



STATE
INSPECTOR'S
SERVICE

**REPORT ON
THE ACTIVITIES
OF THE STATE
INSPECTOR'S
SERVICE**

2020



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STATE INSPECTOR'S SERVICE**

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ევროკავშირი
საქართველოსთვის
Human Rights 4All



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STATE INSPECTOR'S FOREWORD



In 2020, for the first time, the State Inspector's Service worked with three crucial functions throughout the year.

In the year full of new goals and objectives, against the backdrop of coronavirus (COVID-19), the State Inspector's Service faced even more significant challenges.

Despite the situation created by the coronavirus infection, limited human and infrastructural resources, and the legal and practical difficulties encountered by the Service in carrying out its functions, the State Inspector's Service spared no effort to monitor the lawfulness of covert investigative actions and personal data processing; As well as to ensure an effective investigation of specific crimes committed by a representative of law enforcement bodies, an official, or a person equal to an official. The State Inspector's Service did not stop working for a single day and managed to adapt to the circumstances of the pandemic in a short period of time in such a way that, on the one hand, a safe working environment was created and, on the other hand, the activities were carried out efficiently.

Regardless of these efforts, the abovementioned factors have had a significant impact on attaining the goals and implementing the plans set for 2020. This report reviews not only the results and success achieved but also the factors that hindered the accomplishment of the defined goals. The first year of the work demonstrated more clearly what kind

of legislative and practical steps should be taken by the Parliament of Georgia, law enforcement bodies, public entities, private institutions, and the State Inspector's Service itself to establish a high standard of personal data, prevent ill-treatment and investigate crimes committed by officials effectively. The report provides a detailed account of the challenges that need to be overcome to establish the State Inspector's Service as an institutionally independent, strong, effective, public-oriented institution that meets international standards.

I would like to commend and welcome those public and private institutions that strive to establish a high personal data protection standard and support the State Inspector's Service to address the challenges related to human rights protection. I would also like to thank the Public Defender and the representatives of the non-governmental organisations for their effective cooperation.

We greatly appreciate the support of representatives of international organisations and the diplomatic corps, who make every effort to strengthen the institutional capacity of the State Inspector's Service.

Lastly, I extend gratitude to all employees of the State Inspector's Service who address challenges with outstanding professionalism, fully understand their responsibility in human rights protection sphere, and create a dignified history of the State Inspector's Service.

STATE INSPECTOR
Londa Toloraia



01

**MISSION
STATEMENT AND
VALUES OF THE
STATE INSPECTOR'S
SERVICE**



The mission of the State Inspector's Service is to encourage the establishment of a culture of respect for privacy, carry out effective supervision over personal data protection, ensure thorough, impartial and effective investigation of specific crimes committed by a representative of law enforcement bodies, by an official, or a person equal to an official.

While carrying out its duties, the Service is guided by the following values and principles:

Independence and Political Neutrality – the State Inspector's Service is independent and it is not subordinated to any institution, official and/or political force;

Lawfulness – the activities of the State Inspector's Service are guided by the Constitution and the legislation of Georgia;

Protection and Respect for Human Rights and Freedoms – the State Inspector's Service protects and respects human rights and freedoms, takes into account the needs and specificities of vulnerable groups, is guided by the principles of equality and non-discrimination;

Impartiality, objectivity and fairness – the Service carries out its activities with the principles of impartiality, objectivity and fairness;

Engagement of an applicant and a victim – the State Inspector's Service ensures engagement of an applicant and the alleged victim in the case handling process and protection of their interests;

Timely and comprehensive response – the Service proceeds with each and every case in a timely manner and within reasonable deadlines;

Transparency and Openness – the State Inspector's Service is accountable to the public. It is open to cooperation and proactively disseminates information about its activities;

Professionalism – the State Inspector's Service constantly strives to recruit professional employees and raise the staff qualification in order to ensure high quality of its work;

Development-orientation – the State Inspector’s Service regularly assesses its performance and challenges and is concerned about development;

Innovation – the Service applies and implements modern approaches and technologies in its work;

Teamwork – the Service's structural units/employees have integrated vision and collaborate to overcome the challenges faced by the State Inspector’s Service.

02

**THE MANDATE
OF THE STATE
INSPECTOR'S
SERVICE**



The State Inspector's Service is an independent state authority accountable only to the Parliament of Georgia.

The State Inspector's Service was established on 10 May 2019 as a successor of the Office of the Personal Data Protection Inspector (operating since 2013).

According to the law of Georgia on "the State Inspector's Service", the Service performs its functions in three directions:

- Monitoring lawfulness of personal data processing;
- Monitoring covert investigative actions and activities performed within the central databank of electronic communications identification data;
- Ensuring impartial and effective investigation of specific crimes committed by a representative of law enforcement bodies, by an official, or a person equal to an official

In order to monitor the lawfulness of personal data processing, the State Inspector's Service carries out preventive actions and responds to the facts of unlawful data processing by public or private institutions. The Service provides consultations on personal data protection to the interested persons, contributes to public awareness-raising, reviews citizens' complaints and monitors the lawfulness of personal data processing by conducting inspections.

For monitoring covert investigative actions as well as the activities performed in the central databank of electronic communications identification data, the State Inspector's Service receives documents for 24 hours from the court, the Prosecutor's Office of Georgia and other law enforcement bodies - on carrying out covert investigative actions, from electronic communication companies - about transferring identification data of electronic communication to the law-enforcement authorities. The Service verifies the submitted documents with the information reflected in the electronic systems and controls the central databank through the electronic system. For the purposes of supervision, the Service also conducts on-site inspection (inspection) of the abovementioned bodies.

The State Inspector's Service, which performs investigative functions since 2019, investigates the following crimes committed from 1 November 2019 by a representative of law enforcement bodies, by an official, or a person equal to an official:

- Torture - Article 144¹ of the Criminal Code of Georgia;
- Threat of Torture - Article 144² of the Criminal Code of Georgia;
- Degrading or Inhuman Treatment - Article 144³ of the Criminal Code of Georgia;
- Abuse of official powers, committed using violence or a weapon, or the same act resulting in offending personal dignity of the victim - Article 332, Section 3, sub-sections 'b' and 'c' of the Criminal Code of Georgia;

- Exceeding official powers committed using violence or a weapon or by offending personal dignity of the victim - Article 333, Section 3 sub-sections 'b' and 'c' of the Criminal Code of Georgia;
- Coercion to provide an explanation, testimony or opinion - Article 335 of the Criminal Code of Georgia;
- Coercion of a person placed in a penitentiary establishment into changing evidence or refusing to give evidence; as well as coercion of a convicted person in order to interfere with the fulfilment of his/her civic duties - Article 378, Section 2 of the Criminal Code of Georgia;
- Other crime resulting in the death of a person, who at the time of the crime was placed in the temporary detention isolator, at the penitentiary establishment or in any other detention facility where he/she, against own will, was forbidden to leave the place of detention by a representative of law enforcement bodies, by an official, or a person equal to an official and/or was otherwise placed under effective control of the state.

The State Inspector's Service is authorised to carry out full-scale investigation and apply operative and investigative actions in the cases of crimes mentioned above.

03

**MONITORING THE
LAWFULNESS OF
PERSONAL DATA
PROCESSING**



THE MAIN ACTIVITIES OF 2020

- Three independent departments (for supervising public sector, private sector and law enforcement bodies) have been established to deal with data protection issues according to sectors
- Criteria were established to identify high-risk areas of personal data processing
- A self-assessment questionnaire has been developed that enables public and private institutions to assess personal data protection within their organisation
- Student project - "Personal Data Protection Ambassadors" was initiated
- Information brochures on the processing of Identity Card and child registration data were prepared and placed in the Public Service Halls of 14 Georgian cities
- Meetings were held in 7 regions with the representatives of local state bodies, Public Defender's Office and the non-governmental sector
- Two manuals of decisions of the State Inspector's Service on the processing of juvenile data and health data were prepared and published
- Several recommendations have been developed for personal data protection in various areas during the pandemic
- An information document was developed on personal data protection and the rights of voters during the election process
- Two recommendations were developed: "How to protect yourself from cyberbullying" and "About the risks related to TIK TOK application"
- A manual for developers of electronic systems and applications has been prepared
- Two video lectures were prepared on data processing in the health sector and personal data security on the internet
- A memorandum was signed with the Ukrainian personal data supervision authority.

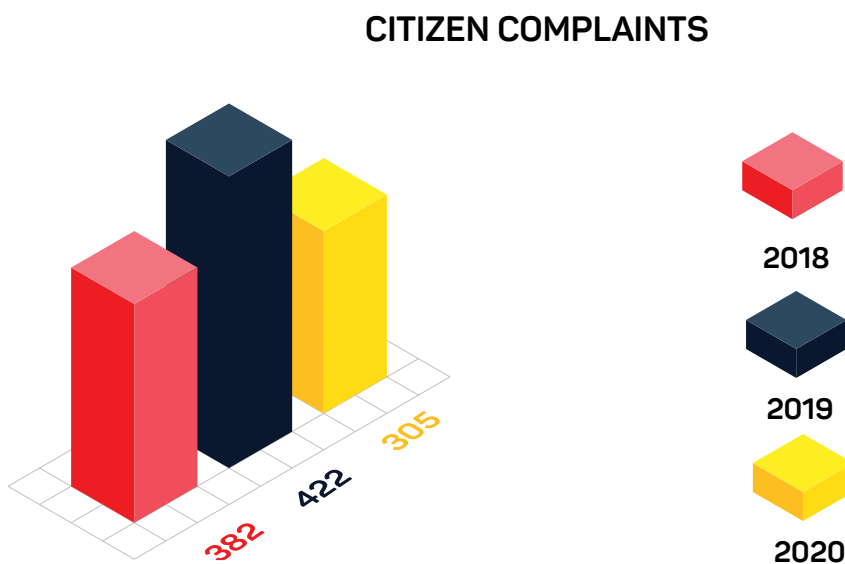
This chapter reviews the state of personal data protection in Georgia, and the activities carried out by the State Inspector's Service to protect the rights of data subjects.

1. GENERAL STATISTICAL DATA

In 2020, the COVID-19 pandemic became a significant challenge for Georgia and the whole world. During the state of emergency declared in the country for the purposes of managing the pandemic, the rights to privacy and personal data protection were not substantially limited; however, due to restrictions on movement and personal communication to protect health, it became necessary to introduce new data processing procedures and/or move the existing processing online.

In 2020, the State Inspector's Service did not stop the working process. Its efforts were primarily aimed at prevention - raising awareness of the public and those involved in pandemic management and advising on the introduction of new procedures, as well as checking the lawfulness of already implemented data processing procedures.

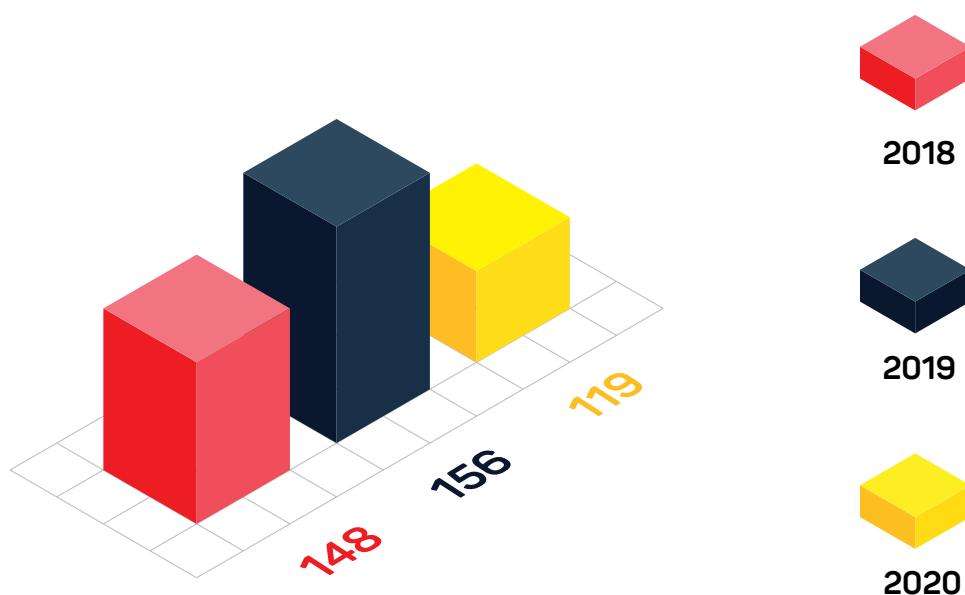
Although the Service has offered to citizens several alternative ways for application (mobile app, website and email), against the backdrop of the pandemic, the number of complaints about alleged cases of unlawful data processing has decreased.



77% of submitted complaints concerned data processing in the private sector; 14% - in law enforcement bodies and 9% - in other public entities.

The decrease in the number of citizen complaints and the restrictions imposed due to the pandemic obviously affected the number of inspections carried out by the Service.

THE NUMBER OF INSPECTIONS CARRIED OUT

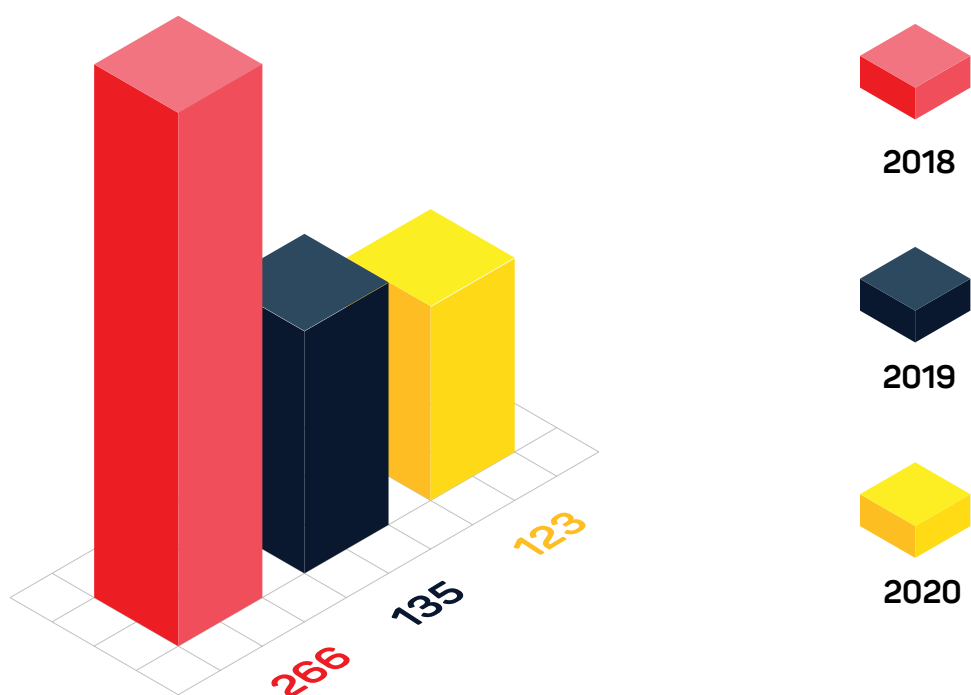


The State Inspector's Service inspects public and private institutions both on the basis of citizens' complaints and on its own initiative. In 2020, 69% of inspections were carried out as a response to citizens' complaints and notifications, and 31% - on the initiative of the Service. The Service selects the institutions to be inspected on its own initiative under the criteria developed in 2020 pursuant to the international standards. The mentioned criteria (risk factors) identify areas where the probability of violating human rights and freedoms is high. Such criteria include: data processing in large volumes; a big number of employees in a personal data processing organisation; processing of special categories of data, biometric data, personal data of vulnerable groups (including persons with disabilities) and data of minors by the organisation; use of innovative technologies in personal data processing; data transfer to another state and international organisation;

data processing that provides for systematic monitoring of individuals; processing of data that is a subject to publication; the negative impact of data processing on the realisation of data subject rights, etc. Based on these criteria, the Service identified the public and private institutions to be inspected. In particular, inspections carried out on the initiative of the State Inspector's Service concerned the lawfulness of personal data processing by the public institutions (41%), private organisations (35%) and law enforcement bodies (24%).

In 2020, the State Inspector's Service identified 123 cases of unlawful processing of personal data. 55% of administrative offences were detected in the private sector, 28% - in the public sector, and 16% - in law enforcement bodies.

THE NUMBER OF REVEALED ADMINISTRATIVE OFFENCES



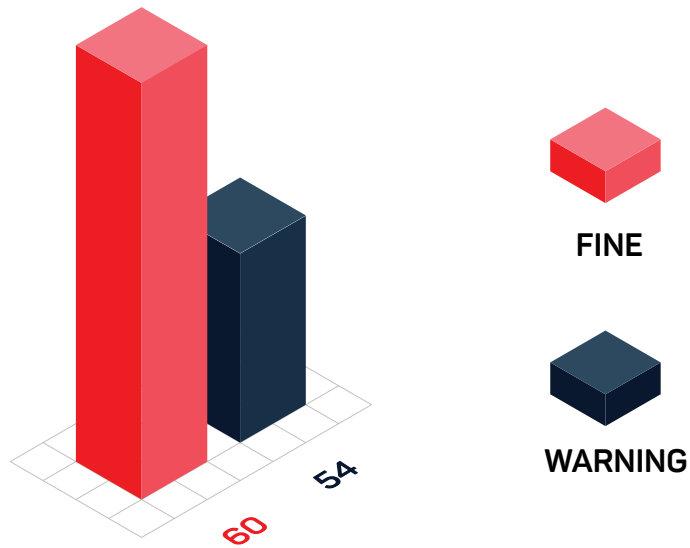
As for the types of violations provided by the Law of Georgia “on Personal Data Protection”, the cases were distributed as follows:

- 37 (30%) - failure to comply with the data security requirements (Article 46 of the Law)
- 24 (20%) - processing data without the legal grounds (Article 43),
- 19 (15%) - violation of the principles of data processing (Article 44);
- 11 (9%) - misusing of personal data for direct marketing purposes (Article 47);
- 10 (8%) - violation of the rules for notification of a data subject (Article 50);
- 8 (6%) – violation of the video surveillance rules (Article 48);
- 5 (4%) – processing a special category data without legal grounds (Article 45);
- 4 (3%) - data processing without observing data processing rules by a data processor (Article 52);
- 2 (2%) - violation by a data controller of established rules of assigning data processing tasks to a data controller (Article 51).
- 2 (2%) - non-fulfilment of the requirements of the State Inspector’s Service (Article 53);
- 1 (1%) - violation of the rules of data transfer to another state and international organisation (Article 52¹);

The abovementioned demonstrates that non-compliance with data security requirements is the most common, and the measures taken by the institutions are not sufficient for data security. It should be noted that 57% of data security violation cases come from public institutions and law enforcement bodies. In addition, data processing without the legal grounds provided by law and in violation of relevant principles is common. It is noteworthy that 60% of the revealed facts of violation of the grounds and principles of data processing are related to public institutions and law enforcement bodies. This indicates that data processing according to the rules laid down by the Law of Georgia on Personal Data Protection is a challenge not only in private but also in the public sector.

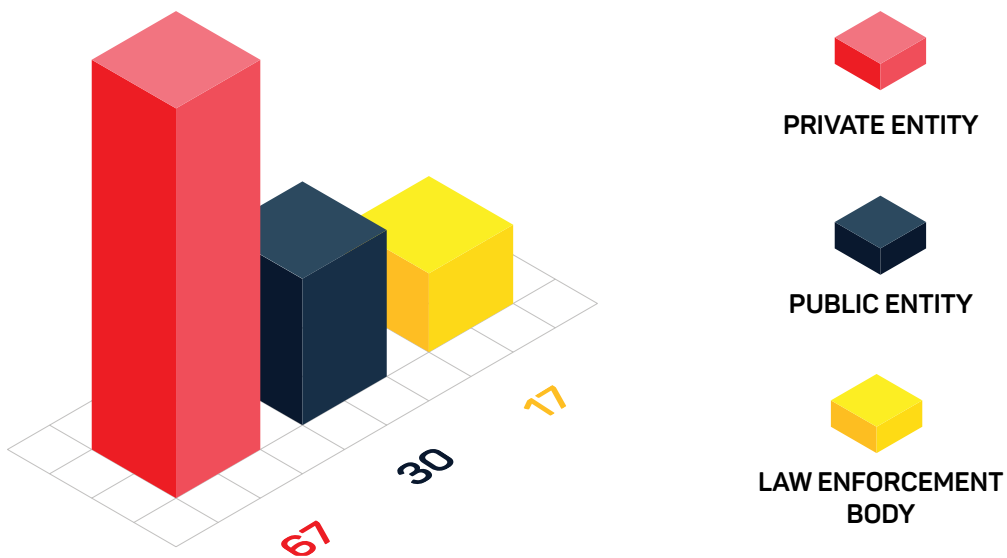
In 52% of administrative offences fine was applied as an administrative penalty, while in 48% of cases warning was issued.

ADMINISTRATIVE PENALTIES IMPOSED



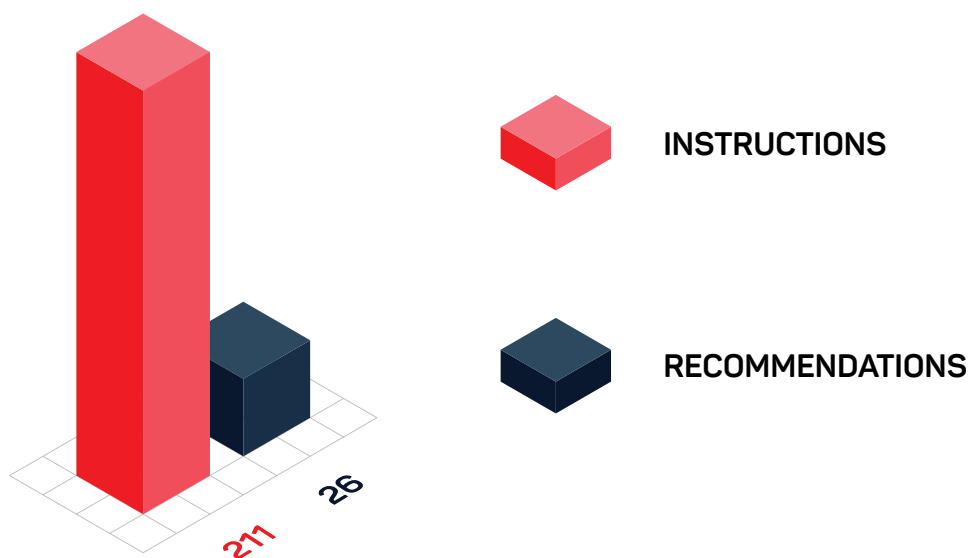
In 59% of cases, administrative liability was imposed upon a private entity, in 26% – on public bodies and 15% – on law enforcement bodies.

CASES OF IMPOSING ADMINISTRATIVE LIABILITY



The State Inspector's Service was focused not only on imposing administrative penalties but also on eliminating the shortcomings detected in the institutions. Accordingly, to correct the identified deficiencies, the State Inspector issued mandatory instructions and recommendations. In 2020, the State Inspector's Service issued 237 instructions and recommendations, of which 43% concerned private institutions, 33% public institutions, and 23% law enforcement bodies.

RECOMMENDATIONS AND INSTRUCTIONS ISSUED BY THE SERVICE



The decisions made by the State Inspector's Service are characterised by a high quality of substantiation. This is evidenced by the low rate of appeals in court and the high percentage of their retention by the court. In particular, in 2020, only 4.5% of the decisions made by the State Inspector were appealed in court. Besides, out of 15 cases reviewed in 2020, the court upheld 13 decisions of the State Inspector.

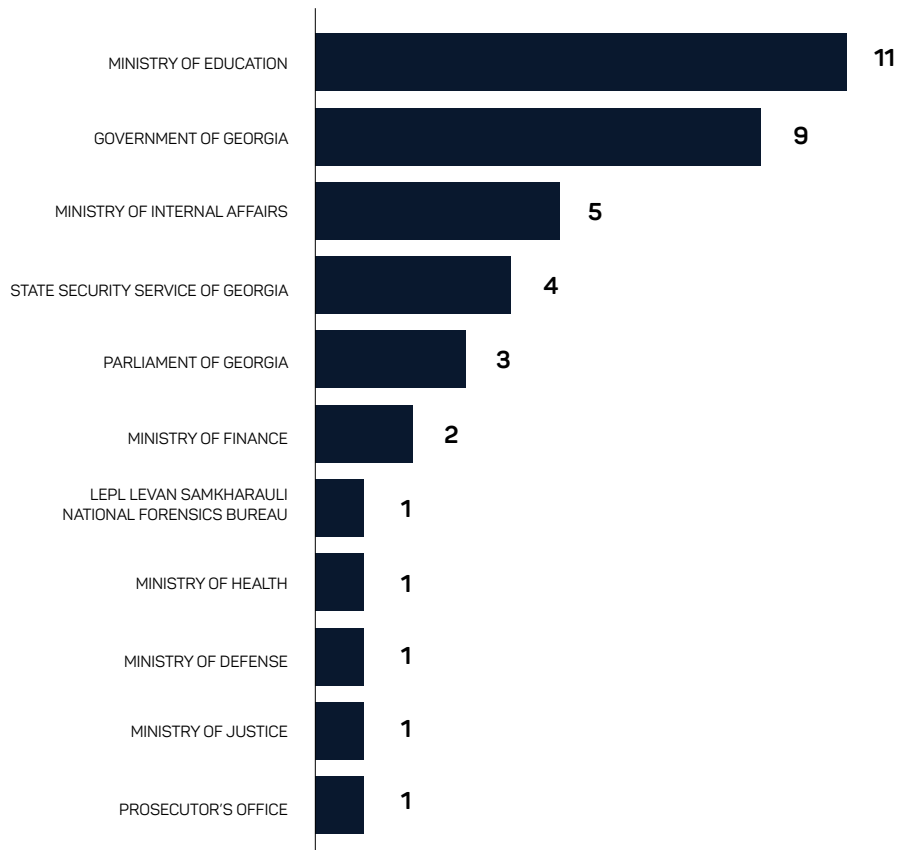
The Service provides consultation services on personal data processing issues. To this end, both private and public sector representatives and citizens address the Service. Consultations are provided both orally (in the form of telephone and in-person meetings) and in writing.

THE NUMBER OF CONSULTATIONS PROVIDED

3129

Various public institutions approach the State Inspector's Service throughout the year to submit opinions on draft legislative acts and subordinate normative acts. In 2020, the Service provided its legal opinion on more than 75 draft legislative acts and subordinate normative acts related to 39 legislative packages.

INSTITUTIONS THAT ADDRESSED THE SERVICE FOR SUBMITTING ITS OPINION



The recommendations issued by the State Inspector's Service on draft legislative acts and subordinate normative acts were mainly related to the following issues: defining and/or clarifying the objectives of personal data processing; reducing the volume of personal data to be processed, taking into account data processing objectives; establishing timeframes for storing data; prohibition of processing personal data of special category without a legal basis; informing data subject; measures to be taken for data security (identification of persons with access to data, registering operations performed in relation to data, etc.).

2. PERSONAL DATA PROTECTION DURING THE COVID-19 PANDEMIC

Due to the pandemic, the need for entirely new approaches arose in private and public organisations, including in the healthcare, education and service sectors. Many processes have moved online, new electronic products were introduced rapidly, which, in most cases, involved processing various types of personal data; Sensitive (e.g. health-related) data were processed in unusual environments (trading facilities, hotels, etc.).

The fact that during the pandemic, patients' data has not been widely disseminated without their or their family members' first-hand consent should be welcomed. Often, public figures themselves spread information that they have contracted the virus, which was conditioned by the public interest and/or high civic responsibility. Despite the small scale of the violations, the pandemic significantly increased unlawful personal data processing risks and the need for protection.

A significant challenge for the State Inspector's Service, as a supervisory body, was the adequate protection of personal data during a pandemic and the adoption of security measures by data controllers.

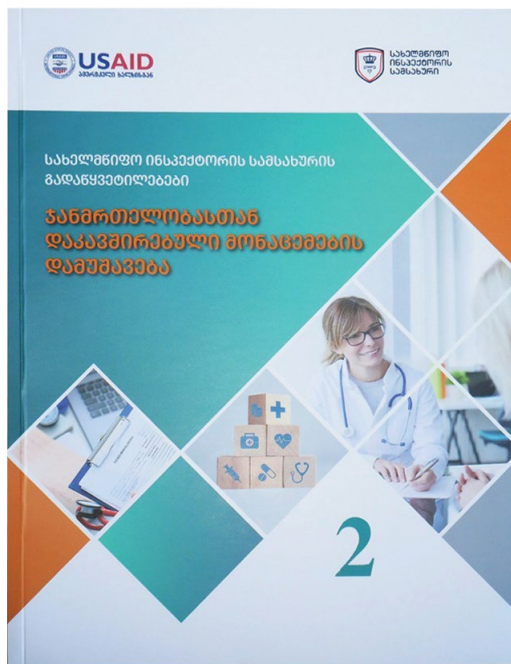
AWARENESS RAISING AND PREVENTION

The efforts of the State Inspector's Service focused primarily on preventive measures such as: raising awareness of the public and those involved in pandemic management; Also, the compliance of legal documents and electronic products developed during the pandemic with the Law of Georgia "on Personal Data Protection". In order to adhere to the international standards, the Service constantly studied and analysed the best practices of different countries' supervisory authorities, as well as the recommendations developed during the pandemic by organisations operating in this field.

At the outset of the pandemic, the State Inspector's Service developed several recommendations: for employers - processing of personal data on the employees' health status during the pandemic and personal data processing during remote work; for educational institutions - personal data processing in the process of distance learning.

For early detection and prevention of COVID-19 cases, at the initiative of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, a mobile application "Stop COVID" was introduced in the country. It helped users to determine whether they had any contact with a person infected with COVID-19. In Georgia, the use of the application depended on the free will of the user, which increases the acceptance of such products; however, to boost public trust in the application and facilitate mass usage, it was essential to process the data in a fair, proportional and transparent manner. Taking into account the European countries' best practices, the Service has prepared and submitted recommendations to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia on the following issues: clear definition of data processing objectives and timeframe for storing in the application; correction of ambiguities in the data confidentiality statement; enabling data subject to request deletion of his/her data; accessibility to the application software code and other technical issues. The purpose of the recommendations was to bring data processing through the application in line with the law and gain public trust towards the application.

The Service examined four legal acts regulating personal data processing during the pandemic. Among them were draft decrees of the Government of Georgia, which regulated the management of the novel coronavirus (SARS-COV-2) infection (COVID-19), as well as processing and exchange of personal data (including special category data) by various agencies during the implementation of restrictions (for example: Ministry of Internal Affairs of Georgia, LEPL - Revenue Service, LEPL - L. Sakvarelidze National Center for Disease Control and Public Health, Municipal Public Health Centers, LEPL - Georgian



document is to promote a high data protection standard; familiarise data processing organisations or stakeholders with the State Inspector's Service approaches based on specific examples, and offer recommendations for the prevention of similar violations. A video lecture on personal data protection in the health sector was also prepared, which was posted on the official Facebook page of the Service (it accumulated 7400 views).

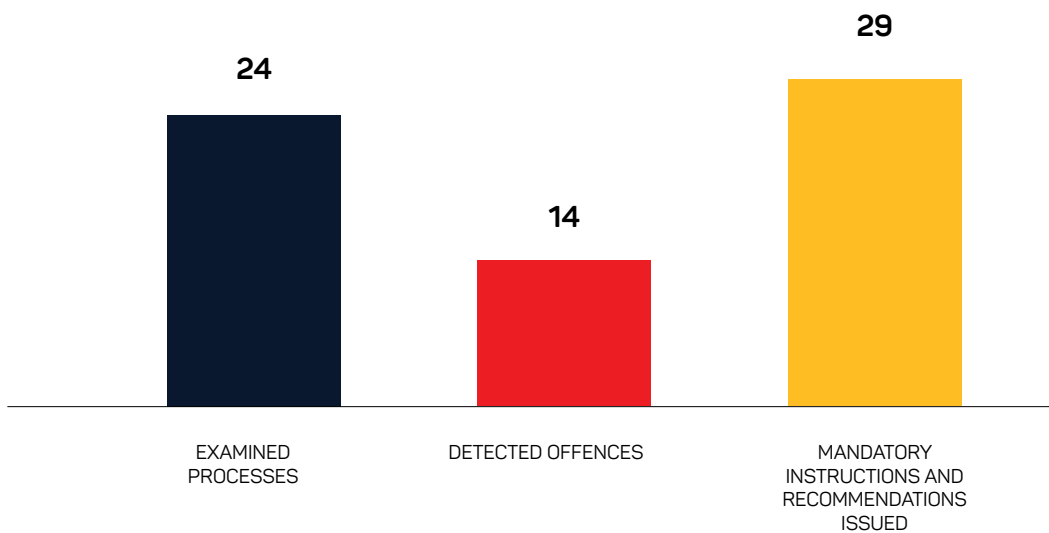
National Tourism Administration, etc.). The recommendations of the Service were mainly related to the following issues: setting and/or clearly defining data processing objectives; reducing the volume of personal data to be processed; determining data storage timeframes; regulating data deletion/destruction rules and measures to be taken for data security.

As health-related data was most often processed during the pandemic, the State Inspector's Service, with the support from the United States Agency for International Development (USAID), developed and published a manual of State Inspector's decisions on health data processing, comprising 30 real-life cases. The purpose of the

EXAMINED PROCESSES

The State Inspector's Service investigated 24 new data processing procedures introduced during the pandemic (12 - based on citizens' applications/notifications, and 12 - on the initiative of the Service).

Based on the cases investigated by the Service, administrative liability was imposed on 12 persons for 14 offences. As a sanction, a warning was issued to 7 persons, and a fine was imposed on 5 persons. In parallel with the administrative penalties, the Service issued 25 mandatory instructions and 4 recommendation for aligning data processing with the Law of Georgia "on Personal Data Protection".



The Service inspected various data processing procedures in the following public and private organisations:

- In the medical institutions (including the so-called “fever clinics”, “covid-clinics”), in the LEPL - L. Sakvarelidze National Center for Disease Control and Public Health, in the hotel quarantine areas - personal data processing and safety issues of the patients and persons placed in these institutions;
- In the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, in the LEPL - Georgian National

Tourism Administration, in the Department of Tourism and Resorts of the Autonomous Republic of Adjara - personal data processing of persons in quarantine/isolation through the website www.registration.gov.ge

- In the educational institutions (schools and universities) - personal data processing of pupils and students during the distance learning;
- At shopping malls and airports - personal data processing during temperature screening;
- In commercial companies, food outlets (during so-called “online shopping”) - personal data processing of users through the website;
- In the Ministry of Internal Affairs of Georgia – personal data processing of persons infected with COVID-19, as well as persons who had contact with them and were self-isolated.

IDENTIFIED TRENDS

Investigated cases of personal data processing revealed irregularities and shortcomings, which posed a danger of unlawful personal data processing and unauthorised access, as well as made it difficult to identify the offender and respond appropriately. In particular, the inspection revealed that:

- Not all operations performed in relation to the personal data were recorded in the electronic system of one of the medical institutions, where the patients' personal data were stored;
- Several persons had access to electronic system of one of the medical institutions with the same user profile;
- The Ministry of Internal Affairs of Georgia, within its mandate and for the purposes of public health protection and management of this system, electronically registered the data of those infected with COVID-19, as well as persons who were in contact with them and/or were in self-isolation (name, surname, personal number, contact information, address, date of contact with the infected person, date of self-isolation and completion of self-isolation period and, if necessary, information on the transfer of a person to a fever clinic or quarantine); However, in this process, the Ministry did not record information on the date of collection, disclosure and/or deletion of personal data;
- At the LEPL - L. Sakvarelidze National Center for Disease Control and Public Health, the preliminary passwords of users registered in the COVID-19 electronic test registration module were not changed; The lack of a two-level authentication mechanism posed a risk of privacy breach of information in the module;
- One of the medical institutions disclosed the results of COVID-19 testing to a third party;
- One of the public catering facilities (restaurant) recorded and stored consumers' personal data (name, surname, mobile number and personal number) who visited the establishment, without a need to collect them;
- In several shopping malls, the customer temperature screening system did not record the operations performed in relation to the personal data and was not password-protected;
- During the temperature screening of citizens at the LEPL - Shota Rustaveli Tbilisi International Airport, the fact of unnecessary archiving of the temperature screening procedure (video material) was observed. In addition, several people had access to the temperature scanning system with the same user. Accordingly, video footage of citizens was collected and stored for a certain period without

any need; Besides, it was impossible to identify an employee who had accessed the data;

- An e-journal was used during the distance learning process in several public schools, which did not register some of the operations performed in relation to the student data; Private schools did not have mechanisms for students' personal data protection during the distance learning (for example, the school did not have rules and conditions for access to electronic data, which would enable the proper monitoring of authorised data processing by employees, as well as the proper response to the revealed offences);
- Customers of one of the medical facility (which provides medical care to patients remotely, via website) were obliged to agree to the privacy policy of its website. This policy contained information about the processing of data by the facility that was not actually processed. As a result, the user was misled and received incorrect information about the data processing;
- When collecting data, one of the so-called "online shopping" (via website) company did not provide information to the customer about the purpose and legal basis of the data processing and to whom the data was transferred. Consequently, the process of data processing was not clear to the user.

RECOMMENDATIONS

The results of the inquiry of procedures modified and introduced due to the COVID-19 pandemic indicate that the pandemic dramatically increased the volume of processed personal data, which, as noted, automatically increases the risks of unlawful data processing. This issue was even more severe in the early stages of the pandemic when the effectiveness of tools against the spread of the virus as well as the need and proportionality of personal data processing were difficult to assess.

First of all, it is important that government institutions establishing general regulations and recommendations for public and private institutions to combat pandemic clearly define the data processing procedures in order to implement uniform practices.

With regard to the data controller organisations, the following measures shall be taken to protect personal data and prevent unlawful processing:

- Prior to the implementation of relevant procedure (in the case of the procedures introduced in 2020 - within reasonable deadlines), assess the impact of data processing on human rights in order to pre-emptively eliminate expected risks. In particular, develop a written document, which will include the following issues: category of data to be processed (what data is processed), objectives of processing, justification of the need for processing, description of the processing procedures, assessment of threats to the right to privacy and restriction of personal data, organisational and technical description of the measures to ensure data protection (including the terms and conditions of access to the data);

- For data security, implement the necessary organisational and technical measures taking into account the categories of data, the volume of processed data, the purpose, form and means of processing, as well as the threats of infringement of the data subject's rights (namely: protect the introduced electronic product with a password and change the primary user passwords with the secure passwords; unique username and password should be provided for each user of the system; introduce a two-level authentication mechanism for users on electronic systems; electronically register operations performed on the data; take measures to prevent unauthorised access to data, etc.);

- Introduce an effective mechanism for monitoring the persons authorised to access the data and, in case of unlawful and/or non-official processing of the data, respond appropriately to the detected violations;
- Introduce mechanisms that ensure the proper realisation of the data subject's rights;
- Set a timeframe for data storage and delete them after achieving the purpose for which they were collected;
- While providing remote services, develop detailed and clear rules for personal data processing (define the processing procedures, the role and rights of all its participants, measures taken for data security, etc.).

3. PROCESSING OF PERSONAL DATA DURING THE ELECTION PROCESS

Elections are always related to the high public interest, although for ensuring democracy during the election process, protection of voters' personal data on the election day as well as during the pre-election period is essential. Especially taking into account that the data related to a person's political views belong to a special category for which the law prescribes a higher standard of protection.

Due to this reason, the protection of voters' personal data during the 2020 parliamentary elections was one of the top priorities of the State Inspector's Service. In addition to taking preventive measures, the Service has investigated various cases of personal data processing during the pre-election and election process.

AWARENESS RAISING AND PREVENTION

During the pre-election process, as well as on the polling day, the State Inspector's Service actively worked to raise the awareness of voters and persons participating in the election process in order to protect personal data; It also effectively cooperated with the Central Election Commission, which was involved in voters' data protection measures.

The State Inspector's Service prepared and published an information document on the protection of personal data and voters' rights in the election process, which was accessible to any interested party.

A group was set up to provide consultations on personal data protection issues to election administration staff, election subjects, and other stakeholders during the election process. The Service trained 44 representatives of the Central and District Election Commissions, as well as 21 operators of the Central Election Commission hotline on data protection. The trainings were tailored to the specifics of their work and data processing in the election process.

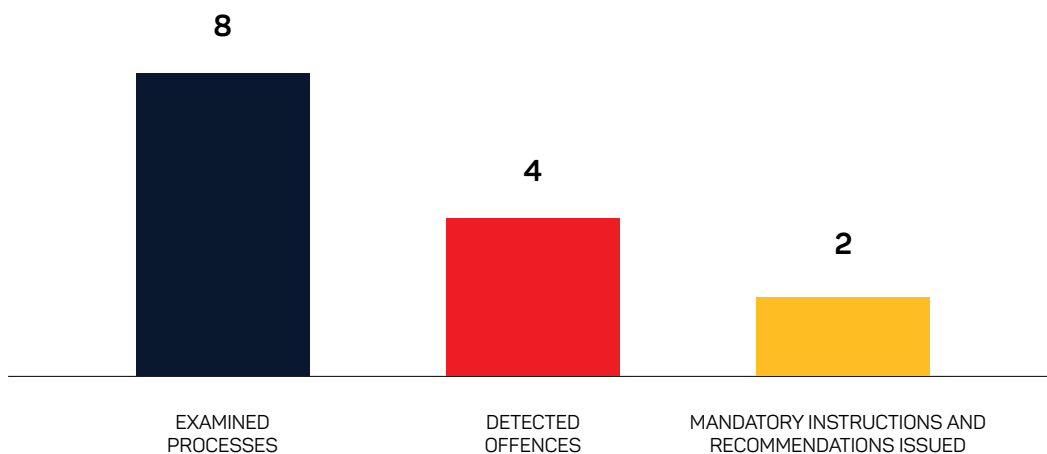
The training was also conducted for 28 representatives of non-governmental organisations observing the election process. In parallel with the personal data protection legislation, the training participants received information on the practice and decisions of the State Inspector's Service related to personal data protection during the election process.



EXAMINED PROCESSES

The State Inspector's Service reviewed 8 cases of personal data processing during the election process (6 - based on citizens' applications/notifications, and 2 - on the initiative of the Service).

Based on the cases reviewed by the Service, administrative liability was imposed on 2 persons for 4 administrative offences. In one case, a warning is used as a sanction, and in the other cases - a fine. In order to align the data processing with the Law on Personal Data Protection, in parallel with administrative penalties, the Service issued 2 mandatory instructions.



The inquired cases included the cases of data processing by political parties and election commissions. In particular, the Service examined:

- Lawfulness of obtaining telephone numbers of voters by a political party;
- Lawfulness of the processing voters' personal data by a political party through a public information database;
- Lawfulness of processing respondents' personal data acquired by a political party through voter survey (with more than 750 000 persons) - audio recordings, compiled documents (1 200 000) and photographs (10 000), including security measures taken to protect the obtained data and the issues of informing data subjects;
- Lawfulness of disclosure of voters' ID numbers and mobile phone numbers at polling stations.

