

**ACT**  
of 25 June 2015

**on the Commissioner for Children and the Commissioner for People with Disabilities  
and on changes and amendments to certain acts**

The National Council of the Slovak Republic enacted the following act:

Art. 3

Art. I  
**PART ONE**  
**INITIAL PROVISION**

Art. 1  
Scope of the Act

This Act regulates

- a) competence, position, election, conditions of holding the office and termination of the office of
1. Commissioner for Children,
  2. Commissioner for People with Disabilities,
- b) establishment and responsibilities of the
1. Office of the Commissioner for Children,
  2. Office of the Commissioner for People with Disabilities.

**PART TWO**  
**COMMISSIONER FOR CHILDREN**

Art. 2

- (1) The Commissioner for Children is involved in protection of children's rights by supporting and enforcement of rights assigned to children <sup>1)</sup> under international treaties by which the Slovak Republic is bound <sup>2)</sup> (hereinafter only the "children's rights").
- (2) The Commissioner for Children is an independent body performing its competence separately from other authorities having human-rights competencies defined by a special regulation.
- (3) Everybody has the rights to contact the Commissioner for Children with respect to infringement of children's rights or a threat thereof.
- (4) A child has the right to contact the Commissioner for Children either directly or through other person, including without their parents', tutors', guardians' knowledge and/or without informing other persons to whom the child is commissioned into foster care. <sup>3)</sup>

(1) The competence of the Commissioner for Children covers

a) public administration authorities, which for the purpose of this Act shall mean:

1. governmental agencies,
2. local government,
3. legal entities and natural persons, which under a special regulation intervene in rights and obligations of natural persons and legal entities in the area of public administration,

b) legal entities and sole traders other than those under a) above.

(2) The competence of the Commissioner for Children shall not cover exercise of powers of the National Council of the Slovak Republic (hereinafter only the "National Council"), the President of the Slovak Republic, the Government of the Slovak Republic, the Constitutional Court of the Slovak Republic (hereinafter only the "Constitutional Court"), the public prosecution, courts, the Supreme Audit Office of the Slovak Republic, public guardian of rights, the Commissioner for People with Disabilities, intelligence services and exercise of decision-making powers of a policeman acting in the capacity of an investigative authority <sup>4)</sup>; that shall not apply if the aforementioned powers are performed by these authorities in the capacity of public administrative authorities.

Art. 4

(1) Commissioner for Children

a) upon request or on own initiative, examines compliance with rights of a child,

b) monitors compliance with rights of a child, in particular by independent investigation on settlement of liabilities resulting from international treaties, by which the Slovak Republic is bound <sup>2)</sup> and by

1) Art. 1 Convention on the Rights of the Child (Announcement of the Federal Ministry of Foreign Affairs No. 104/1991 Coll.).

2) Convention on the Rights of the Child (Announcement of the Federal Ministry of Foreign Affairs No. 104/1991 Coll.).  
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 424/2004 Coll.).

Optional Protocol to Convention on the Rights of the Child on involvement of children in armed conflicts (Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 256/2009 Coll.).

Optional Protocol to Convention on the Rights of the Child on a communications procedure (Announcement of the Ministry of Foreign Affairs and European affairs of the Slovak Republic No. 91/2014 Coll.).

3) Art. 75 and 75a of the Rules of Civil Procedure.

Art. 44 of Act No. 36/2005 Coll. on Family and on changes and amendments to certain acts.

4) Art. 10 par. 8 through 10 of the Rules of Criminal Procedure.

## Art. 5

researches and surveys aimed at monitoring the situation and developments in the area of children's rights,

c) enforces children's interests in the society, cooperates with children either directly or through organisations involved in children's rights protection, consults with children regarding their matters and examines children's opinions and encourages their interest in public matters, d) encourages improving public awareness of children's rights, e) cooperates with foreign and international entities involved in exercise of children's rights or protection of children's rights.

