislative impact assessments on its website alongside opinions on draft regulations, which is helpful to those proposing regulations. To improve understanding of legislative impact assessments, these were a key topic at a meeting with data protection officers at ministries in November 2024. Particular emphasis was placed on the correct assessment of the severity of risks to personal data protection, as an inadequate and insufficiently specific definition of risks does not allow for the development of appropriate protective measures and safeguards.

In the field of Data Protection Officers (DPOs), the Information Commissioner, based on an analysis of the register, concludes that, in accordance with the requirements of the GDPR, the majority of the register consists of authorized persons in the education sector and in the healthcare sector.
In 2024, the Information Commissioner continued to carry out preventive compliance activities (privacy sweeps), with personal data protection supervisory authorities analysing the situation regarding the enforcement of individuals' rights of access to their own personal data and preparing measures to strengthen these rights. The results of the joint action, show that there is a need to raise awareness among controllers about the European Data Protection Board's Guidelines No. 01/2022 on the rights of individuals. Key challenges identified include the lack of documented internal procedures for handling access requests and inconsistent and excessive interpretations of restrictions on the right of access.

As experience in the field of inspection supervision and the experience of personal data protection supervisory authorities in other countries indicate, most data controllers do not wish to violate regulations, and for many, the main problem is a lack of knowledge and understanding of the regulations and their practical application. Focusing on users of preventive content, materials, and activities is crucial, as complex legal regulations must be presented in the simplest and most

understandable way possible to data controllers who do not have extensive legal resources at their disposal and do not understand legal terminology.
The Information Commissioner therefore also carries out the following activities to promote awareness and compliance:

- the Information Commissioner's websites (www.ip-rs.si, www.tiodlocas.si, and www.upravljalec.si),
- awareness-raising materials (guidelines, templates and forms, infographics),
- posts on social media,
- preventive compliance activities,
- liaison with authorised persons for personal data protection,
- cooperation with other organisations at the national and international level in the preparation of guides and other educational content,
- training and events (organisation of Personal Data Protection Day, free lectures, participation in conferences, expert meetings, consultations, round tables, and other events).

In this light, the comprehensible content on the Information Commissioner's website is particularly important, where we highlight the so-called key areas of personal data protection legislation and an extensive collection of written opinions. In addition to essential information on each area, users can find references to relevant articles of the GDPR and ZVOP-2, as well as links to useful materials such as guidelines (from the Information Commissioner and the EDPB), infographics, templates, and forms. In 2024, we added new key areas on artificial intelligence, joint controllers, and certification and accreditation to the nine existing key areas.

As every year, numerous pro bono lectures were held, with 51 lectures held in 2024. Representatives of the Information Commissioner actively participated in conferences, seminars, and other events, and it is particularly worth mentioning the very well-attended free seminar on the handling of individuals' requests to exercise their rights under the GDPR and ZVOP-2, which was held twice by the Information Commissioner in April 2024.

The Information Commissioner also prepared two new infographics – a clear explanation of the basic principles of personal data protection and an infographic with tips on how to choose a strong password. It also published Guidelines on personal data protection for hunting associations and Guidelines for administrators of multi-apartment buildings. The Information Commissioner has updated and standardised the form for reporting personal data breaches (VOP report form). The form for controllers who are required to notify the supervisory authority of a data breach under Article 33 of the GDPR has also been updated. Based on the findings of the inspection, in which a significant proportion of violations are still related to video surveillance, the Information Commissioner has updated the template for recording the use of video surveillance systems in accordance with the new provisions of ZVOP-2 to assist data controllers.

As every year, the Information Commissioner marked European Data Protection Day by organising an event focused on the first year of application of the new Personal Data Protection Act (ZVOP-2), which came into force on January 26, 2023.

In 2024, the Information Commissioner participated in the preparation of a Data Protection Guide for Small Businesses within the framework of the EDPB, and collaborated with the Ministry of Public Administration, the Court of Audit of the Republic of Slovenia, and the Inspectorate of the Republic of Slovenia for Internal Affairs, and participated in the publication of the revised Guide for Organisers of Election and Referendum Campaigns.

The Information Commissioner actively supports and encourages young people who are interested in the field of privacy and personal data protection. Under its mentorship, a team from the Faculty of Law at the University of Ljubljana won the title of best team in the international student competition

Data Protection Moot Court, as well as the award for best written submission and best speaker award in the competition.

In April 2024, the Information Commissioner submitted the project “Become a PrivacyPRO(tector)” to the European Commission’s call for proposals for funding projects carried out by personal data protection supervisory authorities for the purpose of raising public awareness of personal data protection (CERV-2024-DATA). The project “Become a PrivacyPRO(tector)”, abbreviated as “PrivacyPRO”, was rated by the European Commission as one of the highest-rated projects and selected for co-financing under the “Citizens, Equality, Rights and Values 2021-2027” programme. The aim of the PrivacyPRO project is to raise awareness and understanding of personal data protection principles among children, teachers, parents, and guardians, thereby contributing to a culture of privacy and personal data protection from early childhood onwards. The target groups of the project are two age groups of children, namely children aged 6 to 10 and children aged 11 to 14, as well as their parents and guardians, teachers, social workers, and other individuals who work with children.

The year 2024 saw a sharp increase in the number of opinions issued by the EDPB pursuant to the second paragraph of Article 64 of the GDPR concerning matters of general application or having an effect in more than one Member State, among which the Opinion on Artificial Intelligence Models stands out. Given the binding nature of such opinions, the Information Commissioner was particularly active in their development. The EDPB again adopted numerous guidelines and other documents, such as statements, written responses, and reports. It should also be noted that in 2024, the first review of the adequacy decision on the protection of personal data under the 2023 EU-US Privacy Shield Framework took place. The EDPB issued a report highlighting certain challenges and recommending that the next review of the EU-US adequacy decision be carried out after three years or sooner.

In 2024, the Information Commissioner provided 109 responses to journalists’ questions and published 30 press releases on its website.

The Information Commissioner also shares information, views, and opinions via the social networks Facebook and LinkedIn, where its posts are followed by more than 4,200 followers.

2024 IN NUMBERS

45
employees

2.788.927,00
EUR budget

Personal Data Protection

846
inspection procedures

981
written opinions

1
preventive compliance activity

160
official notifications of personal data security breaches

1479
telephone explanations

2
infographics

148
complaints under Article 77

84
opinions on legislative acts

51
lectures

66
complaints under other laws

36
opinions on data protection impact assessments

3486
appointed data protection officers

1
request for a constitutional review of a legal act

2
guidelines

1
coordinated supervisory action

Public Information Access

776
complaints filed

476
decisions issued

227
appeals due to administrative silence

41
in camera inspections

30 dni
days average time for resolving appeal cases

370
written requests for clarifications

International Cooperation

463
cooperation procedures under Articles 60 and 61

12
plenary sessions of the European Data Protection Board

178
expert group meetings

Odnosi z javnostjo

124
press releases and social media posts

12
newsletters

109
responses to journalists' questions

2
events