IDENTIFIED TRENDS

The inquired cases of data processing during the election process revealed the following irregularities and shortcomings:

- During the pre-election process, political parties mostly chose the form of direct contact with the voters and actively processed their personal data through conducting pre-election polls. One of the inspections revealed the processing of excessive voter data volume by the party, as well as the illegal disclosure of the data obtained during the pre-election poll. Both cases were deemed illegal by the State Inspector's Service and the political party was instructed to destroy all materials (including audio recordings) containing both tangible and electronic data produced during the survey;
- When political parties were contacting voters through telephone to conduct polls, citizens were interested in the sources/ways of obtaining their personal data (telephone number, name, surname). While receiving such information is the right of the data subject, the parties did not properly provide this information to the voter and could not point to the sources that arouse doubt on the legitimacy of the data acquisition;
- At the polling station, voter lists with the indication of personal numbers were published in violation of the law. In particular, at one of the polling stations, a list of mobile ballot boxes with voters' personal numbers was published (was posted on a stand at the polling station), which is not allowed by the Election Code and poses a threat of illegal use of voter data.



RECOMMENDATIONS |

The reviewed processes demonstrate that the protection of personal data during elections is one of the most important issues.

All persons and entities involved in the election process should take the following measures:

- Develop detailed rules/instructions regulating voter data processing during the election process and raise awareness of the persons involved in the election process;
- Process the data only to the extent necessary for election purposes and delete it after the objective has been achieved;
- Select the reputable organisations for providing marketing, public opinion polls or other types of services, enter into relevant confidentiality agreements with them and control compliance with the law requirements in the processing of data by these organisations;
- When processing data, provide voters with the information on their rights as data subjects and, if requested, data processing: which organisation collects them, for what purpose, is it mandatory or voluntary to provide data, on what legal basis is the information processed, is the data transferred to third parties, etc.;
- Take special care of the voter list on election day. Use this list only for legitimate purposes provided by law and in accordance with the cases defined by the election legislation.

4. DATA PROCESSING IN ELECTRONIC DATABASES

Electronic databases which are used in all sectors (legal proceedings, healthcare, education, services, etc.) allow for processing large volumes of data without extra effort and significantly save financial or human resources.

Along with the growing trend of creating databases and technological development, the threats of unlawful data usage are also increasing. Accordingly, the efforts of the State Inspector's Service are directed annually at improving the data processing procedures in the electronic databases.

AWARENESS RAISING AND PREVENTION

In order to ensure a high standard of data protection in electronic databases, it is necessary for public and private institutions to analyse data security and protection issues before creating databases. The State Inspector's Service has developed a manual for the developers of electronic systems/programs and applications, which aims to protect and secure personal data in electronic databases, as well as to ensure that the created product complies with the personal data protection legislation. The document discusses in detail the factors that should be considered at the stage of creating applications and electronic systems (planning, analysis, design, implementation, testing, integration, technical maintenance). It is planned to introduce this manual to the representatives of private and public institutions in 2021. Adherence to the rules set out in this document in the process of creating an electronic database will spare institutions from making changes to the already implemented product.

The State Inspector's Service has prepared a video lecture on the topic - "Security of personal data on the Internet", which discusses data processing issues through applications and public websites and the danger of unlawful use of data in this process. The video lecture was posted on the official Facebook page of the Service (it accumulated 8500 views).

The State Inspector's Service held meetings with the representatives of local self-government bodies in Batumi, Telavi, Rustavi, Gori, Akhaltsikhe, Zugdidi and Kutaisi, which aimed, inter alia, at improving the electronic databases of local self-government bodies.

Public and private organisations often approached the Service for verbal and/or written consultation at the stage of creating, implementing and exchanging databases between agencies. The Service has provided 128 consultations.

The Service conducted an examination of 9 legal documents that regulated the processing of data in electronic databases. The recommendations were mainly related to: defining and/or clearly indicating the objectives of data processing in electronic databases; determining the volume of data processing and storage timeframe, and creating a mechanism for deleting data after achieving the objective; as well as measures to be taken for ensuring data security.

The Service provided training to 229 people employed in various agencies. The topics of the training, among other issues, included matters of data processing in electronic databases.

The State Inspector's Service has started active work in the field of artificial intelligence. The use of artificial intelligence in both private and public sectors is growing day by day. Especially in the areas where decisions are made in a computer-aided way, through algorithms and technologies.

In 2020, the Service initiated the first multi-sectoral working meeting, which was attended by representatives of various government agencies, private organisations and university circles. During the event, an interesting discussion was held on the importance of personal data protection, the right to privacy and other democratic values in the process of introducing and using artificial intelligence-based technologies.

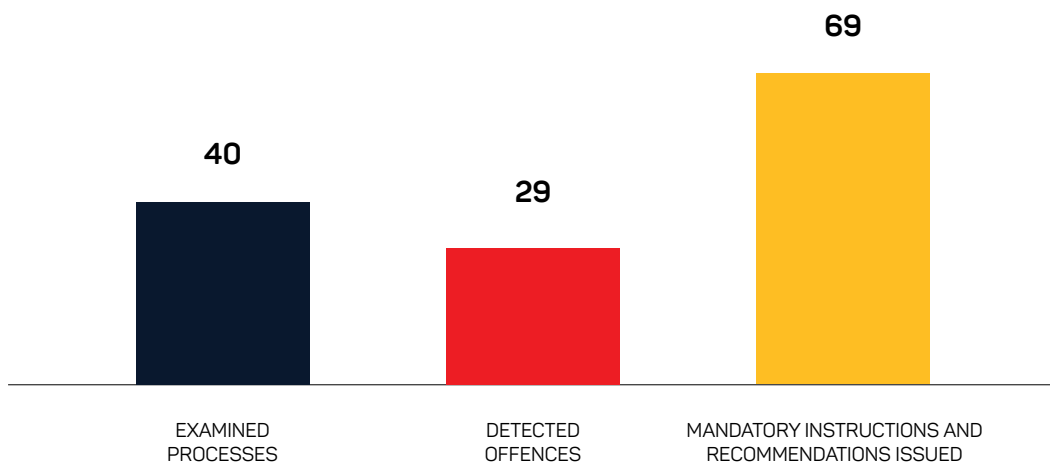
In addition, for the first time in the history of the Georgian Internet Governance Forum, the State Inspector's Service spoke about the importance of personal data protection in the development of technologies and artificial intelligence. Emphasis was put on the significance of personal data protection, right to privacy and other democratic values when introducing and using artificial intelligence-based technologies, inter alia, the support for regulation and development in this area. The event was attended by about 100 participants in an online format (the video posted on the official Facebook page of the Service accumulated 10,100 views).

Promotion of technology development topics remains a priority for the Service, and taking effective steps in this direction will continue actively in 2021 as well.

EXAMINED PROCESSES

The State Inspector’s Service has reviewed 40 cases of personal data processing in electronic databases (18 based on citizens’ applications/notifications, and 22 – at the initiative of the Service).

Based on the cases investigated by the Service, administrative liability was imposed on 22 persons for 29 offences. As a sanction, a warning was issued to 15 persons, and a fine was imposed on 7 persons. In parallel with the administrative penalties, the Service issued 61 mandatory instructions and 8 recommendations for aligning data processing in private and public institutions with the Law of Georgia “On Personal Data Protection”.



During the reporting period, the processing of personal data in electronic databases was inspected in law enforcement agencies, as well as in other public and private institutions. In particular, the following cases were reviewed:

- Lawful processing of data on citizens’ passports in the electronic database of the LEPL – Public Service Development Agency;
- Lawful processing of data on the contestants and beneficiaries of the scholarship and grant programs stored in the database of the LEPL - International Education Center;
- Lawful processing of data on 549 000 students in the electronic database of the

- LEPL - Office of Resource Officers of Educational Institutions;
- Lawful processing of data stored in the electronic database of the hotline of the LEPL - Agency for State Care And Assistance For the (Statutory) Victims of Human trafficking;
- Lawful processing of data on administrative violations detected by various agencies across the country in the Unified Information Bank on Administrative Offenses of the Ministry of Internal Affairs of Georgia;
- Lawful processing of data on 175,534 users in the electronic database of one of the largest online sales companies;
- Lawful processing of data on users holding so-called "loyalty card" in the electronic databases of three large pharmacy chains;
- Lawful processing of data on patients stored in the electronic databases of medical institutions, including institutions involved in the health program;
- Numerous cases of disclosure of data by natural persons and legal entities on media and social networks, which were related to the security of databases and raised suspicions of unlawful data processing;
- Lawfulness of disclosure of students/pupils personal data on the internet by educational institutions.

The Service also examined the lawfulness of data processing in the public database on the LEPL -Tbilisi Architecture Service website, through which the applications submitted to this Service for architectural processes since 2012 and the data of the applications' authors are accessible.

REVEALED TRENDS

Examination of the data processing in electronic databases have revealed irregularities and shortcomings that increase the accessibility of data for unauthorised persons and the risks of their processing for non-official purposes; make it difficult/impossible to identify the offender in case of unlawful processing of data, pose threat of processing outdated/inaccurate data, which negatively affects the rights of the data subject:

- Public and private institutions, as a rule, do not have a written document regulating the functioning of the electronic database, detailed terms and conditions for personal data processing, rights and responsibilities of persons authorised to access the data, procedures for monitoring the lawfulness of data use, etc.;
- In some cases, data controllers do not inform employees and do not provide them with training on procedural and essential issues of data processing;
- Data processing facilities, in some cases, have not taken appropriate organisational and technical measures for ensuring data security: operations performed in relation to the personal data are not registered (browsing, downloading, deleting), the limits of access to data is not defined and, usually, employees have access with the same username and password;
- Institutions pay less attention to the accuracy of the data in electronic databases and do not update the databases periodically;
- In many cases, organisations do not define data storage deadlines. Data in electronic databases are not categorised according to their content and purpose of processing. Consequently, the data is stored and, in some cases, disclosed even after the objective of the data processing has already been achieved. As a result, the organisation collects large volume of information about citizens, while it no longer has a legitimate interest in data storage and use;
- Institutions do not use approved modern methods of electronic data processing (for example, storage of data in encrypted form, use of closed networks for data transfer). Thus, data stored in databases may be easily accessible through illegal actions (for example, a so-called “hacker” attack);
- In many cases, organisations, including public institutions, use the services of various organisations for the administration and technical maintenance of electronic databases (for example, for server hosting and technical support of the website). The signing of a contract for such services (including within the framework of a state procurement contract) does not take into account the requirements set forth in Article 16 of the Law of Georgia on Personal Data Protection, and in some cases, written agreement is not drafted to regulate the

contractor organisation's obligations with regard to personal data protection including security measures. At the same time, there is no legal act to regulate these issues. Prescribing data protection guarantees and their enforcement mechanisms is one of the most effective mechanisms in providing services for the lawful processing of personal data. Without prescribed rules, service providers may not take appropriate steps to protect the data.

RECOMMENDATIONS

Cases reviewed during the reporting period demonstrate that often data processing organisations do not understand properly the sensitive nature of data protected in electronic databases and the importance of ensuring its security.

Carrying out mandatory instructions and recommendations issued by the State Inspector's Service, much of which is related to changes in databases, often requires considerable financial and human resources and is difficult and time-consuming for all organisations. Accordingly, public and private institutions shall take steps at the stage of creating databases to bring the data security and processing in line with the law.

In order to protect personal data in the electronic databases and prevent unlawful processing, data processing organisations shall take the following measures:

- Develop a policy document regulating the rules and conditions of data processing in the electronic database, the consequences of unlawful data processing. In addition, familiarise the employees with this document and ensure its practical application;
- Define specific legitimate data processing objectives and process only those data that are necessary to achieve defined objectives;
- Thoroughly register the facts (who, when, for what purpose entered the database and what operation was performed) of electronic access to the data (entering, browsing, downloading, deleting);
- Establish adequate deadlines for data processing objectives and take appropriate actions for data destruction or depersonalisation after the deadline;
- Strictly regulate the issues of access to electronic database - determine persons authorised to access and the level of access for each employee according to their job requirements;

- Introduce an effective mechanism for periodic monitoring of the lawfulness of access to data and take adequate measures against offenders in case of violation;
- When using the services of another organisation for the administration and technical maintenance of electronic databases, sign a relevant written agreement and/or issue a legal act regulating the terms and conditions of data processing by an authorised person, security and data processing monitoring issues;
- Take measures to raise employees' awareness on the protection of personal data when processing data in electronic databases.

5. DATA PROCESSING THROUGH VIDEO SURVEILLANCE SYSTEMS

Public institutions, including law enforcement bodies, private companies, and natural persons, are increasingly using video surveillance systems to protect security, property, or confidential information. In addition, video monitoring is actively carried out on the street and in public places for public security. With the increase of cases of data processing through video surveillance, the observance by the data controller organisations of the rules established by the Law of Georgia “on Personal Data Protection” in this process is becoming increasingly important.

The Resolution of the Parliament of Georgia of July 15, 2020 „On the Report on the Activities of the State Inspector’s Service 2019” stated that the State Inspector’s Service should continue to check the lawfulness of data processing through video surveillance. Accordingly, one of the priorities of the Service for 2020 was the study of data processing cases through the video surveillance system.

AWARENESS RAISING AND PREVENTION

In order to protect the rights of data subjects and to improve data processing through video surveillance systems, the Service has developed a special recommendation on data processing through video surveillance. The recommendation is designed for the representatives of different sectors and is tailored to the specificities of each of them. This document will assist organisations in improving data processing through video surveillance and bringing them in line with the current legislation.

Also, in order to raise public awareness, the service recorded a video lecture on video surveillance. The video lecture is intended for both data controllers and those who are captured by video surveillance cameras on a daily basis.

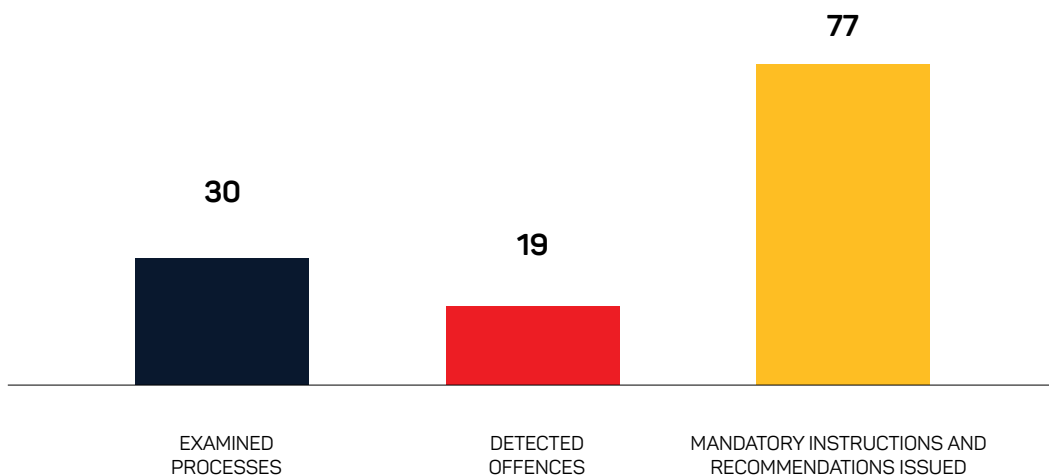
In the framework of the student project - “Ambassadors of Personal Data Protection” - the students selected by the Service held information meetings on the issues of personal data processing through video surveillance system.

In addition, data controller organisations and stakeholders regularly received consultations and recommendations from the Service on the issues of personal data processing through video surveillance system (195 consultations were provided during the reporting period).

EXAMINED PROCESSES

In 2020, the Service investigated 30 cases of personal data processing through video surveillance systems (16 based on applications/notifications of citizens, and 14 – on the initiative of the Service).

As a result of the cases investigated by the Service, administrative liability was imposed on 12 persons for 19 offences. As a sanction, a warning was issued to 10 persons, and a fine was imposed on 2 persons. In parallel with the administrative penalties, the Service issued 65 mandatory instructions and 12 recommendations for aligning data processing in public and private institutions with the Law of Georgia “On Personal Data Protection”.



The Service inquired cases of personal data processing through video surveillance systems: in law enforcement bodies (Ministry of Internal Affairs of Georgia, Prosecutor’s Office of Georgia, Ministry of Justice of Georgia (Special Penitentiary Service), Investigation Service of the Ministry of Finance of Georgia, Ministry of Defence of Georgia), 6 local self-government bodies (in different regions), other public institutions, medical institutions (including 2 psychiatric institutions), private companies and residential buildings.

The facilities were selected for inspection taking into account the number of visitors, staff and the significance of the video surveillance purposes.

It is noteworthy that in relation to each law enforcement body, several structural units were inspected for regional coverage.

IDENTIFIED TRENDS

The study of data processing through video surveillance systems revealed the following irregularities and deficiencies:

LAW ENFORCEMENT BODIES

- The objectives of video surveillance are identical in law enforcement bodies, but the practice of data processing is different: the issue of legal regulation, timeframe for storing data obtained through video surveillance, rules of administration of archive and video surveillance systems, circle of persons authorised to access personal data, their rights, etc. Moreover, the rules of data processing through video surveillance systems are different even within a single entity (for example, in different units of the Ministry of Internal Affairs of Georgia the timeframes for storing data and archiving are different; In one unit of the Investigation Service of the Ministry of Finance of Georgia, only real-time surveillance was carried out, without recording data, while in other units, data was recorded). Thus, data processing procedures are inconsistent and heterogeneous;
- In most cases, there is no single written document detailing the issues related to video surveillance: the purposes of video surveillance, as well as record-keeping, archiving, destroying and disclosure procedures; the rights and responsibilities of the persons responsible for the administration of video surveillance systems. Sometimes, regulations related to these issues are scattered in various internal documents;
- Often the circle of persons authorised to access data is not strictly defined. Typically, the same user account is operated by several people, and it is impossible to identify who, when, for what purpose had access to the recording device. This circumstance complicates and, in some cases, makes it impossible to identify the person performing the specific operations in relation to the data;
- An effective response mechanism for the cases of unlawful data processing is often not implemented. The periodic monitoring mechanism of persons authorised to access data and the practice of applying appropriate sanctions in case of their access to the system for non-official purposes is weak;
- Although the data processing through the video surveillance system serves similar purposes in all law enforcement bodies, the timeframe storing video recordings is different. Their storage period usually depends on the technical

characteristics of the video surveillance equipment and is not in line with the video surveillance purposes. There were also cases when the exact timeframes for storing data was not specified, and the agency sets a minimum and maximum periods of data storage. However, on-site inspections of those agencies which have a defined timeframe for storing data demonstrated that the actual storage period differs from the deadline defined by legislation (sometimes records are stored for a longer period of time and data are not automatically deleted upon the expiration of storing period, or on the contrary, records are not found despite the fact that the defined period for storing data has not expired);

- Several law enforcement bodies do not regulate or detail the grounds and timeframes for archiving video recordings (if necessary), the legal documents to be compiled during archiving, as well as the rules and deadlines for destroying the archived material. However, in large systems (e.g., the Ministry of Internal Affairs of Georgia) the archiving rules differ according to the structural units. In particular, one unit, if necessary, archives the video, while the other unit excludes the possibility of archiving;
- Oftentimes, organisational and technical measures are not taken to record all operations performed in relation to electronic data (logging in, logging out, winding records, browsing, downloading, disclosing, deleting, etc.). This makes it impossible to identify the person responsible for the operations performed in relation to the data;
- In some cases, no organisational-technical measures have been taken to ensure instant and systematic registration of camera malfunctions in each specific case and, consequently, to prevent the destruction and loss of video recordings, which creates problems in terms of data security;
- In some cases, video surveillance warning signs are not displayed in accordance with the law. Thus, data subjects are not properly informed about the processing of their personal data;
- In the case of video surveillance at workplace, several law enforcement bodies have not provided written information to employees nor explained their rights, which fails to ensure the proper realisation of data subjects' rights - to have information about their data processing and rights guaranteed by law;
- In certain instances, it was revealed that the information about the transfer of video surveillance recording to third parties is not documented in accordance with the law, in particular, what data was disclosed, to whom, when and on what legal grounds, which makes it impossible to detect cases of data disclosure and verify the lawfulness;

- In addition, the problem observed in the Special Penitentiary Service should be mentioned, in particular, the substantiation of the decisions made on the establishment of supervision with the electronic device of the accused/convicted persons (with reference to the legal ground and timeframe) and the proper informing of the accused/convicts.

LOCAL SELF-GOVERNMENT BODIES

- In some local self-government bodies, the issues of rights and responsibilities of persons authorised to access the video surveillance system, including the rules and conditions of access to recordings, and the periodic monitoring of persons with access, were not properly regulated;
- There was a case when the on-site inspection did not reveal the period of storage of records, as City Hall officials did not know the name and password of the individual user to access the video recorder device - this information was at the disposal of the person who no longer worked at the City Hall. The City Hall owned the video surveillance system but did not have access to data stored in the system. Consequently, it could not manage the data and control storage conditions;
- Deficiencies were identified regarding video surveillance in the workplace. In particular, there was a case when the City Hall of one of the municipalities carried out video surveillance of a specific person's workspace without need and necessity. There were also instances where employees were not informed in writing about the video surveillance of their workplace. Therefore, on one occasion the video surveillance of the working process was unlawful; And in another case, the data subjects were not given the opportunity to receive the information about processing of their data as required by law. Thus, they were deprived of the opportunity to defend their rights if they so wished;
- In both cases, video surveillance warning signs were not placed inside or outside the perimeter of local self-government buildings and, therefore, video surveillance was conducted without informing the data subjects;
- There was a case when the video surveillance system did not fully record the operations performed in relation to the electronic data and, therefore, it was not possible to identify who had access to the data in each case;
- The physical safety of the video recorder was not guaranteed in one of the municipalities. In particular, cameras and video recorders were placed in the

room of the security police, the door of which was not locked with a key. In addition, all the employees of the City Hall had access to this room, which created the risk of unauthorised access to the data.

MEDICAL FACILITIES

- In one of the cases, the fact of conducting audio-monitoring in parallel to video surveillance in violation of the law was established. Namely, in addition to video surveillance, the audio recording of the reception of the psychiatric unit of the medical facility was carried out without the need for it. At the reception, the patients' (including minors), as well as the employees' personal and official conversations and activities, were monitored;
- One of the psychiatric institutions monitored the wards through a video surveillance system, which served a legitimate purpose - to protect the right to life and health of the person. However, the medical facility did not have a written document laying down the rules for video surveillance, including the circle of persons authorised to access video recordings and real-time monitoring. Provided that sensitive data is collected in psychiatric facilities, the issues of security of records obtained as a result of video monitoring has become even more important. Such practices pose a threat to data security.

NATURAL PERSONS

The findings of the study showed that compliance with the rules established by law on video surveillance of a residential building remains a challenge for the natural persons:

- The instances were identified when the video surveillance installed on the residential buildings of natural persons captured the common area without the written consent of the other owners of the building, consequently, the residents are under video surveillance against their will;
- There were also cases of video surveillance of neighbouring persons' property without the consent of the owners, which increases the risks of unlawful interference with other persons' privacy;

- There were also instances when surveillance cameras were placed in residential buildings fictitiously, without video surveillance, which gave citizens a misconception that their data was being processed unlawfully.

PRIVATE ORGANISATIONS

- The lawfulness of video surveillance at workplace by private companies remains a challenge. In a number of cases, companies fail to justify the need for workplace video surveillance and the inability to achieve the same objectives by other means. Also, there are facts of violating the rules of informing employees about the video monitoring in writing and clarifying their rights;
- At times, the cases of logging in/out of the video recording system, viewing the recordings, downloading, rewinding or transferring the video recordings to third parties (what data was issued, when, for whom, on what legal grounds) are not registered;
- Sometimes, different employees of the company use the same username and password to access video surveillance system, which threatens data security and makes it impossible to identify the person who accessed the data. For example, in one case, it was revealed that the video recording had been made available to third parties and circulated in the media. Since several employees of the company used the same username and password, it was not possible to identify which employee transferred the video to a third party. Accordingly, the company was found to have violated security rules;
- The Law of Georgia “On Personal Data Protection” defines that private institutions have the possibility to conduct video surveillance only on their own property. Nevertheless, in one case, the fact of video monitoring of the house and part of the yard of the third parties was revealed.

| RECOMMENDATIONS



Certainly, video surveillance serves legitimate purposes - protecting the safety and property of a person, protecting a minor from bad influences, protecting confidential information, conducting an examination/test effectively. At the same time, it is an intense form of interference in a person's private life. Accordingly, it is essential that the processing of data through video surveillance does not violate the rights of persons who are captured by video surveillance cameras.

The studied processes clearly show that there are still many challenges in this direction. The organisational and technical measures taken by law enforcement bodies, other public institutions and private organisations for data protection are not sufficient to protect the rights of persons who are captured by video surveillance cameras.

In order to protect personal data and prevent unlawful processing, law enforcement bodies, other public institutions and private organisations shall:

- Set forth in writing a detailed rule that will regulate video surveillance purposes, procedures for recording, archiving, destroying and disclosure of data, the rights and responsibilities of persons authorised to access the system, their monitoring mechanism, etc.;
- Set timeframes for storing video recording in proportion to the data processing purposes, which will not depend only on the technical characteristics of the devices, and automatically delete the data once the objective(s) of the processing are achieved;
- Strictly define the circle of persons authorised to access video surveillance systems and recordings, their rights and obligations. In addition, ensure their access to video surveillance system with a personalised username and password (user);
- Take appropriate organisational-technical measures, which will make it possible to register all operations performed in relation to the video recordings (logging in, logging out, winding records, browsing, downloading, deleting, etc.);

- Take such organisational-technical measures that ensure the instant recording of camera malfunction cases and protection of video recordings from destruction or loss;
- Enhance measures for the physical security of video recording devices (servers);
- Provide employees with information in writing about video monitoring at workplace and their rights. Allow video surveillance of the employee's workspace in extreme cases when the same objectives cannot be achieved by other means;
- Document information on disclosed data in accordance with the rules laid down by the law;
- Allow audio monitoring only in case of extreme necessity, in compliance with the grounds and principles provided by law;
- Place warning signs about video surveillance in a prominent place.

For natural persons, video surveillance of a residential building is allowed only after obtaining the relevant written consent of the owners of the building and informing the residents in accordance with the law requirements.

6. PROCESSING OF PERSONAL DATA IN THE FINANCIAL SECTOR

It should be noted that the financial sector collects large volumes of personal data. Commercial banks, non-banking institutions (microfinance organisations, credit unions, loan-issuing entities, currency exchange units), as well as problem assets management entities, so-called “collection agencies”, and credit information bureaus process large volumes of personal data, including information about a person’s marital status, education, employment, income, financial liabilities, solvency, and financial transactions.

The COVID-19 pandemic has affected the activities of financial institutions and their clients as more processes have been moved online, and new types of data processing have become necessary. For example, under full lockdown, financial institutions began to use biometric data (facial images) to remotely identify a person.

Given the above, in 2020, supervising the lawfulness of data processing in the financial sector was one of the main directions of work of the State Inspector’s Service.

AWARENESS RAISING AND PREVENTION

In order to improve personal data protection standards in the financial sector, the State Inspector’s Service cooperated with the financial institutions, relevant sectoral associations and the supervisory body of financial institutions - the National Bank of Georgia.

The Service implemented activities aimed at raising awareness on lawful processing of personal data in the financial sector:

- Meetings were held with the representatives of various financial institutions, including a webinar in cooperation with the Banking Association of Georgia, which about 100 representatives of commercial banks attended. It was aimed at strengthening cooperation with the banking sector and further raising the standard of personal data protection in this area. The employees of the Service familiarised the participants of the webinar with the challenges of data

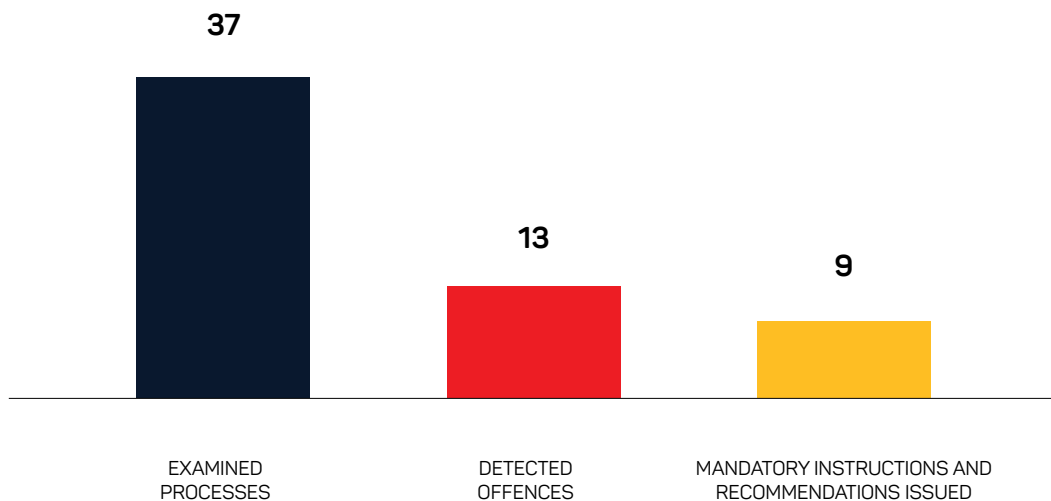
processing in the banking sector. Particular emphasis was put on the personal data transfer by banking institutions to another state, as well as on the main changes envisaged by the draft law "On Personal Data Protection" submitted by the State Inspector's Service to the Parliament of Georgia;

- The Service actively cooperated with the Banking Association of Georgia on personal data processing issues in this sector, including the implementation of the concept of "Open Banking" in practice;
- Occasionally, working meetings were held with the representatives of the National Bank of Georgia on various topical issues, including on data processing in the process of remote identification of clients and assessment of their solvency status;
- The Service, within its competence, was also involved in the law-making process. In particular, the Service presented an opinion on the draft order of the Minister of Internal Affairs of Georgia, which was related to the creation of a special electronic program for registration of personal property received by the loan-issuing entity (pawnshops) as a means of securing requested amount of loan;
- Through its official website and Facebook page, the Service provided the public with information on precedent-setting decisions regarding personal data processing in the financial sector;
- The Service provided both written and verbal consultations on the processing of personal data in the financial sector. On the basis of requests, in the consulting format examined a number of processes planned in various financial institutions, such as opening an account, conducting ATM operations without the card, paying the fare fee at metro stations without bank card through passenger identification, registering as a client, etc. The Service issued recommendations for compliance of these processes with personal data protection legislation.

EXAMINED PROCESSES

In 2020, a large portion of the citizens' applications was related to data processing by financial organizations. On the basis of citizens' applications and notifications, the Service investigated 37 such cases of personal data processing.

Based on the inquired cases, administrative liability was imposed on 12 entities for 13 offences. As a sanction, a warning was issued to 4 entities, and a fine was imposed on 8 entities. In parallel with the administrative penalties, the Service issued 8 mandatory instructions and 1 recommendation for aligning data processing in public and private institutions with the Law of Georgia "On Personal Data Protection".



Most of the citizens' applications concerned financial institutions contacting third parties through telephone (including the borrower's family members, relatives and neighbours) to find a borrower and repay the debt.

IDENTIFIED TRENDS

The study of data processing in the financial sector revealed the following irregularities and deficiencies:

- Banks and microfinance organizations, as well as various so-called “collection agencies” often seek out third parties (including family members, friends, and neighbours) whose data is being obtained or used unlawfully to find a borrower and repay debt. Sometimes these institutions contact the third party even after they become aware that the person concerned does not have the opportunity or desire to assist the company in establishing contact with the borrower. Accordingly, data is processed without a legitimate purpose and necessity;
- Ways of collecting third party data to find a borrower and repay debt are usually not recorded. Upon request, organizations are unable to provide data subjects with accurate information on where they obtained information about them, raising suspicions of unlawful data processing;
- In one instance, while finding a borrower, the company disclosed information about the borrower’s financial obligation to the neighbours. Consequently, the data became available to an unauthorized person;
- Personal data security rules are violated. During the inspection, it was found that the company did not record all the operations performed in relation to the electronic data, in particular, the facts of checking/viewing the data in the borrowers’ database. The lack of such a mechanism in the electronic system complicates identification of the offender and responding appropriately to unlawful personal data processing;
- Authorized persons in financial institutions violate the rules established by Article 16 of the Law of Georgia on Personal Data Protection: in particular, they go beyond the scope of data processing specified in the contract concluded between data controller and data processor. Disclosure of loan-related information to third parties, processing of inaccurate data, as well as contacting persons who have refused to provide borrower’s contact information to the company, etc. are common.

| RECOMMENDATIONS

In order to protect personal data and prevent its unlawful processing, organisations in the financial sector shall take the following measures:

- Maintain a fair balance between their legitimate interests and the rights of borrowers or third parties when processing data;
- In the framework of the loan/credit relationship, evaluate in advance, before processing third parties' data, and in case of the introduced processing – study the impact of data processing on human rights within a reasonable time;
- Develop and implement a rule/procedure for obtaining and recording third parties' personal data for the purposes of contacting the borrower (including what data was obtained, in what way, when, on what grounds and for what purpose);
- At the request of data subject, stop processing his data unless there is an overriding legitimate interest in data processing;
- Do not disclose loan information to third parties, including the borrower's family members, relatives, neighbours, etc.;
- Take organizational and technical measures which will make it possible to register all operations performed on electronic data;
- When processing data through data processor, enter into a relevant written contract that will regulate the terms and conditions of data processing by this person, as well as security and data processing monitoring issues.

7. PROTECTING PERSONAL DATA OF MINORS

Violation of the right to privacy of minors may cause irreparable damage to the child's development, psyche and future life. Protecting the privacy of minors against the backdrop of technological progress is an even greater challenge, as together with the new opportunities, the threat of unlawful interference with this right emerges.

Minors have little information about the negative consequences of personal data processing and are often unable to use data protection mechanisms independently in order to protect their rights. Therefore, protection of the right to privacy and personal data of minors remains a priority for the State Inspector's Service.

In 2020, the Law of Georgia on "The Code of Georgia on the Rights of the Child" entered into force, which provides guarantees for the inviolability of the child's personal data and personal life. The Code strictly prohibits the disclosure of any document or record containing a child's personal data relating to disciplinary action against him or her, violence committed by or against a child, the child's health status, participation of a child's family or child with disabilities in social assistance or charity programs and other related information.

It should be noted that the draft law on "Personal Data Protection" prepared by the State Inspector's Service and initiated in the Parliament of Georgia in 2019 provides a higher standard for the protection of the rights of minors than the current legislation. According to the draft law, the data should be processed in the best interest of the child; data related to juvenile diversion belong to a special category of data and cases of its processing are strictly limited; a person who has reached the age of 16 has the right to consent to the processing of his/her data; data controller organization is obliged to provide child with information in a language he/she understands when the data is collected directly from him/her; processing child's data in violation of the law is considered an aggravating circumstance. Illegal processing of personal data can be particularly harmful in the case of minors, given their vulnerability. Therefore, the adoption of this law by the Parliament of Georgia is of great importance for ensuring high standards of data protection, including for better protection of minors' data.

AWARENESS-RAISING AND PREVENTION

Measures taken by the State Inspector's Service to prevent unlawful processing of personal data of minors, on the one hand, were aimed at improving data processing in public and private institutions and raising awareness of those involved in the processing of children's data on a daily basis and, on the other hand, raising awareness of children and their parents.

First of all, the Memorandum of Understanding, signed in 2020 and aimed to improve the system of minors' personal data protection in the field of education, between the State Inspector's Service and LEPL - Office of Resource Officers of Educational Institutions should be noted. Within the Memorandum framework, the State Inspector's Service examined draft normative acts submitted by the Office of Resource Officers regarding their compliance with personal data protection legislation and developed relevant recommendations. These recommendations were related to the protection of safety and public order in schools, as well as the rules on video surveillance and processing of video recording.



The Service actively cooperated with the LEPL - Education Management Information System in the process of certification of school principals, in particular, to address issues of personal data protection.

The Service's efforts were aimed at raising data protection standards not only in central but also regional institutions. In 7 big cities (Batumi, Telavi, Rustavi, Gori, Akhaltsikhe, Zugdidi and Kutaisi), the State Inspector met with the local representatives (social workers) of the LEPL - Office of Resource Officers of Educational Institutions and the LEPL - Agency For State Care And Assistance For the (Statutory) Victims of Human trafficking. The meetings were aimed at improving protection of juveniles' personal data in the course of their activities.

When processing personal data of minors, according to the requirements of law and, therefore, in order to protect the rights of minors, the Service issued recommendations on 5 draft legal acts, including:

- Draft order of the Minister of Justice of Georgia "On Approval of Risk and Needs Assessment, Preparation of Individual Plan, Implementation and Monitoring (Case Management Rule) for Resocialization and Rehabilitation of Juveniles in Conflict with the Law, as well as Approval of Methodology, Rules and Standards

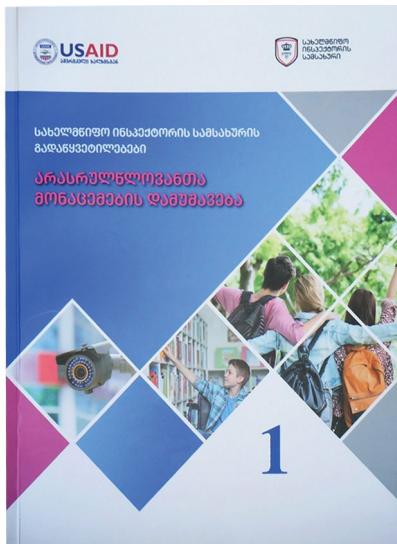
for Preparation of Individual Assessment Report”. This act provides for processing juveniles’ personal data, including a special category of data, by various public institutions (Prosecutor’s Office, Special Penitentiary Service, National Agency of Crime Prevention, Execution of Non-custodial Sentences and Probation) for the following purposes: resocialization and rehabilitation of juvenile offenders, convicts and former inmates; risk and needs assessment; preparation of the individual plan and case management; resocialization and rehabilitation of juveniles in conflict with the law who are involved in the diversion and mediation program; and psychological services for juvenile convicts placed in a penitentiary institution. The Service also issued recommendations on adherence to the data processing principles and data security measures;

- Draft decree of the Government of Georgia “On Approval of the State Program for Monitoring Children Out of School”. The draft decree envisages processing and exchanging personal data of minors and their legal representatives in the databases of various public institutions (LEPL Education Management Information System, LEPL - Public Service Development Agency, Ministry of Internal Affairs, LEPL - Social Service Agency, LEPL Office of Resource Officers of Educational Institutions) to identify children out of school and engage them in general education. Following the recommendations of the State Inspector’s Service, the volume of personal data to be processed on minors was reduced in such a way that, on the one hand, the legitimate purpose (right to receive a general education) was not impeded and, on the other hand, their rights were protected. In addition, the timeframe of data storage by the public institutions and the rules/conditions for their deletion/destruction have been defined.

As for raising awareness of children and parents, the Service used various ways to inform them about personal data protection.

For parents who apply to the Public Service Halls to register the birth of a child, the State Inspector’s Service has placed information brochures in such facilities in 14 cities of Georgia (Tbilisi, Kutaisi, Zugdidi, Poti, Akhaltsikhe, Akhalkalaki, Borjomi, Rustavi, Bolnisi, Oni, Batumi, Telavi, Gori and Ozurgeti). The brochures provide information on the importance of protecting children’s personal data and the risks that may result from their misuse, dissemination, sharing and posting on social networks.





On June 1, 2020, to celebrate the International Day for Protection of Children, the State Inspector's Service posted recommendations and information cards on the social network in order to raise public awareness.

Prior to the start of the learning process, the Service conducted a one-week information campaign to inform parents, students, and teachers about data processing issues in the learning process.

In order to increase access to information on personal data protection, in 2020, the State Inspector's Service launched the project of "Ambassadors of Personal Data Protection", in

the framework of which, based on competition, up to 20 students from all regions of Georgia were selected. Students held informational meetings with pupils in different regions. The importance of personal data protection, the impact of illegal use, dissemination or other processing of personal data on human rights were discussed at the meetings. The meeting participants also got acquainted with the functions of the State Inspector's Service in the field of data protection.

The Service conducted Facebook Live on the issue of students' personal data protection, which 7500 interested persons attended.

In 2020, due to the pandemic, minors spent even more time on the internet and social networks. Unfortunately, social networks pose a threat of cyberbullying, the victim of which can be any internet user. The Service has prepared a recommendation for children and parents: "How to protect yourself from cyberbullying", which aims to protect the personal data of minors on the internet.

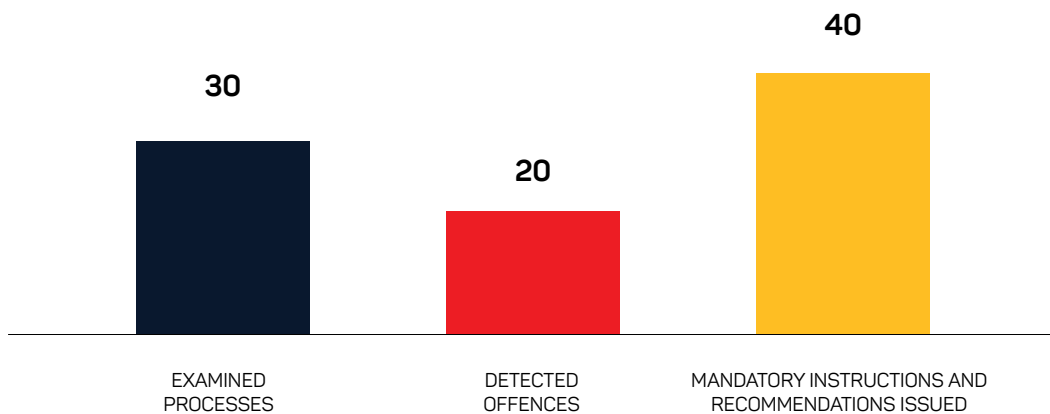
A recommendation was also prepared on the very popular application "TIK TOK" in 2020 and the risks associated with it. Recommendations, available to all interested parties, were posted on the Service website and official Facebook page.

At the State Inspector's Service initiative and with the support from the United States Agency for International Development (USAID), a compilation of State Inspector's decisions on juvenile data protection was prepared and published comprising 22 real-life cases investigated by the Office. The purpose of the document is to promote a high standard of juvenile data protection; Also, based on specific examples, familiarise the data processing organizations and stakeholders with the State Inspector's Service approaches and propose recommendations for the prevention of similar violations.

EXAMINED PROCESSES

The State Inspector's Service examined 30 (thirty) cases of processing children's personal data (14 on the basis of citizens' applications/notifications, and 16 - on the initiative of the Service).

As a result, administrative liability was imposed on 15 persons for 20 offences. As a sanction, a warning was issued to 10 persons, and a fine was imposed on 5 persons. In addition to administrative penalties, the Service issued 35 mandatory instructions and 5 recommendations for ensuring compliance with the Law of Georgia "On Personal Data Protection" during data processing in public and private institutions.



Minors' data is collected in educational institutions as well as in other sectors (for example: healthcare, law enforcement, social space, etc.). In 2020, the State Inspector's Service examined minors' personal data processing in public and private institutions where large-scale and/or sensitive data on children are processed. Particular attention was paid to the new products introduced in 2020 that involve the processing of minors' data. In particular, the Service examined/checked:

- The lawfulness of processing student data by the LEPL - Office of Resource Officers of Educational Institutions through the unified electronic database - erofficers.emis.ge. This database contains information on violations and/or alleged violations by 549,000 students in 607 public schools, namely: student

name, surname, personal number, gender, social status (protected/vulnerable), class, school, citizenship, region, district, date of birth, telephone number and address (legal/actual); Name/surname, personal number, telephone number, address, date of birth and information about the employment of the parent/representative; Category of the offence committed by the student (possession of prohibited items, alcohol, consumption of tobacco products, gambling, etc.); Type of violation (possession of a cold weapon, truncheon or poisonous substance, etc.); Content of the violation (time, place); Measures taken by the resource officer/authorized person; Persons involved in the incident and others. In the same information base, the main data of students and their legal representatives are generated from the electronic platform of LEPL Education Management Information System - eSchool (a unified platform, which contains the identification data of persons enrolled in schools across Georgia, information on their academic performance, educational activities, etc.).