(2) Commissioner for Children is authorised to

a) request

1. information and data for examination of respect for children's rights and for the purpose of monitoring compliance with children's rights,

2. copies of files and records for examination of compliance with children's rights including copies of documents, video records, audio records or video and audio records,

3. action by government agencies within the scope of their competence,

4. opinion on the results of examination under par. 1a) and opinion on the results of monitoring activities under par. 1b) and adoption of measures, if the examination or monitoring results in a finding on infringement of a child's rights or a threat thereof,

b) talk, without presence of third persons, to a child placed in a custodial establishment, a prison, in an establishment providing protective medical treatment or a protective social retraining for young offenders or in an in-patient treatment facility, reformatory home or any place where the child is submitted to execution of a preliminary ruling under a special regulation, <sup>5)</sup>

c) submit notifications on behalf of a child/children under an international treaty by which the Slovak Republic is bound, <sup>6)</sup>

d) give opinions in cases examined under par. 1a) above, e) give opinions on the existing respect for children's rights,

f) recommend remedial measures based on results of the examination under par. 1 a) or results of the monitoring activities under par. 1b) above,

g) attend proceedings in accordance with general regulations on judicial proceedings.

(3) If a child is in custody for any of the reasons under Art. 71 par. 1b) or par. 2b) of the Rules of Criminal Procedure (hereinafter only the "Collusive Custody"), the Commissioner for Children shall notify the competent prosecutor of the execution of the competence under par. 2b) above within 7 days.

(4) If a child is in custody, Commissioner for Children is authorised with the child, upon agreement with the child's counsel; the child's counsel can be present at exercise of the competence under par. 2 b) above.

(1) Every year, by the end of March, the Commissioner for Children submits to the National Council a report on activities for the preceding calendar year. The report shall include mainly findings from activities under Art. 4 par. 1 a) and b) and proposals and recommendations for remedy of the identified deficiencies.

(2) If the Commissioner detects any facts indicating that the infringement of children's rights or a threat thereof is serious or refers to a large number of children, then the Commissioner can submit an extraordinary report to the National Council. The extraordinary report can include a proposal to discuss the report at the nearest session of the National Council.

## Office of the Commissioner for Children

### Art. 6

(1) The Office of the Commissioner for Children is established in Bratislava.

(2) The Office of the Commissioner for Children is a legal entity, which is not recorded in the Commercial Register.

(3) The Commissioner for Children is the statutory body of the Office of the Commissioner for Children.

(4) Details of the organisation, activities and responsibilities of the Office of the Commissioner for Children are regulated by the Statute to be issued by the Commissioner for Children.

### Art. 7

(1) The Office of the Commissioner for Children performs activities related to professional, organisational, financial and technology support to the Commissioner's scope of activities.

(2) The Commissioner for Children appoints and recalls the Director of the Office of the Commissioner for Children.

(3) The Director of the Office of the Commissioner for Children and employees of the Office of the Commissioner for Children perform activities of the Office of the Commissioner for Children in legal relationship under a special regulation. <sup>7)</sup>

(4) The Commissioner for Children can delegate the Director of the Office of the Commissioner for Children or an employee of the Office of the Commissioner for Children to perform activities under Art. 4 par. 2 a) of the first clause and the second clause and b) excluding execution of the authority under Art. 4 par. 2 b) in a place of Collusive Custody.

## PART THREE

### COMMISSIONER FOR PEOPLE WITH DISABILITIES

#### Art. 8

(1) The Commissioner for People with Disabilities is involved in protection of rights of people with disabilities by supporting and enforcement of rights assigned to a person with disabilities under international treaties by which the Slovak Republic is bound <sup>8)</sup> (hereinafter only the "rights of a person with disabilities").