- Several cases of data processing by the LEPL Agency for State Care And Assistance For the Victims of Human trafficking, namely: lawfulness of data processing by social workers while being in custody of a minor; Also, data processing during the functioning of the so-called hotline "111" introduced in 2020, which is designed for children and parents. The child and/or his/her legal representative can apply to the agency through the hotline for the following purposes: responding to the facts of violence, receiving information on various services, consulting, etc.;
- Lawfulness of processing students' personal files by public and private schools and the ongoing video surveillance in kindergarten/school buildings;
- Lawfulness of material or electronic processing of patient data, video surveillance, audio monitoring and data security measures in medical institutions providing services to minors with mental disorders, as well as those who benefit from universal healthcare programs and receive vaccinations;
- Facts of disclosing juvenile data by natural persons and legal entities in the virtual space, in particular: posting a video recording of the interrogation of a minor in a criminal case on the social network Facebook; Publication of electronic files by the Ministry of Education, Culture and Sports of the Autonomous Republic of Adjara, which contained data on the students who participated in the second round and won the Olympiads in 2012-2019; Publication of electronic files containing students' data by the school on the school website and its accessibility via search engine Google;

- The lawfulness of obtaining, storing and disclosing the data, including health-related documents, of children under age three, living with the mother convicted by the Special Penitentiary Service;
- Issues of protection of students' personal data during distance learning, the results of which are given in another part of the report (Personal data protection "during the COVID-19 pandemic").

IDENTIFIED TRENDS

It is particularly noteworthy that institutions that process minor's data are motivated to improve data processing procedures and actively cooperate with the Service to this end.

Nevertheless, the examined cases of processing minors' data revealed certain irregularities and shortcomings:

- Most of the organizations did not take adequate and effective organizational-technical measures to protect data security. For example, most data processing organizations stored juvenile data in electronic systems and did not control who, when, for what purpose, and to what extent had access to it. Also, employees involved in the processing could access, copy, download, save, etc., with personal (non-official) devices at any time, including from home. Such free and unrestricted access to the data of minors (such as health or marital status, academic performance, misdemeanours committed at school, etc.) by hundreds of persons obviously poses a risk to their illegal disclosure to an unauthorised person and/or use for personal (non-official) purposes;
- Insufficient data security measures not only pose a threat of unlawful processing but also have particular ramifications: unfortunately, there are cases when employees of the organization arbitrarily use the information obtained in the course of their work. For example, in 2020, a social worker published on his Facebook page information about the social status of a particular child, foster care, family circumstances and health status. Disclosure of such information, due to its sensitive nature, may be particularly detrimental to the juvenile's future development and lead to his or her stigmatization or harassment;
- Video surveillance turned out to be a problematic issue. Intensive, continuous and uninterrupted monitoring (video surveillance) of a specific space and children in that space through an electronic system is an effective form of detecting ill-treatment, potential risks and specific incidents in schools or kindergartens, as well as their prevention. However, such observation of a child's behaviour is a direct, blunt interference with his or her personal life and requires strict adherence to the law requirements. Unfortunately, there were violations of rules such as video surveillance in areas prohibited by law, in particular, in school WCs, as well as the lack of informing children, their parents, staff and other people being in the school about the video surveillance. Video surveillance is not allowed in areas designated for hygiene and constitutes a gross interference with privacy. The institution is obliged to place a warning sign in a visible place

during video surveillance in the areas allowed by law (e.g. school entrance, corridors, etc.). A school student, teacher, or parent being present in the school yard, hallway, or other area has the right to know about video surveillance to decide for themselves whether they will remain under video monitoring or not;

- In some cases, data controllers did not have defined deadlines for storing juvenile data, which is one of the most important principles. Some data become obsolete over time, lose their relevance, and there is no need for keeping it any longer. Storing such information indefinitely can be particularly detrimental to minors, given the importance of integration in society and development;
- There were cases when data controller organizations did not properly provide information to the data subject children and/or their legal representatives about the purpose and form of data processing (e.g. convicted mothers in a penitentiary institution signed a standard consent form on the processing of data related to the health status of children under three living with them, however, they were not informed about the objective and form of processing. Therefore, these individuals agreed on data processing without this information);
- Calls on the hotline serving children were recorded automatically, and the interlocutor did not have the opportunity to refuse the recording of the audio recording.

RECOMMENDATIONS

To protect the personal data of minors and prevent unlawful processing, data controller organizations should take the following measures:

- First of all, before processing the data, analyze what impact this process will have on the child's rights, so that the best interests of the child are taken into account during the processing;
- Provide minors with easy-to-understand information about their rights, the objective and form of data processing;
- Create fair conditions for data processing and select a form processing that is least likely to interfere with the rights of the child;
- Establish an adequate and effective security system to prevent unlawful and accidental processing of juvenile data existing in physical or electronic form;
- Take measures to raise employees' awareness on the issues of personal data protection, to prevent the unlawful processing and non-official use of juvenile data in the organization;
- Align the video surveillance with the rules established by law – conduct surveillance only in spaces permitted by law, for the purposes provided by law and properly inform data subject;
- Determine the proportionate and fair period for storing juvenile data and, after achieving the objective of processing, block, delete, destroy or store in a form that precludes the identification of a person;
- For the lawful and fair processing of data during the hotline operation, it is important to have freedom of choice: the beneficiary must have an alternative to receive the service without recording the conversation.

8. DATA PROCESSING IN LAW ENFORCEMENT BODIES

Law enforcement bodies process personal data at the stages of policing, crime investigation, criminal prosecution, and execution of criminal penalties. Law enforcement agencies are authorized to obtain data from both open and classified sources in order to carry out their statutory functions, which increases the risk of processing data in excess of the required volume and in violation of the law.

Given the specificities of personal data processing in law enforcement agencies and the risks that may accompany their unlawful processing, the State Inspector's Service is working to improve the data protection standard in this sector.

AWARENESS RAISING AND PREVENTION

A HELP distance learning course on Data Protection and Privacy Rights has been introduced in collaboration with the Council of Europe to raise the awareness of law enforcement officials, improve privacy and data protection standards in the law enforcement sector. The distance learning course includes several months of intensive training. More than 30 representatives from the Prosecutor's Office, the Ministry of Internal Affairs and the Ministry of Defence, the Special Penitentiary Service, the State Security Service and the Investigation Service of the Ministry of Finance of Georgia are participating in the training. Participants were selected from the structural units responsible in the relevant entities for personal data protection policy, supervising the processing of such data, monitoring and retraining of staff. The training process is led by a representative of the State Inspector's Service.

The Service also reviewed and issued recommendations on 11 legal acts related to data processing in the field of public and state security, including:

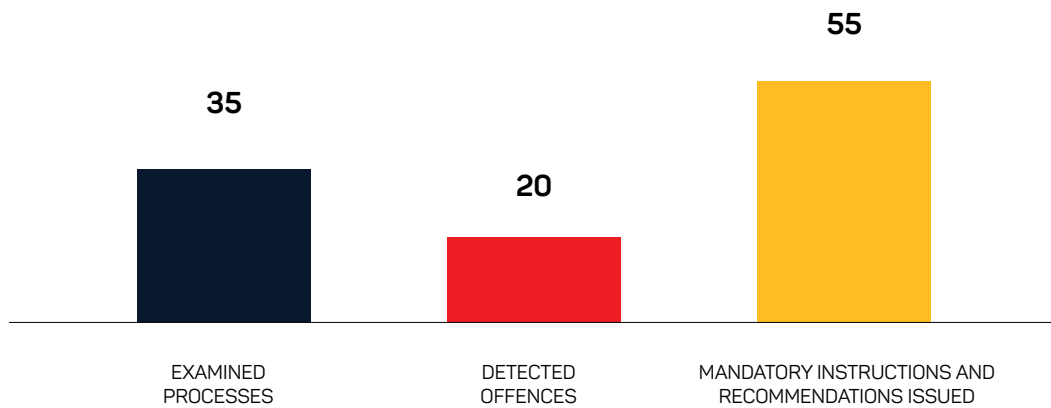
- On the draft order of the Minister of Internal Affairs of Georgia on the processing of personal data in the Unified Information Bank on Administrative Offenses. The recommendations of the Service were mainly related to the definition and/or clear formulation of data processing objectives, the establishment of timeframes for storing data by a legal act and/or the reduction of defined periods in line with data processing objectives;
- The draft decree of the Government of Georgia, which dealt with the issues of personal data processing in order to ensure state security on such an important topic as the provision of passengers' personal data by the air carrier to the State Security Service of Georgia. The recommendations issued by the Service concerned with the clarification of data processing timeframes and measures to be taken to ensure data security.

The Service provided 35 consultations on personal data processing issues to law enforcement officials.

EXAMINED PROCESSES AND IDENTIFIED TRENDS

The State Inspector's Service reviewed 35 cases of personal data processing by law enforcement bodies (26 - based on citizens' applications/notifications, and 9 - at the initiative of the Service).

Based on the cases reviewed by the Service, administrative liability was imposed in 17 cases on the law enforcement bodies for 20 administrative offences. In 4 cases, a warning is used as a sanction, and in 13 cases - a fine. In order to align the data processing with the Law on Personal Data Protection, in parallel with administrative penalties, the Service issued 43 mandatory instructions and 12 recommendations.



The Service has studied data processing issues at the Ministry of Internal Affairs of Georgia (including the Academy of the Ministry of Internal Affairs of Georgia and the Service Agency of the Ministry of Internal Affairs of Georgia), the Ministry of Justice of Georgia, the state sub-agency institution within the system of the Ministry of Justice of Georgia - the Special Penitentiary Service, the Prosecutor's Office and the Ministry of Defence of Georgia. The inspections at the indicated agencies covered the following issues: processing of personal data through electronic databases and video surveillance system (detailed information is given in the relevant chapters), disclosure of documents prepared during investigative actions and/or administrative proceedings, publication of data, data subjects' rights, photographing by police within the frames of the preventive measures.

Positive dynamics are observed in relation to the realization of data subject rights. In contrast to previous years, there has been a decrease in the number of applications regarding the insufficient informing of data subjects by law enforcement agencies, however, photographing by the police during preventive measures and investigations and disclosure of personal data by law enforcement bodies remains a challenge.

PHOTOGRAPHING IN THE FRAMEWORK OF PREVENTIVE MEASURES

Police officers process personal data mostly as a precautionary measure. The Law of Georgia on Police gives the data controller (in this case, the Ministry of Internal Affairs) a number of powers to perform the statutory functions, although according to the law, the police shall process personal data in accordance with the personal data protection legislation.

2020 was marked by appeals on the cases of photographing data subjects. The investigation department of the Service often provided the unit responsible for monitoring personal data processing with information on data processing through photographing. The mentioned facts became known in the framework of reporting about the crimes falling under its jurisdiction and/or investigating a criminal case.

The inquired processes show that citizens painfully perceive the facts of stopping and photographing on the street, especially in cases when photographing does not comply with the law:

- In one case, it was found that the data subject had been photographed at a time when the person had already been identified, and law enforcement officers were in possession of his identity document. Given that the law gives the police the right to use a preventive measure (“identification of a person”) if a person cannot be identified, this particular case (photographing the data subject) was considered as a disproportionate means of achieving the objectives and the fact of violation was established;
- In one of the cases, a police officer photographed a citizen with a mobile phone, even though the communication process with the data subject was also recorded on a police body-worn camera. The Ministry of Internal Affairs of Georgia indicated that in the mentioned case, the purpose of taking a photograph was to use it as evidence in the process of administrative proceedings. It was found that the data obtained from the photographing (photo) were deleted in about 15-20 minutes and it was not used as evidence in the administrative proceedings. However, photographing with mobile phone, when there were body-worn video camera recordings, was considered as disproportionate means of achieving the objective, and an administrative violation was established;
- During the inspections, it was found that a representative of the law enforcement agency took a photo of the data subject’s professional activity certificate when the person had already been identified. This fact was also assessed as a violation of the law.

It should be noted that the explanations of the data subject and the representatives of the Ministry of Internal Affairs of Georgia on the factual circumstances of the case are often contradictory, which makes it difficult to establish the truth. In order to assess similar facts and obtain conclusive evidence, the Service has obtained video surveillance camera recordings from a number of alleged places of offence in several cases, although the recordings do not always identify the fact of photographing.

Importantly, in practice, a photograph is often taken with a police officer's personal phone, which poses a threat to personal data protection, increases the risk of misuse of the collected information, and the data has less protection from the manipulation of third parties. In addition, the photo material can be destroyed easily, without any supervision, at any time in the personal phone, which deprives the data subject depicted in the photograph of the opportunity to appeal the lawfulness of the action and use the footage as evidence.

The Law of Georgia on Police gives law enforcement officials the right to take photographs in order to identify a person. However, the law does not regulate this process in detail. As the number of applications on the cases of identification of a person through photographing is increasing in the Service, it is advisable that the Ministry of Internal Affairs regulates identification process via photographing in detail to establish the uniform practices of data subject protection and cases of photographing.

PUBLICATION OF DATA

Publication of information on the internet and in the media poses an increased risk to the data subject as the data becomes available to the general public. Especially if this concerns such sensitive information as a person's health status, the fact of being a victim of a crime or convicted.

In 2020, the State Inspector's Service investigated cases where law enforcement agencies disclosed the personal data, including a special category data of defendants, convicts, victims of crime, and other parties to the proceedings (via the media, official website, or Facebook page).

The study of cases of publishing information revealed the following violations:

- The law enforcement body disclosed the data of a specific person, including the personal data of a special category. The law enforcement agencies usually point to the public interest, but not in all cases manage to prove that there is such interest in the disclosed personal data. In one instance, the Special Penitentiary Service clarified that the TV channel had disseminated incorrect information as if the accused had received injuries in the penitentiary establishment, which had led to groundless aggression towards the employees of the Special Penitentiary Service. As false information about the health of the accused was publicly disseminated by the TV channel and the defendant's lawyer, the Special Penitentiary Service decided to release a statement to satisfy the high public interest. For its part, the official statement issued by the Special Penitentiary Service contained information (indicating the initials and surname) about the charge of the accused and his health condition. Apart from this, data on his diagnosis and conducted medical manipulations were also made public. As far as the factual circumstances of the case were published in the media before the announcement, the recipient of the information could easily, without much effort, link the name, initials and surname indicated in the statement to a specific individual. Whereas there was a public interest regarding the causes of the damage to the defendant's health and not the charges pressed against him and the specific details about health conditions, the action of the penitentiary establishment was assessed as a violation;

- The law enforcement body disclosed the data of third parties who had no connection with the case. In particular, the Prosecutor's Office, citing public awareness, released videos containing images of people who had nothing to do with the criminal case. The investigation found that the volume of personal data processing was not a proportionate means for satisfying the public interest, as, by exposing the faces of these individuals, the intensity of the interference in the privacy of another person was high;
- There were also facts of publishing video recordings without concealing the faces. For example, the Ministry of Justice of Georgia and the Special Penitentiary Service, on the basis of public interest, released footage of the meeting of the representatives of the Public Defender's Office with convicts at the penitentiary establishment and the footage depicting the injuring of institution's staff members by prisoners. The investigation revealed that it might have been important for the public to be aware of the incident, although identification of the individuals in the video was not necessary to draw conclusions from the footage and form an opinion on a particular event.

PUBLICATION OF MATERIALS OF CRIMINAL CASE AND/OR ADMINISTRATIVE PROCEEDINGS

In 2020, the materials of the criminal cases (witness interrogations, forensic findings, court summaries, medical records) and administrative proceedings (restraining orders, videotapes), with the identification of the personal data of the parties to the proceedings were actively disseminated through media and the internet. Unfortunately, there have been instances when criminal case materials containing data on minors and data of special categories (physical and mental health status) have been circulated on the internet and in the media.

The materials of the criminal case are available to a wide range of persons - the investigative agency, the Prosecutor's Office, the accused, the lawyer (sometimes there is a big number of lawyers). Thus, it is difficult or even impossible to identify the person and/or agency that has disclosed material containing personal data. Consequently, such facts are not properly addressed. Access to this type of material by a wide range of persons harms the rights of the data subject, his security, the interests of the investigation and negatively affects the willingness of the witnesses (potential witnesses) to provide the investigation with the information in their possession. Consequently, this issue is in need of additional legislative regulation, especially regarding materials containing data on minors and of special categories.

An important role in preventing such cases is played by the data controller authorities, who shall take appropriate measures to protect the data: limit the circle of persons authorised to access data as much as possible, monitor the instances of access to data, prevent unauthorized access to data, register what data is transferred to whom and when, restrict their disclosure by the parties to the proceedings.



RECOMMENDATIONS |

Examined data processing procedures in law enforcement agencies in 2020 show that law enforcement agencies need to take active steps to ensure a high standard of data protection:

- Develop a data protection policy document that will regulate in detail the rules of data processing in the institution;
- Ensure increasing the capacity of the staff on personal data protection issues. In addition, taking into account the specifics of personal data processing in law enforcement agencies and the volume of processed data, it is advisable to identify the persons responsible for personal data protection (personal data protection officers);
- Take special caution when disclosing personal data of specific individuals and assess in each case whether making the data public is a necessary and proportionate way for achieving the objective;
- Take all necessary organizational and technical measures to ensure the protection of personal data from accidental or unlawful disclosure, extraction and/or any other form of unlawful use;
- Develop a legal mechanism to prevent the spread of materials of criminal cases and administrative proceedings containing personal data (especially data of minors and special category);
- The Ministry of Internal Affairs should regulate the process of identification of a person by a police officer through photographing with a normative act.

9. DATA SUBJECT'S RIGHTS

The Law of Georgia on Personal Data Protection grants broad rights to the data subject for the realization of which certain obligations are imposed on the data controller organizations. Such obligations, in some cases, arise from the request of the data subject, and in some cases - by the law, without the request of the data subject.

AWARENESS RAISING AND PREVENTION

Any form of data processing is directly related to the rights of the data subject. The high standard of data protection ensures the effective protection of the data subject's rights and, conversely, each case of unlawful processing violates their rights to personal data and privacy.

All awareness-raising activities planned by the State Inspector's Service were aimed at raising awareness of both data subjects and persons whose activities directly affect their legal status.

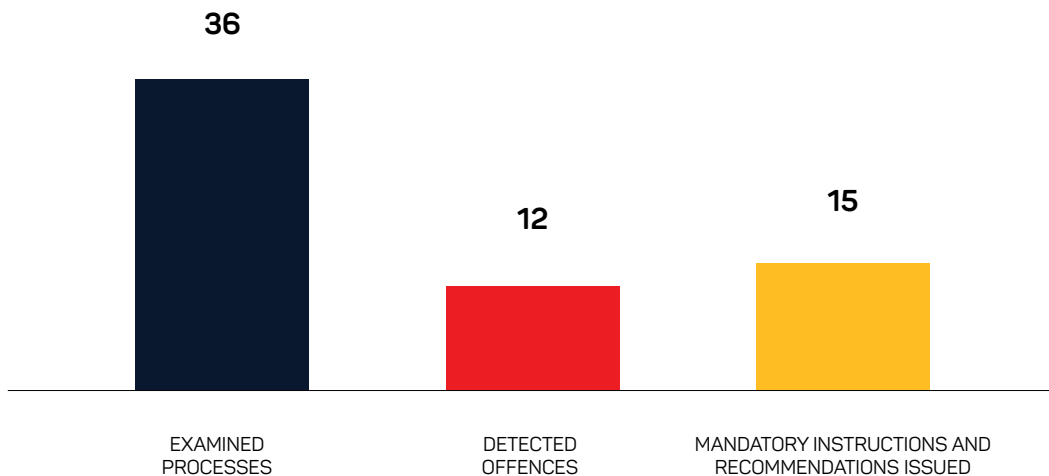
In 2020, the State Inspector's Service:

- Conducted 20 training activities and information meetings for different target audiences, with up to 1000 participants;
- Developed 5 recommendations and 3 thematic brochures;
- Conducted 2 Facebook lives which could have been attended by any interested person;
- Prepared 2 video lectures on personal data protection in the healthcare sector and the internet space;
- On the official Facebook page of the Service, 2 live streams were conducted on the following topics: "Protection of students' personal data" and "The role of the State Inspector's Service in the field of human rights protection."

EXAMINED PROCESSES

In parallel with raising public awareness on the protection of personal data, the number of appeals to the State Inspector's Service on the alleged facts of violation of the data subjects' rights is increasing. In order to ensure the realization of the data subject's rights, the State Inspector's Service, based on the citizens' applications/notifications, inspected 36 data processing procedures (in 2019 this figure was 21).

As a result of the cases investigated by the Service, administrative liability was imposed on 12 persons for 12 offences. As a sanction, a warning was issued to 5 persons, and a fine was imposed on 7 persons. In parallel with the administrative penalties, the Service issued 14 mandatory instructions and 1 recommendation for protecting the rights of data subjects in public and private institutions.



The State Inspector's Service studied the processes of realization of data subject rights in educational institutions, pharmacy chains, financial organizations (including JSC "Credit Information Bureau Creditinfo Georgia"), organizations implementing direct marketing.

The Service found a few number of violations in this regard. This is conditioned by the fact that most organizations do not have procedures in place for the realization of the data subject's rights, which makes it difficult and/or impossible for data subjects to establish a fact or a date of the request for the realisation their rights. Consequently, often there are only conflicting explanations of the parties when examining an issue, which is not sufficient to determine an administrative offence.

IDENTIFIED TRENDS

The investigated processes of the alleged violations of the rights of data subjects revealed the following shortcomings:

- Private and public institutions do not provide information to the data subject for what purpose and on what legal basis their personal data is being processed and to whom it is transferred, which makes the data processing non-transparent and unpredictable for the data subject;
- A number of cases have been revealed where organizations have not properly accounted for the way in which they obtained personal data. They also failed to provide relevant information to the data subject in case of interest. Consequently, the data subject cannot determine how his/her data became available to the organization, which raises suspicions about the unlawfulness of their collection;
- In some cases, when the data subject's request for updating personal data was not fulfilled, he/she was not provided with information on the grounds for refusal;
- In several instances, the request of the data subject to receive an explanation from the institution regarding the basis for storing his/her personal data was not fulfilled;
- Often private and public institutions unreasonably refused to issue copies of documents containing data subject's personal data to him/her or unduly delayed the transfer. This restricts a person's right to have information about the processing of his/her data and, if necessary, challenge lawfulness of the process.



RECOMMENDATIONS |

Establishing a high standard of data protection in organizations is essential for protecting the rights of data subjects. The State Inspector's Service welcomes the introduction of the position of Data Protection Officer in various public and private institutions. The introduction of such an institution indicates the desire of the organization to properly protect the data available at its disposal and, consequently, the rights of data subjects. In order to realize the rights of a data subject, data processing organizations shall:

- Develop and make available to data subjects documents detailing data processing, including what data is collected, for what purposes, and for how long;
- Arrange data processing procedures that enable effective realization of the data subject's rights;
- Record how, for what purposes and on what legal basis they obtained personal data;
- Provide the data subject with the information required by law in an understandable form, unless the legislation exempts them from this obligation;
- At the request of the data subject, correct, update and, if necessary, delete unlawfully collected data, and in case of refusal - clearly and plainly explain the grounds for refusal;
- Respond to the data subject's request in a timely manner, as, oftentimes, in case of delays, the realisation of the data subject's right does not make any sense. In case of delay or refusal of the response, inform him/her about the reason for the delay/the reason for the refusal;
- Ensure that awareness-raising is carried out targeting those involved in the data processing.

10. CONCLUSIONS

First of all, the growing demand of public or private institutions for cooperation with the State Inspector's Service on personal data protection issues should be assessed as a positive trend. The Service was approached with the initiatives of providing consultation, submitting opinions on legal acts and signing a memorandum of understanding to improve data protection, as well as for conducting planned inspections and, thus, improving data processing. These circumstances indicate that data protection is increasingly becoming more of a priority for organizations.

The intensified efforts of the public and private institutions to develop internal legal documents to regulate personal data processing is also noteworthy. The State Inspector's Service welcomes the development of such documents and their accessibility for citizens, as this makes data processing more transparent and reduces the risks of unlawful data processing.

It should also be noted that public and private institutions are increasingly demanding the training of employees on personal data protection issues. Training centres of public institutions and private sector supervisory bodies are interested in introducing and updating training courses on personal data protection. Awareness of employees on these issues helps to establish a culture of data protection in the organization and reduces the use of data for non-official purposes.

It is particularly noteworthy that the institute of personal data protection officer is emerging in more organizations. Identifying the person(s) responsible for data protection within the organization is one of the important prerequisites for ensuring a high standard of data processing.

It should be mentioned that the public and private institutions are carrying out the tasks and recommendations issued by the Service with responsibility, which serves to eliminate the shortcomings and deficiencies identified as a result of the investigations.

In parallel with the above-mentioned positive trends, there are still a number of challenges in this area. These challenges (detailed in the relevant chapters) apply equally to both private and public institutions:

- Written internal instructions and policy documents - most institutions do not have written internal instructions and policy documents that regulate in detail the terms and conditions of personal data processing, the rights and responsibilities of persons authorised to access data, procedures for monitoring the lawfulness of data usage, the realization of data subject rights and etc.;

- Expected Risk Assessment - prior to the introduction of data processing procedures, the potential concomitant risks are not assessed. Consequently, mechanisms to minimize the risks of unlawful processing of citizens' personal data are not implemented;
- Security measures - adequate, effective and up-to-date organizational-technical (including physical security) measures to protect data stored on paper and in electronic databases are not adopted. Moreover, when using the services of another organization for the administration and technical maintenance of electronic databases, the issues of personal data protection and security are not properly regulated;
- Data storage deadlines - data are not categorized according to their content and objectives of processing, data storage deadlines are not defined or are inadequately defined;
- Realization of data subject rights - appropriate mechanisms for the timely and effective realization of data subject rights have not been established;
- Awareness of employees - employees of private and public institutions, are not provided with sufficient information (they do not receive training) on the procedural and content issues of data processing;
- Internal monitoring mechanism - there is no effective mechanism in place in private and public institutions to respond to cases of unlawful and/or non-official processing of data by employees.

Clearly, the above-mentioned shortcomings create the risks of data processing in violation of the law and lead to specific cases of unlawful processing.

In response to these challenges, in parallel with the efforts of the State Inspector's Service, it is essential that the private and public institutions take concrete steps to improve the state of data protection. Specific recommendations for data controllers are given in the relevant chapters of this report.

Additionally, it is necessary that the Parliament of Georgia expedites the discussions on the draft law of Georgia on Personal Data Protection initiated in 2019, which was prepared by the State Inspector's Service. In the Georgian public and private sectors, it will be impossible to establish a standard that meets international personal data protection standards if the state does not have European legislation and the State Inspector's Service is not equipped with legislative levers similar to those of developed countries' supervisory bodies.

04

**MONITORING OF
THE COVERT
INVESTIGATIVE ACTIONS
AND THE ACTIVITIES
CARRIED OUT AT THE
CENTRAL DATABANK
OF THE ELECTRONIC
COMMUNICATION
IDENTIFICATION DATA**

1. GENERAL OVERVIEW

One of the directions of work of the State Inspector's Service is to monitor covert investigative actions and activities carried out in the Central Databank of Electronic Communications Identification Data. The State Inspector's Service supervises investigative actions prescribed in Articles 136-138 of the Criminal Procedure Code of Georgia, as well as over covert investigative actions specified in Article 143¹, Section 1.

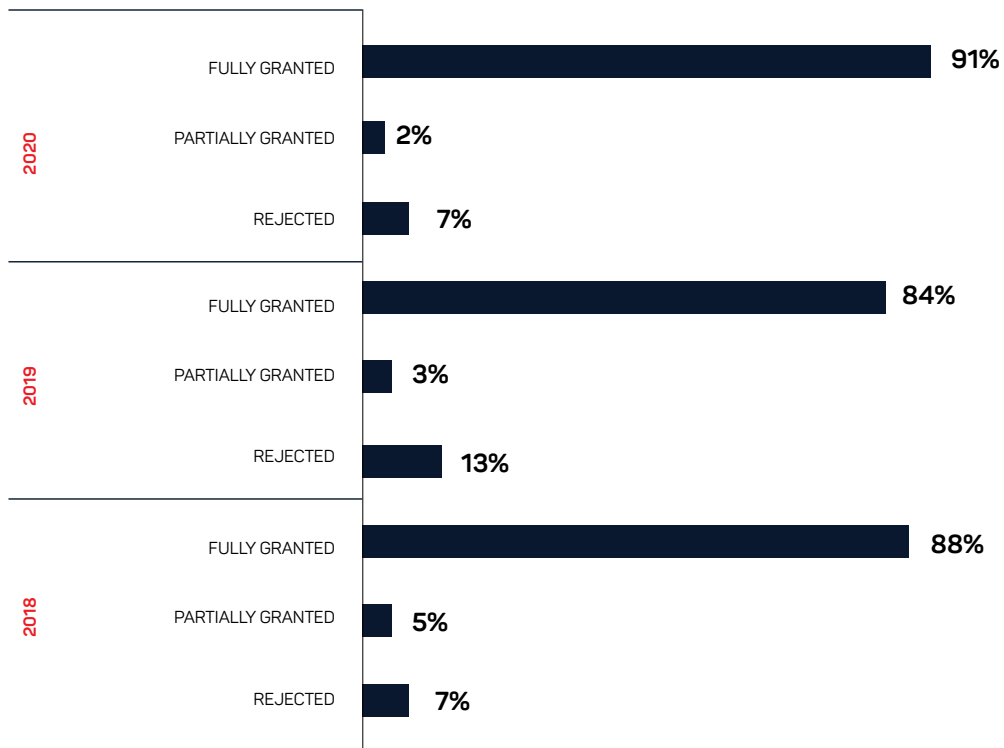
In order to control covert investigative actions and activities carried out in the Central Databank of Electronic Communications Identification Data, the State Inspector's Service receives round-the-clock court rulings on granting authorisation to carry out a covert investigative action, prosecutor's resolutions on conducting covert investigative actions due to urgent necessity, and written records from law enforcement bodies on covert investigative actions. The Service also receives documents from electronic communication companies about transferring of the electronic communication identification data to law-enforcement authorities. The Service verifies submitted documents, compares them with the information provided in the electronic systems, and enters the documentation data in the internal electronic system of registration of covert investigative actions and analyses them.

In addition to the above-mentioned mechanisms, the State Inspector's Service uses electronic and special-electronic control systems to monitor wiretapping and covert recording of telephone communications during investigative actions, while for the monitoring of the activities carried out in the Central Databank of Electronic Communications Identification Data the electronic communication system for controlling the central databank of identification data is used.

2. MONITORING OF COVERT INVESTIGATIVE ACTIONS

In 2020 the courts reviewed 997 motions filed for wiretapping and covert recording of telephone communications; the figure was 1037 in 2019, and 1059 - in 2018. In 2020 the ratio of granted motions on wiretapping by the court has increased.

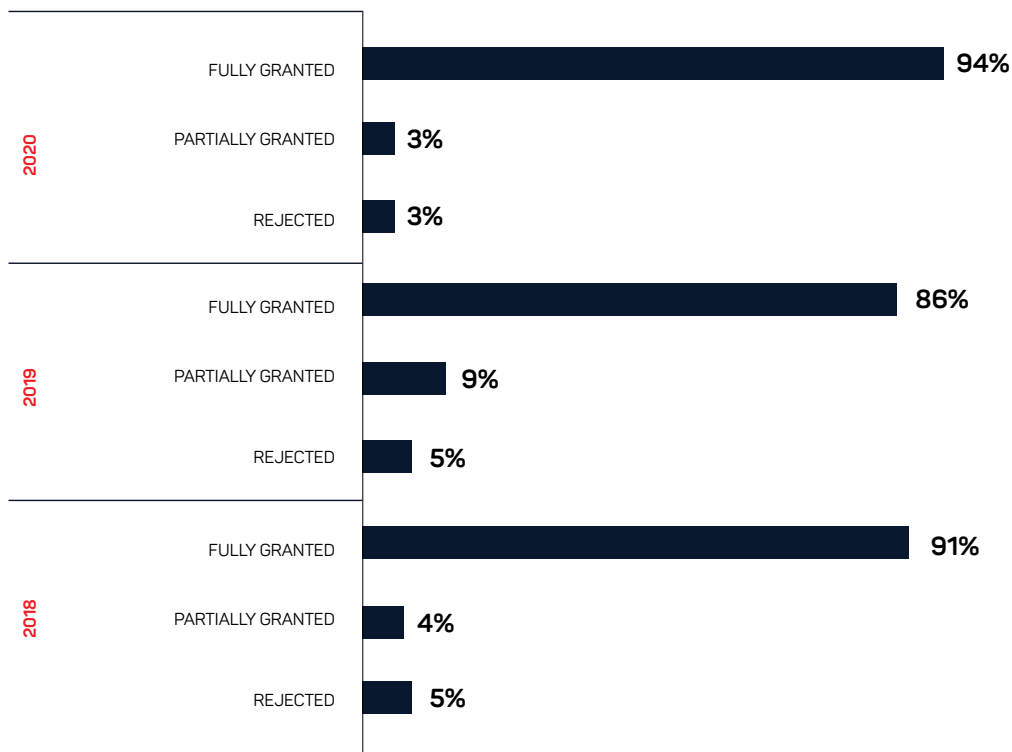
THE RATIO OF GRANTED MOTIONS ON WIRETAPPING AND COVERT RECORDING OF TELEPHONE COMMUNICATIONS



In parallel with the reduction in the number of court rulings, it should be noted that in 2020 the number of covert interception and recording of telephone communications of subscriber numbers has increased. In particular, compared to 2019, their number increased by 3.7% in 2020. This is due to the fact that, according to a court ruling, a permit is often issued for covert wiretapping-recording on more than one telephone number.

As for the extension of the period for covert wiretapping and recording of telephone communications, in 2020 the courts reviewed 235 motions on this issue, 325 - in 2019, and 338 - in 2018. In 2020, the number of motions for extension of the covert investigative actions was reduced, but the rate of granting the motions has increased.

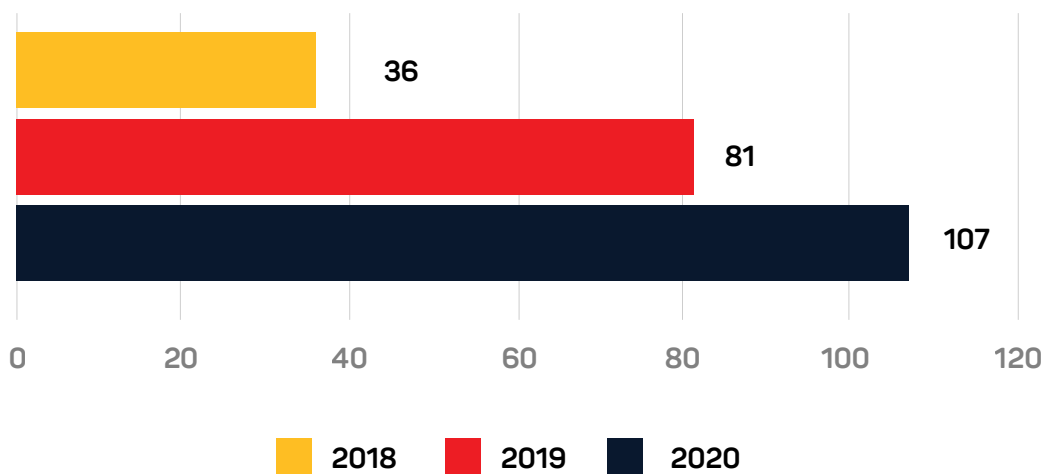
THE RATIO OF GRANTED MOTIONS FOR THE CONTINUATION OF WIRETAPPING AND COVERT RECORDING OF TELEPHONE COMMUNICATIONS



In 2020 wiretapping and covert recording of telephone communication was mainly applied in cases of the following crimes (Articles) prescribed in the Criminal Code of Georgia: Article 223¹ (Membership of a criminal underworld, “being a thief in law”), Article 180 (Fraud), Article 108 (Intentional killing), Article 117 (Intentional infliction of grave injury), Article 260 (Illegal manufacturing, production, purchase, storage, transportation, transfer or sale of drugs, their analogues, precursors or new psychoactive substances), Article 210 (Manufacturing, sale or use of forged credit cards or charge cards), Article 181 (Extortion), Article 177 (Theft), Article 338 (Bribe-taking). 56% of the granted motions cover these Articles.

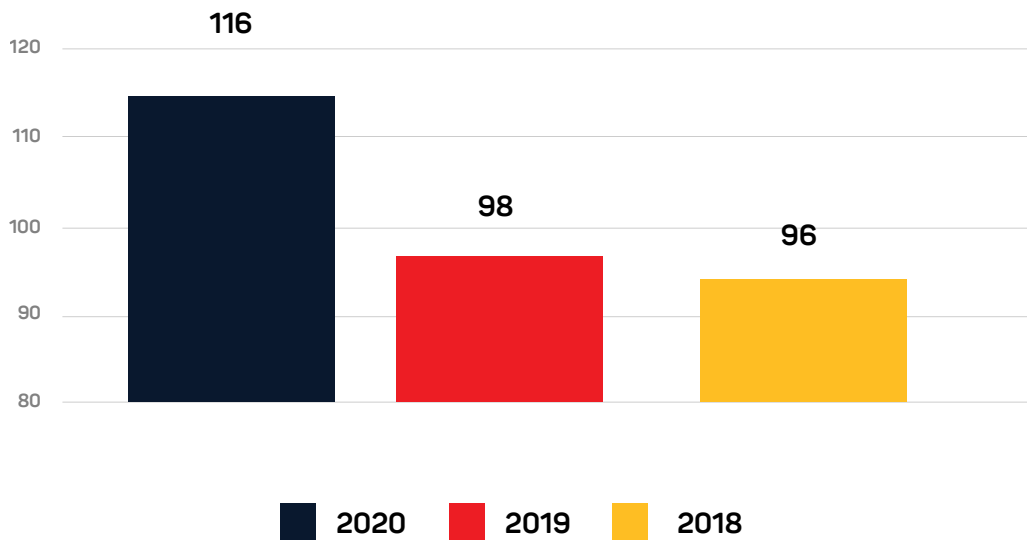
As for the wiretapping and covert recording of telephone communication due to the urgent necessity, in 2020, the State Inspector’s Service received 107 resolutions of the prosecutors on the urgent conduct of covert investigative actions.

PROSECUTORS’ RESOLUTIONS ON THE URGENT CONDUCT OF WIRETAPPING AND COVERT RECORDING OF TELEPHONE COMMUNICATION



In 2020 The State Inspector's Service used the mechanism of suspension of ongoing wiretapping of telephone communications in 116 cases (115 on court rulings and 1 prosecutor's resolution), in 2019 - 98 (95 court rulings and 3 prosecutor's resolution), and in 2018 - 96 cases (95 court rulings and 1 prosecutor's resolution).

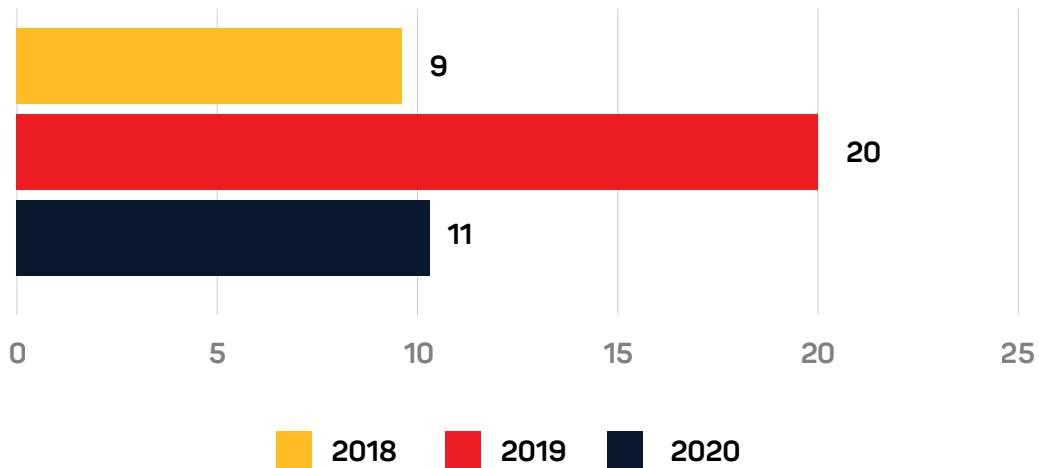
THE USE OF SUSPENSION MECHANISM BY THE STATE INSPECTOR'S SERVICE



For the most part, the reason for suspension of the ongoing wiretapping-recording of the telephone communication was the non-compliance with the deadlines established by the Criminal Procedure Code on submitting the relevant court rulings to the State Inspector's Service or the ambiguity/inaccuracy in the prosecutor's resolution.

The LEPL - Operative-Technical Agency of Georgia (through electronic monitoring system) was informed about the ambiguity-inaccuracy in the court rulings 11 times in 2020, 20 times - in 2019 and 9 times - in 2018. In all cases, the ambiguities found by the State Inspector's Service in the court rulings were eliminated within the deadlines set by the Criminal Procedure Code.

THE REPORTING OF AMBIGUITY/INNACURACY BY THE STATE INSPECTOR'S SERVICE



The State Inspector's Service found ambiguities/inaccuracies in the court rulings and prosecutor's resolutions issued on the wiretapping and recording of telephone communications: on the date of receipt, with timeframes for conducting the covert investigative actions and wiretapped telephone numbers.

Compared to 2019, in 2020 the number of court rulings on granting permits for covert investigative action under Article 143¹, Section 1, sub-section 'e' of the Criminal Procedure Code - (covert video and/or audio recording, photographing) decreased by 23%. Similarly, the prosecutor's resolutions regarding the urgent conduct of the mentioned covert investigative actions were reduced by 25%.

The lawfulness of data processing within the framework of covert investigative actions is also monitored through verification. It should be noted that during the reporting period, the inspection of the LEPL - Operative-Technical Agency of Georgia, which started in 2019, was completed. In frames of the inspection, the lawfulness of data processing during covert investigative actions under Article 143¹, Section 1, sub-section 'e' of the Criminal Procedure Code - (covert video and/or audio recording, photographing) was examined. The inspection did not reveal any violations, however, in order to eliminate the shortcomings identified during the examination 3 mandatory instructions were issued.

Furthermore, in 2020, at the initiative of the State Inspector's Service, an inspection of the Prosecutor's Office of Georgia was conducted to examine the issue of informing persons against whom a covert investigation was conducted. The inspection revealed shortcomings and cases of improper informing of persons within the deadlines set by the Criminal Procedure Code.

Compared to the previous year, in 2020 the number of court rulings on the granting permits for investigative actions under Article 136 of the Criminal Procedure Code increased by 10%.

Similar to 2019, the positive trend was maintained during the reporting period in terms of fulfilment of obligations by electronic communication companies, such as informing the State Inspector's Service about transferring electronic communication identification data to law-enforcement authorities. In 2020, based on the analysis of the submitted documents only one case was inspected. The inspection revealed that the company had informed the State Inspector's Service in violation of the 24-hour rule from the transfer of the data, due to which it was found to be in breach of the law and was held responsible.

The rate of processing of electronic communications identification data by electronic communication companies on an appropriate legal basis is improved. As a result of the analysis of the information and documentation submitted to the State Inspector's Service, only in one case was an investigation initiated into the fact of data processing without a legal basis, and the electronic communications company was held accountable.

3. MONITORING OF THE ACTIVITIES CARRIED OUT AT THE CENTRAL DATABANK OF THE ELECTRONIC COMMUNICATION IDENTIFICATION DATA

Based on the permit granted by the court, the data was processed at the Central Bank for Electronic Communications Identification Data 78 times in 2020, 81 times - in 2019 and 80 times - in 2018.

In the reporting period, no incidents or flaws have been revealed during the monitoring of the activities carried out at the central databank of the electronic communication identification data.



RECOMMENDATIONS |

Covert investigative actions include intensive interference with a person's private life, about which data subjects become aware later on. Consequently, during covert investigative actions, they do not possess information about the collection of their data. That is why the strict observance of the law requirements in this process necessitates special prudence and consideration.

In order to protect the rights of data subjects during the covert investigative actions:

- Common courts, the Prosecutor's Office of Georgia and other law enforcement agencies should develop an effective mechanism to ensure that the documents and information provided for in the Criminal Procedure Code of Georgia are submitted to the State Inspector's Service in a timely and complete manner;
- Electronic communication companies must fulfil their obligation to notify the State Inspector's Service within the 24-hour period as established by law;
- Common courts, the Prosecutor's Office of Georgia and other law enforcement agencies should analyse the reasons for the suspension of covert investigative actions by the State Inspector's Service and take steps to eradicate them;
- The Prosecutor's Office of Georgia should develop an effective mechanism to ensure that the persons against whom a covert investigation has been conducted are informed in accordance with the rules and deadlines established by the Criminal Procedure Code.

05

**INVESTIGATION OF
CRIMES COMMITTED
BY A REPRESENTATIVE
OF LAW ENFORCEMENT
BODIES, BY AN OFFICIAL,
OR A PERSON EQUAL TO
AN OFFICIAL**

THE MAIN ACTIVITIES OF 2020

- An operative unit has been set up in the Investigative Department
- A system of paid internships has been introduced in the Investigative Department
- A board for reviewing the disciplinary matters, employee evaluation appeals and encouragement has been set up
- The crime scene experts of the Service have been equipped with the modern standard equipment/inventory
- 5 recommendations were developed for investigators and operatives
- A questionnaire for self-assessment of the effectiveness of investigation was developed for investigators
- 5 studies were conducted
- Information brochures were placed in the temporary detention facilities and penitentiary establishments
- Meetings were held in 7 regions with representatives of local self-government bodies, the Public Defender's Office and the non-governmental sector
- In cooperation with the Council of Europe, the HELP Distance Learning Course - "On Prohibition of Ill-Treatment in Law Enforcement, Security and Other Coercive Contexts" was introduced
- Memorandum of Understanding was signed with the LEPL - Office of Resource Officers of Educational Institutions for the provision of psychologist services for a juvenile participant of the proceedings
- An electronic investigation plan was created
- The first special space tailored to the interests of the child was established in the West Division of the Investigative Department of the State Inspector's Service;
- The State Inspector's Service actively contributed to the development of action plan on fight against torture, inhuman, cruel or degrading treatment or punishment 2021-2022, which was approved in early 2021 at a meeting of the Inter-agency Council of the Ministry of Justice of Georgia.

This chapter reviews: the activities of the State Inspector's Service in the field of investigation; general trends in the crimes falling under the jurisdiction of the Service committed by a representative of law enforcement bodies, by an official, or a person equal to an official; challenges in the investigation process; and recommendations on measures for increasing the effectiveness of the investigation.

1. GENERAL OVERVIEW

International organizations and independent experts, including Thomas Hammarberg, the former Council of Europe Commissioner for Human Rights,¹ the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,² and independent human rights consultant, Maggie Nicholson³ had been discussing the need to establish an independent mechanism to investigate law enforcement ill-treatment in Georgia for years.

Finally, the State Inspector's Service began its investigative function on November 1, 2019, based on the Law of Georgia on the State Inspector's Service adopted by the Parliament of Georgia.

The establishment of the State Inspector's Service as an independent investigative entity has been positively assessed by international organizations.

In 2020, the Committee of Ministers of the Council of Europe decided on the Tsintsabadze Group of cases.⁴ The Committee welcomed the measures taken for the effective functioning and institutional strengthening of the State Inspector's Service and called on the State to continue adopting legislative and other necessary measures to further enhance the independence and effectiveness of the Service.

In 2020, the Service was active throughout the year in the investigative direction. In the face of the difficulties caused by the pandemic, the first year of operation of the Investigative Department has once again confirmed that the State Inspector's Service, as an institution, is functioning properly and adequately responds to day-to-day challenges.

¹ Thomas Hammarberg, *Georgia in Transition*, (September 2013), p. 44.

² The Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CTP) on the visit to Georgia, (May 10 2015), pp. 17 and 21.

³ Maggie Nicholson, *Report on progress in the implementation of the National Strategy for the Protection of Human Rights in Georgia 2014-2020, and recommendations as to future approaches*, (March 2017), pp. 5, 23 and 27.

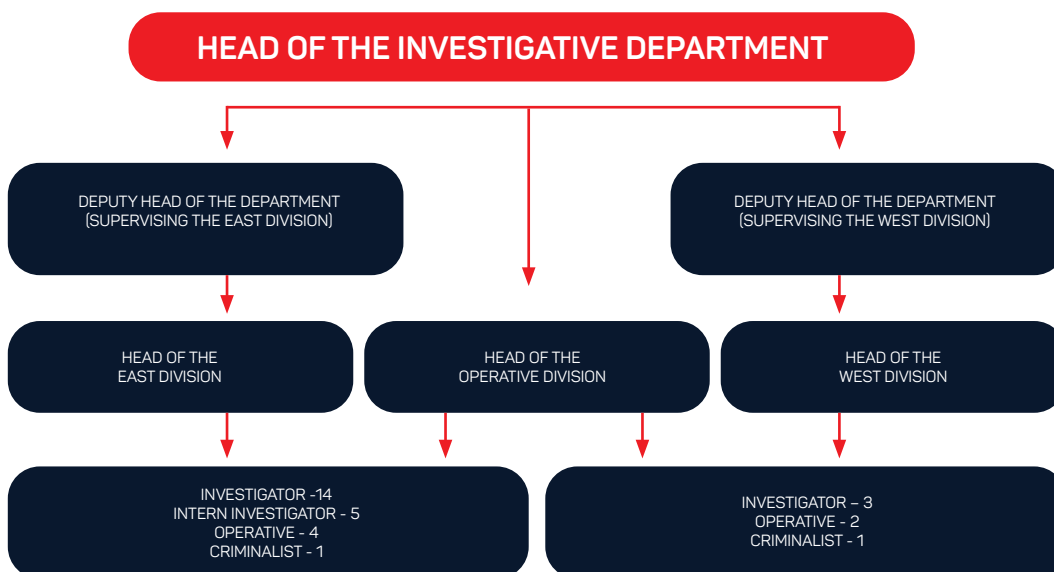
⁴ <https://hudoc.exec.coe.int/ENG#%22EXEIdentifier%22:%22004-5830%22>

However, the legislative and practical challenges in the process of investigation of the crimes falling under the jurisdiction of the Service and the measures to be taken to comply with international standards were also made clear.

The Service continues to move towards development and is constantly striving to achieve its main goal - to create a strong investigative institution that will benefit from the trust of the people.

2. STRUCTURE OF THE INVESTIGATIVE DEPARTMENT

The investigative direction in State Inspector's Service is established as a separate department led by the head of the department. There are three divisions in this structural unit: the East Division in Tbilisi, the West Division in Kutaisi, and the Operational Division, whose employees are placed both in Kutaisi (2 operatives) and Tbilisi offices (4 operatives).



It is planned to open another territorial body of the Investigative Department in the near future - the Division of the Autonomous Republic of Adjara. At this stage, the office is being renovated and a competition is being held to hire the employees of the division. Having an office in Batumi will make it easier for people living in the region to access the Service and enable immediate investigative/procedural actions.

The State Inspector's Service does its utmost for a timely investigation; however, it is objectively impossible to effectively cover the entire territory of Georgia with only two (after opening in Batumi - three) offices. Apart from the fact that it is impossible to report immediately to a remote place, it is difficult to communicate with the parties to proceedings and interview witnesses. The witnesses refused to appear before an investigative body because of territorial distance; Investigators have to travel to regions of Georgia on an almost daily basis, which requires additional human and financial resources. However, even in such cases, conducting an investigative action is difficult and/or impossible due to the following reasons: sometimes the witness himself/herself does not want to be questioned at his/her place of residence, or it is not safe for the investigator; Sometimes audio-video recording of the interview process is necessary (which is impossible at the place of residence), or family members live with the witness, who cannot be removed from the site of the interview. However, when interviewing a witness at the place of residence, the work environment cannot be created, which complicates the process of communication with the witness. Clearly, the Service has also requested other local authorities to temporarily allocate space for investigative action, although they usually do not have such free space, and even in such case, it would be unclear to the witness why the Service conducts investigative action at the premises of another state agency.

Against this background, it is vital that the State Inspector's Service has offices in all regions, which would allow for conducting investigative and procedural actions in compliance with the law requirements and in an adequate environment. To this end, the Service needs appropriate buildings (in Shida Kartli, Kakheti, Samtskhe-Javakheti and Samegrelo) and financial resources for the technical maintenance of the offices.

3. ACTIONS CARRIED OUT

In 2020, for the effective functioning of the Investigative Department, steps were taken both in terms of institutional strengthening and capacity building of employees.

ESTABLISHMENT OF THE OPERATIVE DIVISION

In order to conduct an investigation in a timely manner and increase its efficiency, in 2020 a separate structural unit - Operative Division was established in the Investigative Department, whose main statutory function is to support the effective investigation of crimes under Article 19 of the Law of Georgia on State Inspector's Service and carry out operative and investigative work under the Law of Georgia on Operative-investigative Activities.

The Division employs operatives who provide significant assistance to investigators in the course of investigative/procedural actions and operative-investigative activities (securing the scene; identification of persons at the scene who may possess information about the incident; organizing an investigative experiment and searching for the participants of the experiment; searching for equipment and items needed to carry out the investigative action; identifying video surveillance systems at the scene; finding parties to the proceedings; carrying out covert investigative actions, etc.).

This unit currently employs 6 operatives with higher legal education, who were selected on the basis of a 3-stage open competition. 4 of them assist the investigators of the East Division of the Investigation Department, and 2 of them assist the investigators of the West Division of the Investigative Department.

IMPLEMENTATION OF THE INTERNSHIP PROGRAM

An internship system has been introduced in the Investigative Department to attract a new, motivated workforce. Based on a 4-stage transparent competition, 5 intern-investigators were selected from 245 candidates, who were provided with investigative powers in accordance with the law. Representatives of non-governmental organizations and the scientific community were involved in the selection commission of intern-investigators. The selected individuals will undergo a one-year paid internship in the East Division of the Investigative Department. Upon successful completion of the course, they will be appointed as investigators at the State Inspector's Service.

In parallel with the internship, the State Inspector's Service, in collaboration with the U.S. Department of Justice, introduced a mentoring program aimed at promoting the professional development of intern-investigators. Experienced investigators, in the capacity of Mentors, assist interns in adapting to the job, developing the skills needed for the investigation, and performing the job effectively.



A SELF-ASSESSMENT QUESTIONNAIRE ON THE EFFECTIVENESS OF INVESTIGATION

The Service has prepared a self-assessment questionnaire for effectiveness of the investigation, which allows the investigator to check at any stage of the process the compliance of the ongoing criminal investigation carried out by him/her with the international standards. The questionnaire is based on the practice of the European Court of Human Rights, the general standards of the Council of Europe's anti-torture committee (CPT), the Istanbul Protocol and other international norms.

The effectiveness of the investigation should be assessed in terms of the following components: independence and impartiality, thoroughness, timeliness, involvement of an alleged victim in the investigation process, and competence. Each component is measured by several questions that are assigned appropriate scores. The self-assessment questionnaire is accompanied by brief definitions of international standards on specific issues to help the investigator better understand significance of each investigative action. If the result obtained by the investigator is unsatisfactory, he has the opportunity to review the investigative strategy in due time and carry out certain investigative actions again.

INTERNAL GUIDELINES

In 2020, based on the applications received on the crimes under the jurisdiction of the State Inspector's Service and the review of criminal cases, the challenges of the investigation process were identified.

In order to establish a uniform practice, eradicate challenges in the investigation process and improve the efficiency of the investigation, the State Inspector's Service has developed 5 internal guidelines and recommendations, which address the following issues: obtaining written evidence; obtaining electronic evidence (recordings of video camera); circumstances to be considered regarding interviewing an applicant; circumstances to be considered when interviewing the alleged victim; involvement of an alleged victim in the investigation.

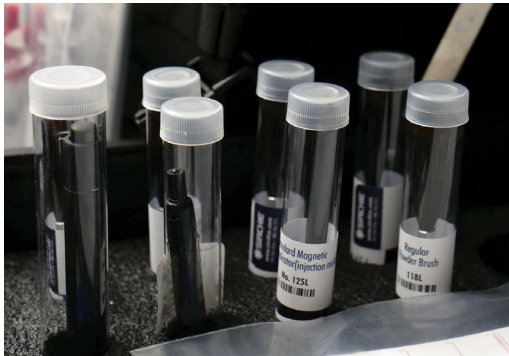
CONDUCTED STUDIES

In order to develop legislation in line with international standards and put in place the necessary mechanisms, five studies were conducted in response to the challenges of the investigation with the support from international organizations (Office of the United Nations High Commissioner for Human Rights and the Council of Europe) in frames of which the following issues were examined:

1. The best European practice of independent investigative mechanisms in the independent investigative bodies of up to 15 countries. The aim of the study is to use the experience of such mechanisms in the process of institutional strengthening and development of the State Inspector's Service;
2. European law and practice regarding investigative services' access to video recordings in police stations (including the use of police body-worn camera) and in detention/imprisonment facilities. To this end, measures taken by different countries to ensure the security of video camera recordings were examined; also, the access of the investigative body to these records when the crime has been committed by the representative of a law enforcement agency;
3. Special witness protection measures and independent investigative bodies in the European and other relevant countries' systems. In frames of the study, the practice of such bodies in relation to witness protection measures have been explored. Based on the findings, the State Inspector's Service plans to prepare a legislative proposal;
4. Articles of the Criminal Code on crimes falling under the investigative jurisdiction of the State Inspector's Service. The study assessed the compliance of Georgian legislation with the universal and regional standards set by the human rights watchdogs and the effectiveness of existing legislation in combating torture and ill-treatment. Besides, the deficiencies creating practical problems in separating the Articles under the jurisdiction of the Service from one another were analysed. Based on the results of the study, the State Inspector's Service plans to prepare a legislative proposal;
5. Investigators' performance appraisal system. The study examines investigators' appraisal criteria in different countries' investigative mechanisms. Based on the international experience and practice, criteria for the appraisal of investigators of the State Inspector's Service are currently being drafted.

INVESTIGATIVE TECHNOLOGY AND EQUIPMENT

With the financial assistance from the Norwegian Ministry of Foreign Affairs and the support from the Office of the United Nations High Commissioner for Human Rights, the Investigative Department of the State Inspector's Service has been provided with state-of-the-art forensic equipment. In particular, forensic experts of the State Inspector's Service were given the opportunity to detect and collect various biological traces (bloodstains, DNA, various biological fluids, hand or footprints, fingerprints, etc.) from a specific place or person. Obviously, the equipment/inventory of such a level facilitates an effective investigation and significantly increases the quality of investigation.



In 2020, the U.S. Embassy in Georgia donated 50 portable radio transmitters (so-called “walkie-talkie”) to the Investigative Department of the State Inspector’s Office. Portable radio transmitters facilitate timely communication of investigators and operatives of the Investigative Department during the investigation process and while implementing operative-investigative measures. This will facilitate a prompt transfer, exchange and processing of important information, which in turn will increase the effectiveness of the work of the Service.



ACTION PLAN ON FIGHT AGAINST TORTURE, INHUMAN, CRUEL OR DEGRADING TREATMENT OR PUNISHMENT

In 2020, the State Inspector's Service actively contributed to the development of this Action Plan, which was approved in early 2021 at a meeting of the Interagency Council of the Ministry of Justice of Georgia.

The Council took into account the challenges outlined in the report of the State Inspector's Service and, while developing an Action Plan, reflected on a vast majority of the recommendations made by the Service to the Working Group. The Action Plan envisages institutional development and strengthening of the independence of the Service. For effective identification and investigation of ill-treatment cases, the Action Plan provides for improving notification mechanism on alleged ill-treatment committed by representatives of public entities to the Service; promptly conducting forensic medical examination of alleged victims by the forensic establishment commissioned by the investigation and appointing duty expert for conducting an examination after working hours and on weekends; regulating video surveillance systems installed in law enforcement bodies, including archiving and storing deadlines of materials obtained through video surveillance at a normative level.

With the adoption of these measures by the state agencies, fight against ill-treatment will become even more effective. One of the verification sources of fulfilment of the Action Plan is the State Inspector's Service report, which is submitted to the Parliament of Georgia annually.

AWARENESS-RAISING

In order to raise awareness of the local self-government bodies and the civil sector about the activities of the Service, which is aimed at investigating the crimes under its jurisdiction, the State Inspector held meetings in 7 big cities (Batumi, Telavi, Rustavi, Gori, Akhaltsikhe, Zugdidi and Kutaisi). The meetings were attended by up to 300 representatives of the local self-government, LEPL - Office of Resource Officers of Educational Institutions, the Social Service Agency, the Public Defender's Office and non-governmental organizations. In frames of the meetings, representatives of the State Inspector's Service provided participants with the information on issues such as the activities and functions of the Service, as well as trends and challenges in investigating crimes allegedly committed by officials.



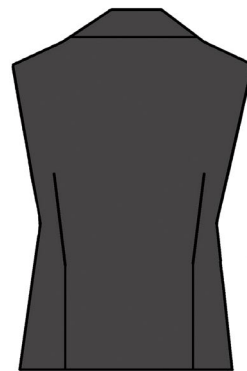


To raise awareness of detainees, prisoners and convicts, the State Inspector's Service prepared and in cooperation with the Ministry of Internal Affairs and Ministry of Justice, placed information brochures in the penitentiary establishments and temporary detention facilities. They provide information on the functions of the State Inspector's Service, the crimes under its jurisdiction and the ways for filing appeal to the Service, including through the 24-hour hotline (Number 199). Following such activities, the number of appeals filed to the Service by the detainees, prisoners and convicts has increased.

On the official Facebook page of the Service a Livestream - "The role of the State Inspector's Service in the field of human rights protection" was conducted, during which the investigator of the Investigative Department informed the users of the social network about the investigative functions of the Service. The video was viewed by 5,400 users.

With the support from the Office of the United Nations High Commissioner for Human Rights (OHCHR), models of the uniforms for the employees of the Investigation Department of the State Inspector's Service were developed and subsequently approved. Such clothing consists of a coat, vest, raincoat and jacket with the logo of the Service and inscriptions: "State Inspector's Service" and "Investigation Department".





The vehicles registered on the balance of the Service and used by the Investigative Department were branded. The logo of the Service, name and hotline number (199) were prominently displayed on the vehicle.



INVESTIGATION PLAN ELECTRONIC PROGRAM

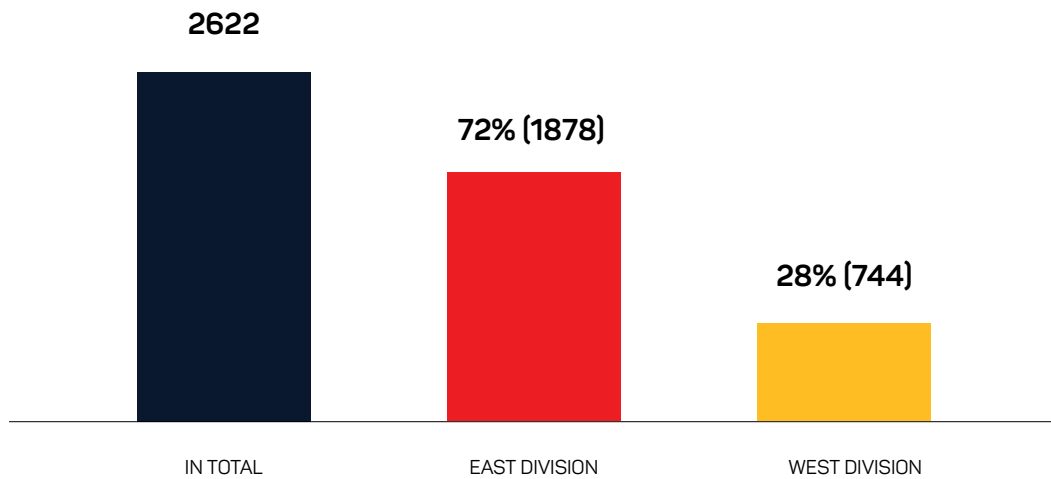
In 2020, an electronic program of the investigation plan was implemented, in which the investigators of the State Inspector's Service reflect information on all actions in criminal cases investigated by them. The program assists investigators in managing investigations, planning investigative and procedural actions, and better perceiving priorities. The program has an automatic reminder feature for resending written address to state entities and private organisation when they fail to reply in time to the information request letters. The program is also used for other important purposes, such as monitoring timely conduct of investigations and collecting the statistical data regarding the ongoing investigations.

The heads of the investigation direction are authorised to access the electronic program of the investigation plan, which provides information on the activities and workload of the investigators. In addition, the program helps to identify best trends in the investigation of certain categories of criminal cases and develop consistent practices.

4. CRIME REPORTS RECEIVED

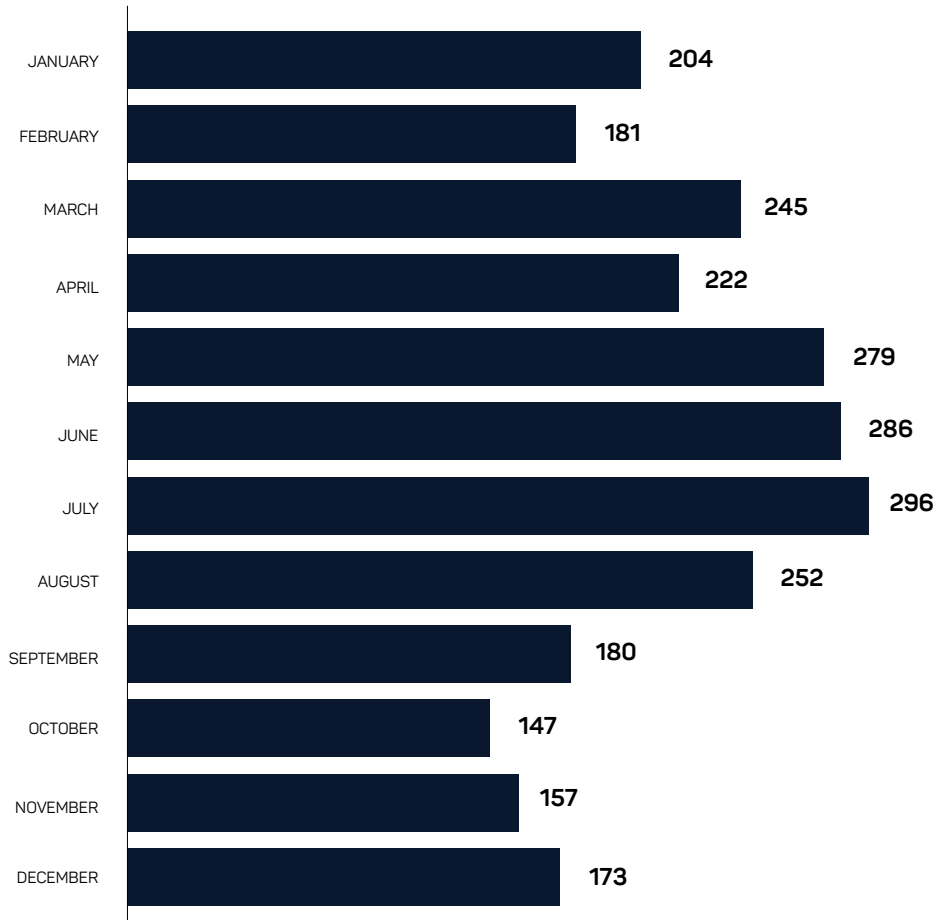
In 2020, the Investigative Department of the State Inspector's Service received 2622 crime reports. 72% of these reports were reviewed by the East Division of the Investigative Department and 28% - were dealt by the West Division.

NUMBER OF CRIME REPORT RECEIVED



The number of crime reports varies by month. Most complaints were received in July, and the least - in October.

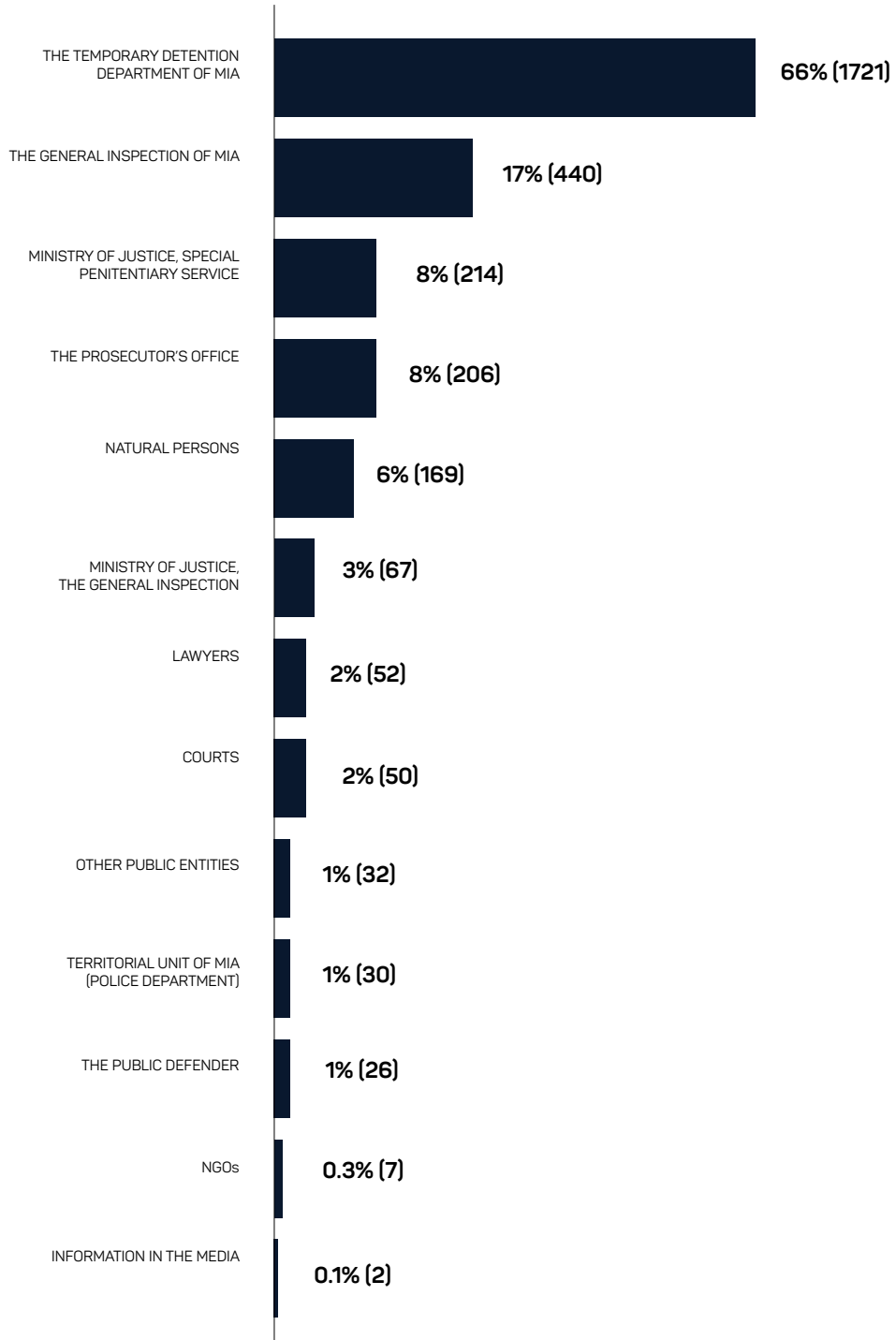
THE NUMBER OF CRIME REPORTS RECEIVED BY MONTHS



The State Inspector's Service received the most reports (84%) from the Ministry of Internal Affairs. In some cases, the report was received from several sources on the same fact.⁵

⁵ In some cases, the State Inspector's Service receives the same report from several sources. In such cases the report will be ascribed to all relevant agencies/sources in order to record complete statistical data. Therefore, the total number of crime report sources exceeds the total number of report received by the Service.

SOURCES OF CRIME REPORTS



The figures provided in the graph demonstrate that most of the reports come from the Temporary Detention Department of the Ministry of Internal Affairs. An effective mechanism for receiving notifications has been introduced between the Investigative Department of the Service and the Temporary Detention Isolator. Medical workers employed at the Temporary Detention Isolators send information by telephone immediately for 24 hours a day. The heads of the facilities send report only if there are no doctors employed at the detention isolators (although the number of isolators where doctors are not employed decreases every year).

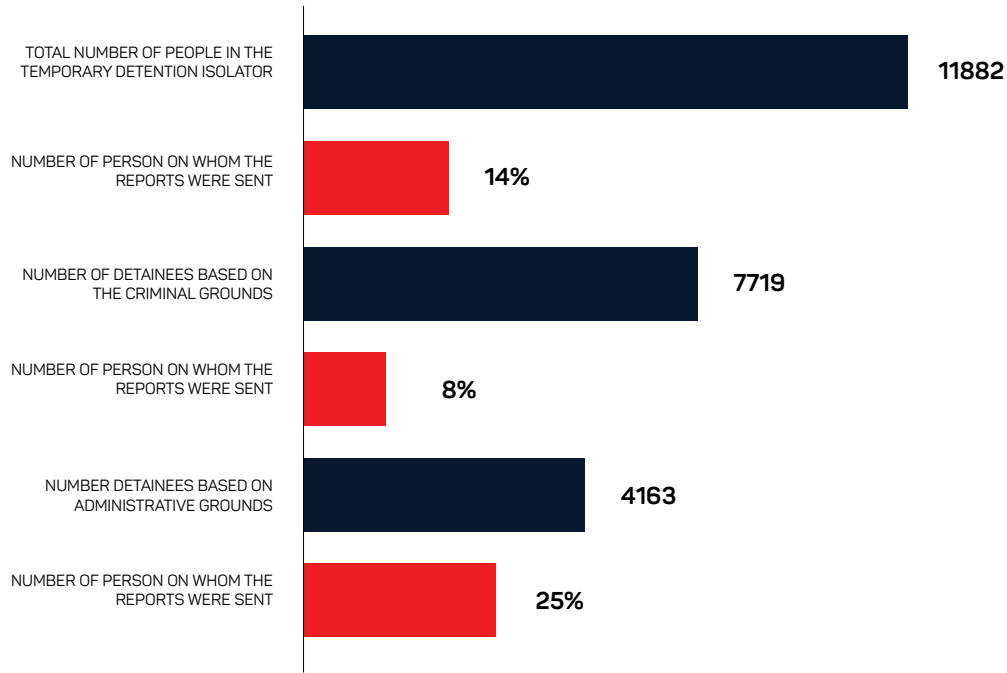
The reports are sent to the Investigative Department of the State Inspector's Service in the following cases:

- a) A detainee has physical injuries, and a doctor employed at the isolator suspects that he/she had been subject to torture or ill-treatment;
- b) A detainee has new marks/traces of violence on his/her body;
- c) A detainee placed in an isolator alleges violence against him/her from representatives of law enforcement bodies.

1,721 reports received from the Temporary Detention Department of the Ministry of Internal Affairs concerned 1,686 persons,⁶ of whom 1,026 were detained on administrative grounds and 660 – on criminal grounds. According to the information received from the Temporary Detention Isolator of the Ministry of Internal Affairs, the total number of detainees in 2020 amounted to 11,882. 7719 of them were detained on criminal grounds, and 4,163 - administratively. Therefore, in 2020, the State Inspector's Service received the report on 14% of the detainees placed in the temporary detention isolators. It should be noted that the rate of notifications on persons detained based on administrative grounds is much higher. In particular, a notification was sent from the Temporary Detention Isolator to the State Inspector's Service for 8% of persons arrested for commission of an act under the Criminal Code and 25% of persons detained for administrative offenses.

⁶ In several cases, notifications were received from the same person several times from the Temporary detention Department. This was mainly due to the court returning the detainee to administrative custody after the release of the detainee, in particular, when the detainee was brought to the isolator, the person underwent a medical examination, after which the notice was repeated to the State Inspector.

REPORT SENT FROM THE TEMPORARY DETENTION ISOLATOR



According to reports received from the Temporary Detention Isolator, 628 out of 1,026 persons detained for administrative offenses were detained under two articles of the Administrative Offences Code - Article 166 (petty hooliganism) and Article 173 (disobeying the lawful order or demand of a law-enforcement officer), 331 persons - only under Article 173 (disobeying the lawful order or demand of a law-enforcement officer) and 67 persons - only under Article 166 (petty hooliganism).

A large proportion (60%) of the 660 persons arrested on criminal grounds were charged with violent crimes under the Criminal Code (domestic crime, as well as crimes against health and life, or public security and public order).

Most of the persons arrested under the above-mentioned Articles cite conflict with the other citizens or resistance from them as the reason for receiving the injury.

Notifications are also sent 24 hours a day from the General Inspection of the Ministry of Internal Affairs. The General Inspection of the Ministry of Internal Affairs is informed about the alleged crimes committed by the employees of the Ministry that fall under the jurisdiction of the State Inspector's Service through its hotline (number - 126), calls

received at 112, and/or written statements of citizens. The number of notifications received from the General Inspection of the Ministry of Internal Affairs (440) indicates that citizens report to them more often than the State Inspector's Service regarding the alleged crimes committed by the employees of the Ministry. This signifies the need for awareness-raising campaigns about the State Inspector's Service and its hotline number (199).

On November 30, 2020, Order № 663 of the Minister of Justice of Georgia was issued on Approval of the Rules for Registration of Injuries of the Accused/Convicted Persons as a Result of Torture and Other Cruel, Inhuman or Degrading Treatment in Penitentiary Establishments. On the basis of the document, from November 30, 2020, the rules for sending reports from the penitentiary establishments have been changed and only doctors can report on the injured persons placed in the facilities to the State Inspector's Service. Notification is sent from the facilities of the Special Penitentiary Service when:

- a) The detainee has physical injuries, and a doctor suspects that he/she had been subject to torture or ill-treatment;
- b) The detainee alleges violence against him/her from a representative of the law enforcement body.

The penitentiary establishments of the Ministry of Justice also submit inmates' applications who allege possible acts of violence to the State Inspector's Service. The information on the death of the prisoners and the detainees is also immediately provided to the State Inspector's Service round the clock.

If in the process of investigation or the interviews conducted prior to launching the investigation identifies the crime falling under jurisdiction of the State Inspector's Service, the General Inspectorate of the Ministry of Justice immediately submits the inmate's applications and the case materials.

In 2020, 116 applications/statements were sent directly by the convicts/accused detainees to the Investigative Department of the State Inspector's Service (in several cases, the reports are filed by the same person).

The Prosecutor's Office of Georgia reports mainly written statements and/or complaints received by them which point to the alleged crime falling under the jurisdiction of the State Inspector's Service. Prosecutors mostly report to the hotline of the Service notifications which concern statements of defendants indicating signs of crime made during the first appearance in the court, pre-trial hearing or during the trial.

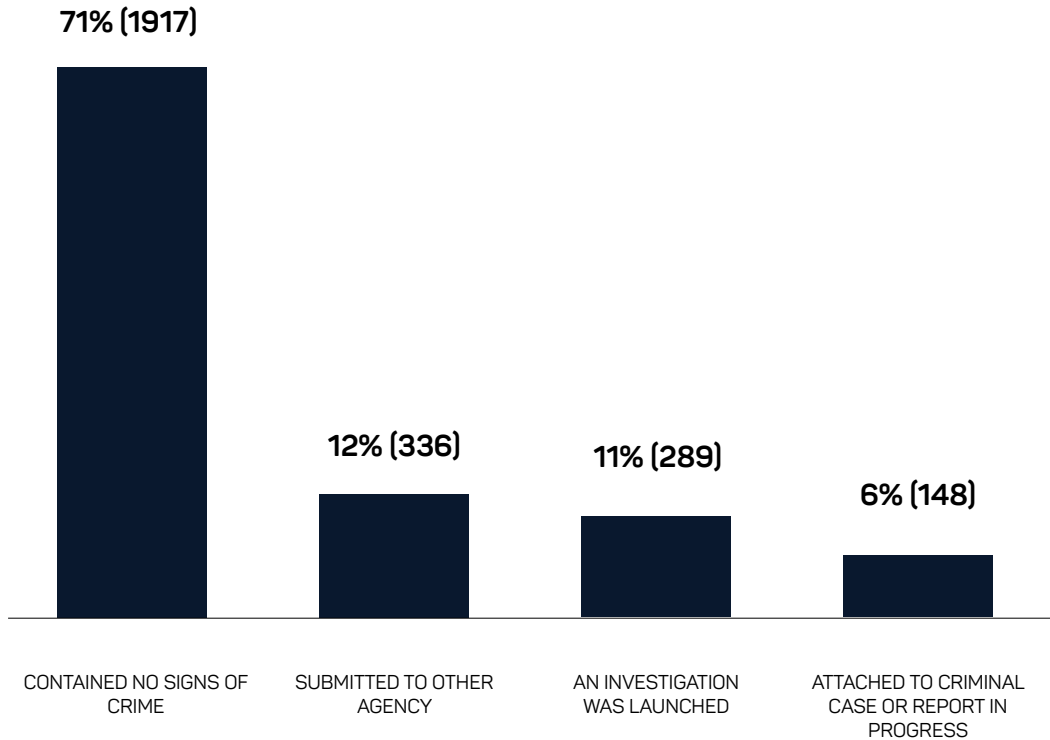
As for the court, the judge reports on the claims made by the defendants during hearings of criminal cases to the State Inspector's Service. It should be noted that in the case of administrative courts, the rate of sending reports is very low, while the majority of complaints are made by persons detained on administrative grounds.

2,622 reports received by Investigative Department of the Service concerned 2,690 persons (in some cases, one report involved action against not one, but several persons).

The investigations were launched (on 267 criminal cases) into 11% of received reports (against 289 alleged victims). As for other reports, 71% (on 1917 alleged victims) showed no signs of crime; 12% (on 336 alleged victims) was transferred to another agency as they did not fall within the investigative competence of the State Inspector's Service; 6% (on 148 alleged victims) was additional information on criminal cases under investigation and/or other already received reports.

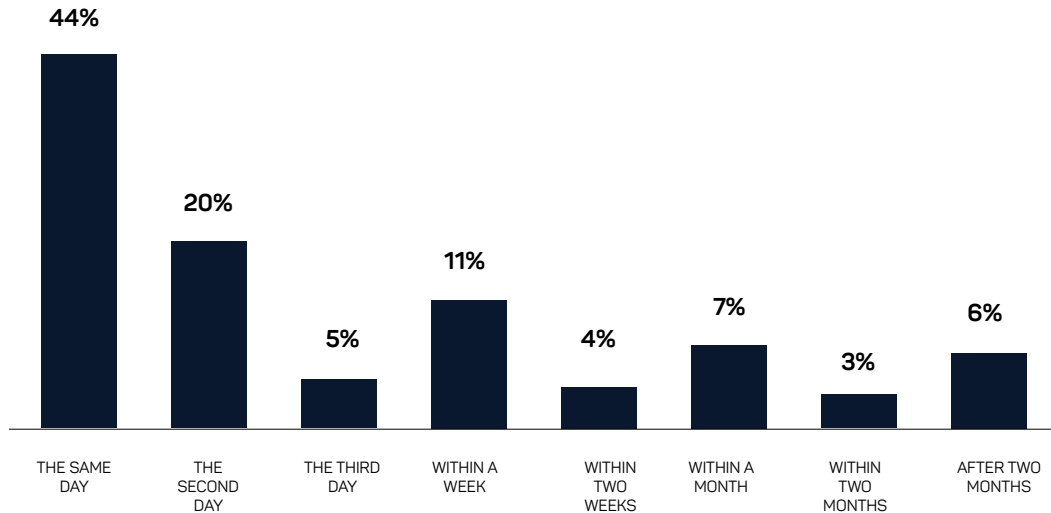
RESPONSE TO CRIME REPORTS

(CALCULATED ACCORDING TO THE NUMBER OF ALLEGED VICTIM)



Prior to deciding whether or not to launch an investigation into reports received by the State Inspector's Service, the Service conducts an interview with an alleged victim (unless the report clearly contains signs of a crime and the qualification of the crime is explicit). For the purpose of conducting an interview, employees of the Investigative Department immediately after receiving the notification contact the alleged victim and if it is impossible to identify them – the author of the report. Interviews are mostly conducted in person, however, to avoid delays during the pandemic, interviews were conducted remotely, and/or by telephone. Investigative Department staff interviewed 2,157 out of 2,690 alleged victims. 64% of the alleged victims were interviewed on the day of receipt of the report or the day after.

THE DATE OF INTERVIEW WITH THE ALLEGED VICTIM AFTER THE RECEIPT OF REPORT



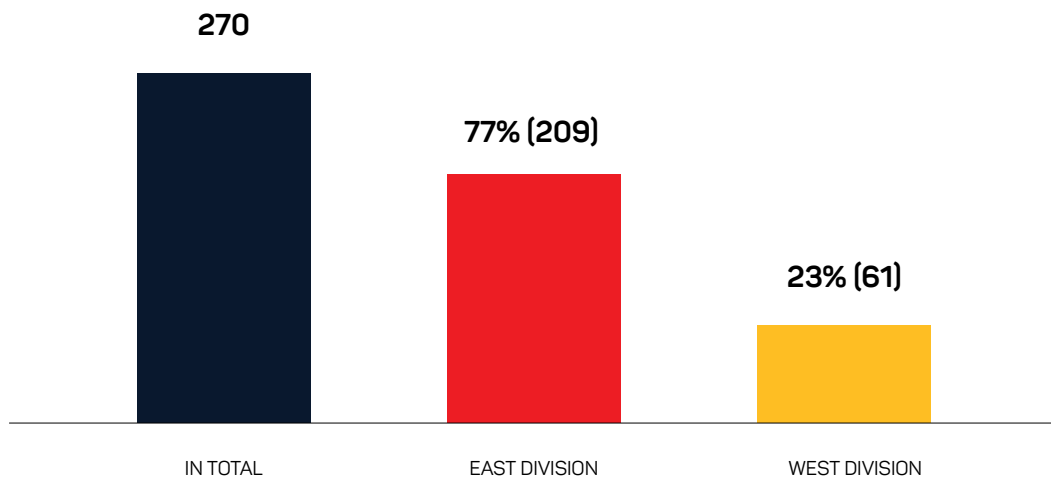
Interviewing an alleged victim a few days (weeks) after the receipt of the report was conditioned by the following factors:

- It was impossible to contact the alleged victim - did not answer phone calls, was not at a registered address and family members had no information about his/her whereabouts;
- The alleged victim needed time to hire a lawyer;
- The alleged victim refused to be interviewed for some time;
- The alleged victim, due to a health condition, was not able to participate in the interview;
- Due to the restrictions imposed on the movement of intercity and municipal transport during the pandemic, the alleged victim could not visit the administrative building of the State Inspector's Service and, at the same time, declined to be interviewed at the place of residence;
- Penitentiary establishments, due to the regulations adopted during the pandemic, needed some time to technically assemble the remote interview mechanism. Besides, in a number of cases, the alleged victim was in the quarantine zone.