<sup>5)</sup> For example Art. 45 Act No. 305/2005 Coll. on social and legal protection of children and on social custody and on amendments to certain acts and on changes and amendments to certain acts in the wording of Act No. 466/2008 Coll., Art. 120 Act No. 245/2008 Coll. on Upbringing and Education (the School Act) and on changes and amendments to certain acts.

<sup>6)</sup> Part II Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

<sup>7)</sup> Act No. 552/2003 Coll. on performance of work in public interest (public service) as amended.

(2) The Commissioner for People with Disabilities is an independent body performing its competence separately from other authorities having competencies in rights of people with disabilities defined by a special regulation.  
(3) Everybody has the rights to contact the Commissioner for People with Disabilities regarding infringement of rights of a person with disabilities or a threat thereof.  
(4) A natural person which does not have a full legal capacity, or who has been incapacitated, has the right to contact the Commissioner for People with Disabilities either directly or through other person without the statutory representative's knowledge; if such natural person is a child, then Art. 2 par. 4 shall apply accordingly.

#### Art. 9

(1) The competence of the Commissioner for People with Disabilities covers  
a) public administration authorities, which for the purpose of this Act shall mean:  
1. governmental agencies,  
2. local government,  
3. legal entities and natural persons, which under a special regulation intervene in rights and obligations of natural persons and legal entities in the area of public administration,  
b) legal entities and sole traders other than those under a) above.  
(2) The competence of the Commissioner for People with Disabilities shall not cover exercise of powers of the National Council, the President of the Slovak Republic, the Government of the Slovak Republic, the Constitutional Court, the public prosecution, courts, the Supreme Audit Office of the Slovak Republic, public guardian of rights, the Commissioner for Children, intelligence services and exercise of decision-making powers of a policeman acting in the capacity of an investigative authority<sup>4)</sup>; that shall not apply if the aforementioned powers are performed by these authorities in the capacity of public administrative authorities.

#### Art. 10

(1) Commissioner for People with Disabilities  
a) upon request or on own initiative, examines compliance with rights of people with disabilities,  
b) monitors respecting rights of persons with disabilities, in particular by independent investigation on compliance with obligations resulting from international treaties, by which the Slovak Republic is bound,<sup>8)</sup> and by researches and

surveys aimed at monitoring the situation and developments in the area of rights of persons with disabilities,  
c) enforces interests of people with disabilities in the society, cooperates with people with disabilities either directly or through organisations involved in protection of rights of people with disabilities, consults with people with disabilities regarding matters affecting them, examines opinions of people with disabilities and encourages their interest in public matters,  
d) encourages improving public awareness of rights of people with disabilities,  
e) cooperates with foreign and international entities involved in exercise of rights of people with disabilities or protection of their rights.  
(2) Commissioner for People with Disabilities is authorised to  
a) request  
1. information and data for examination of respect for rights of people with disabilities and for the purpose of monitoring compliance with rights of people with disabilities,  
2. copies of files and records for examination of compliance with rights of people with disabilities including copies of documents, video records, audio records or video and audio records,  
3. action by government agencies within the scope of their competence,  
4. opinion on the results of examination under par. 1a) and opinion on the results of monitoring activities under par. 1b) and adoption of measures, if the examination or monitoring results in a finding on infringement of rights of a person with disabilities or a threat thereof,  
b) talk, without presence of a person with disabilities, placed in a custodial establishment, a prison, in an establishment where the person is subject to detention, protective medical treatment or a protective social retraining or in an in-patient treatment facility, or any place where the child is submitted to execution of rehabilitation or a preliminary ruling under a special regulation,<sup>5)</sup>  
c) submit notifications on behalf of person(s) with disabilities under an international treaty by which the Slovak Republic is bound,<sup>9)</sup>  
d) give opinions in cases examined under par. 1a) above,  
e) give opinions on the existing respect for rights of persons with disabilities,  
f) recommend remedial measures based on results of the examination under par. 1 a) or results of the monitoring activities under par. 1b) above,

8) Convention on the Rights of People with Disabilities (Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 317/2010 Coll.).

Optional Protocol to the Convention on the Rights of People with Disabilities (Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 318/2010 Coll.).

9) Optional Protocol to the Convention on the Rights of People with Disabilities.

g) attend proceedings in accordance with general regulations on judicial proceedings.  
(3) If a person with disabilities is in a Collusive Custody, the Commissioner for People with Disabilities shall notify the prosecutor of the execution of the competence under par. 2 b) within seven days.

#### Art. 11

(1) Every year, by the end of March, the Commissioner for People with Disabilities submits to the National Council a report on activities for the preceding calendar year. The report shall include mainly findings from activities under Art. 10 par. 1 a) and b) and proposals and recommendations for remedy of the identified deficiencies.  
(2) If the Commissioner detects any facts indicating that the infringement of rights of persons with disabilities or a threat thereof is serious or refers to a large number of persons with disabilities, then the Commissioner can submit an extraordinary report to the National Council. The extraordinary report can include a proposal to discuss the report at the nearest session of the National Council.

Office of the Commissioner for People with Disabilities

#### Art. 12

(1) The Office of the Commissioner for People with Disabilities is established in Bratislava.  
(2) The Office of the Commissioner for People with Disabilities is a legal entity, which is not recorded in the Commercial Register.  
(3) The Commissioner for People with Disabilities is the statutory body of the Office of the Commissioner for People with Disabilities.  
(4) Details of the organisation, activities and responsibilities of the Office of the Commissioner for People with Disabilities are regulated by the Statute to be issued by the Commissioner for People with Disabilities.

#### Art. 13

(1) The Office of the Commissioner for People with Disabilities performs activities related to professional, organisational, financial and technology support to the Commissioner's scope of activities.  
(2) The Commissioner for People with Disabilities appoints and recalls the Director of the Office of the Commissioner for People with Disabilities.  
(3) The Director of the Office of the Commissioner for People with Disabilities and employees of the Office of the Commissioner for People with Disabilities perform activities of the Office of the Commissioner for People with Disabilities in legal relationship under a special regulation.<sup>7)</sup>  
(4) The Commissioner for People with Disabilities can delegate the Director of the Office of the Commissioner for People with Disabilities or an employee of the Office

of the Commissioner for People with Disabilities to perform activities under Art. 10 par. 2 a) of the first clause and the second clause and b) excluding execution of the competence under Art. 10 par. 2 b) in a place of Collusive Custody.

### PART FOUR JOINT PROVISIONS

#### Art. 14

For the purpose of this part of the Act, Commissioner shall mean the Commissioner for Children and the Commissioner for People with Disabilities and the Office of the Commissioner shall mean the Office of the Commissioner for Children and the Office of the Commissioner for People with Disabilities.

#### Art. 15

##### Terms of electability

(1) The natural person which can be elected as a Commissioner shall be  
a) be a Slovak national,  
b) have full legal capacity,  
c) has gained a second-level university education,  
d) is without a criminal record,  
e) is accepted by representative organizations and  
f) agreed, in writing, the nomination as the Commissioner.  
(2) Meeting of the requirement under par. 1 c) shall be proven by submitting a certificate of graduation from a second-level university studies, issued by the university or by submitting a decision on acknowledgment a certificate of such education under a special regulation.<sup>10)</sup>  
(3) For the purpose hereof, a person without a criminal record shall mean a person that has not been convicted upon a final judgment for an intentional criminal act or a person who has never been subject to an unconditional sentence of imprisonment. Integrity of the person shall be proven by a Criminal Record Certificate not older than three months.  
(4) Meeting of the requirement under par. 1 e) shall be proven by a supporting opinion from at least five representative organizations. For the purpose hereof, a representative organization shall mean a civic association or a not-for-profit organization providing public utility services, if it operates in any of the following areas:  
a) enforcement and protection of children's rights; and the organization shall act in this area for at least five years, if the person to be accepted is a nominee for the position of the Commissioner for Children,  
b) enforcement and protection of rights of persons with disabilities; and the organization shall act in this area for at least five years, if the person to be accepted is a nominee for the position of the Commissioner for People with Disabilities.  
(5) Meeting of the requirements for electability shall be examined by the competent committee of the National Council.