5. LAUNCHING INVESTIGATION

In 2020, the Investigative Department of the State Inspector's Service launched investigations into 270 criminal cases, of which 267 were based on the reports received and 3 - on the decisions of criminal case separation.

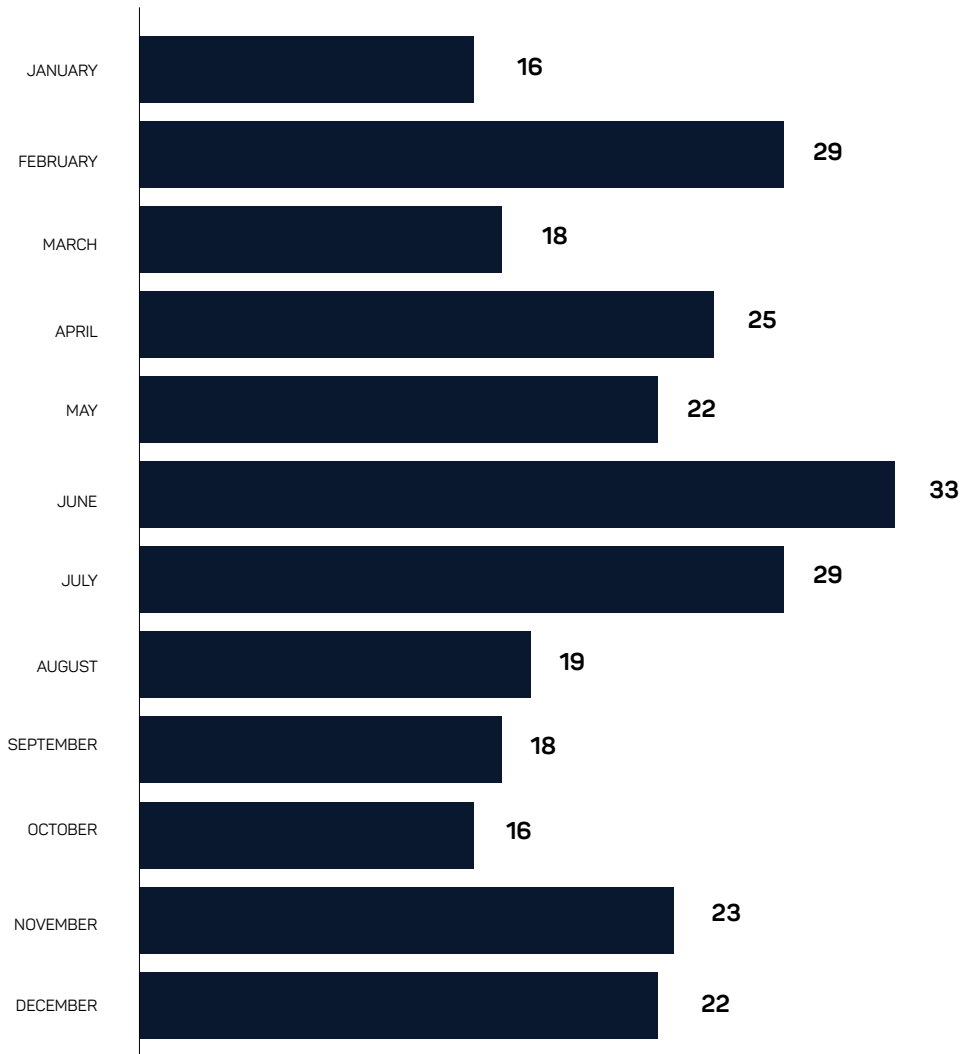
NUMBER OF CRIMINAL CASES



In parallel with the launch of investigation, 11 criminal cases were referred to the Investigative Department of the State Inspector's Service under the investigative jurisdiction, of which 8 - from the Ministry of Internal Affairs, 2 - from the Ministry of Justice, and 1 - from the Prosecutor's Office. Out of these cases, 3 were merged with the ongoing criminal case of the East Division of the Investigation Department of the State Inspector's Service, and 1 - with the criminal case of the West Division.

The highest number of investigations were launched in June and the lowest in January and October.

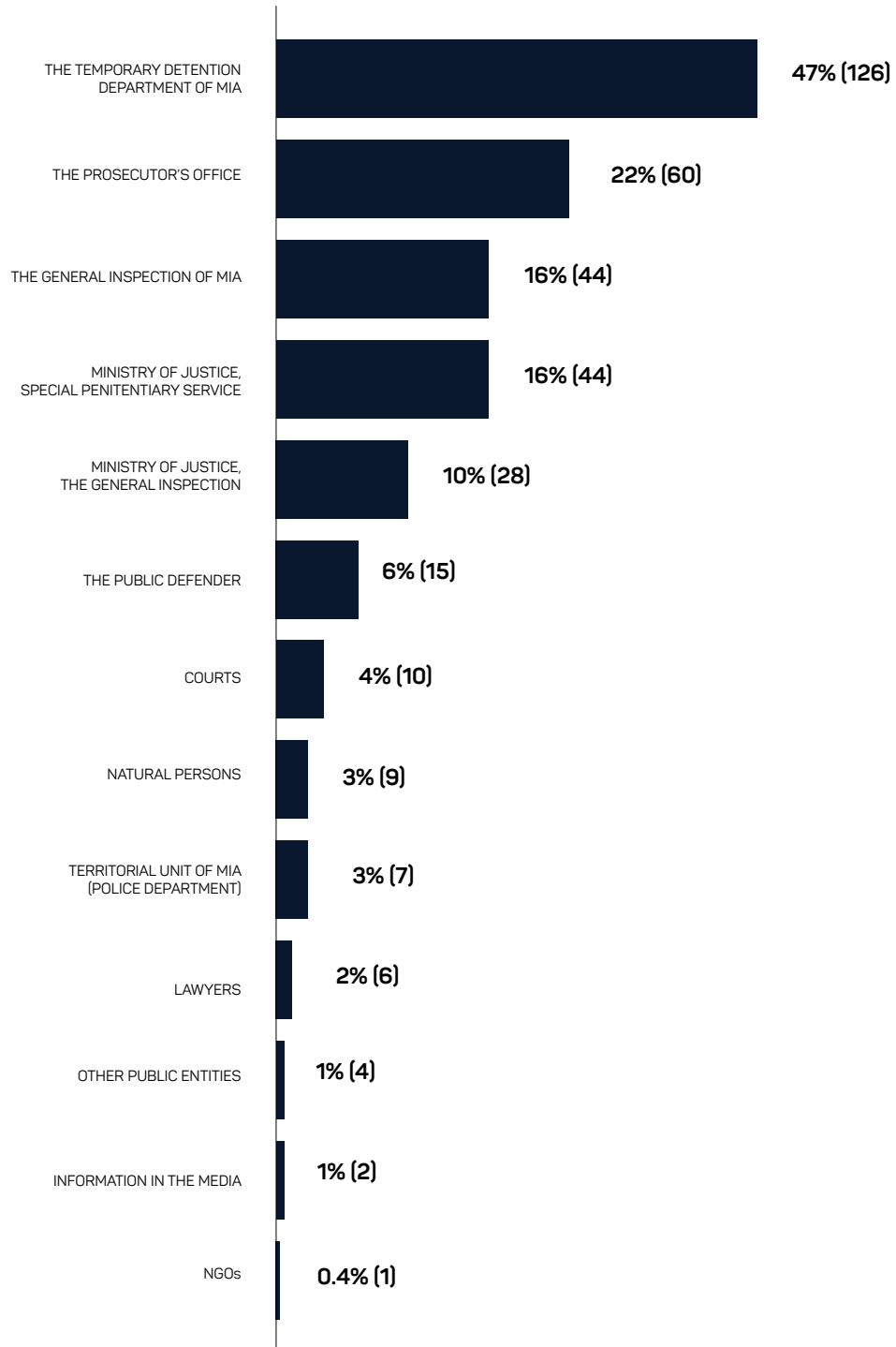
LAUCH OF INVESTIGATIONS BY MONTHS



Most of the reports indicating signs of crime were received from the Temporary Detention Department of the Ministry of Internal Affairs. In some cases, the same fact was reported by several sources.⁷

⁷ In some cases, the State Inspector's Service receives the same report from several sources. In such cases the report will be ascribed to all relevant agencies/sources in order to record complete statistical data. Therefore, the total number of crime report sources exceeds the total number of reports received by the Service.

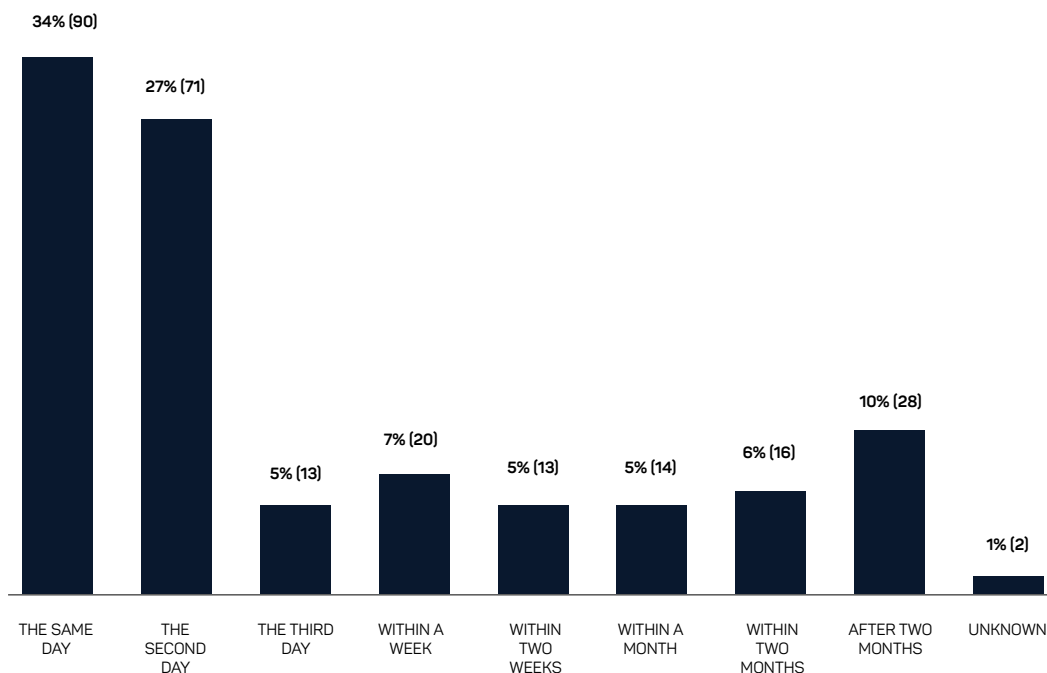
SOURCES OF REPORTS INDICATING SIGNS OF CRIME



In order to conduct an effective investigation (start the investigation in a timely manner, carry out investigative actions in a short period of time, prevent the destruction of evidence), one of the most important issues is to immediately inform the State Inspector's Service about alleged crimes. The analysis of reports containing signs of crime during 2020 reveals that sometimes these reports are not immediately provided to the State Inspector's Service upon commission of the alleged crime (both from government agencies and citizens).

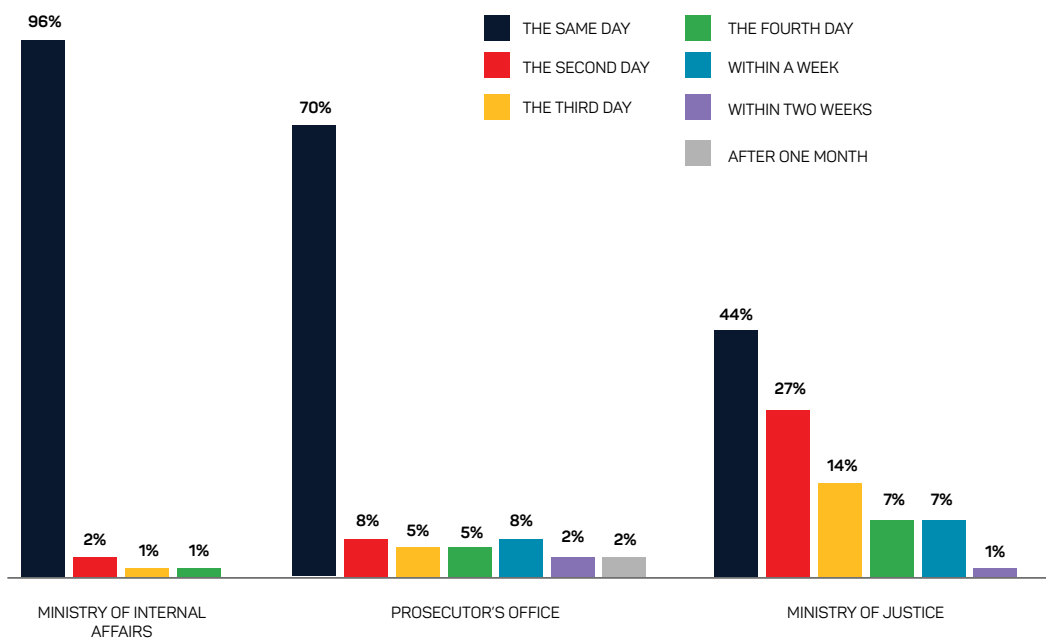
66% of reports containing signs of a crime were received by the State Inspector's Service within three days of the commission of the alleged crime, 33% - within a week or later, and in 1% - the exact date of the crime is unknown (2 persons could not specify the exact date of the alleged crime).

THE TIME INTERVAL BETWEEN COMMISSION OF AN ALLEGED CRIME AND RECEIVING A CRIME REPORT



Most often, the Investigative Department of the State Inspector's Service receives reports containing the signs of crime from the Ministry of Internal Affairs, the Ministry of Justice, and the Prosecutor's Office. Usually, agencies send reports on the same day or the second day after receiving the information, although sometimes their reports are delayed. The reports containing signs of crime are sent in a short time and most efficiently from the Ministry of Internal Affairs - the vast majority of them on the day of receipt.

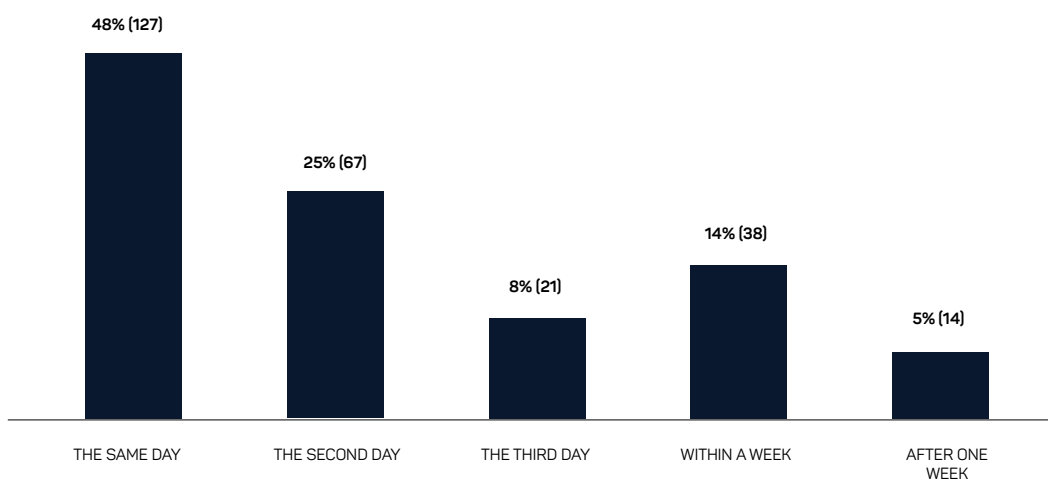
THE PERIOD OF SENDING THE REPORTS CONTAINING THE SIGNS OF CRIME



Given the specifics of the crimes under the jurisdiction of the State Inspector's Service, it is vital to immediately interview the alleged victim and present him/her to a medical expert, as well as to communicate promptly with the witnesses and obtain other evidence. Consequently, even a 1-2-day delay in sending the reports makes it impossible and/or significantly hinders obtaining evidence and establishing the factual circumstances.

The State Inspector's Service, in order to conduct an investigation in a timely manner, usually launches investigation on the day the notice is received. Investigations were launched on 48% of reports containing signs of crime on the day of receipt, 25% - on the second day, 8% - on the third day, 14% - within a week, and 5% - after one week.

THE TIME OF LAUNCHING INVESTIGATION INTO REPORTS CONTAINING SIGNS OF CRIME



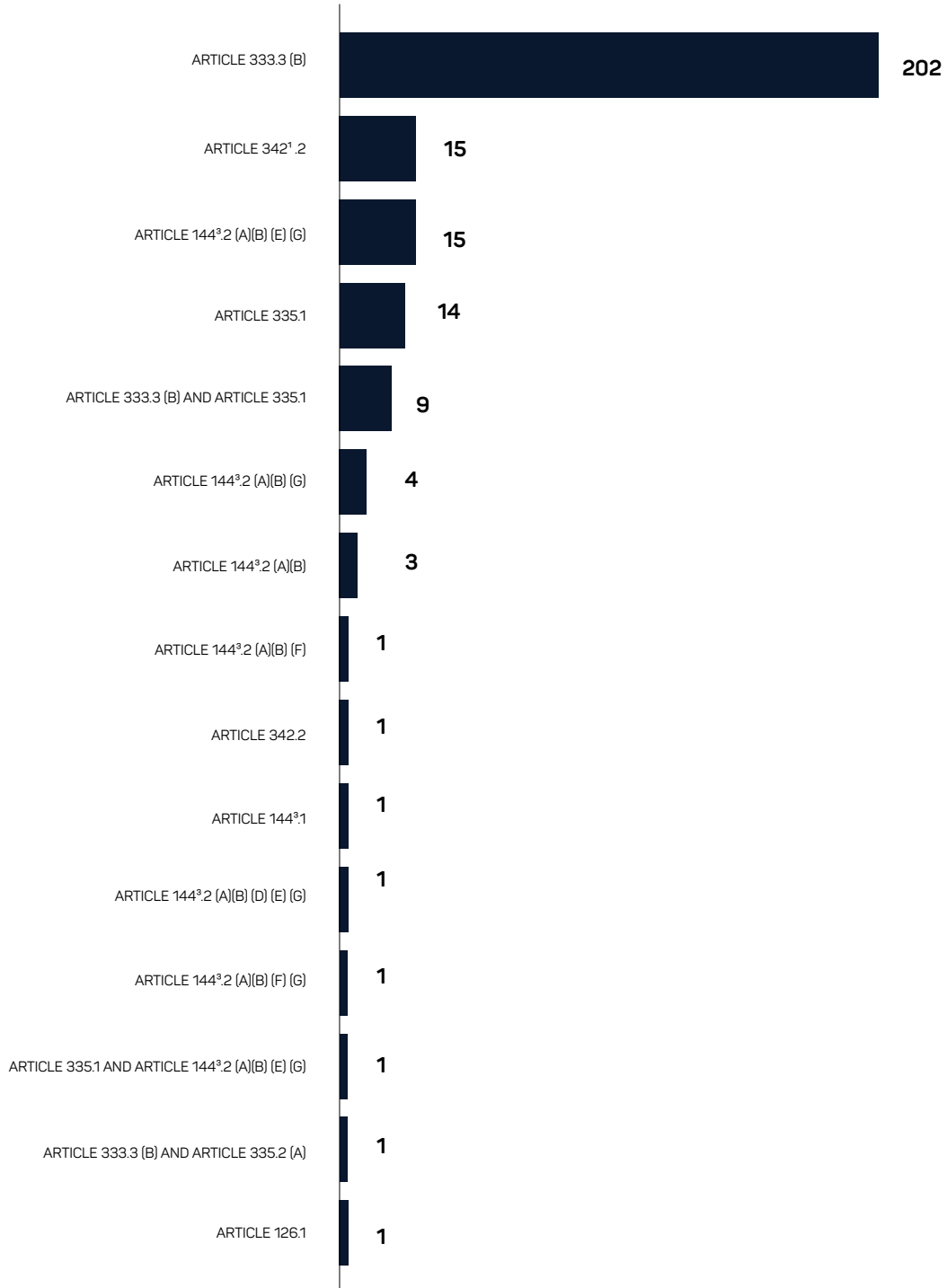
The investigations were launched into 14 criminal cases after more than a week of receipt of the report as the notifications were vague and it became necessary to clarify the details with the source, which, despite numerous attempts by the investigator, was not possible in a timely manner for the following reasons:

- The alleged victims in 7 criminal cases refused to be interviewed without a lawyer;
- In 5 criminal cases, the alleged victims could not be found in time (they did not answer the calls, were not present at the place of residence);

- In one criminal case, an alleged victim placed in a penitentiary establishment refused to be interviewed remotely, and planning an in-person interview, due to the pandemic restrictions, took some time;
- A person to be interviewed in one criminal case was quarantined at the penitentiary establishment and was interviewed after the end of the quarantine.

The investigations of criminal cases were launched mainly on the basis of Article 333 (3), sub-section “b” of the Criminal Code of Georgia (Exceeding official powers, committed with violence). The investigations into 11 criminal cases have been launched with cumulative crimes.

QUALIFICATIONS OF CRIMES DETERMINED AT THE OUTSET OF INVESTIGATION (CRIMINAL CODE OF GEORGIA)

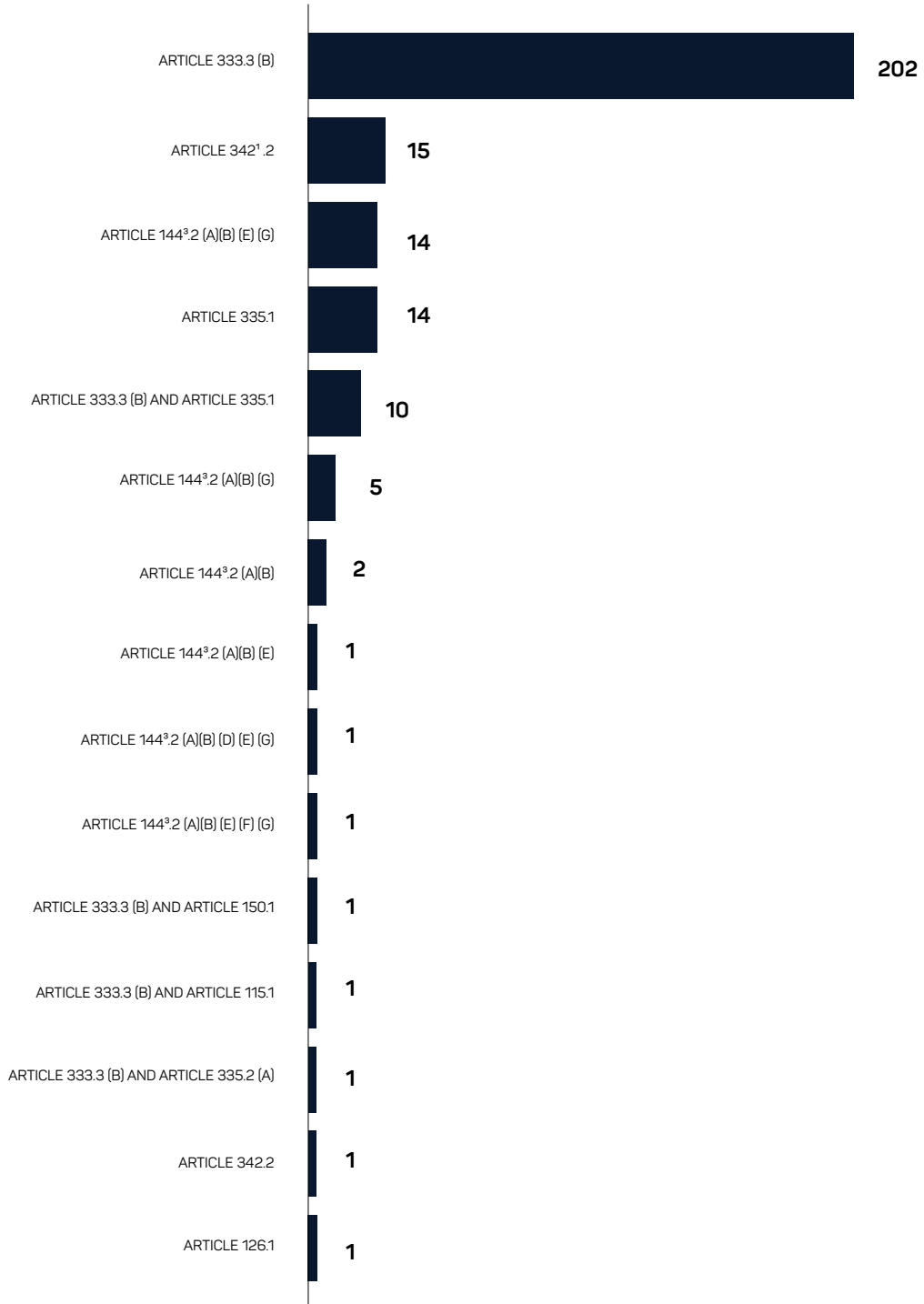


Out of the 270 criminal cases mentioned above (meaning cases into which the investigation was launched in 2020), the prosecutor changed the qualification of crime in 12 criminal cases during the investigation. In particular:

- In 6 criminal cases, qualification under the Article 144³ of the Criminal Code of Georgia (degrading or inhuman treatment) given by the State Inspector's Service was changed by the prosecutor under Article 333 of the Criminal Code of Georgia (exceeding official powers);
- In 3 criminal cases, qualification under Article 333 of the Criminal Code of Georgia (exceeding official powers) given by the State Inspector's Service was changed by the prosecutor under Article 144³ of the Criminal Code of Georgia (degrading or inhuman treatment);
- In 2 criminal cases, in the qualification under Article 144³ of the Criminal Code of Georgia (degrading or inhuman treatment) given by the State Inspector's Service the prosecutor clarified aggravating circumstances and the investigation was continued with other qualifying circumstances.
- In 1 criminal case, the Prosecutor added new qualification under Article 335 of the Criminal Code of Georgia (providing explanation, evidence or opinion under duress) to the qualification under Article 333 of the Criminal Code of Georgia (exceeding official powers) given by the State Inspector's Service and the investigation was continued with cumulative crimes.

As mentioned above, in 2020, investigations were launched into 270 criminal cases, out of which 12 cases had their qualifications changed during the investigation. Accordingly, the investigation of the mentioned criminal cases was continued with the following qualifications:

FINAL QUALIFICATIONS OF CRIMES (CRIMINAL CODE OF GEORGIA)



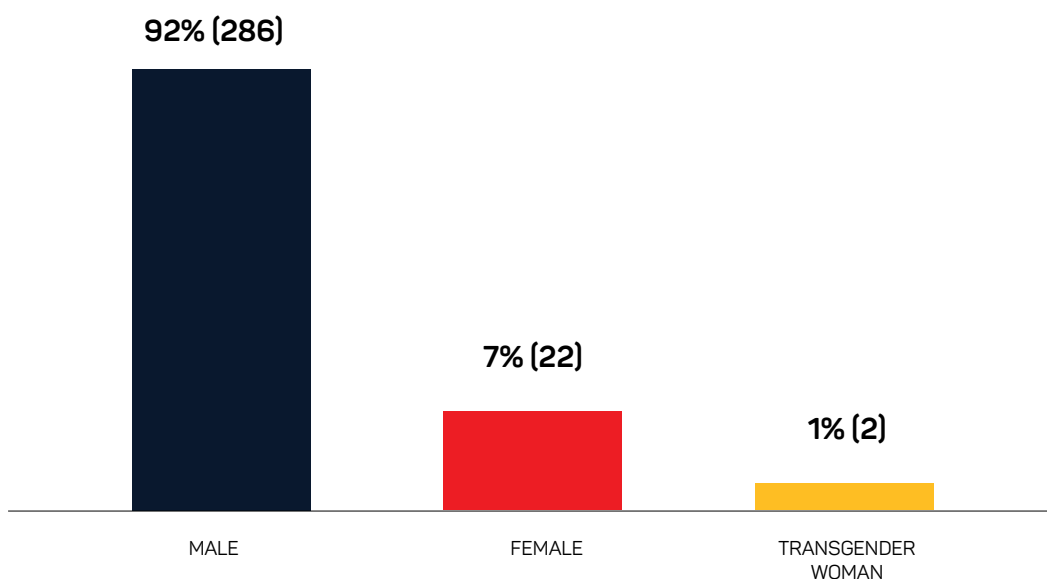
Besides, in 2020 the qualification of the crime was changed in 2 criminal cases into which the investigations were launched in 2019. In both cases, the investigation was conducted under Article 333 of the Criminal Code of Georgia (exceeding official powers) and after the prosecutor changed the qualification of crime, the investigation was continued under Article 144³ of the Criminal Code (degrading or inhuman treatment)).

The prosecutor changed qualifications in 5 criminal cases at the outset of the investigation, and in 9 criminal cases - after carrying out certain investigative and procedural actions.

6. ALLEGED VICTIMS

There are 310 alleged victims in 270 criminal cases initiated in 2020, the majority of whom (92%) are male, 7% - are female, and 1% of the alleged victims are transgender women.

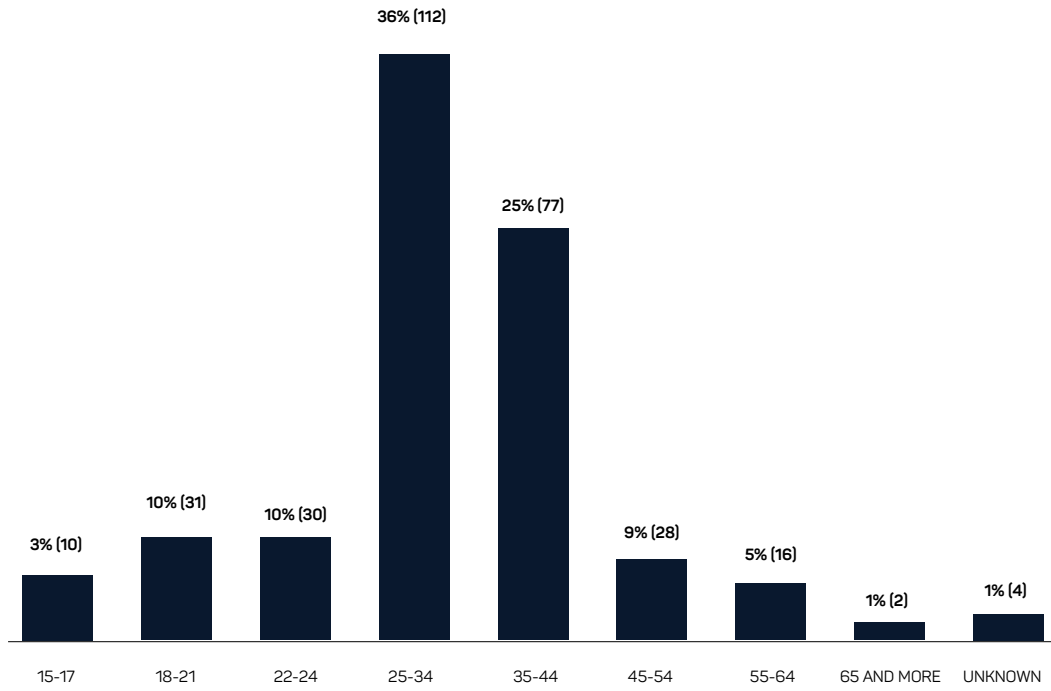
GENDER OF ALLEGED VICTIMS



Of the alleged victims, 55 are representatives of ethnic minorities, 15 are foreign nationals, 2 are persons with mental illness, 1 is with disability, and 1 is stateless.

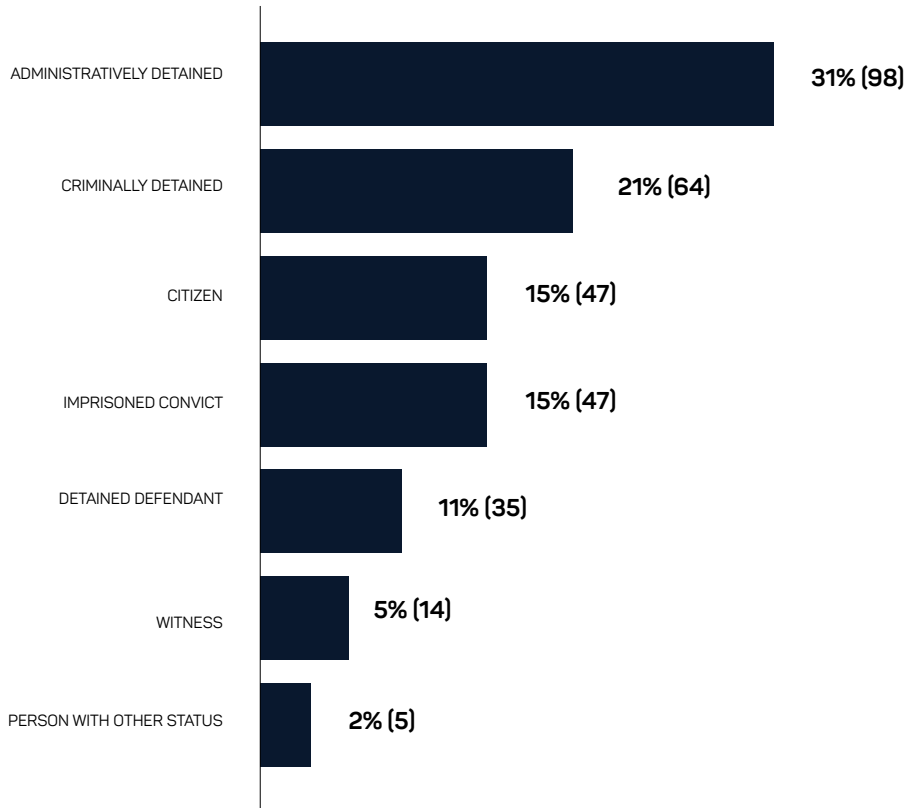
96% of the alleged victims are adults, 3% - are minors, and the age of 4 persons is unknown, as they could not be identified.

AGE OF ALLEGED VICTIMS



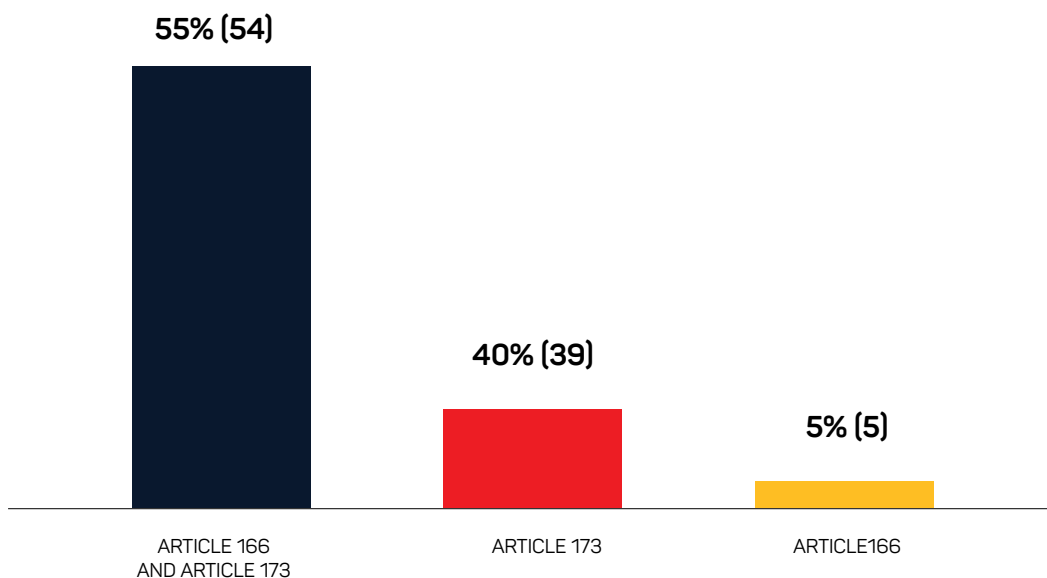
31% of alleged victims are detained on administrative grounds, 21% - are criminally detained persons, 15% - detained defendants, 15% - citizens, 11% - imprisoned convicts, 5% - witnesses, and 2% - persons with other status.

PROCEDURAL STATUS OF ALLGED VICTIMS



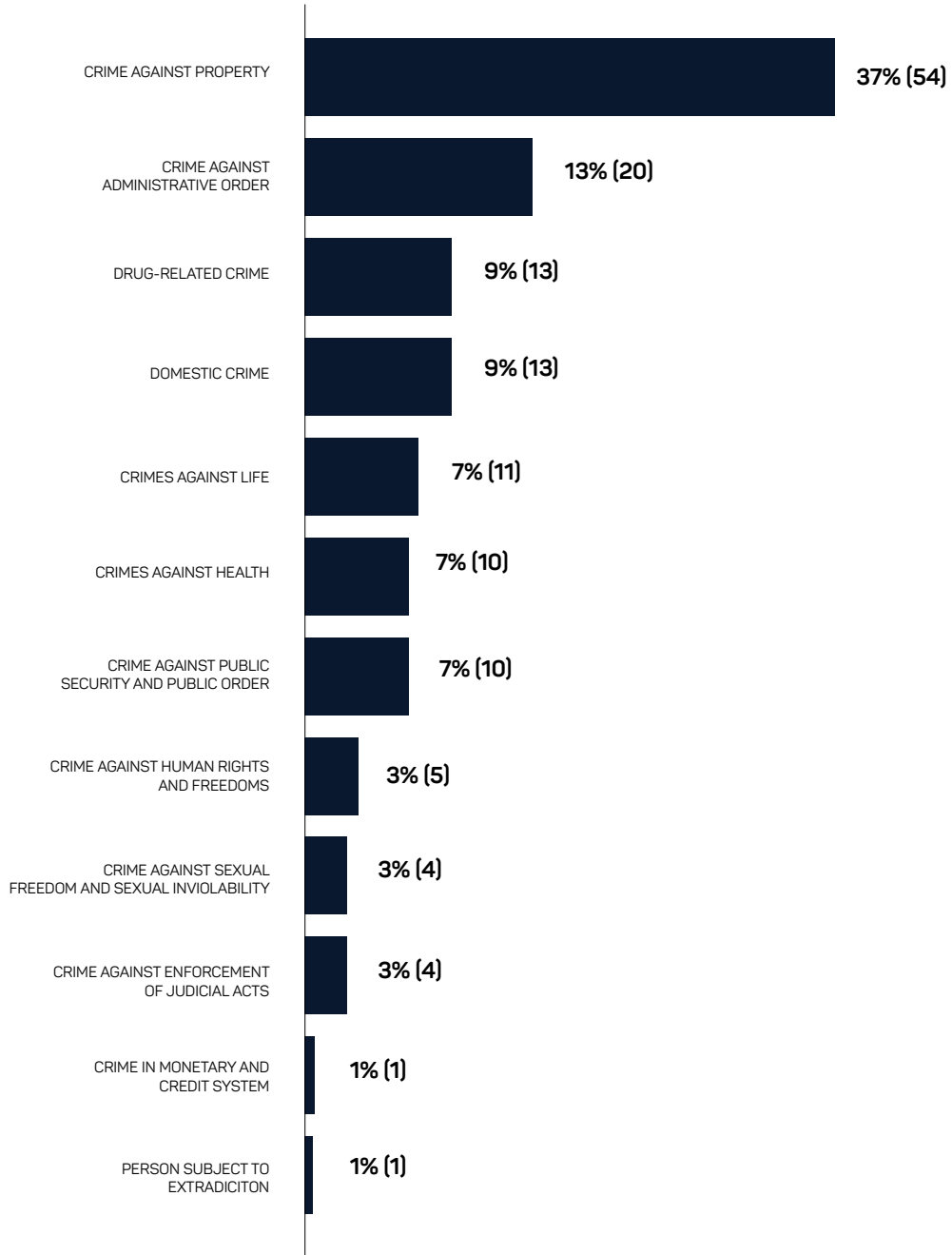
Administratively detained/penalised persons who claim that law enforcement officers have committed an illegal act are mainly detained under two Articles of the Administrative Offences Code - petty hooliganism (Article 166) and Article 173 (disobeying the law-enforcement officer).

ADMINISTRATIVE OFFENCES COMMITTED BY ALLEGED VICTIMS (ADMINISTRATIVE OFFENCES CODE)



Detainees or convicts under criminal law who claim that law enforcement officers have committed an illegal act are mainly detained/convicted for a crime against property (37%), health and life (14%), administrative order (13%), drug-related crime (9%) and domestic crime (9%).

DEFENDANTS/CONVICTS ARE ALLEGED VICTIMS OF THE FOLLOWING CRIMES

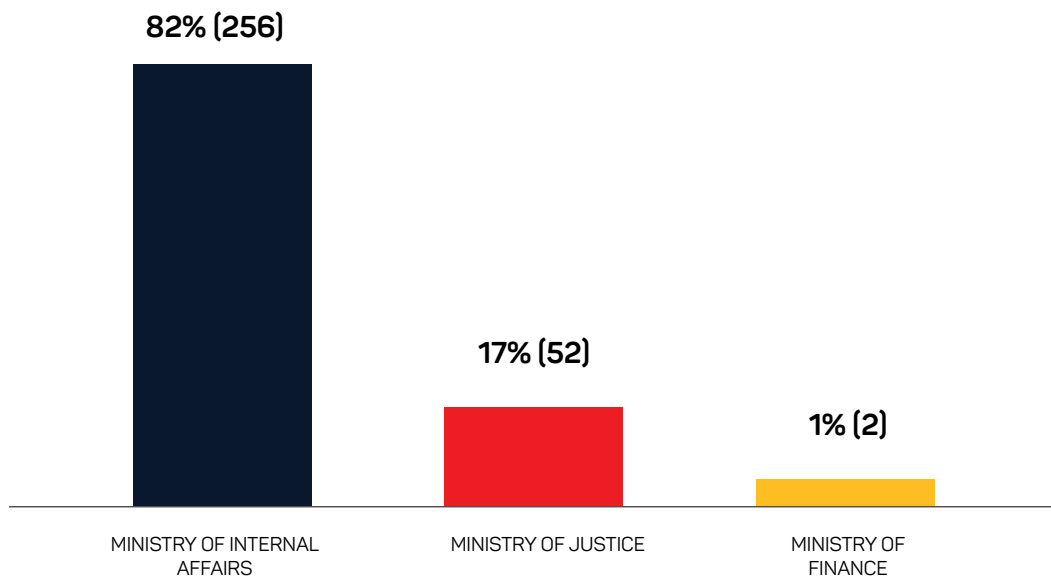


7. CIRCUMSTANCES OF THE ALLEGED CRIMES

The vast majority of cases under the jurisdiction of the State Inspector's Service relate to alleged physical violence perpetrated by a law enforcement officer.

In 82% of the investigations launched by the State Inspector's Service the alleged victims named employees of the Ministry of Internal Affairs as perpetrators of possible criminal acts, in 17% - employees of the Special Penitentiary Service of the Ministry of Justice, and in 1% - employees of the Investigation Service of the Ministry of Finance.