<sup>10)</sup> Act No. 293/2007 Coll. on recognition of professional qualifications in the wording of later legislation.

#### Art. 16

##### Election of the Commissioner

(1) The Commissioner is elected by the National Council from among candidates nominated by the relevant committee of the National Council. Nomination as a candidate for a Commissioner can only be submitted to the committee of the National Council by a member of the National Council.

(2) Election of the Commissioner is elected by the Chairman of the National Council of the Slovak Republic (hereinafter only the "Chairman of the National Council") so that the election is performed

a) within the period starting from the sixtieth day before expiration of the Commissioner's term of office, however, not earlier than 30 days after announcement thereof, or  
b) within 60 days from termination of the Commissioner's office, if the termination of the Commissioner's office preceded the date of expiration of the term of office, however, not earlier than 30 days after announcement.

#### Art. 17

##### The Commissioner's term of office and the execution of the Commissioner's office

(1) The Commissioner's term of office is six years, starting from the first day of the Commissioner's service.

(2) The Commissioner starts performing the office on the day following after the date of his/her election as the Commissioner. If the office of the present Commissioner terminates by expiration of the term of office, then the new elected Commissioner shall not start his/her service earlier than on the day following after the termination date of the present Commissioner's office.

(3) The Commissioner whose term of office expires, continues performing his/her office until the new elected commissioner takes the office. If the Commissioner's office terminated for a reason other than by expiration of the term of office and no new Commissioner has been elected, the responsibilities of the statutory body are performed by the Director of the Commissioner's office on behalf of the Commissioner.

(4) During whole service, the Commissioner shall comply with the requirements for electability under Art. 15 par. 1 a) through d).

#### Art. 18

##### Incompatibility of the position of a Commissioner

(1) Besides the office of the Commissioner, the Commissioner shall not perform any office in any other public authority or any other paid office, be a member of a political party or a political movement, do business or perform any earning activities other than management of own assets, management of assets of a minor child,<sup>11)</sup> management of assets of a person with a limited legal capacity, or management of assets of a person deprived of legal capacity, and scientific, teaching, literary and art activities.

(2) If, at the moment of starting the execution of the office, the Commissioner performs any activities under par. 1, then the Commissioner shall, within 30 days from starting the office, either terminate such other office or activity or perform the legally required legal act to terminate such office/activity.

#### Art. 19

##### Termination of the Commissioner's office

(1) The Commissioner's office terminates

a) by expiration of the term of office, unless Art. 17 par. 3 states otherwise,  
b) resignation from the office,  
c) by removal from the office,  
d) by death or by the date of declaration of death.

(2) The Commissioner can resign from the office by a written notice to the Chairman of the National Council. The Commissioner's office shall terminate on the date of delivery of the written notice to the Chairman of the National Council, unless the notice states a later date of resignation from the office.

(3) Upon motion from the competent committee of the National Council, the National Council shall remove the Commissioner, if the Commissioner  
a) no longer meets the requirements for electability under Art. 15 par. 1 a) through d),  
b) started to carry out a position or an activity which is incompatible with execution of the Commissioner's office.

(4) Upon motion from the competent committee of the National Council, the National Council removes the Commissioner, if the Commissioner has not been performing the office for more than six consecutive months.

(5) The Chairman of the National Council shall be notified, without an undue delay, of the facts under par. 3. The Chairman of the National Council shall be immediately notified of final validity of a court judgment by which the court convicted the Commissioner for a crime under Art. 15 par. 3, and final validity of a court judgment depriving the Commissioner of legal capacity or restricting the Commissioner's legal capacity, by the court issuing the judgment.

(6) In case of termination of the Commissioner's office for the reason under par. 1 c) the Chairman of the National Council shall notify the person of the removal from the office.

#### Art. 20

##### Salary and terms of performance of the office

(1) The office of the Commissioner is a public office which is not performed as an employment.

(2) The Commissioner is entitled to a salary in an amount equal to the salary of a member of the National Council plus lump-sum allowances related to execution of the office in an amount equal to daily subsistence allowance and other refunds related to performance of the office of a member of the National Council with permanence residence in Bratislava region.

(3) The responsibilities of an employer for the Commissioner for the purpose of par. 2 including health insurance, social insurance and taxes shall be performed by the Office of the Commissioner.

<sup>11)</sup> Art. 32 and 33 Act No. 36/2005 Coll.

## Complaints settlement procedure

### Art. 21

- (1) Every person having the right to refer to the Commissioner under Art. 2 par. 3 and 4 and Art. 8 par. 3 and 4, has the right to use its native language in communication with the Commissioner and shall use the type of communication which is accessible for the Commissioner.
- (2) A complaint can be filed in writing, verbally on record, by fax or by electronic means.
- (3) A complaint from a person who has been imprisoned or a person whose freedom has been restricted by judgment of a court or other competent public authority; the complaint-related correspondence is not subject to official examination.
- (4) If a complaint is made verbally, an official record shall be made thereof with the approval of the person filing the motion (hereinafter only the "Claimant"), the same applies to audio or audio-and-video records. Before making the audio or audio-and-video record, the reasons for making the records shall be explained to the person. Such audio or audio-and-video record shall not be subject to a special regulation<sup>12)</sup>. Upon request, the Commissioner submits such audio or audio-and-video records to the court and to investigative, prosecuting and adjudicating bodies.
- (5) If the complaint is unclear, the Commissioner shall ask the Claimant to add further facts or to be more specific. The Commissioner shall instruct the Claimant under the first sentence of the method and the content of the supplementary text and the specification and of consequences of a failure to complete the complaint or to make it more specific.
- (6) If the Claimant asks the Commissioner to conceal his/her identity, or if the concealment is necessary, then the settlement of the complaint shall use only the anonymised complaint. Every person involved in settlement of the complaint and knowing the identity of the Claimant, shall keep the identity confidential.
- (7) If the Claimant asks the Commissioner to conceal his/her identity, but owing to the nature of the complaint it is impossible to settle the complaint without disclosing certain personal data, then the Commissioner shall, without an undue delay, ask the Claimant to give his/her consent to disclosure of some of his/her personal data and shall instruct the Claimant of the consequences of his/her disapproval to the disclosure.
- (8) If the Claimant is a natural person who does not have a full legal capacity or who has been deprived of his/her legal capacity, the Commissioner shall take into account the age and the intellectual capacity of the Claimant and the described facts when accepting the complaint and assessing the completeness and/or clearness thereof.
- (9) The procedure followed to settle the complaint shall not endanger the rights and legally protected interests of the claimant.

### Art. 22

- (1) The Commissioner shall discard the complaint if
  - a) the matter discussed in the complaint does not fall under the Commissioner's competence,
  - b) the matter referred to in the complaint,
    1. is already pending before the Constitutional Court or a court other than proceeding attended by the Commissioner under generally applicable regulations on judicial proceedings,
    2. has already been decided by Constitutional Court or other court; that shall not apply if the Commissioner within 60 days from delivery of the complaint submitted the notice under Art. 4 par. 2 c) or Art. 10 par. 2 c),
  - c) the Claimant withdraws the complaint,
  - d) the Claimant ignored the Commissioner's request under Art. 21 par. 5 a) failed to supply additional or more specific information and, as a result thereof, it is impossible to continue the examination of the complaint,
  - e) the Claimant does not approve disclosure of any of his/her personal data as requested by the Commissioner under Art. 21 par. 7.
- (2) The Commissioner can discard the complaint if
  - a) the complaint is unsubstantiated,
  - b) the complaint is anonymous,
  - c) the matter discussed in the complaint is/has been examined by Public Defender of Rights or by other Commissioner,
  - d) the complaint refers to a matter that has already been settled by the Commissioner and the repeated complaint does not contain any new facts.
- (3) The Commissioner shall notify the Claimant in writing of the adjournment of the complaint and the reasons thereof; that shall not apply if the complaint is anonymous. The natural person who does not have a full legal capacity or who has been deprived of his/her legal capacity of the adjournment of the complaint and the reasons thereof, shall be notified by the Commissioner in a reasonable way.