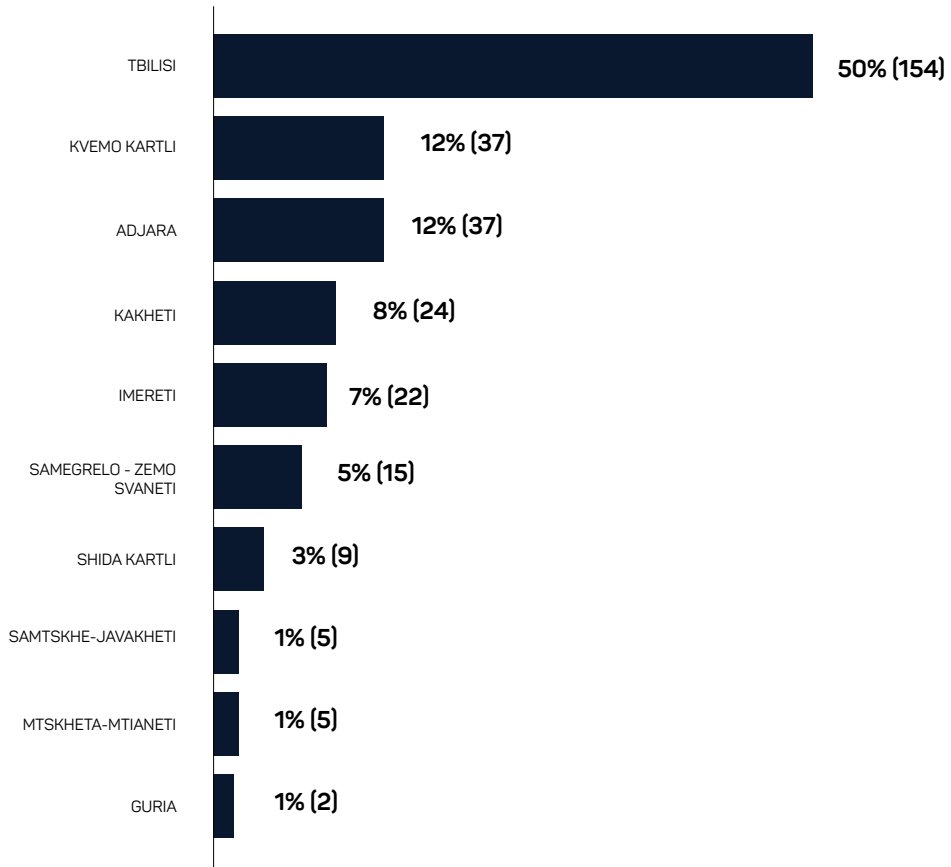
THE ENTITIES INDICATED BY ALLEGED VICTIMS



From the units of the Ministry of Internal Affairs alleged victims most often claim that employees of the Security Police Department, Criminal Police Department and Patrol Police Department have perpetrated a crime. The State Inspector's Service has received only one report on alleged violence in the Temporary Detention Isolator.

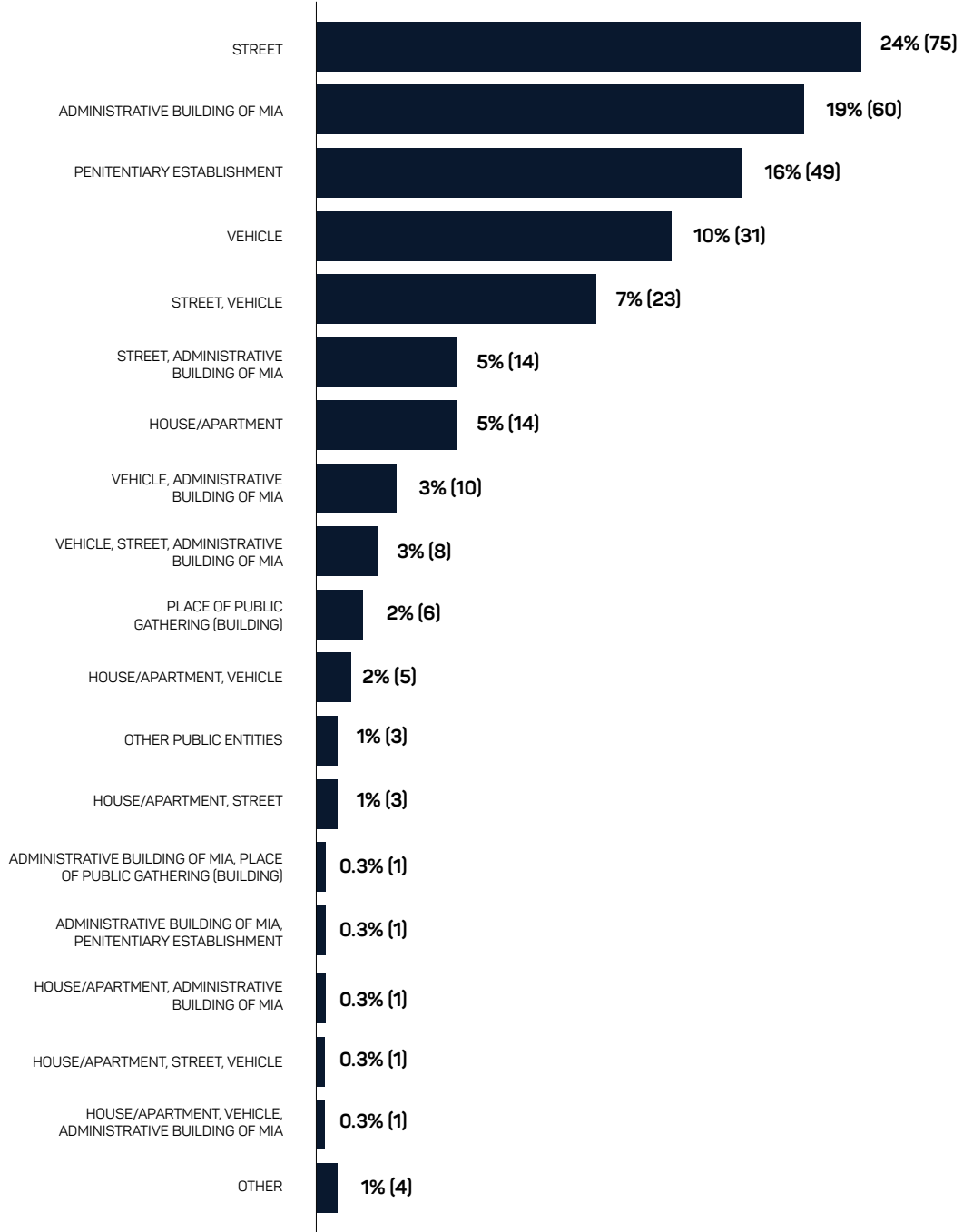
50% of the alleged victims identified Tbilisi as place of alleged crime. Also, a relatively high percentage is observed in Kvemo Kartli (12%) and Adjara (12%).

GEOGRAPHICAL AREA OF COMMISSION OF ALLEGED CRIME



40% of the alleged victims indicate the street as the place of alleged crime, 31% - the administrative building of the Ministry of Internal Affairs, 26% - a vehicle, 16% - a penitentiary establishment, 8% - a house/apartment, and 3% - other public institutions. In some cases, victims identified several locations as places where alleged crime had been committed.

THE EXACT PLACE OF ALLEGED CRIMES



8. INVESTIGATIVE AND PROCEDURAL ACTIONS CARRIED OUT

Due to restrictions imposed to prevent the spread of the Coronavirus, the work of the Investigative Department of the State Inspector's Service (investigative and procedural actions) was delayed. In particular:

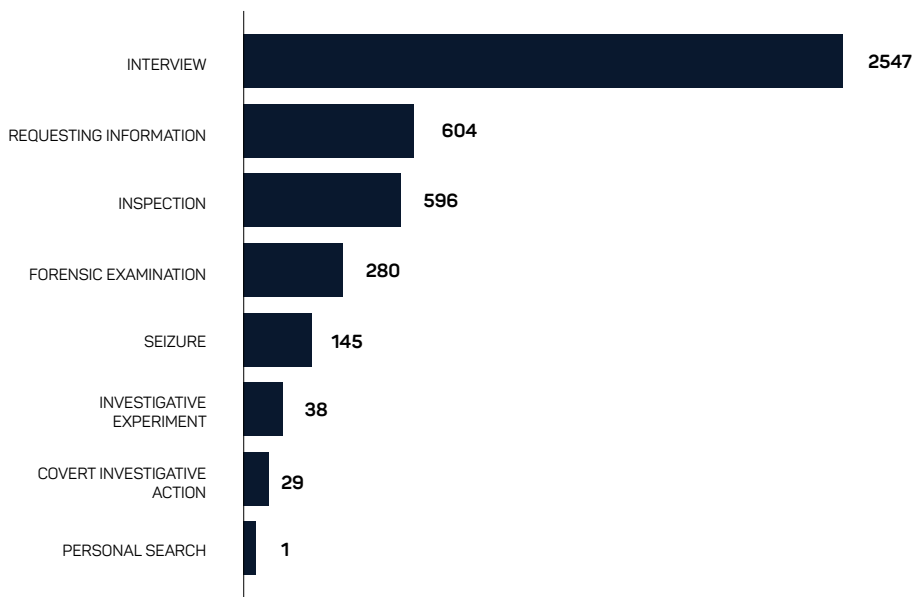
- To prevent the halt of the work of the Service in the event of a virus detection at the workplace, some employees of the Investigative Department switched to remote work. Consequently, these investigators were unable to carry out investigative actions that required being at the workplace;
- During personal examination of an alleged victim, LEPL - Levan Samkharauli National Forensics Bureau imposed a requirement to submit the protocol of an interview conducted with the person being examined, the victim's family member and/or a person living with him/her (in case of death at the detention facility – with the doctor of the hospital) which would attest that a person did not have high fever and/or other symptoms characteristic of COVID infection recently or in case of death - before passing. This procedure required additional time and hindered timely conduct of the proceedings;
- It was made difficult for witnesses to appear before the investigative body. Some of them claimed to have had contact with a person infected with the coronavirus and were in isolation. Additionally, due to the changed work schedule, some of the witnesses were not at the actual/registration address indicated in the official sources, but at another location, which delayed reaching out them. Also, due to restrictions on the municipal and intercity transport, persons residing in the region were unable to report to the administrative building of the Investigation Department;
- During the curfew, witnesses were not able to be present in the administrative building of the investigative body in the evening;
- Often the persons reporting to the administrative building of the investigative body had high temperature, and due to this reason, according to the existing regulations, they could not take part in the investigative and procedural actions;
- During the curfew, it was difficult to find eye-witnesses – citizens/outsideers that affected the conduct of thorough investigation into these cases and a final decision;

- Due to the closure of hotels, restaurants, shopping centres and other facilities and/or their remote work it was difficult to communicate with the staff of these establishments. This hindered the request for video recordings and information/evidence (documents) relevant to the case. At the same time, some of the institutions had completely disconnected video recording equipment from the network, which, in some cases, made it impossible to obtain video recordings important for the investigation;
- Given the specifics of the investigative action and the risk of transmitting a viral infection during such actions, it has become impossible to conduct identification. Apart from this, the alleged victims interviewed often indicate that during the alleged violence, law enforcement officials wore facemasks, which made it impossible for them to see their faces and, consequently, could not identify them;
- Investigative and procedural actions were carried out with delays in penitentiary establishment as well. Due to the security measures taken for virus containment, interrogation of persons placed in the facility was allowed only in a special room for rendezvous, across the glass barrier, which is more time-consuming than usual. Besides, across the glass barrier, the investigator could not directly provide the interviewee with a protocol of the investigative action to read and sign. This function was performed by the employee of a detention facility - who delivered the report prepared by the investigator to the interrogated person. Neither investigator nor the interviewee were able to see the process of submitting the protocol. Some of the respondents expressed dissatisfaction and protest due to the fact that the employees of the establishment had access to the protocol. In such circumstances, it was also difficult to conduct certain procedures (e.g., presenting video/audio recordings and/or other evidence to the interviewee);
- Medical examination in the penitentiary institution also became challenging. In some cases, given the risks of the Coronavirus, the medical expert could not meet with the inmate in person and examined him/her beyond the glass barrier.

Despite partially remote work schedule and the above-mentioned obstacles, the Investigative Department of the State Inspector's Service was able to respond promptly to all reports received and conducted preliminary and urgent investigative/procedural actions in all criminal cases.

In 2020, investigators from the Investigative Department conducted 4,240 investigative and procedural actions:

CONDUCTED INVESTIGATIVE AND PROCEDURAL ACTIONS



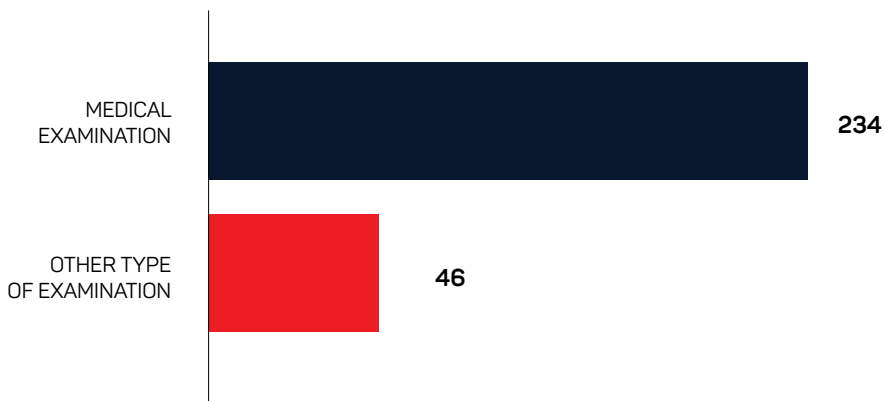
Out of 2547 interviewed persons, 1072 are employees of law enforcement bodies.

9. FORENSIC EXAMINATION

In the criminal cases pending before the State Inspector's Service, the applicants mainly referred to alleged physical violence by the employees of the Ministry of Internal Affairs. Accordingly, the Service addresses LEPL Levan Samkharauli National Forensics Bureau for conducting forensic examination in order to avoid questions about the expert's impartiality and objectivity.

In 2020, the Investigative Department ordered 280 examinations. Among them prevails forensic medical examination as it is one of the necessary procedural actions for the types of crimes falling under the authority of the State Inspector's Service.

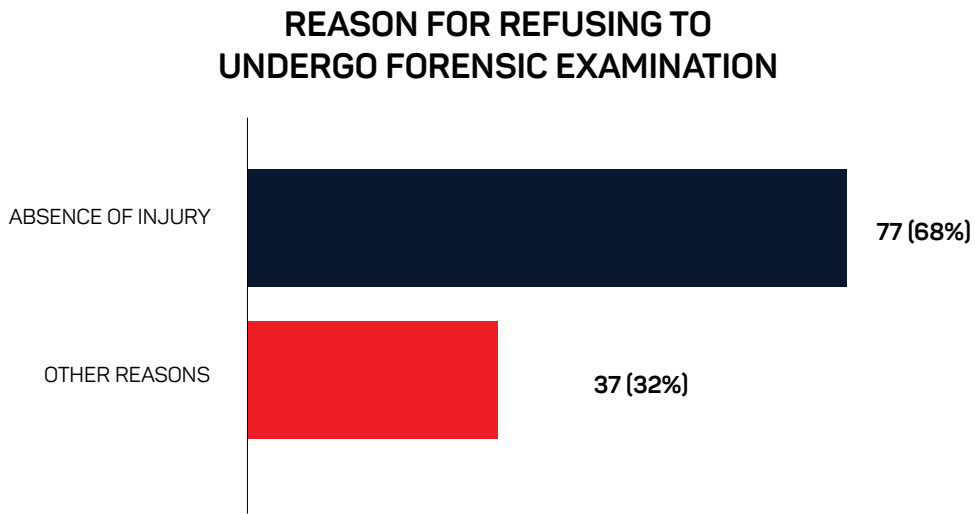
ORDERED FORENSIC EXAMINATION



151 persons appeared in person for medical examination, while 114 persons refused to undergo the forensic examination, in 66 cases (2 of them commission forensic medical examination) medical examination was appointed on the basis of medical documentation, and in 17 cases medical examination of the corpse was ordered.

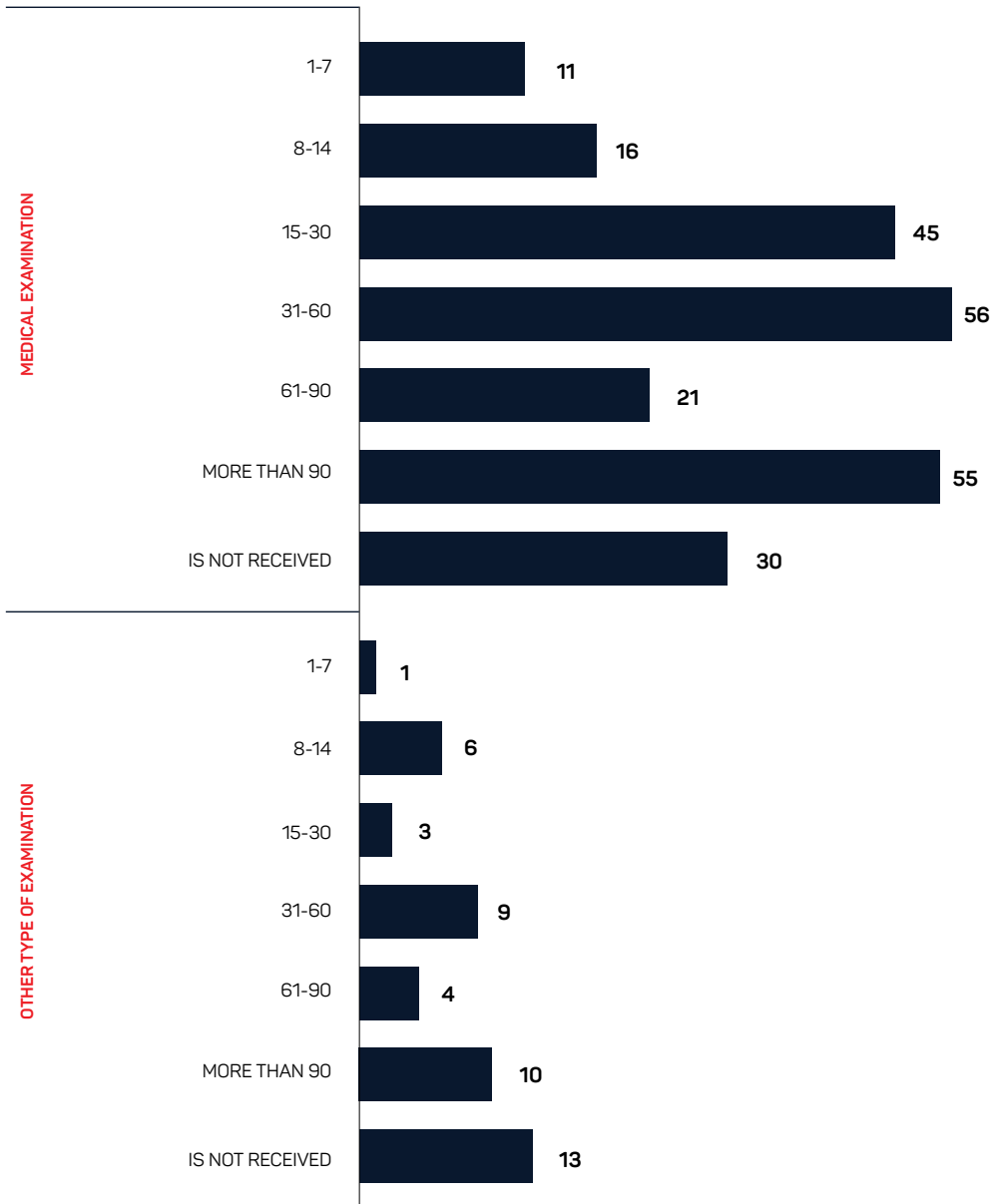
77 alleged victims (68%) named the absence of bodily injuries as the main reason for refusing to be examined by a medical expert, while 37 victims (32%) avoided attending the forensic examination for various reasons (some of the alleged victims did not explain the specific reason for the refusal, some did not cooperate with the investigation; some

denied the fact of violence by police officers and refused to undergo an examination on this ground). 34 out of the mentioned 37 persons had traces of physical injuries on their bodies, while in the case of 3 alleged victims, the injuries could not be verified, as they avoided communication with the representatives of the Investigative Department of the State Inspector's Service.



237 (85%) forensic examination reports were issued on 280 forensic examinations, and out of 234 ordered medical examinations, 204 (87%) ended with a report. The positive trend observed regarding the timely preparation of forensic examination report by Levan Samkharauli National Forensics Bureau should be mentioned. In recent months, the timeframes for conducting expert examinations of criminal cases pending before the State Inspector's Service have been significantly reduced. The results of the medical examination are mainly received within 60 days after the appointment of the examination, while the results of other types of examination are received within more than 90 days. Timely conduct of the forensic examination is directly related to an effective investigation. Accordingly, the State Inspector's Service and the Levan Samkharauli National Forensics Bureau will continue active cooperation in order to further improve this situation.

DEADLINES OF THE RECEIPT OF THE FORENSIC EXAMINATION REPORT (DAYS)



Conducting a commission medical examination is associated with special difficulties. The existing practice and current legislation of such examination significantly hinder the conduct of timely and thorough investigations. The procedure is as follows: The Investigative Department addresses the Levan Samkharauli National Forensics Bureau, which asks the investigative body of the State Inspector's Service to find specialists in the field relevant for the commission. For its part, the Investigative Department sends a request for the appointment of medical specialists to the Ministry of Internally Displaced Persons from the Occupied Territories, Health, Labour and Social Affairs of Georgia. Medical specialists are not interested in participating in the commission, as it involves a heavy workload (review of medical documentation submitted for examination, consultation answers and preparation of the forensic examination report). In addition to this, neither the Bureau nor the Ministry provides remuneration for this work. As long as participation in the commission forensic examination is voluntary, the medical specialists decline to take part in it. Due to these reasons, the examination is delayed for several months (years).

10. LETTERS SENT TO PUBLIC AGENCIES

In the process of obtaining evidence, the Investigative Department of the State Inspector's Service closely communicates with the state entities, whose employee's alleged crime is being investigated. In order to obtain information on the factual circumstances of the criminal case, the Department addresses the relevant state agencies in writing. Since 83% of the criminal cases under the jurisdiction of the Service are related to the alleged crimes of the employees of the Ministry of Internal Affairs, most of letters are sent to this Ministry. In order to conduct an effective investigation, it is essential that the Service receives requested information from all the public agencies in a timely manner.

In 2020, the Investigative Department of the State Inspector's Service sent 1167 letters to the following public agencies: most of them - 666 (57%) - to the Ministry of Internal Affairs; 295 (25%) - the penitentiary establishments, 129 (11%) - the court, 12 (1%) - the local self-government bodies, 2 (0,2%) - the Prosecutor's Office, 1 (0,1%) - the Investigation Service of the Ministry of Finance, and 62 (5%) - other public entities. 2020 data shows that responses to the requested information are mostly received within 1-7 days, although there are cases where the provision of the information is delayed for several months (by the end of 2020 the responses were not received on 45 requests. Therefore, they are not displayed in the table).

The Temporary Detention Department of the Ministry of Internal Affairs is distinguished for providing information on time, where the most requests were sent and almost all responses were received within 7 days.

DEADLINES OF PROVISION OF THE REQUESTED INFORMATION	1-7 DAY	8-14 DAY	15-30 DAY	31-60 DAY	61-90 DAY	MORE THAN 90 - DAYS	SUM
MINISTRY OF INTERNAL AFFAIRS							
MIA, TEMPORARY DETENTION DEPARTMENT	98%	1%	1%	-	-	-	206
MIA, THE PUBLIC SAFETY MANAGEMENT CENTER („112“)	49%	30%	19%	2%	-	-	43
MIA, TERRITORIAL UNITS (POLICE DEPARTMENTS)	34%	28%	26%	8%	3%	1%	152
MIA, PATROL POLICE DEPARTMENT	20%	35%	42%	2%	1%	-	102
MIA, OTHER UNITS	70%	20%	9%	1%	-	-	135
OTHER PUBLIC AGENCIES							
PROSECUTOR'S OFFICE	100%	-	-	-	-	-	2
LOCAL SELF-GOVERNMENT ENTITIES	91%	9%	-	-	-	-	12
SPECIAL PENITENTIARY SERVICE	47%	33%	16%	4%	-	-	289
COURT	42%	37%	11%	6%	2%	2%	123
OTHER PUBLIC AGENCIES	65%	24%	7%	2%	-	2%	58

The figures displayed in the table above indicate that the information requested from the Patrol Police Department of the Ministry of Internal Affairs is provided to the State Inspector's Service mainly within 8-14 and 15-30 days. Most of the letters sent to the Patrol Police Department (as well as to territorial units) address the following issues: identity of the apprehender and eye-witnesses, identification of the exact place of detention and the numbers of police body-worn cameras, existence of police dashboard camera recordings. Given that the Ministry of Internal Affairs has set a deadline of 30 days for the storage of police body-worn camera recordings, and the camera recordings of the administrative buildings are available only for 14 days, if the requested information is not provided in due time, the investigation will not be able to retrieve the video recordings as they are automatically deleted after the expiration of storage period.

As for the Special Penitentiary Service, where the most requests were sent after the Ministry of Internal Affairs (295 letters), there are some delays in terms of deadlines, but this does not pose a problem in terms of requesting video recordings, as the institution immediately archives the recordings requested by the State Inspector's Service and ensures their provision.

Concerning the late replies from the court, this hinders the timely retrieval of the protocols of the court sessions and video recordings submitted by the parties to the trial, based on which further investigative and procedural actions are planned (it is particularly challenging when notifications to the State Inspector's Service are sent long after the commission of a crime and police body-worn camera recordings are not stored in „112“ due to the expiration of the deadline but they have been submitted to the court).

11. REQUESTING AUDIO-VIDEO RECORDINGS

The recordings (audio-video) of the video surveillance systems placed at alleged crime scene are one of the most important evidence in criminal cases investigated by the State Inspector's Service. Consequently, public and private entities are requested to hand over the audio-video recordings to the investigation.

Video recordings were requested in all cases based on a court ruling (except one case). In particular, due to an urgent necessity, on the basis of the prosecutor's resolution, a recording of a police body-worn camera was requested from the Public Safety Management Center of the Ministry of Internal Affairs ("112").

In 236 criminal cases, the Investigative Department filed 559 requests for the relevant audio/video recordings to various public institutions and individuals. 43% of them were requested from the Public Safety Management Center of the Ministry of Internal Affairs ("112"),⁸ 32% - from individuals and legal entities under private law, 9% - from the Patrol Police Department of the Ministry of Internal Affairs,⁹ 9% - from the Special Penitentiary Service,¹⁰ 3% - from the Temporary Detention Department of the Ministry of Internal Affairs,¹¹ 3% - from other public entities, and 1% - from the court.

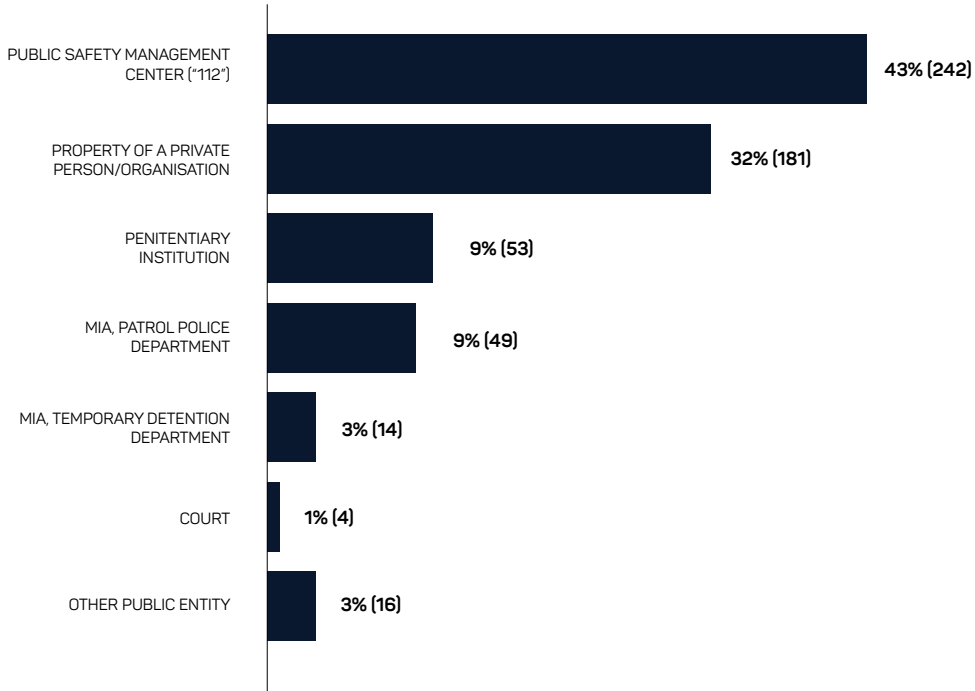
⁸ The Public Safety Management Center of the Ministry of Internal Affairs keeps the recordings of the surveillance video cameras installed in the administrative buildings of the territorial units (police departments) of the Ministry of Internal Affairs and the body-worn video cameras of the patrol police officers.

⁹ The Patrol Police Department of the Ministry of Internal Affairs keeps the police dashboard camera recordings.

¹⁰ Special Penitentiary Service keeps recordings of the surveillance video cameras installed at the penitentiary establishments.

¹¹ Temporary Detention Department of the Ministry of Internal Affairs keeps recordings of the surveillance video cameras installed at the temporary detention isolators.

ENTITIES FROM WHICH AUDIO/VIDEO RECORDINGS HAVE BEEN REQUESTED



As for the provision of the video recordings, the Temporary Detention Department of the Ministry of Internal Affairs is the only unit that provided all the requested recordings to the Investigative Department. The rate of providing requested records from the Special Penitentiary Service, as well as from the private institutions and individuals is high. The Public Safety Management Center of the Ministry of Internal Affairs provides the Service with more outdoor security camera recordings than recordings of video cameras placed on the inside and outside perimeter of the police station.

40% of the alleged victims state that the alleged crime took place in a street, 31% - in the administrative building of the Ministry of Internal Affairs, and 26% - in a police car. Consequently, the recordings of the police-worn body cameras and the surveillance systems placed inside and outside the perimeter of the police stations are critically important evidence in the cases under the jurisdiction of the State Inspector's Service, however, their provision rate is the lowest.

	NUMBER OF REQUESTED RECORDINGS	FULLY PROVIDED	NOT PROVIDED	PARTIALLY PROVIDED
MIA, TEMPORARY DETENTION DEPARTMENT	14	100%	-	-
SPECIAL PENITENTIARY SERVICE	53	87%	-	13%
PRIVATE PERSON/INSTITUTION	181	87%	11%	2%
OTHER PUBLIC ENTITY	20	75%	10%	15%
MIA, PUBLIC SAFETY MANAGEMENT CENTER ("112"), OUTDOOR SECURITY CAMERAS	36	67%	19%	14%
PUBLIC SAFETY MANAGEMENT CENTER ("112"), CAMERAS PLACED ON THE INSIDE AND OUTSIDE PERIMETER OF THE POLICE STATION	140	53%	38%	9%
PUBLIC SAFETY MANAGEMENT CENTER (112), POLICE BODY-WORN CAMERAS	66	48%	18%	34%
PATROL POLICE DEPARTMENT	49	41%	49%	10%

When video recordings are not submitted (including within the storage deadlines of the relevant agency), the State Inspector's Service is interested in the reason for their absence. Oftentimes, this is attributed to the fact that video recording cannot be found on a hard drive of the device, although there are cases when the expiration of the storage deadline is named as a reason for the absence.

One of the main purposes of video surveillance systems installed by law enforcement agencies is to protect the safety of the person. Therefore, it is essential that in the event of alleged violence from an employee of such an entity, the State Inspector's Service is provided with the video recordings without delay, and if the document is not supplied, it should be possible to establish the cause. Thus, the law enforcement agency should technically maintain the video surveillance systems in such a way that it is made impossible to destroy the records accidentally or intentionally.

Within the framework of monitoring the lawfulness of data processing, the State Inspector's Service examined personal data processing through video surveillance systems in the following bodies: The Ministry of Internal Affairs, the Prosecutor's Office, the Ministry of Justice (Special Penitentiary Service), the Investigation Service of the Ministry of Finance and the Ministry of Defence. One of the objectives of the examination was to assess compliance of the organizational and technical measures adopted by the law enforcement agencies in relation to the security of video recordings with the law on Personal Data Protection.

Examination of data processing through video surveillance systems showed that the practice differs in the law enforcement agencies, although the objectives of video surveillance are identical (crime prevention; personal safety; protection of property and public order; and protection of minors from bad influences). Moreover, timeframes of data storage obtained as a result of video surveillance, the rules of archiving and administering video surveillance systems, the circle of persons authorised to access data and their rights are different. The record keeping period usually depends on the technical characteristics of video surveillance equipment and does not match the objectives of the process itself; Sometimes recordings are kept longer than the time limit set by the law enforcement and are not automatically deleted upon the expiration of the storage deadline, or vice versa, records cannot be found even though the deadline set for storage has not expired. Often the circle of persons authorised to access data is not strictly defined; As a rule, the same user is used by several persons and it is impossible to identify who, when and for what purpose accessed the recording device. In some cases, organizational-technical measures to immediately detect camera failures and avoid the destruction or loss of video recordings are not adopted. Oftentimes, organizational and technical measures are not taken to register all operations performed in relation to electronic personal data (login, logout, winding of the recording, browsing, downloading, disclosure, deletion, etc.).¹²

¹ Detailed information on the process of data processing through law enforcement systems in law enforcement agencies is given in the relevant chapter of the report - Data processing through video surveillance systems.

The above-mentioned circumstances hinder and/or make it impossible to determine the reasons for the absence of video recordings in each particular case. In order to eradicate the shortcomings, the State Inspector's Service issued recommendations and mandatory instructions to the law enforcement agencies with relevant deadlines which have not yet expired.

In addition, in 2021, Interagency Council under the Ministry of Justice adopted Action Plan on Fight Against Torture, Inhuman, Cruel or Degrading Treatment or Punishment 2021-2022. This Action Plan, inter alia, envisages regulating video surveillance systems installed in the law enforcement bodies including, archiving and storing deadlines of materials obtained through video surveillance at a normative level. Fulfilment of the obligations set out in the Action Plan by the law enforcement agencies will significantly improve the process of obtaining this evidence.

12. PROSECUTORIAL ACTIVITIES IN CASES UNDER THE JURISDICTION OF THE SERVICE

Procedural guidance and supervision of cases investigated by the State Inspector's Service, as well as criminal prosecution, is carried out by the Department of the Prosecutor's Office of Georgia for Procedural Guidance over Investigation in the State Inspector Service, which reports directly to the Prosecutor General of Georgia and supports public prosecution in the court.

Under the current law, the State Inspector's Service is largely dependent on the prosecutor in the investigation process. The investigator of the Service makes decisions independently from the prosecutor on issues such as: launching an investigation, determining qualification at the outset of the investigation, investigation strategy, investigative and procedural actions to be carried out without the consent of the prosecutor, their sequence, and involvement of an alleged victim in the investigation. However, as other investigative agencies, it lacks the ability to make important decisions without prior consent or permission of the prosecutor. In addition, the prosecutor has the right to change qualification of the crime at any time and give written instructions to the investigator on conducting investigative actions.

QUALIFICATION OF THE CRIME

Once the investigation is launched, the prosecutor may, at any time, change qualification assigned by the investigator to the criminal case.

In 2020, the prosecutor changed qualification of the crime in 14 criminal cases: 5 of them - at the beginning of the investigation, and 9 - after several investigative and procedural actions.

This power is often not exercised by the prosecutor in criminal cases pending before the State Inspector's Service; However, there are cases when the investigator has a different opinion regarding the qualification assigned by the prosecutor in a criminal case, especially when the prosecutor changes the qualification at the beginning of the investigation, prior to conducting any investigative and procedural actions. Accordingly, the investigator is compelled to investigate a criminal case with a qualification with which he disagrees.

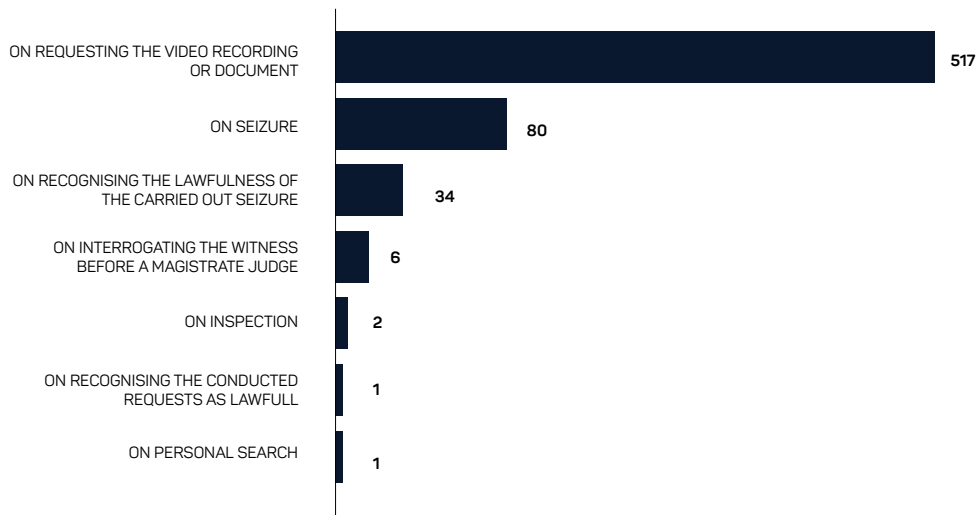
MOTIONS FILED WITH THE COURT

In the criminal cases investigated by the State Inspector's Service, the Prosecutor General's Office filed 641 motions, of which 35 (5%) were requests to recognize investigative actions that had already been carried out due to urgent necessity as lawful and 606 (95%) - for court permits.

Out of 35 motions for recognising already conducted investigative actions as lawful, 34 concerned seizure, and 1 related to the request for information (request for a police body-worn video camera).

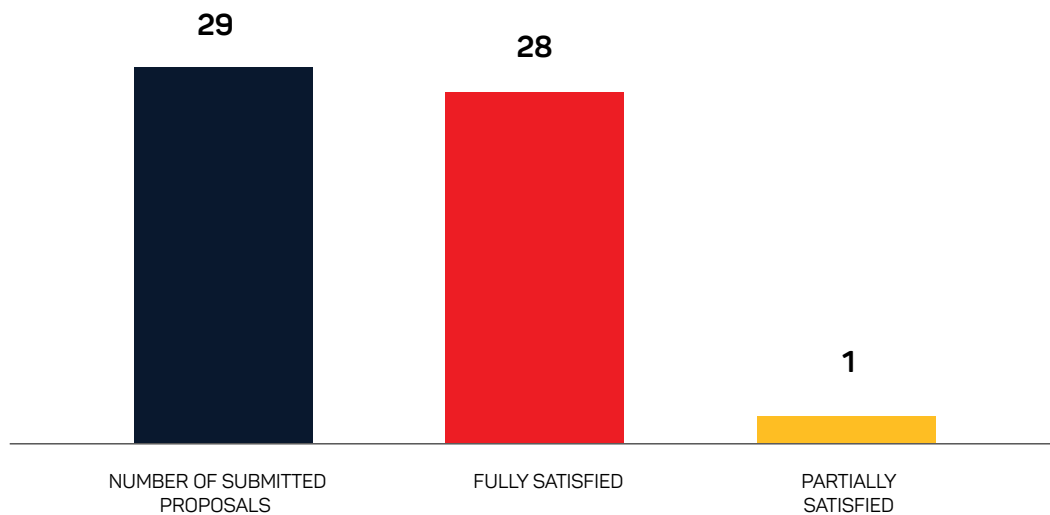
Most of the 641 motions filed with the court (81%) concerned the request for information, in particular, medical documentation and/or video recordings.

MOTIONS FILED BY PROSECUTORS WITH THE COURT



In the criminal cases, into which an investigation was launched in 2020, the Deputy State Inspector, in accordance with Article 19, Section 6, sub-section “b” of the Law of Georgia on the State Inspector’s Service, addressed the superior prosecutor with 29 proposals on the expediency of conducting investigative actions, 24 of which concerned requests for a document or information, and 5 - seizure.

PROPOSALS SUBMITTED ON THE EXPEDIENCY OF INVESTIGATIVE ACTIONS



PROSECUTOR'S WRITTEN INSTRUCTIONS

Within the procedural guidance of the investigation, the prosecutor is authorized to give written instructions to the investigator on the conduct of investigative and/or procedural actions.

In 2020, the supervising prosecutor issued mandatory instructions on 15 criminal cases pending before the Investigative Department of the State Inspector’s Service, out of which 14 were issued during the investigation prior to launching criminal prosecution and 1 - after initiating criminal prosecution.

The State Inspector’s Service handles the implementation of the prosecutor’s written instructions with a great responsibility.

RECOGNISING PERSON AS A VICTIM

In 2020, the Prosecutor's Office of Georgia recognized persons as victims in the criminal cases on which criminal prosecutions were initiated. There have been a number of cases where alleged victims have applied for a victim status, although none of them has been granted by the prosecutor. Some of the alleged victims appealed to the court against the prosecutor's refusal to grant a victim status. The court upheld all the prosecutor's decisions.

INITIATING CRIMINAL PROSECUTION

In 2020, the Prosecutor General's Office of Georgia launched criminal prosecution in 5 criminal cases investigated by the State Inspector's Service, 4 of which are under investigation since 2019, and 1 - since 2020.

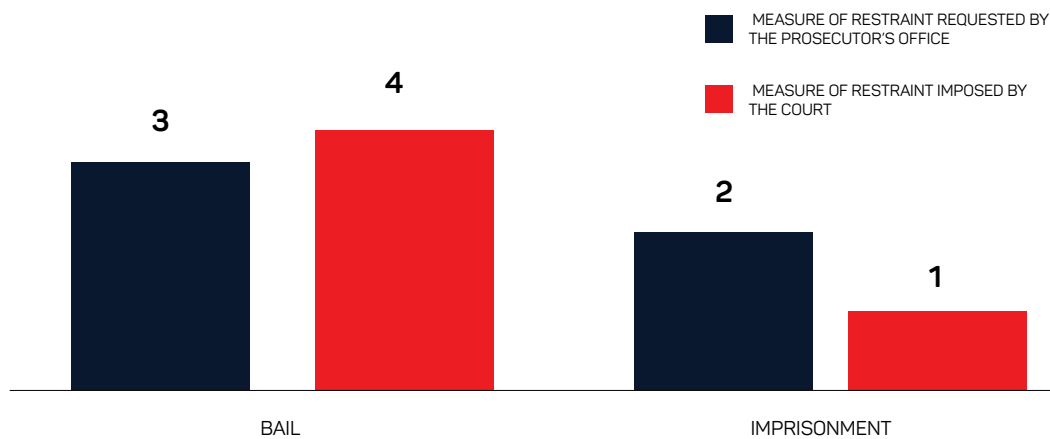
Five employees of the Ministry of Internal Affairs are recognised as defendants, three of whom were charged under Article 333, Section 3, sub-section "b" of the Criminal Code of Georgia (exceeding official powers, committed with violence), one – under Article 333, Section 3, sub-section "b" of the Criminal Code of Georgia (exceeding official powers using weapon) and one - under Article 126, Section 1 (Violence). 4 of the accused are male and 1 - female.