### Art. 23

- If the Commissioner finds out that
- a) considering the content of the complaint, the complaint is
    1. a filing under regulations governing administrative proceedings or judicial proceedings, or a constitutional complaint, then the Commissioner shall, without an undue delay, instruct the Claimant of the correct practice,
    2. a report of a crime that has been committed or if the complaint indicates that a crime might have been committed, the Commissioner shall immediately forward the complaint or a part thereof to the competent authority<sup>13)</sup> and shall notify the Claimant of the steps taken,
  - b) a final decision adopted by a public authority contradicting a law or any generally binding legal regulation, then the Commissioner shall file a motion to the prosecution and shall notify the Claimant of the steps taken.

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12) Act No. 211/2000 Coll. on free access to information and on changes and amendments to certain acts (Freedom of Information Act) in the wording of later legislation.

13) Art. 196 par. 1 of the Rules of Criminal Procedure.

#### Art. 24

The outcome from the examination under Art. 4 par. 1 a) or Art. 10 par. 1 a) shall be presented as a written opinion delivered to

- a) the Claimant,
- b) the person, whose rights were examined for infringement or a threat thereof,
- c) the one, against whom the complaint or the Commissioner's is directed.

#### Art. 25

##### Personal data processing

(1) For the purpose of examination under Art. 4 par. 1 a) or Art. 10 par. 1 a) or notification under Art. 4 par. 2 c) or Art. 10 par. 2 c), the Commissioner and the Office of the Commissioner process personal data under a special regulation<sup>14)</sup> on persons whom the examination under Art. 4 par. 1 a) or Art. 10 par. 1 a) or notification under Art. 4 par. 2 c) or Art. 10 par. 2 c) refers to (hereinafter only the "Affected Person"), in the scope necessary for examination or submission of the data.

(2) If it is necessary for protection of the Affected Person or for protection of rights and freedoms of other persons, the Commissioner and the Office of the Commissioner shall restrict exercise of the Affected Person's rights regarding the personal data under a special regulation.<sup>15)</sup>

(3) Without the Affected Person's approval, the Office of the Commissioner can collect personal data under par. 1 by copying, scanning or by other recording of official documents to a data carrier.

#### Art. 26

##### Obligation of a public authority, legal entity and a sole trader

(1) A public authority, legal entity and a sole trader, falling under the Commissioner's competence, shall, upon request of the

##### a) Commissioner

1. provide access to the public authority's premises and to the custodial establishment, a prison, in an establishment where the person is subject to detention, protective medical treatment or a protective social retraining or in an in-patient treatment facility, or a place of institutional treatment, rehabilitation or execution of a preliminary ruling under a special regulation,<sup>5)</sup>
2. submit a written opinion, information, data and copies of dockets including copies of documents, video records, audio records or video-and-audio records, within 20 days from the date of delivery of the request, unless otherwise agreed with the Commissioner,
3. ensure, without an undue delay, implementation of the measures required by the Commissioner, unless otherwise agreed with the Commissioner,

4. provide the Commissioner with cooperation upon execution of the Commissioner's competence,
  - b) provide the Commissioner for Children with access to a place other than the one under a) first clause, if a child is located at such place,
  - c) provide the Commissioner for People with Disabilities with access to a place other than the one under a) first clause, if a person with disabilities is located at such place.
- (2) If a public authority, legal entity or a sole trader falling under competence of the Commissioner, do not adopt a remedial measure proposed by the Commissioner or fail to meet the obligation under par. 1, the Commissioner shall report this fact to their superior authority; if the public authority does not have any superior authority, then the Commissioner shall report the fact to sessions of the Government of the Slovak Republic.