In the criminal cases into which investigation was launched in 2020, the Deputy State Inspector, in accordance with Article 19, Section 6, sub-section "a" of the Law of Georgia on the State Inspector's Service, applied to the superior prosecutor with one substantiated proposal, as the collected evidence which, with the probable cause standard, indicated that a particular person had committed a crime falling under the jurisdiction of the State Inspector's Service. The prosecutor rejected the proposal and gave the investigator a written instruction to carry out additional investigative actions. Since the State Inspector considered that the probable cause standard on initiating criminal prosecution was met in the mentioned case, and the failure to carry out investigative actions as per written instructions of the prosecutor did not only hinder but also delay initiating criminal prosecution, based on the Law of Georgia on the State Inspector's Service, State Inspector submitted substantiated proposal to the Prosecutor General on the expediency of initiating criminal proceedings against the aforementioned person. The proposal was considered by the head of the structural unit - Department for Procedural Guidance over Investigation in the State Inspector's Service. Under the same legislation, the Prosecutor General delegated the authority on considering the proposal of the State Inspector's Service to the head of Department based on the Organic Law of Georgia on the Prosecutor's Office. The person delegated by the Prosecutor General rejected the substantiated proposal of the State Inspector.

RESTRAINT MEASURES IMPOSED ON THE ACCUSED

In 2020, the prosecutor General's Office of Georgia filed a motion with the court requesting the application of bail as a measure of restraint against the 3 accused and the imposition of imprisonment against the 2 accused. The court did not approve the use of the requested preventive measure with regard to only one defendant and the bail of 10 000 Gel was imposed against the accused instead of imprisonment.

RESTRAINT MEASURES REQUESTED BY THE PROSECUTOR'S OFFICE AND IMPOSED BY THE COURT



JUDGEMENTS RENDERED BY THE COURT

In 2020, the court delivered judgements against 4 persons in 4 criminal cases investigated by the Investigative Department of the State Inspector's Service. Investigation on all four of them started in 2019, criminal prosecution against 3 persons was initiated in 2020, and against one person- in 2019.

3 persons were fully convicted under Article 333, Section 3, sub-section "b" of the Criminal Code (exceeding official powers, committed with violence), and one person was partially acquitted. In particular, the accused was found guilty of one episode under Article 335, Section 1 of the Criminal Code (coercion of a person to provide explanation or evidence) and was acquitted in the second episode of the crime specified in the same Article.

The court rendered the judgement against one person with hearings on merits and against 3 defendants - without hearings on merits of the case (based on a plea agreement).

As for the sentences imposed against convicts:

- The convict under Article 333, Section 3, sub-section “b” of the Criminal Code, on the basis of a plea agreement, was sentenced to 4 years of imprisonment, which was considered as a suspended sentence; Also, he/she was deprived of the right to hold an appointed position in the public service and local self-government bodies for a period of 2 years;
- The convict under Article 333, Section 3, sub-section “b” of the Criminal Code of Georgia, on the basis of a plea agreement, was sentenced to 5 years of imprisonment, which was considered as a suspended sentence; Also, he/she was deprived of the right to hold an appointed position in the public service and local self-government bodies for a period of 2 years;
- The convict under Article 333, Section 3, sub-section “b” of the Criminal Code of Georgia, on the basis of a plea agreement, was sentenced to 5 years of imprisonment, which was considered as a suspended sentence; Also, he/she was deprived of the right to hold an appointed position in the public service and local self-government bodies for a period of 2 years;
- The convict under Article 335, Section 1 of the Criminal Code of Georgia, on the basis of sentence rendered with hearings on merits of a case, was sentenced to 3 years of imprisonment to be served in the penitentiary establishment; Also, he/she was deprived of the right to work in the law enforcement bodies for a period of 2 years;

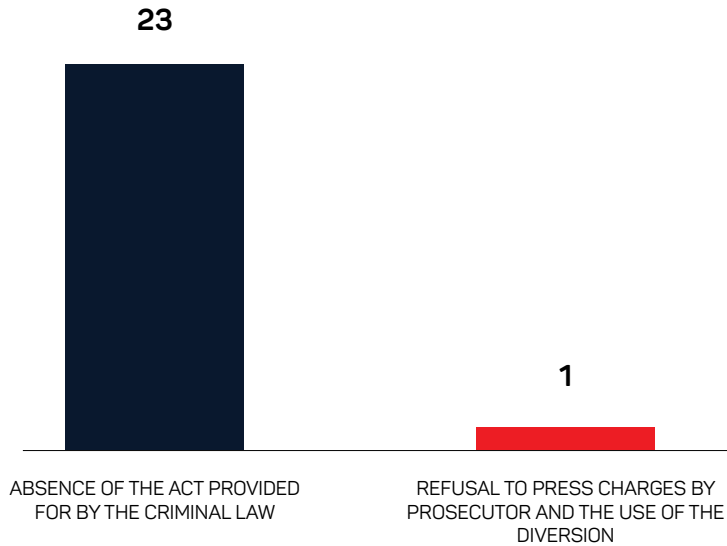
TERMINATION OF THE INVESTIGATION

In 2020, the Prosecutor General’s Office of Georgia terminated the investigation of 24 criminal cases, 12 of which were launched in 2019 (November and December), and 12 - in 2020.

In 2020, the Deputy State Inspector, in accordance with Article 19, Section 6, Sub-section “a” of the Law of Georgia “on the State Inspector’s Service”, submitted 3 substantiated proposals to the superior prosecutor on the expediency of terminating the investigation, all of which were granted.

In 23 of the above-mentioned 24 criminal cases, the investigation was terminated due to the absence of the act provided for by the criminal law, while in 1 case the prosecutor dismissed the charge and used the diversion mechanism.

REASONS FOR TERMINATION OF THE INVESTIGATION INTO CRIMINAL CASES



The terminated criminal cases were investigated under the following articles:

- 19 cases - Article 333, Section 3, Subsection “b” of the Criminal Code of Georgia (exceeding official powers, committed with violence)
- 1 case - Article 144³, Section 2, Sub-sections “a”, “b”, “e”, “g” of the Criminal Code of Georgia (degrading or inhuman treatment);
- 1 case - Article 144³, Section 2, Sub-sections “a”, “b”, “g” of the Criminal Code of Georgia (degrading or inhuman treatment);
- 1 case – Article 333, Section 3, Subsection “b” of the Criminal Code of Georgia and Article 335, Section 1 of the Criminal Code of Georgia (exceeding official powers committed with violence and coercion of a person to provide explanation or evidence)
- 1 case - Article 126, Section 1 of the Criminal Code of Georgia (Violence);
- 1 case – Article 187, Section 1 of the Criminal Code of Georgia (Damage or destruction of property).

13. PECULIARITIES OF INVESTIGATING CERTAIN CATEGORIES OF CRIME

THE FACTS OF ALLEGED VIOLENCE AGAINST MINORS

The priority for the State Inspector's Service is to respond effectively to alleged violations of minors' rights and conduct an investigation focused on the best interests of a juvenile. To protect the rights of juveniles parties to the proceedings, as well as to prevent additional trauma and their secondary victimization, the State Inspector's Service has worked in several directions:

The Service signed a Memorandum of Understanding with the LEPL - Office of Resource Officers of Educational Institutions aimed to provide psychologist services for a juvenile participant and victims of the proceedings. Within the framework of the document, the Investigative Department actively cooperates with the psychologists of the Psycho-Social Services Division of the Office of Resource Officers of Educational Institutions (including regional centers) and ensures their involvement/presence in the investigative and procedural actions related to such persons.

It is important that the interrogation and other investigative/procedural actions take place in a space tailored to the juvenile's interests, especially when the minor speaks of psychological or physical violence against him or her. To this end, the first special space tailored to the interests of the child was established in the West Division of the Investigative Department of the State Inspector's Service. The location of the room and equipment minimize the number of people in contact with the child during the interview, provide for the privacy and create a less stressful and safe environment for the minor.



Only specialized investigators are involved in investigative and procedural activities involving minors. Accordingly, only the employees of the Service who have been trained in juvenile justice and communication skills interact with the juvenile witness and the victim. A small portion of the notifications received by the Investigation Department of the State Inspector's Service concerns alleged violations of minors' rights. In particular, in 2020, the Service received 53 messages regarding 58 minors.

12 notifications related to minors contained elements of disciplinary misconduct and/or offences under the jurisdiction of other investigative agency, which due to this reason are referred to other agencies for further response/disciplinary proceedings. The Investigative Department of the State Inspector's Service has launched an investigation into 8 criminal cases as the other reports did not contain elements of the crime. They relate to 9 alleged victims, four of whom are 17 years old, four - 13 to 16 years old, and one is 13 years old.

As for the qualification of the crime, the investigation was launched under the following articles:

- 6 criminal cases - Article 333, Section 3, Subsection "b" of the Criminal Code of Georgia (exceeding official powers committed with violence (minors report physical violence against them by representatives of the Ministry of Internal Affairs);
- 1 case – Article 333, Section 3, Subsection "b" of the Criminal Code of Georgia and Article 335, Section 1 of the same Code - exceeding official powers committed with violence and coercion of a person to provide explanation or evidence (the juvenile indicated that he/she became a victim of a physical violence while being compelled to provide information about the crime);
- 1 criminal case - Article 144³, Section 2, Sub-sections "a", "b", "g" of the Criminal Code of Georgia degrading or inhuman treatment with the abuse of official powers (the juvenile indicates that police officers deprived him of water for several hours).

8 juveniles indicate that the alleged crime took place in the street and/or the administrative building of a law enforcement body, and 1 – in a house/apartment.

6 of the above-mentioned 8 criminal cases are under investigation, and 2 were terminated on the basis of Article 105, Section 1, Sub-section "a" of the Criminal Procedure Code (absence of elements of crime).

CRIMINAL CASES RELATED TO PROTEST RALLIES

In 2020, during the protests, 26 reports were received on alleged illegal actions committed by law enforcement officials, featuring 29 alleged victims. 18 facts were reported in November 2020, 7 in December, and 1 in October.

The Investigative Department received reports on these facts from 40 different sources (some - from several sources): Temporary Detention Department of the Ministry of Internal Affairs (17 reports), General Inspection of the Ministry of Internal Affairs (10 reports), territorial units of the Ministry of Internal Affairs (4 reports), Public Defender's Office of Georgia (6 reports), Prosecutor's Office of Georgia (2 reports), Non-Governmental Organization (1 reports).

Investigation was not launched into 9 out of 26 cases, as the interview did not confirm the fact of physical violence and/or other criminal acts by the police, and the investigation was launched immediately in 7 cases with an element of crime provided under Article 333, Section 3, sub-section "b" of the Criminal Code of Georgia (exceeding official powers committed with violence). 10 facts are being investigated in frames of the aforementioned 7 criminal cases, as the alleged victims indicate the same time and place as the circumstances of the alleged crime. Accordingly, for a timely and effective investigation, alleged crimes committed against different persons during the same protest rally are being investigated within one criminal case.

There are 18 alleged victims in these 7 criminal cases, 10 of whom were arrested under Articles 166 (petty hooliganism) and Article 173 (resisting a law enforcement officer) of the Administrative Offences Code, while 8 persons were not apprehended.

All 18 alleged victims identify an employee of the Ministry of Internal Affairs as perpetrators of violence. As for the place of the alleged crime, 15 of them indicate that the violence took place in the street, 2 - the administrative building of the police, and 1 - the car of a law enforcement officer.

All necessary investigative and procedural actions were carried out immediately in these criminal cases: medical examinations were ordered (5 persons refused to undergo the examination due to the absence of bodily injuries); The scenes of all cases have been inspected; Based on the court rulings, video camera recordings of locations of interest for the investigation were requested; Video footage taken by the representatives of the TV companies present at the protests and broadcast on TV was obtained from the public Internet space; Based on the judge's ruling, unedited material was requested from the TV companies, which was not broadcast on TV; Relevant units of the Ministry of Internal Affairs have been requested to provide information on the following issues: identities of the police officers who apprehended alleged victims and had a contact with them, their

body-worn cameras, the recordings of the video recorders of the police vehicles and the movements of detainees after arrest (the requested material was not provided in certain cases to the State Inspector's Service due to their absence on the recording device); The complete materials of the administrative proceedings of the detainees, including audio/video recordings submitted by the parties to the proceedings during the hearings have been requested from the court; Witnesses were interviewed who may have had information about the actual circumstances of the alleged crime (alleged victim, eyewitnesses, police officers, etc.).

Despite the efforts made by the State Inspector's Service to obtain every evidence, the establishment or dismissal of a criminal act in this category of cases and, consequently, the adoption of the final decision (termination of the investigation or initiation of criminal proceedings) is hindered by several circumstances:

- Despite the physical contact between law enforcers and protesters in a crowded place, the location of the video cameras and the viewing angle (perspective) should be taken into account, due to which in most cases it is impossible to identify citizens, witnesses and officials who are making an arrest. In some cases, it is not possible to discern the specific movements/actions of law enforcement officials and the alleged victims, which is necessary to assess the proportionality of the physical force applied. Besides, in some cases, alleged violent acts at protest rallies take place at night, which further complicates visibility. Consequently, the video recordings obtained in this category of cases are less informative;
- Inaccuracies in the administrative detention protocol make it difficult to identify perpetrators of the alleged crime. In particular, the alleged victim interviewed in several criminal cases stated that he had been assaulted not by a police officer identified as the person having detained him according to the administrative detention report, but by another person;
- Identifying the alleged perpetrators of the crime is further complicated by the fact that during the rallies, law enforcement officials are often equipped with special uniforms (so-called "robocops" and helmets) on which specific identifying data is not discernible;
- In some cases, alleged victims indicate that they were arrested using deliberate brute physical force that was disproportionate to their detention. During the coercive measures provided for by the Law of Georgia "on Police", a police officer has the right to use physical force, including special techniques of martial arts. According to the same law, the use of force must be useful, necessary and proportionate to the achievement of legitimate objectives. The Ministry of Internal Affairs has not developed standard procedural rules on specific actions

allowed for law enforcement while detaining a person and using physical force. Such a manual would have ensured the proportionate use of coercion by police officers and the prevention of the use of disproportionate force. Its existence is also important for assessing the proportionality of the force used by the police officer in the investigation and for making a final decision on the case.

UNLAWFUL USE OF HANDCUFFS

Handcuffs are a special equipment of the law enforcement agencies to use: against a person who has committed a crime or an action posing a threat to the public at large if he resists or may resist a police officer, or tries to escape; During escorting an arrested or a detained person; if a person may injure himself/herself and others as a result of his/her dangerous action. The handcuffs have a density regulating mechanism.

In 2020, the Investigation Department of the State Inspector's Service launched an investigation into 44 criminal cases regarding the alleged physical pain and/or ill-treatment while putting handcuffs. 33 of them are subject to Article 333, Section 3, sub-section "b" of the Criminal Code of Georgia (exceeding official powers committed with violence), 10 of them are subject to Article 144³ of the Criminal Code of Georgia (degrading or inhuman treatment), and 1 case is subject to Article 335 of the Criminal Code of Georgia (coercion of a person to provide evidence) and Article 144³ (degrading or inhuman treatment).

In 4 criminal cases qualification of the crime defined by the State Inspector's Service under Article 144³ of the Criminal Code of Georgia (degrading or inhuman treatment) was changed by the prosecutor under Article 333, Section 3, sub-section "b" of the Criminal Code of Georgia (in 2 cases, the prosecutor changed the qualification of the crime on the first day of the investigation, in one case - on the second day of investigation, and in one case - on the 16th day).

The above-mentioned 44 criminal cases feature 48 alleged victims. Most of them (41 persons) state that the employees of the Ministry of Internal Affairs have allegedly perpetrated the violence, mainly the personnel of the Patrol Police Department. Patrol-inspectors often carry out formal procedures with detainees not in administrative buildings but in patrol crews' vehicles, which is why detainees are handcuffed longer than others. This may lead to such statements by the alleged victims. Officers of the Special Penitentiary Service of the Ministry of Justice were named as perpetrators of violence in only 7 criminal cases.

The alleged victims in the criminal cases indicate that the law enforcers handcuff them tightly, for a long period of time and deliberately, to commit violence against them, do not use the density regulation mechanism. Also, they complain about the way of handcuffing. For example, attaching a handcuff to the back of a chair or to the legs of a chair, as well

as placing the back of the chair in such a way that the hands are turned opposite to each other, which causes pain and severe discomfort in a particular position (including sitting in a car).

More than 560 investigative and procedural actions were carried out in 44 criminal cases. A medical examination was conducted on 46 alleged victims, while two of them refused to undergo the examination due to the absence of injuries.

The investigation into the facts of physical pain and/or alleged ill-treatment while in handcuffs is specific, which hinders both a thorough and effective investigation, as well as making a final decision:

- The alleged victim may experience pain as a result of intentional, deliberate violence by law enforcement, or through their own active actions and resistance. In order to establish this fact, it is extremely important to obtain complete, uninterrupted video recordings of the actions taken against the detainee. As the Ministry of Internal Affairs delays delivery of video recordings to the Investigative Department, it becomes very difficult and/or impossible to confirm or deny the fact of the crime;
- In order to determine the harm inflicted on a person by handcuffing and to assess the actions of a law enforcement official, it is also essential to determine the duration of handcuffing - whether it was a mechanism of prompt restraint at the place of detention or was incessant (e.g. before transporting from a place of detention to the law enforcement agency, during transportation). In such categories of cases, it is almost impossible to find impartial witnesses who were present and/or observed the developments from the handcuffing to the removal of the handcuffs. Thus, the investigation often fails to determine the duration of the handcuffing;
- Also, sometimes a video recording is not enough to confirm or deny the fact of violence - it is impossible to determine the density of the handcuffs from the video footage, the objection of the alleged victim, as well as, his/her request to remove/unfasten the handcuffs and the objective possibility for the fulfilment of such request by law enforcers is not clearly visible.

There are no standard procedural guidelines for the use of handcuffs. Such manual would set the standard for police officers for using handcuffs at the right time and in the right circumstances and for preventing ill-treatment. However, the existence of such a document is important to rebut or confirm whether a law enforcement officer has exceeded his authority when using a handcuff.

CASES RELATED TO THE DEATH OF PERSONS UNDER THE EFFECTIVE CONTROL OF THE STATE

The State Inspector's Service is responsible for investigating crimes committed by a representative of law enforcement bodies, by an official, or a person equal to an official that resulted in the death of a person placed in a temporary detention isolator or penitentiary establishment and/or when a person was otherwise under effective state control.

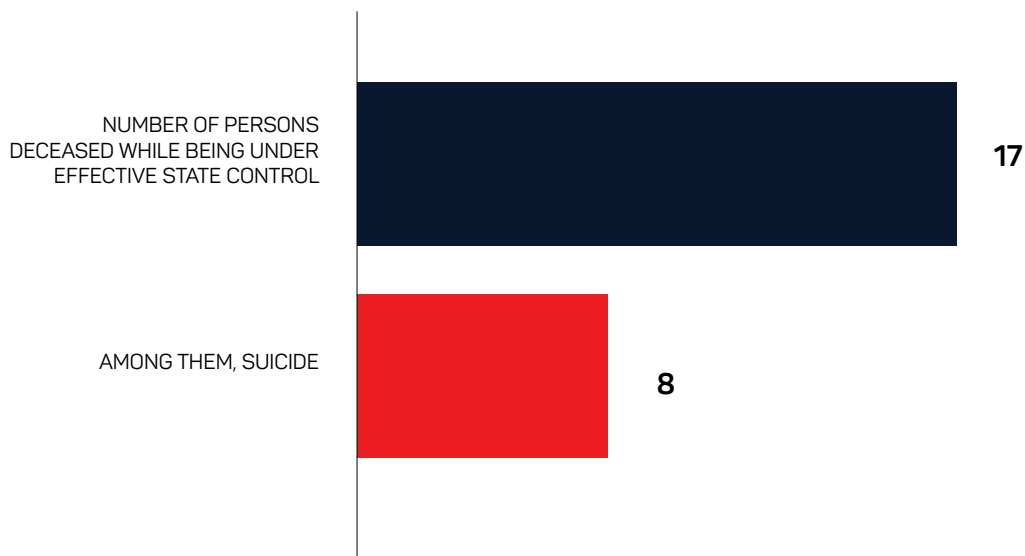
In 2020, the Investigative Department of the State Inspector's Service received 16 reports on death from 29 sources/agencies (in several cases reports were received from more than one source). The bulk of the reports (13 of them) were submitted from the penitentiary establishments of the Special Penitentiary Service.

The Investigation Department immediately launched an investigation into all reports: in 15 criminal cases - under Article 342¹, Section 2 of the Criminal Code of Georgia (violation of the internal regulations by an employee of the Special Penitentiary Service or an equivalent person resulting in death), and 1 case - on the grounds of the Article 342, Section 2 of the Criminal Code of Georgia (neglect of official duty, which resulted in death). At the same time, the Prosecutor's Office of Georgia subordinated to the Investigative Department 1 criminal case, into which the investigation was initiated on the grounds of a crime under Article 115, Section 1 and Article 342, Section 2 of the Criminal Code of Georgia. Accordingly, in 2020, the State Inspector's Service had 17 pending criminal cases related to the death of a person.

15 of the above-mentioned criminal cases concerned alleged crimes committed by the Special Penitentiary Service of the Ministry of Justice, and 2 - the Ministry of Internal Affairs.

Notably, 10 out of 17 deaths concerned prisoners against whom the court had not issued a final judgement, 5 - convicts, 1 - detainees, and 1 - was otherwise under the effective control of the state. 15 of the deceased were under the control of the staff of the Special Penitentiary Service, 1 - under the control of the staff of the Patrol Police Department of the Ministry of Internal Affairs, and 1 - the temporary detention isolator of the Ministry of Internal Affairs.

In 8 cases the cause of death was suicide. The imprisonment was used as a measure of restraint against six deceased persons. (5 were in a penitentiary establishment and 1 in a special quarantine space outside the penitentiary), 1 was detainee (in a temporary detention isolator of the Ministry of Internal Affairs) and 1 was a person without a status of detainee/prisoner. It should be noted that no suicide was reported among the convicts who were sentenced to deprivation of liberty.



More than 500 investigative and procedural actions were carried out in 17 criminal cases related to death. Among them 325 persons were interviewed. Since the facts of death investigated by the Service concern persons under the effective control of the state, information on the actual circumstances of the case is mainly held by law enforcement agencies under whose effective control the person was before the death. Accordingly, 66% of the interviewed persons (216 persons) are representatives of law enforcement agencies. A medical examination was conducted in all criminal cases to determine the cause of death. However, in cases where the death was caused by deteriorating health, after receiving a medical examination report, a commission medical examination was ordered (in 3 criminal cases).

There are a number of challenges in investigating criminal cases involving deaths of individuals under the effective control of the state:

Commission Medical Examination - When appointing a commission medical examination, the investigation asks questions about the adequacy of treatment provided to an inmate. The Commission is also interested in the cause-and-effect relationship between the actions of the medical staff and the consequence (death). Up until now, due to the reasons discussed in detail in the relevant chapter, the Service has not received any commission medical examination report.

Regulation Agency - In 2020, the State Inspector's Service addressed to the LEPL Regulation Agency for Medical and Pharmaceutical Activities of the Ministry of Health to assess the quality of treatment provided to prisoners in 5 criminal cases. Documentation was provided to the Agency regarding the treatment provided to prisoner in the penitentiary establishment and the medical care provided by the ambulance service. The following

questions were asked to the Regulation Agency: whether the prisoner's diagnosis was in accordance with his/her clinical condition, whether the treatment and medical care provided were adequate to his/her diagnosis and clinical condition, whether the facts of failure to perform and/or improper performance of the duty by medical staff were established. Thus far, response from the LEPL Regulation Agency for Medical and Pharmaceutical Activities of the Ministry of Health is received only on 1 criminal case. The received letter indicates that the submitted documents were analysed in the direction of two medical profiles. Based on the available material, the issue could not be fully assessed and the definitive conclusions could not be provided. It should also be noted that the received written assessment did not contain generally established requisites important for the investigation (structure of the report, the identity and experience of the reviewers, the titles of the documents examined, etc.).

Special Penitentiary Service - investigating cases involving the deaths of persons under the control of the Special Penitentiary Service (detainees and convicts) revealed the following tendencies:

- Regulations - The legal act does not specify how often an employee of a penitentiary establishment should inspect an inmate in a cell and/or other area of the establishment. Also, the specific actions required to inspect an inmate are not detailed. It is also unclear what different procedures should be followed for the safety of an inmate subject to video surveillance, including in areas where video cameras are not installed (for example, while being in the bathroom). By the order of the Minister of Justice, the employee of the special unit responsible for video monitoring is obliged to take action if the person involved in the suicide prevention program does not appear in the field of vision within 5 minutes.¹³ Cells equipped with video surveillance cameras also house inmates who may not be involved in the program but need special attention. Therefore, it is important for safety to define inspection time intervals for them as well.
- Medical Issues - When a death of an inmate is attributed to the deterioration of health, the investigation should assess the quality of the provided treatment: diagnosis while moving in the establishment, determination of the course of treatment and stages of treatment according to the treatment course. The findings of the medical examination of the criminal cases investigated by the State Inspector's Service show that sometimes chronic diseases recorded in the examination report were not identified by the medical staff at any stage of the inmate's treatment.

¹³ Annex N1, Article 19, Section 4 of 19 May 2015 Order N35 of the Minister of Corrections and Legal Assistance on defying the rules on storing, deleting and destroying the recording of visual and/or electronic surveillance and control

In several cases, the medical record (history) of an inmate requested from a penitentiary establishment did not reflect all the medical manipulations performed on the inmate. Accordingly, the mentioned information was submitted to the medical expert with a delay.

In some cases, the doctor recommended consultation of a relevant medical professional (e.g. a doctor-narcologist) during the examination of an inmate, however, a few weeks later, at the time of the inmate's death, the specified consultation had not yet taken place. It turns out that the doctor of the relevant profile does not work in the institution and the institution depends on the invited specialists, which hinders timely consultation. Besides, the doctor's recommendation to consult a doctor of a specific profile and conduct a relevant medical examination is not taken into account when the need for conducting such examination apparently existed.

- Quarantine space - In order to curb the spread of coronavirus in 2020, after the imposition of a preventive measure (also in case of placing an inmate outside the establishment for more than 24 hours), some inmates were transferred to provisionally arranged temporary quarantine space. Evidence gathered in the cases investigated by the Service shows that the issue of arranging the quarantine space was not regulated by any legal act and there were no infrastructural conditions for prisoner safety in this space (for example, the window had no special locking mechanism, grids were not installed inside or outside the window). Lack of security measures is especially problematic in relation to the inmates who were under video monitoring in the establishment.

Due to the above-mentioned tendencies, legal assessment of criminal cases will be carried out individually, taking into account their importance and the degree of their connection with the established result after receiving the conclusions of the ordered commission medical examination and conducting relevant investigative/procedural actions.

14. LEGISLATIVE CHALLENGES FACED BY THE SERVICE

SEPARATION OF INVESTIGATIVE AND PROSECUTORIAL FUNCTIONS

A thorough and impartial investigation is hampered by the fact that an investigator of the State Inspector's Service is not authorised to make a decision on important investigative actions (e.g. search, seizure, video recordings, information on incoming and outgoing calls on the cell-phone, request for medical documents, etc.) Moreover, the investigator of the Service cannot independently make a decision to request video recordings, medical documents even when there is a danger of evidence destruction (this requires a prosecutor's resolution). The prosecutor's consent hinders extraction of evidence when obtaining video recordings is critical to the investigation and often requesting them urgently may be the only way to obtain evidence.

The situation is similar with regard to covert investigative actions. In investigating crimes committed by officials, covert investigative action is one of the most important investigative actions. Especially when there is a reasonable doubt and/or threat of interfering with witnesses. Obviously, sometimes investigator's and prosecutor's opinions on the conduct of the investigation differ, where the prosecutor's position is decisive.

In addition, the State Inspector's Service is not authorised to decide on the interrogating the person as a witness before a magistrate judge (this is decided by the prosecutor). In a situation where 60% of the investigative and procedural actions carried out by the State Inspector's Service in 2020 is interviews with witnesses and police officers' presence in the investigative body is challenging, the investigation is significantly hampered by the reliance on another public body (including, the Prosecutor's Office).

The requirement to obtain the prosecutor's consent for all important investigative actions limits the ability of the State Inspector's Service to conduct an independent investigation - hinders the independent determination of its direction, timely conduct of investigative/procedural action necessary for an effective investigation and collection of evidence. Accordingly, it is necessary to empower the investigative body with the right to independently file a motion with a court for conducting investigative and procedural actions restricting human rights. This issue is important for all investigative agencies, however, it is of particular importance for the State Inspector's Service as the agency investigates crimes committed by law enforcement officers and other public officials and the creation of artificial barriers to investigation by relevant government agencies is a major challenge. In addition, the nature of the crimes under the jurisdiction of the

State Inspector's Service and the degree of violation of the victim's rights as a result of these crimes should be taken into account, which requires effective and timely response according to both local and international standards. If the investigator directly addresses the court, it will be in full compliance with the European Convention on Human Rights and the case law of the European Court of Human Rights. Investigative actions that restrict the rights guaranteed by Article 8 of the European Convention on Human Rights require judicial review. Participation of the prosecutor may be an additional guarantee of protection of the right, though not mandatory. Especially in the conditions when the State Inspector's Service is staffed with qualified investigators with higher legal education. The Venice Commission does not consider participation of the prosecutor in this process obligatory either, if the control of the court over the conduct of investigative/procedural actions restricting human rights is maintained.

Importance of this power for the State Inspector's Service was virtually recognized by the legislature when under Article 19, Section 6 stipulated that that the relevant Deputy State Inspector may submit substantiated arguments in writing to the supervising prosecutor on the expediency of conducting investigative/procedural actions restricting human rights. However, it should also be noted that the granted right is ineffective and delayed in time. This mechanism fails to meet the above-mentioned challenge of conducting an investigative/procedural action independently and effectively (which is why this right is not exercised often) for the following reasons:

- The prosecutor is approached by the person holding the highest position in the investigative direction (Deputy State Inspector) to conduct an investigative/procedural action and not by the investigator, who personally investigates the case and can better determine expediency of an investigative action;
- The supervising prosecutor may not agree with the proposal. This implies that an investigative/procedural action, deemed important by the investigator, may not be carried out;
- The supervising prosecutor has 72 hours to consider the proposal of the Deputy State Inspector, which implies that conducting an investigative/procedural action relevant to the case and, consequently, obtaining substantial evidence may be delayed or the evidence may be destroyed all together;
- The law provides for a mechanism of appealing the prosecutor's decision, but even this is ineffective and delayed. In particular, in case of the supervising prosecutor's refusal, the State Inspector is authorized to submit a written substantiated proposal on the same issue (within 48 hours) to the Prosecutor General, who will consider this proposal within 72 hours of the request;

- In total, obtaining consent from the prosecutor to conduct a significant investigative/procedural action may take a full 8 days. During this period, the risk of destroying and concealing evidence of crimes committed by officials is particularly high;
- In addition, timely conduct of investigative/procedural action is made even more difficult with the senior officials' - the State Inspector and the Prosecutor General – involvement in the process of obtaining a permit;
- Additionally, there is no leverage to expedite investigative actions that can only be carried out urgently with the prosecutor's resolution (for example: requesting video recordings and medical records, covert investigative actions).

Therefore, for an effective investigation of a crime committed by a representative of law enforcement bodies, by an official, or a person equal to an official, the State Inspector's Service should have the right to independently apply to a court to conduct investigative actions restricting human rights without prior consent and permission of the prosecutor.

In 2020, the Committee of Ministers of the Council of Europe decided on the Tsintsabadze Group of Cases.¹⁴ The Committee negatively assessed the scope of full procedural oversight and the authority of the Prosecutor's Office to decide which investigative body would investigate a crime falling under the jurisdiction of the State Inspector's Service and called on the State to continue adopting legislative or other measures to further enhance the independence and effectiveness of the State Inspector's Service.

INVESTIGATIVE JURISDICTION OF THE STATE INSPECTOR'S SERVICE

For an effective investigation of crimes falling under its investigative jurisdiction, correct qualification of the criminal case is very important for the State Inspector's Service, which is associated with certain difficulties. In particular, there is overlap/competition between the relevant Articles of the Criminal Code, which makes it difficult to assign the correct qualification to an individual fact in each specific situation. This mainly refers to the crimes under Article 333, Section 3, sub-section "b" of the Criminal Code of Georgia (exceeding official powers, committed with violence) and Article 144³ (degrading or inhuman treatment) of the Criminal Code of Georgia between which it is sometimes impossible to differentiate. There is a similar competition in some cases for the offenses set forth in Article 333, Section 3, Subsection "b" and Article 335 (coercion to provide explanations, testimony or opinion) of the Criminal Code of Georgia. However, the definition of torture provided in the Criminal Code of Georgia does not correspond to the definition by United Nations Committee against Torture (UNCAT), which also needs to be refined. The sanctions imposed by the aforementioned articles are also incompatible with each other.

¹⁴ <https://hudoc.exec.coe.int/ENG#%7B%22EXECIdentifier%22:%7B%22004-5830%22%7D%7D>

The State Inspector's Service, with the support from the Council of Europe, conducted a study to examine the compliance of Georgian legislation with universal and regional standards set by human rights watchdogs, as well as their effectiveness in combating and preventing ill-treatment. The Service is working on a proposal to refine the legislation in this direction.

In addition to the above, for an effective investigation of a crime committed by representatives of law enforcement bodies, by an official, or a person equal to an official, it is important that the investigative jurisdiction of the State Inspector's Service extends to the facts of crime closely related to the case and their separation prevents an effective investigation. For example, a person indicates intentional unlawful detention and violence at the same time; Destruction of evidence when there is a suspicion that a law enforcement officer has destroyed evidence in a criminal case pending before the Service. Investigation into the fact of resistance against a police officer should be noted in this regard, when there is a suspicion of violence by the police during resistance - the two agencies will not investigate the same factual circumstances.

Such a possibility is provided by law, but only at the discretion of the prosecutor. Often, in case of cumulative crimes, due to separation of cases and parallel investigations, the State Inspector's Service fails to obtain relevant evidence for the investigation. Consequently, when at least one case is under the jurisdiction of the State Inspector's Service, it is essential that the Service has predominant jurisdiction over other cases and the decision is not at the discretion of the prosecutor. This is essential for a thorough, full and impartial investigation of all episodes of crime, while on the other hand, the risks of a biased investigation will be avoided. A similar rule should be applied to the facts of a crime revealed during the investigation of a subordinate crime of the State Inspector's Service.

TRANSFER TO THE STATE INSPECTOR'S SERVICE OF A CASE FALLING UNDER ITS JURISDICTION

The current legislation fails to adequately ensure timely transfer of a criminal case to the State Inspector's Service, which is critical to the independent and effective investigation of a crime committed by a representative of law enforcement bodies, by an official, or a person equal to an official. A risk of improper investigation is posed if an unauthorized investigative agency launches an investigation into a crime falling under the jurisdiction of the State Inspector's Service and delays its transfer in time (especially when an employee of that investigative agency is charged for committing a crime). Unlike other investigative agencies, the law gives the State Inspector's Service an additional leverage to prevent an unauthorized agency from investigating a case falling under its jurisdiction. However, this mechanism is not effective and does not ensure timely transfer of the case to the Service. In particular:

- In accordance with Article 19, Section 4, of the Law of Georgia on the State Inspector's Service, if the agency has information that any other investigative body is investigating a case falling under the jurisdiction of the Service, the corresponding Deputy State Inspector is entitled to request access to the casefile and address in writing to the superior prosecutor regarding the transfer of the case;
- The prosecutor is authorized not to fulfil the proposal. Moreover, he/she has no obligation to substantiate the refusal. In case of the prosecutor's refusal, the State Inspector addresses the Prosecutor General with a substantiated proposal to transfer the case. Both the prosecutor and the prosecutor general consider the proposal within 24 hours;
- Consequently, the consideration of the transfer of a case takes 48 hours, which is sufficient time for the independence and impartiality of the investigation to be called into question, especially if the case is being investigated by the agency whose employee is being implicated;
- In addition, the law does not specify the rules and procedures for the State Inspector's Service to inspect the case before requesting its transfer - who should grant permit for the examination of the case (the investigating agency or the prosecutor), in what timeframe and where should the Service review the case. Such an ambiguous provision (especially in terms of the timeframe) poses risks to timely inspection of the casefiles and, consequently, the request for transfer of the case falling under the jurisdiction of the Service is delayed.

Therefore, it is necessary to create an effective legislative mechanism for reviewing casefiles by the State Inspector's Service and transferring the case.

INFORMING THE STATE INSPECTOR'S SERVICE ABOUT A CRIME

Timely reporting of information about the crime to the State Inspector's Service is one of the prerequisites for an effective investigation. Regrettably, in practice there are cases when reports containing elements of crime and/or criminal cases are sent with delay from various agencies, which further complicates and sometimes makes it impossible to carry out the initial and necessary investigative/procedural actions.

In order for the State Inspector's Service to receive a report of a crime and a case falling under its jurisdiction in a timely manner, it is necessary to establish additional legislative mechanisms. Relevant legislation should oblige all agencies/persons to immediately provide information to the Service, as well as to notify about launching and/or conduct of investigation on the crimes falling under its jurisdiction.

In order to properly protect the victim's interests and conduct an effective investigation, it is equally important that victims in penitentiary establishments and temporary detention isolators have access to the State Inspector's Service. Current legislation imposes certain restrictions to persons in detention facilities on correspondence and telephone calls intended for the State Inspector's Service. It is important to eradicate this barrier through appropriate legislative changes so that the victim can apply to the Service immediately and without obstacles.

UNHINDERED ACCESS TO PENITENTIARY ESTABLISHMENTS AND TEMPORARY DETENTION ISOLATORS

The mandate of the State Inspector's Service includes the investigation of specific crimes defined by law which took place at penitentiary establishments and temporary detention isolators. Including a crime that resulted in death of a person. Investigation of such crimes requires urgent investigative/procedural actions in penitentiary establishments and temporary detention isolators. Any delay poses a risk that the administration of the institution, concerned with the outcome of the investigation, will conceal or destroy valuable evidence.

According to the current law, in order to enter penitentiary establishments and temporary detention isolators, the investigator of the State Inspector's Service needs consent of the head of the relevant institution. Obtaining a permit is sometimes delayed in time (several hours, sometimes an entire day). This barrier poses a risk that the employees of the facility will attempt to conceal and destroy evidence.

For an effective investigation, it is important that the representatives of the Service have legal guarantees to enter penitentiary establishments and temporary detention isolators without special permission. It should be noted that according to Article 60, Section 1 of the "Imprisonment Code", this right is exercised by the persons authorised to do so by the Prosecutor's Office, the Public Defender and members of a Special Prevention Group. The purpose of their admission - effective combat against ill-treatment - is virtually equal to that of the State Inspector's Service.

PROTECTION OF WITNESSES TO CRIMES UNDER THE JURISDICTION OF THE SERVICE

The role of the witness as well as the victim is critical to the effectiveness of the criminal investigation. Under international human rights law, the state has a positive obligation to protect the lives and well-being of witnesses from possible intimidation or threats.

The Criminal Procedure Code provides for special measures to protect participants in the proceedings and a mechanism for their enforcement. However, they are not tailored to the specifics of the offences under the State Inspector's Service. In particular, the vast majority of cases pending before the Service are related to alleged crimes committed by employees of the Ministry of Internal Affairs. The participant in the proceedings requests protection from an employee of the Ministry of Internal Affairs. At the same time, according to the Criminal Procedure Code, the execution of a special protection measure is ensured by the Ministry of Internal Affairs. Apart from this, none of the special protection measures provided for in the Criminal Procedure Code are tailored to the protection of a participant in the proceedings placed in a penitentiary establishment. In practice, the Service has addressed to a penitentiary establishment with a request to transfer a prisoner/convict to another institution, and this request has been taken into account, although this depends on the free will of the penitentiary establishment.

In view of the above, it is necessary to establish an effective system for the protection of witnesses to alleged crimes committed by officials and regulate it at the legislative level. The State Inspector's Service, with the support from the Council of Europe, conducted a study examining the practice of independent investigative bodies in relation to witness protection measures. The Service is working on a proposal to refine the legislation in this direction.

15. CONCLUSIONS

2020 marked the first year when State Inspector's Service performed its investigative functions throughout the whole year. The Service spared no effort to conduct the investigation effectively. Under the threat of infection, the Investigation Department operated 24 hours a day and, despite delays caused by the pandemic, conducted all urgent investigative and procedural actions. In addition, an operative unit was established; An internship system was introduced; The expert-criminalists of the Service have been equipped with modern standard equipment; A juvenile-friendly room was set up; A psychologist was involved in all interviews with minors; A self-assessment questionnaire and internal guidelines were developed for investigators; Studies were conducted to improve legislation and practical activities; Numerous trainings were conducted to strengthen the capacity of investigators; Awareness-raising meetings were held in all regions of Georgia and information brochures were placed in temporary detention isolators and penitentiary establishments; Electronic products were introduced; The cooperation with the Ministry of Justice took place to develop an Action Plan On Fight Against Torture, Inhuman, Cruel Or Degrading Treatment Or Punishment.

In parallel with the steps taken, in 2020 it became even more clear what legislative and practical measures should be implemented by the Parliament of Georgia, law enforcement agencies and other public agencies, private institutions or the State Inspector's Service itself to prevent ill-treatment and carry out effective investigation of criminal offenses. For these purposes it is necessary to:

- Institutional Independence - For an effective investigation of certain crimes committed by the representatives of law enforcement bodies, by an official, or a person equal to an official, first of all, the investigative agency of the State Inspector's Service must have a high degree of independence granted by the law. Despite institutional independence, current legislation does not provide for sufficient guarantees of functional independence of the Service. Unlike other investigative bodies, certain power of the State Inspector's Service does not bring practical results (for example, the right to apply to a prosecutor with a reasoned proposal on the expediency of conducting an investigative action). Consequently, the State Inspector's Service works without effective legislative leverage to investigate crimes committed by the employees of the law enforcement bodies equipped with legislative and technical means. In view of the above, it is necessary to take prompt and effective legislative steps, first of all, in the direction of separation of investigative and prosecutorial functions. It is also necessary to equip the State Inspector's Service with effective mechanisms that will reduce its dependence on the decisions of other agencies and make the

evidence-gathering process more efficient (e.g. unhindered access to penitentiary establishments and temporary detention isolators, the legal obligation to provide information on alleged offences in a timely manner, to set a tighter deadline for the review of letters sent by the Service, etc.). The State Inspector's Service has prepared a legislative proposal that addresses most of the challenges reviewed in the report. The Service expresses hope that the Parliament of Georgia, which has decided to establish this entity, will take effective steps for its strengthening, development and establishment as a genuinely independent mechanism.

- Reporting the alleged crimes - Some reports about the alleged crimes are not sent immediately to the State Inspector's Service (neither from government agencies nor from citizens). This hinders timely initiation of an investigation, the conduct of investigative actions in a short period of time, and fails to ensure prevention of evidence destruction.
- Provision of the requested information - Government agencies do not provide the requested information to the State Inspector's Service within a short period of time, which in some cases leads to the destruction of evidence (for example, deletion of video recordings due to expiration of the storage period).
- Provision of video recordings - In investigating criminal cases, videotapes are crucial neutral evidence for the Service. Unfortunately, the CCTV recordings placed at the scene of the alleged crime are delivered to the Service with a delay. The only unit that provided all the requested recordings to the Investigative Department in a timely manner is the Temporary Detention Department of the Ministry of Internal Affairs. The rate of provision of requested recordings from the Special Penitentiary Service, individuals and private institutions is high (87%). Other units of the Ministry of Internal Affairs do not provide recordings in full. The rate of submitting the recordings of police body-worn video cameras and the inner and outer perimeter of the police station is low by the Patrol Police Department of the Ministry of Internal Affairs (for police body-worn cameras it is 41%, and the same figure for the cameras installed in the police stations is 48%). While 40% of the alleged victims indicate that the crime took place in the street, 31% - the administrative building of the Ministry of Internal Affairs, 26% - a police car.
- Conducting medical examination - In 2020, in cooperation with the LEPL - Levan Samkharauli National Forensics Bureau, the deadlines for medical examinations were reduced. There are isolated cases when the examination report is delayed for months. Consequently, the institutions continue to work to further improve coordination on these issues, although conducting a commission medical examination remains a major problem.

- **Public Awareness** - The Service should continue working to raise public awareness on its activities and investigative functions. Unfortunately, in the event of an alleged crime committed by law enforcement, many citizens still turn to the same agency and not directly to the State Inspector's Service.
- **Infrastructure** - The agency does not have regional offices, which poses a significant challenge. Through the efforts of the Service, the Investigative Department was given state-owned property to operate in Kutaisi and Batumi. The Eastern Division of the Investigative Department in Tbilisi is still located in a leased private property, for which the Service annually pays a substantial sum of money from the budget - 198,240 USD. In September 2020, with the support of the Ministry of Justice of Georgia, the State Inspector's Service was given for use former building of the Public Registry located on Khetagurov Street in Tbilisi. Its space and location will ensure the efficient functioning of the Service. On the other hand, it will be accessible for the citizens. However, the building needs to be repaired and rehabilitated, and this year the Service did not receive sufficient funds from the budget. Therefore, in full compliance with the rules provided by law, a multi-year tender was announced to conduct the repair work. The lack of regional offices in Kakheti, Samtskhe-Javakheti, Shida Kartli and Samegrelo is still problematic for the Service, which complicates investigative actions.
- **Number of Investigators** - The number of investigators in the State Inspector's Service is small. In 2020, the Service submitted a proposal to the Government of Georgia to increase the number of staff, but their number remains unchanged. Due to the lack of regional offices, investigators often have to travel, leading to financial costs. At the same time, it prevents the use of working time for investigative and procedural actions.

06

**ORGANISATIONAL
STRUCTURE
AND HUMAN
RESOURCES OF THE
STATE INSPECTOR'S
SERVICE**



1. RESTRUCTURING THE SERVICE

Given the tasks and challenges faced by the State Inspector's Service, in early 2020 reorganisation was carried out with the aim of increasing the efficiency of the Service.

As part of the restructuring process, the institutional arrangement of individual structural units was changed. Private and public sector oversight departments have been established as independent departments and, as of today, three departments are monitoring the personal data protection issues, according to the spheres: the Law Enforcement Oversight Department, the Private Sector Oversight Department and the Public Sector Oversight Department. Such a sectoral approach to monitoring personal data protection contributes to the development of coherent approaches in the relevant field, the establishment of uniform practices and the strategic planning of measures to be implemented.

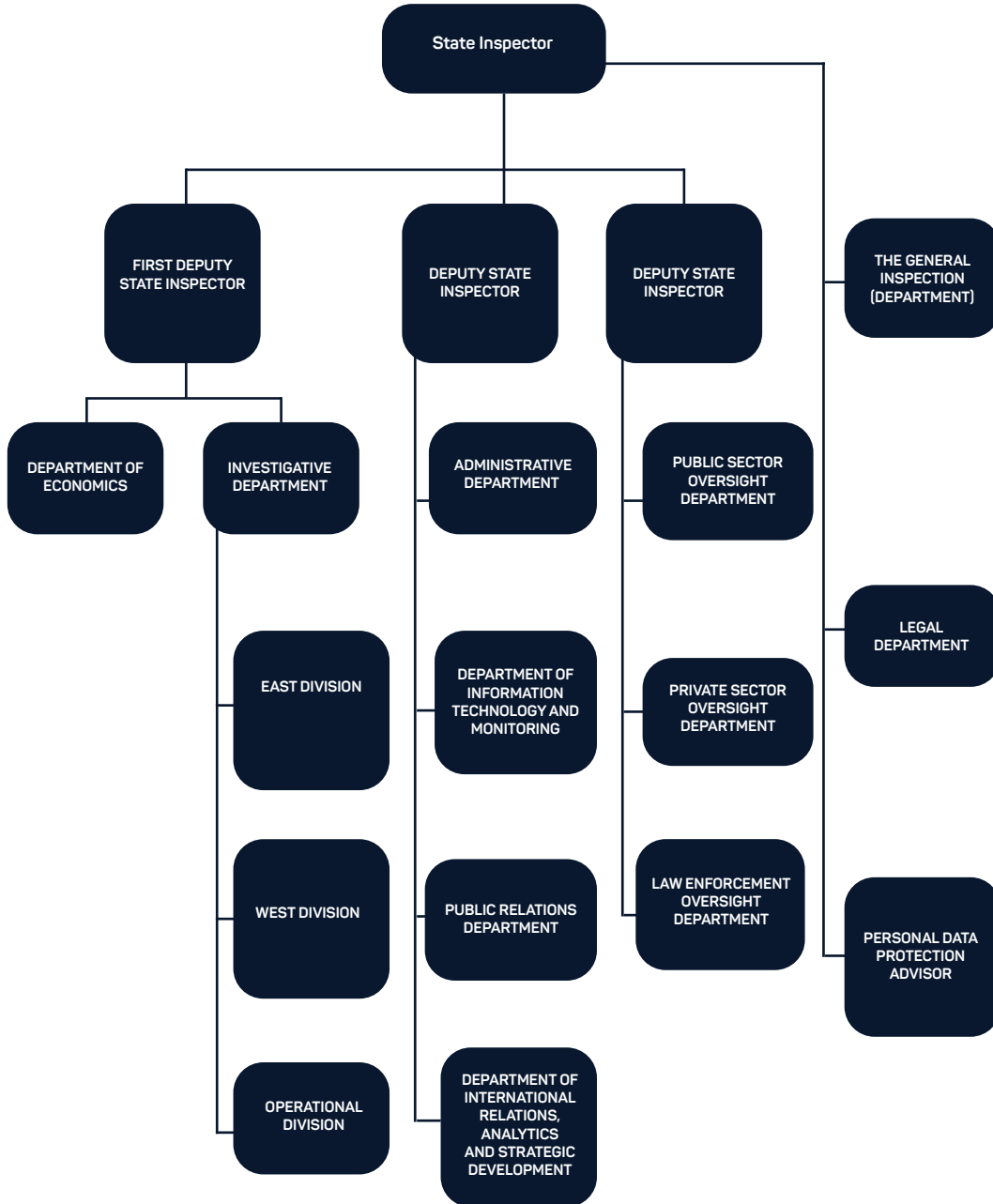
The Operative Unit was also established as a separate structural unit, with the main function to facilitate effective investigation of crimes under Article 19 of the Law of Georgia on the State Inspector's Service and the operative-investigative activities provided for by the Law of Georgia on Operative-investigative activities.

As part of the restructuring, functions were clearly separated between departments with objectives such as: avoiding possible duplications, simplifying the decision-making process, reducing bureaucracy, efficiency of management, and increasing service quality.

Notably, none of the employees of the service was dismissed during the reorganization.

2. ORGANISATIONAL STRUCTURE OF THE SERVICE

In 2020, the organizational structure of the Service was formed as follows:



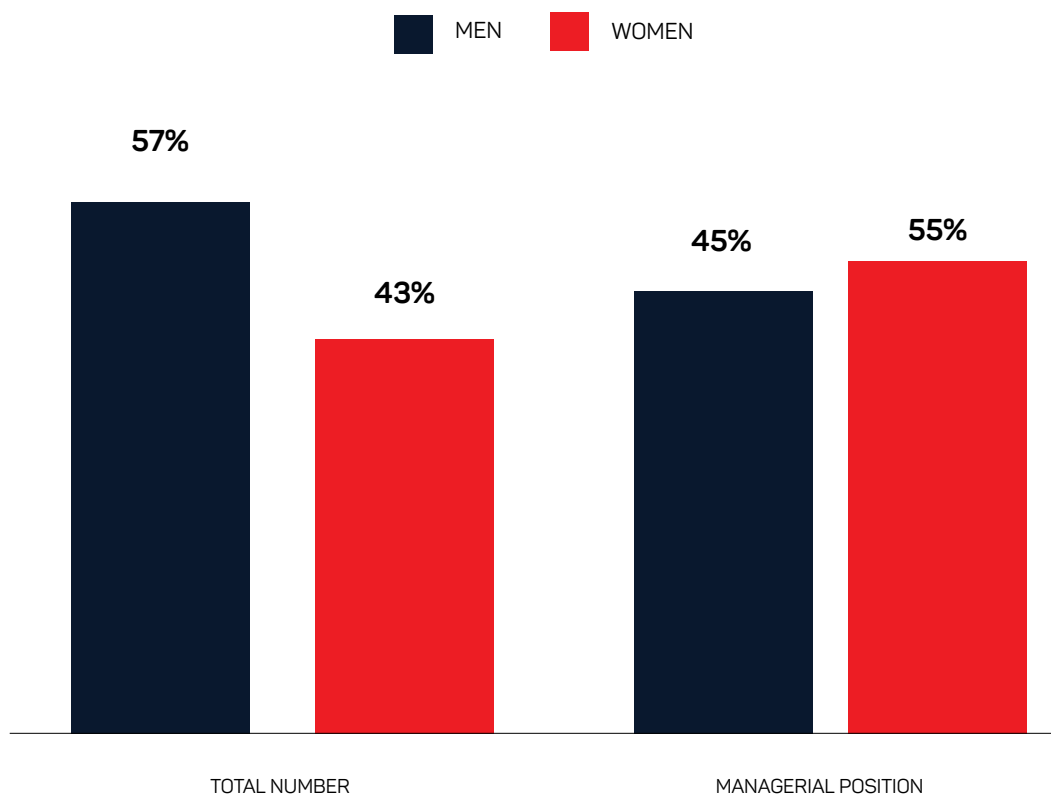
3. HUMAN RESOURCES

As of 2020, the number of staff in the service has been set at 125.

At the end of 2020, the service employed 102 people - 43 women and 59 men.

It should be noted that women held 10 out of 18 managerial positions and 8 - men.

DISTRIBUTION OF EMPLOYEES BY GENDER



The State Inspector aims to employ professional staff, because the success of the institution depends on such personnel. The only way to select employees for all positions, including managerial positions, is a multi-stage competition. The Service also was working towards attracting highly qualified staff in 2020. The competition was held for 30 vacant positions. For full transparency and impartiality of the selection process, the competition committee included invited individuals, including representatives of the non-governmental sector and academia.

2020 was distinguished in terms of career development and promotion of the employees of the institution. Several internal competitions were announced, on the basis of which 10 highly qualified and motivated employees were promoted in the State Inspector's Service (including Heads of Divisions or Departments and Deputy Heads of Departments). The current employee with 5 years of experience in the Service has been appointed a Deputy State Inspector for Personal Data Protection.

4. STAFF SAFETY DURING THE PANDEMIC

The scale of the spread of the new coronavirus (SARS-CoV-2) created numerous problems in various areas of public life, including labour relations. On the one hand, ensuring a safe working environment and on the other hand, a smooth and efficient working process at the Service was put on the agenda.

In 2020, the State Inspector's Service did not stop the work process. In parallel with uninterrupted service, measures were taken to protect employees from infection, as well as to maximize the observance of safety norms in the workplace: in particular, the threats of infecting employees while on duty were analysed; Part of the employees of the Service switched to remote work and/or were working in shifts according to a pre-determined schedule; The circle of employees of the Service who could not exercise their professional powers remotely was determined; "Novel Coronavirus (Covid-19) Infectious Disease Preparedness and Response Plan (State of Emergency Plan)" was developed; The administrative buildings of the Service were equipped with appropriate protective equipment and inventory; Workplaces were intensively treated with disinfectant solutions; Employees were provided with the necessary personal protective equipment while performing their official duties; Rules have been prominently displayed to prevent viral infection and its spread; Relevant recommendations were prepared to inform the staff.

As a result of the measures taken, the Service, in addition to uninterrupted work, was able to protect the safety of employees. No case of workplace infection was reported.

5. THE COUNCIL TO EXAMINE COMPLAINTS CONCERNING PERFORMANCE APPRAISAL OUTCOMES, MATTERS RELATED TO INCENTIVES AND DISCIPLINARY MISCONDUCT

In order to establish the principles of legitimacy, fairness, objectivity, impartiality, transparency trust and prevent a conflict of interest in labour relations, in 2020 the Council was created to examine complaints concerning performance appraisal outcomes, matters related to incentives and disciplinary misconduct - a collegiate body independent from the State Inspector. The Council submits recommendations to the Inspector on matters of disciplinary misconduct and incentives and will also make decisions on complaints related to performance appraisal outcomes.

The Council is headed by the First Deputy State Inspector. It is equally composed of heads of structural units of the Service both from investigative and personal data protection directions; As well as heads of General Inspectorate, Administrative, Legal, International Relations, Analytics and Strategic Development departments.

The State Inspector has incentivised 18 employees of the Service in 2020. Among them, the State Inspector commended 12 employees and 6 were awarded the state Special State Rank ahead of schedule. All these issues were discussed by the Council, whose recommendations were fully shared by the State Inspector.

As for disciplinary liability, in 2020, by the decision of the State Inspector, disciplinary liability was imposed on one employee of the Service, based on a recommendation submitted by the Council.

6. HUMAN RESOURCES DEVELOPMENT

At the State Inspector's Service professional development of the staff is an ongoing process. The agency also took care to strengthen the capacity of its staff during the pandemic. In 2020, 33 training activities were conducted for the staff of the State Inspector's Service, during which more than 370 trainees underwent the training.

In order to align national data protection legislation and practices with modern European standards, the staff of the Service was trained on the topics of General Data Protection Regulation (GDPR) and European data protection standards. Through the HELP online platform, the employees underwent a 7-month training on personal data protection and privacy. The course was introduced for the first time in Georgia within the framework of cooperation between the State Inspector's Service and the Council of Europe and its objective is to raise the qualification of Georgian practising lawyers on personal data protection issues.

Taking into account the challenges posed by the development of modern technology, employees have been trained on the issues of artificial intelligence and personal data protection.

Numerous training activities were conducted to increase the professional capacity of the staff of the Investigative Department of the State Inspector's Service, conduct high-quality investigations and to introduce international standards in the investigation process. The staff of the Investigative Department underwent training in the following thematic areas: protection of the right to life and effective investigation, covert investigative actions, documentation of injuries in accordance with the Istanbul Protocol, protection of personal data, etc.

In order to make effective use of European standards in the investigation process, the investigators of the State Inspector's Service and employees working in other fields have been involved in two training programs of the Council of Europe HELP distance learning: standards developed by the "European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment" and "On Prohibition of Ill-Treatment in Law Enforcement, Security and Other Coercive Contexts." The purpose of the course on Committee for the Prevention of Torture (CPT) standards is to familiarise participants with the CPT's key standards concerning the five most important places of deprivation of liberty: police stations, prisons, immigration detention facilities, psychiatric establishments and social care homes. The program on international standards for the prevention of ill-treatment was first introduced in Georgia and covered the following issues: Definitions

of ill-treatment and scope of prohibition; Conditions of detention and medical treatment of detainees; Use of force as a means of restraint; Procedural safeguards against ill-treatment; Conducting effective investigation and etc. Both programs include several months of intensive training, which, together with representatives of the State Inspector's Service, involves judges, prosecutors and staff of the Ministry of Justice of Georgia.

To protect the rights of juveniles and to conduct investigations focused on the best interests of minors, investigators of the State Inspector's Service underwent a specialized juvenile justice course.

Staff were also trained on gender equality, public service management and leadership, and legal writing.





07

COOPERATION



Cooperation with other government agencies, the non-governmental sector, the Public Defender's Office and international organizations is of great importance for the effective functioning of the State Inspector's Service. The agency makes every effort to be a good partner for all external actors and make the best use of the available resources in the process of dealing with them.

1. COOPERATION WITH PUBLIC INSTITUTIONS

The service cooperated with public institutions, both in the field of personal data protection and investigation.

Cooperation with these institutions on personal data protection issues took place both at the prevention and inspection stages. Cooperation in the prevention phase included verbal/written consultations, examining internal regulations (normative and individual acts) and conducting training; The scope of cooperation during the inspection phase included requesting documents, on-site inspections, and getting explanations for the staff. The Service welcomes the fact that public institutions sometimes themselves are the initiators of inspections in their system to ensure a high standard of data protection. Especially noteworthy in this regard is the cooperation with the LEPL - Office of Resource Officers of Educational Institutions, with which the agency signed a memorandum of understanding in 2020. One of its aims is to improve protection of the personal data of minors in the field of education. Following the signing of the memorandum, the State Inspector's Service cooperated with the Office of Resource Officers of Educational Institutions in the framework of conducting inspections and regulating internal normative acts. The parties to the agreement continue to work actively together for systemic change, which also includes working on the quality of personal data protection in the educational sector.

2020 was also active in terms of cooperation with training and professional development centers of public agencies. Workshops were held with more than 20 educational institutions and professional development centers in this sector, with the aim of familiarizing them with the state of personal data protection training, planning joint projects and increasing coordination. These meetings were preceded by an analysis conducted by the Service, which revealed the need to strengthen efforts to raise the qualification and awareness of public officials on personal data protection issues. In response to the challenges,

an agreement was reached with the participants on issues such as the introduction of special preparatory courses for personal data protection, updating of existing curricula, continuous in-service training of public servants, strengthening trainers' resources and implementation of joint educational projects. It is noteworthy that the strengthening cooperation with educational institutions and training centers was a recommendation provided by the resolution of the Parliament of Georgia, which aims to promote awareness of personal data protection in the public sector.

As for the investigation direction, the Service mainly cooperates with the law enforcement agencies in this process, both at the stage of (1) awareness-raising and prevention, as well as (2) at the stage of an investigation. A good example of the former is cooperation with the Temporary Detention Isolator of the Ministry of Internal Affairs and the Ministry of Justice. In particular, information brochures of the Service were placed in Special Penitentiary Institutions and temporary detention isolators to raise awareness of detainees and inmates. The Service and the Ministry of Justice have effectively cooperated in developing Action Plan on Fight Against Torture, Inhuman, Cruel or Degrading Treatment or Punishment 2021-2022. As for the investigation, in this process the Service has frequent communication with the body whose employee is being investigated for the alleged crime. Detailed information on the challenges of reporting an alleged crime by law enforcement as well as providing evidence at the outset of the investigation is provided in the relevant chapter of the report: "Investigation of Crimes Committed by a representative of law enforcement authorities, an official or a person equal to an official."

2. COOPERATION WITH PRIVATE INSTITUTIONS

Cooperation with private institutions was active in controlling the lawfulness of personal data processing, both at the prevention and inspection stages. The private sector is focused on cooperation with the Service and increasing the quality of data protection. The Service was often approached by private institutions requesting oral and written consultations on various issues, including the introduction of new electronic products. A good example of cooperation was the coordination with the banking sector and the Banking Association of Georgia. As part of its oversight function, the Service had daily communication with representatives of private institutions with the aim of requesting information needed for inspection and, if necessary, on-site inspection.

At the initiative of the Service, large data controller organizations have identified individuals responsible for personal data protection, through which the Service plans to work even more closely with the private sector in frames of joint actions.

3. COOPERATION WITH UNIVERSITIES

In order to promote students' development, in 2020 the Service began to take effective steps to intensify cooperation with higher education institutions.

Meetings were held with 13 private and public higher education institutions in Tbilisi and the regions. The Service has also requested information from more than 20 higher education institutions on the state of affairs in terms of teaching issues within its competence.

Analysis of the conducted meetings and provided information revealed that issues related to the protection of personal data, as an independent discipline, are taught in only half of higher education institutions and in all cases it is an elective discipline. Moreover, none of the higher education institutions teaches issues related to the investigative direction of the Service as an independent discipline, and they (official misconducts and their investigation methodology) are covered within other related courses.

Based on the results obtained, it was agreed with the higher education institutions to introduce new curricula in the relevant areas and improve the existing curricula. The mutual desire was expressed for conducting joint research and analytical activities, student or public-educational projects, certification courses and other related activities. In view of the above, concrete activities which are needed to enhance cooperation with higher education institutions were planned, which will be implemented starting from 2021.

In 2020, in cooperation with the Georgian National University SEU, a joint project was carried out - an essay competition. Students of all higher education institutions had the possibility to participate in this competition. The following topics were selected for the essay: Protection of personal data of schoolchildren and students during distance learning, threats of sharing minors' personal data on the Internet, impact of COVID-19 pandemic on data processing, protection of personal data in online services, protection of minors' data and data security. About 60 students took part in the competition, whose essays were evaluated by a bilateral commission composed of representatives of the Service and the Georgian National University. At the end of the competition, an online

conference was planned with the participation of the winning contestants. The printed version of successful participants' essays will be published, while the top three students are currently undergoing a two-month internship in the State Inspector's Service.

In 2020, a memorandum of understanding was signed between the State Inspector's Service and the Business and Technology University to implement joint training and educational projects in the field of digital governance and artificial intelligence (AI). Under this memorandum, various teaching-educational and research activities will be carried out starting from 2021 in close cooperation between the Service and the university.

4. COOPERATION WITH PUBLIC DEFENDER'S OFFICE

The State Inspector's Service closely cooperates with the Public Defender's Office.

In early 2020, with the support from the Council of Europe, a two-day working meeting was held with the Public Defender's Office in frames of which current data protection practices and challenges, as well as the specifics of the work of the Investigative Department of the State Inspector's Service, future plans and prospects for joint cooperation were discussed. In 2020, as part of regional events, meetings were also held with local representatives of the Public Defender's Office. They were informed about the activities of the State Inspector's Service and the challenges identified in the process. Opportunities for joint cooperation were discussed during the meetings.

The Public Defender's Office addressed more often the State Inspector's Service on issues related to the performance of its investigative function. In particular, in 2020, 124 letters were received from the Public Defender's Office, 21 of which were reports of alleged crimes, 97 letters requested information about the response to specific facts, 5 were requests for statistical information, and 1 was the Public Defender's opinion about the inconsistency between the testimonies of witnesses in one case. The Service provided the Public Defender's Office with comprehensive information on each request related to the cases pending before it and the requested statistical data.

In 2020, the Public Defender's Office addressed the State Inspector's Service regarding five cases of alleged unlawful processing of personal data.

5. COOPERATION WITH THE NON-GOVERNMENTAL SECTOR

In 2020, the State Inspector's Service actively cooperated with non-governmental organizations.

To ensure accountability to civil society, the Service held a meeting with NGO representatives and briefed them on 2019 activity report. The Service listened to the opinions and recommendations of the representatives of the non-governmental sector about its activities.

In 2020, as part of a cycle of regional events, significant time was devoted to meetings with representatives of local NGOs. Participants were informed about the activities of the State Inspector's Service, discussed the existing challenges and enhanced cooperation with local organizations.

In 2020, close cooperation was established with the NGOs - Human Rights Education and Monitoring Center (EMC) and the Institute for Development of Freedom of Information (IDFI). A study was conducted to examine the effectiveness of the Investigative Department in the State Inspector's Service, identify challenges in the performance of investigative functions, and, consequently, prepare recommendations. The Service attaches great importance to the evaluation of its activities by external actors.

At the end of 2020, in collaboration with the Institute for Development of Freedom of Information (IDFI), a joint project was launched to promote personal data protection in the country. Namely, the project will pay special attention to raising public awareness and the development of the younger generation. It is planned to prepare studies, thematic publications, booklets and videos. Information materials will be prepared in the languages of ethnic minorities and taking into account the needs of persons with disabilities. Competitions will be held with the participation of students, including moot courts. The project also includes strengthening the capacity of the Service staff and improving data protection quality in various sectors. The project will be implemented with the financial support from the Embassy of the Kingdom of the Netherlands in Georgia.

The State Inspector's Service also collaborated with NGOs to investigate specific criminal cases. In 2020, 29 letters were received from non-governmental organizations, 7 of which were notifications of alleged crimes, 8 letters requested information on responding to specific facts and ongoing criminal investigations, 9 letters - statistical information, 2 letters - information on ongoing criminal cases in the State Inspector's Investigative

Department (Submission of video recordings and expert report), 3 letters –transfer of the case being investigated by the Ministry of Internal Affairs and the Prosecutor’s Office for investigation by the Service. The Service ensured the involvement of a lawyer representing the alleged victim’s interests in the investigation process.

As for the reports of alleged unlawful personal data processing, in 2020 the NGOs addressed to the State Inspector’s Service on 15 facts. The reports mainly concerned disclosure of information containing personal data.

08

**INTERNATIONAL
RELATIONS**



1. COOPERATION WITH INTERNATIONAL ORGANIZATIONS AND THE DIPLOMATIC CORPS ACCREDITED IN GEORGIA

Harmonization of the legislation regulating the work of the Service and its practice with international standards is a high priority of the Service.

The State Inspector's Service works closely with international organizations and the diplomatic corps accredited in Georgia to establish a high personal data protection standard and an effective investigation process in Georgia.

The Service actively participates in the fulfilment of Georgia's international obligations, including the agenda of the Association Agreement between the European Union and Georgia. The Service, within its competence, was also involved in the process of drafting the forthcoming EU-Georgia Association agenda (2021-2027).

In 2020, meetings were held with representatives of the diplomatic corps, international organizations and local projects working in Georgia to plan joint activities, discuss the results of the implemented projects and discuss the challenges faced by the Service. Apart from this, the State Inspector's Service hosted a joint meeting of representatives of international organizations and the diplomatic corps and presented the 2019 activity report.





2. INTERNATIONAL VISITS

In order to harmonize with international standards, the Service intensively researched the best international practices and legislation and implemented them in its daily activities.

In 2020, State Inspector Londa Toloraia paid her first official visit to Strasbourg. She met with Dunja Mijatović the Council of Europe Commissioner for Human Rights, Jan Kleijssen, Director of the Council of Europe's Information Society and Action against Crime Directorate, as well as representatives of the Data Protection Unit and of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The strategic goals and objectives of the State Inspector's Service were discussed during the meetings, both in the field of personal data protection and investigation. The representatives of the Council of Europe expressed their full support for the Service and paid special attention to the importance of the draft law on personal data protection submitted to the Parliament of Georgia and the effective implementation of the investigative function of the Service.

In 2020, the Council of Europe also hosted the representatives of the investigation direction of the State Inspector's Service. During the two-day visit, the following issues were discussed: decisions made by the European Court of Human Rights about Georgia; European Standards for combating torture and inhuman or degrading treatment; An effective investigation into allegations of ill-treatment committed by public officials; Identifying a discriminatory motive during the investigation; Juvenile justice; Activities of various committees and institutes of the Council of Europe.





3. PARTICIPATION IN VARIOUS INTERNATIONAL FORMATS

In 2020, the State Inspector's Service participated in various international formats on behalf of the country. Including the sittings of the Global Privacy Assembly (GPA)¹⁵ and working meetings of the Council of Europe's Ad hoc Committee on Artificial Intelligence (CAHAI). The Ad hoc Committee on Artificial Intelligence (CAHAI), set up by the Committee of Ministers of the Council of Europe, will assess the need for international regulation of the development, creation and use of artificial intelligence.

In 2020, the State Inspector's Service also actively participated in various working groups set up by Global Privacy Assembly. The representatives of the Service work on important issues such as: digital technologies, artificial intelligence, data protection rights and other topical directions.

In addition, the State Inspector's Service, as an organizing agency, participated in the working group of the high-level international forum on data protection - the spring Conference of European Data Protection Authorities.

¹⁵ The Global Privacy Assembly - GPA was first convened in 1979 as the as the International Conference of Data Protection and Privacy Commissioners (ICDPPC). For decades, the Assembly has been a leading global forum for data protection and privacy authorities. On behalf of Georgia, the State Inspector's Service has been an accredited member of the Assembly since October 26, 2015.

4. COVID 19 PANDEMIC AND INTERNATIONAL COOPERATION

The 2020 pandemic caused by COVID-19 posed unprecedented challenges to the world community, including privacy and personal data protection. In order to effectively address common challenges and share experiences, data protection supervisory and international organizations working in this field have actively joined forces in a variety of international formats.

The State Inspector's Service has been actively involved in international formats such as the European Data Protection Supervisor, the European Data Protection Board, the Consultative Committee of Convention 108 and the Global Privacy Assembly (GPA). The Service participated in conferences, workshops and webinars, where intensive exchange of views and experiences on current issues took place through digital platforms.

Taking into account the pandemic, in 2020, the meeting of the Consultative Committee of the Convention 108 on the Protection of Individuals with regard to Automatic Processing of Personal Data was held online for the first time. Issues related to the signing and ratification of the Additional Protocol of the Convention 108 were discussed at these meetings. The experts also made presentations on the following issues in the field of data protection: face recognition systems, profiling, cross-border data transfer to the law enforcement sector, data protection in educational institutions, data processing and cooperation with other Council of Europe bodies as part of political campaigns.

In addition, a Working Group on COVID-19 related Privacy and Data Protection issues was set up in 2020, which united the representatives of data protection supervisors and field experts. The State Inspector's Service on behalf of Georgia was also actively involved in the working group and shared its national-level experience with counterpart foreign agencies. In addition, a number of instructions and guidelines were issued in the field of data protection, which was actively considered by the State Inspector's Service when preparing recommendations at the national level. These recommendations concerned: processing of employees' health status data by healthcare institutions and employers; Processing of personal data during remote meetings and distance learning; Protection and security of official (personal) during remote work.

5. CONVENTION 108 +

The use of new information and communication technologies in the modern world is accompanied by many challenges. In order to address these challenges and implement the Convention effectively, the signatories considered it appropriate to update Convention 108 on the Protection of Individuals with regard to Automatic Processing of Personal Data. The modernization process was completed with the adoption of its Second Additional Protocol (108+ Convention), which opened for signature on October 10, 2018.

It should be emphasized that the State Inspector's Service continues to actively support speeding up the process of signing the 108+ Convention by Georgia, which will significantly contribute to the approximation of national data protection legislation to international standards after its entry into force.

In 2020, with the support of the Council of Europe, an expert opinion was prepared on the compliance of the draft law on Personal Data Protection submitted to the Parliament in 2019 with the Convention on Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108 +).

Also, with the support of the Council of Europe, a working meeting was held, during which the staff of the State Inspector's Service discussed in detail the content of each Article of the draft law, the challenges related to their application and implementation in practice, measures to be taken for the adoption of the legislation and its subsequent implementation. The meeting paid special attention to the issue of compliance of the draft law with the 108+ Convention.

The State Inspector's Service expressed hope that the country will sign the Second Additional Protocol of the Convention in 2021.

6. EXAMINATION OF INTERNATIONAL AGREEMENTS

The State Inspector's Service continues to participate in the legal examination of international agreements to be concluded by Georgia. In 2020, the State Inspector's Service examined 16 draft international agreements and issued 14 recommendations. These recommendations are important for ensuring high personal data protection standards in international agreements to be concluded by Georgia.

7. VISIT OF JOHNS HOPKINS UNIVERSITY STUDENTS TO THE STATE INSPECTOR'S SERVICE

The State Inspector's Service hosted the U.S. Johns Hopkins University School of Advanced International Studies graduate students. The students held meetings with representatives of various state and non-governmental organizations in Georgia. They studied the implementation of international human rights norms in the domestic legal system of the country. The delegation members were interested in the mandate of the State Inspector's Service, the specifics of the newly launched independent investigative function and the vision for the organisation's future development.



09

**BUDGET OF THE
STATE INSPECTOR'S
SERVICE AND ITS
PERFORMANCE**



According to Article 10 of the Law of Georgia on the State Inspector's Service, the activities of the Service are financed from Georgia's state budget and the necessary budget allocations are determined by a separate code. In 2020 the approved budget of the State Inspector's Service amounted to 8 million GEL, and the staff included was 125 employees.

Due to the current situation in the country as a result of the spread of the new coronavirus (SARS-COV-2) infection (COVID-19), in order to reduce budget expenditures, the Service has only implemented high-priority projects, significantly restricted expenses related to supplements and bonuses for incentivising employees and also reduced business trip and representation expenses. In addition, in 2020, there were delays in competitions to fill vacancies in the Service. As a result of the savings, based on the proposal of the State Inspector, it became possible to reduce the approved budget of the State Inspector's Service by 1 million GEL.

The cash execution of the 2020 budget amounted to 6.1 million GEL.

Nº	LINE ITEMS OF BUDGET CLASSIFICATION	ADJUSTED PLAN	CASH EXECUTION
1	REMUNERATION	3 630 000	3 363 810.36
2	GOODS AND SERVICES	1 850 000	1 564 538.38
3	SOCIAL SECURITY	75 000	56 637.60
4	OTHER EXPENSES	95 000	48 051.83
5	NONFINANCIAL ASSETS	1 350 000	1 067 039.15
	GRAND TOTAL	7 000 000	6 100 077.32

In August 2020, the State Inspector's Service, in order to increase its effective functioning, applied to the Ministry of Finance of Georgia with a request to allocate the budget of 10,500,000 GEL and increase the staff by 15 employees for 2021, however, the 2021 budget was set at GEL 9,000,000 and the number of staff remained unchanged (125 positions).

1. CONDUCTED PROCUREMENTS

The public procurement plan of the State Inspector's Service for 2020 was set at GEL 2,483,600. The State Inspector's Service has implemented important projects to ensure the development of infrastructure and material-technical base, including:

- Renovation of an administrative building in the Autonomous Republic of Adjara (Batumi) - project documentation for repair and rehabilitation works was prepared and the relevant works started;
- Renovation of an administrative building in Tbilisi - project documentation for repair and rehabilitation works was prepared;
- Development of material-technical base - Furniture, server infrastructure and security systems were purchased for the administrative building located in the Autonomous Republic of Adjara (Batumi); 12 vehicles and forensic equipment for experts were also purchased.

2. PAID REMUNERATION, SUPPLEMENTS AND BONUSES

Employees of the State Inspector's Service (including the State Inspector and Deputy State Inspectors) were paid salaries in the amount of GEL 3,104,456.46.

In 2020, GEL 243,744.01 was paid as a supplement to the employees of the State Inspector's Service, of which GEL 172,018.36 was paid to the employees with special ranks according to the mandatory supplement provided by the Law of Georgia "on the State Inspector's Service", and GEL 7,995.54 was paid as a mandatory supplement in line with the Article 26, Section 1 of the Law of Georgia "on Public Service". In 2020, bonuses were not given to the staff of the State Inspector's Service.

As for the persons employed under the employment contract, in 2020 the total amount of remuneration of 6 such employees amounted to GEL 72,575.46.

3. VEHICLES

As of 2020, 16 units of vehicles were owned by the State Inspector's Service, the actual cost of maintenance of these vehicles amounted to GEL 18,675.20, and the fuel cost - GEL 77,774.41. It should be noted that the State Inspector's Service operates countrywide from two cities - Tbilisi and Kutaisi, which is associated with almost daily transportation to different regions of Georgia.

In 2020, an additional 12 units of vehicles were procured through electronic tender, as the existing number of vehicles were not sufficient for the efficient functioning of the Service (these vehicles were delivered to the service in 2021).

4. REAL ESTATE OWNED BY THE SERVICE

As of 2020, 5 real estates were owned by the State Inspector's Service.

The East Division of the Investigative Department is housed in a leased private property. In 2020, the State Inspector's Service was given for use former building of the National Agency of Public Registry of the Ministry of Justice of Georgia located on Khetagurov Street in Tbilisi. Since the building needs to be repaired and rehabilitated relevant project documentation was prepared. Nowadays, a multi-year tender is announced as the 2021 budget of the Service is not enough to cover the cost of repair work.

LIST OF REAL ESTATE			
Nº	NAME, ADDRESS	NOTE	FUNCTION
1	TBILISI, N. VACHNADZE ST. Nº7	STATE PROPERTY, WITH THE RIGHT TO USE	ADMINISTRATIVE BUILDING HOUSING 7 DEPARTMENTS OF THE SERVICE
2	TBILISI, M. ASATIANI ST. Nº9	PRIVATE PROPERTY, LEASE	ADMINISTRATIVE BUILDING, HOUSING EAST DIVISION OF THE INVESTIGATION DEPARTMENT, AS WELL AS 3 OTHER DEPARTMENTS OF THE SERVICE
3	KUTAISI, IR. ABASHIDZE AVE. Nº22	STATE PROPERTY, WITH THE RIGHT TO USE	ADMINISTRATIVE BUILDING, HOUSING WEST DIVISION OF THE INVESTIGATION DEPARTMENT
4	BATUMI, MAZNIASHVILI ST. Nº54	STATE PROPERTY, WITH THE RIGHT TO USE	ADMINISTRATIVE BUILDING, HOUSING INVESTIGATION DEPARTMENT'S DIVISION OF AUTONOMOUS REPUBLIC OF ADJARA
5	TBILISI, KOSTA KHETAGUROV ST. Nº2 / ST. NICHOLAS ST. Nº2	STATE PROPERTY, WITH THE RIGHT TO USE	BUILDING, WHERE AFTER THE REPAIR-REHABILITATION, EMPLOYEES OF THE SERVICE WILL BE WORKING
6	TBILISI, TSKNETI, GURAMISHVILI ST. Nº39	STATE PROPERTY, WITH THE RIGHT TO USE	BUILDING THAT WAS HANDED OVER TO THE SERVICE FOR THE PURPOSE OF LAUNCHING THE INVESTIGATIVE FUNCTION, HOWEVER, IT IS IN NEED OF REPAIR-REHABILITATION WORKS

5. OTHER EXPENSES

In 2020, the telecommunication (local and international telephone calls) costs of the State Inspector's Service amounted to GEL 19,200.33. The cost of placing advertisement totalled only 3193 GEL.

6. FINANCIAL ASSISTANCE PROVIDED BY DONOR ORGANIZATIONS

Donor organizations actively assisted the Service in technical equipping and introducing electronic products.

NAME OF THE DONOR ORGANISATION	FORM OF ASSISTANCE	LIST OF ASSISTANCE PROVIDED	SUM OF MONEY
THE U.S. STATE DEPARTMENT'S BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS (INL)	TANGIBLE ASSET	STATIONARY AND MOBILE RADIO STATIONS	103 685.88 GEL
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)	TANGIBLE ASSET	FORENSIC EQUIPMENT AND INVENTORY	27 936.51 GEL
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)	INTANGIBLE ASSET	DEVELOPMENT OF STATISTICAL DATA COLLECTION PROGRAM	12 186 GEL
GRAND TOTAL:			143 808.39 GEL

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FUTURE PLANS



The State Inspector's Service continues to develop and takes steps to increase efficiency in all three areas of activity. In 2020 the situation caused by the pandemic hindered full implementation of the devised plans. Consequently, in 2021, along with the new needs, several projects launched in the previous year will continue.

IN ORDER TO IMPROVE THE QUALITY OF WORK, DEVELOP THE SERVICE AND INCREASE TRANSPARENCY, THE STATE INSPECTOR'S SERVICE PLANS TO:

- Develop a standard of citizen service;
- Develop a standard of consulting;
- Develop questionnaires to assess the activities of the Service;
- Conduct public opinion poll about the Service;
- Conduct informational meetings, public lectures and targeted educational projects, including in the regions, to raise public awareness;
- Sign memoranda of cooperation with higher education institutions;
- Deepen cooperation with educational institutions of public agencies;
- Introduce internal communication system;
- Develop a human resource management strategy;
- Develop an appropriate mechanism to eliminate sexual harassment of employees;
- Refine job descriptions and appraisal system;
- Improve the internship system;
- Conduct employees' capacity building needs assessment and continuously take care for its improvement in accordance with the identified results;
- Systematize and digitize the archive of the Service;
- Develop a technical assignment for the development of the intranet network;
- Create and implement a distance learning platform;
- Introduce video-conferencing system in the activities of the Service;
- Develop a platform for cooperation with the non-governmental sector;
- Communicate with the media actively;
- Identify strategic international partners and develop a strategy for cooperation with them;
- Participate in international formats actively;
- Establish a coordination mechanism for donor organizations.

IN ORDER TO IMPROVE PERSONAL DATA PROTECTION AND CARRY OUT EFFECTIVE MONITORING OF PERSONAL DATA PROCESSING, THE STATE INSPECTOR'S SERVICE PLANS THE FOLLOWING SUPPLEMENTARY ACTIVITIES:

- Strengthening sectoral cooperation with the public, law enforcement and private organizations;
- Developing basic or thematic training programs and distance training courses for interested citizens, public servants, human resource managers, internal audit staff, public relations specialists and service providers;
- Raising the awareness of developers of electronic databases;
- Developing thematic recommendations on various data processing procedures;
- To continue working on the thematic compilations of the final decisions adopted by the State Inspector's Service and ensure that they are accessible for public;
- Intensifying campaigns on personal data protection issues for ethnic minorities and people with disabilities;
- To prepare a practical guide on personal data processing issues when issuing public information and present it to the interested parties;
- To strengthen cooperation with higher education institutions and training centers of public or private institutions and initiate training courses on personal data protection issues;
- To develop internal guidelines, refine existing standard questionnaires, and strengthen staff capacity to implement uniform, coherent practices and increase the effectiveness of conducted inspections;
- To continue the "Personal Data Protection Ambassadors" project and make it more active;
- To develop a methodology for assessing the state of personal data protection;
- To facilitate the process of adopting the draft law "On Personal Data Protection" submitted to the Parliament and prepare comments in case of its adoption;
- To facilitate the process of signing the updated 108 + Convention on "Protection of Individuals with regard to Automatic Processing of Personal Data".

TO INCREASE THE EFFECTIVENESS OF INVESTIGATION, THE STATE INSPECTOR'S SERVICE PLANS ADDITIONAL MEASURES:

- For institutional strengthening of the Service, submission of proposals to the Parliament of Georgia prepared on the legislative changes to be made in the Law of Georgia "on the State Inspector's Service" and the accompanying legislative acts;
- Preparation of a legislative proposal on changes to be introduced in the Criminal Code in relation to the Articles regulating the crimes falling under the jurisdiction of the State Inspector's Service;

- Preparation of a legislative proposal on amendments to be made to the Criminal Procedure Code in relation to the Articles regulating the rule of application of special measures for protecting a party to the criminal proceedings;
- Preparation of a draft internal normative act on operative-investigative activities in criminal cases under the jurisdiction of the State Inspector's Service;
- Continuation of research activities aimed at exploring the different areas of practice of independent investigative mechanisms;
- In April 2021, in order to increase the territorial accessibility of the Service, launching the Investigative Department's Division of Autonomous Republic of Adjara in Batumi;
- Arranging a space tailored to juveniles in Tbilisi and Batumi;
- Improving cooperation with other investigative agencies to increase the effectiveness of collaboration in the prevention and investigation of crimes under the jurisdiction of the Service;
- Development of an interview methodology manual;
- Developing instructions on the use of proportional force and handcuffs by the staff of the Investigative Department during coercive measures;
- Active coordination with the Government of Georgia for increasing regional coverage, number of staff and improvement of the infrastructure;
- Conducting awareness-raising campaigns about the investigative powers of the Service.

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