#### Art. 27

##### Cooperation

Upon execution of his/her competence, the Commissioner shall cooperate with relevant public authorities. Additionally, the Commissioner can cooperate with other entities operating in protection of rights and freedoms.

#### Art. 28

##### Confidentiality

The Commissioner shall keep confidential any facts learned during performance of his/her office, if the non-disclosure obligation is required by a special regulation. The non-disclosure obligation under the first sentence above shall also apply to employees of the Commissioner's Office.

#### Art. 29

- (1) The performance of the Commissioner's office and activities of the Office of the Commissioner are financed from state subsidies under a special regulation.<sup>16)</sup> The Office of the Commissioner shall prepare its budget, and the amount of each expense item shall be determined based on total expense limit. Details of the structure of the income and expense budget shall be determined by the Commissioner in the Statute.
- (2) The management of the funds provided under par. 1 is governed by a special regulation.<sup>17)</sup> Management of the funds provided under par. 1 is the responsibility of the Commissioner as the statutory body, unless Art. 17 par. 3 states otherwise.
- (3) The supervision over management of the funds by the Office of the Commissioner is governed by a special regulation.<sup>18)</sup>

14) Act No. 122/2013 Coll. on Personal Data Protection and on changes and amendments to certain acts in the wording of Act No. 84/2014 Coll.

15) For instance Art. 28 through 30 Act No. 122/2013 Coll.

16) Art. 8a par. 2 Act No. 523/2004 Coll. on Budget Rules of the Public Service and on changes and amendments to certain acts in the wording of later legislation.

17) Act No. 523/2004 Coll. in the wording of later legislation.

18) Act of the National Council of the Slovak Republic No. 39/1993 Coll. on the Supreme Audit Office of the Slovak Republic in the wording of later legislation.

(4) The management of state-owned assets by the Office of the Commissioner is governed by a special regulation.<sup>19)</sup>

## **PART FIVE TRANSITIONAL PROVISIONS**

### Art. 30

(1) The Chairman of the National Council shall announce the first election of the Commissioner for Children and the first election of the Commissioner for People with Disabilities not later than on 30 November 2015.

(2) The Commissioner for Children and the Commissioner for People with Disabilities elected in the first election after this act came into effect shall start performing their duties within six months from their election.

### Art. II

Act No. 99/1963 Coll. Rules of Civil Procedure in the wording of Act No. 36/1967 Coll., Act No. 158/1969 Coll., Act No. 49/1973 Coll., Act No. 20/1975 Coll., Act No. 133/1982 Coll., Act No. 180/1990 Coll., Act No. 328/1991 Coll., Act No. 519/1991 Coll., Act No. 263/1992 Coll., Act of the National Council of the Slovak Republic No. 5/1993 Coll., Act of the National Council of the Slovak Republic No. 46/1994 Coll., Act of the National Council of the Slovak Republic No. 190/1995 Coll., Act of the National Council of the Slovak Republic No. 232/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 22/1996 Coll., Act of the National Council of the Slovak Republic No. 58/1996 Coll., judgment of the Constitutional Court of the Slovak Republic No. 281/1996 Coll., Act No. 211/1997 Coll., judgment of the Constitutional Court of the Slovak Republic No. 359/1997 Coll., Act No. 124/1998 Coll., Act No. 144/1998 Coll., Act No. 169/1998 Coll., Act No. 187/1998 Coll., Act No. 225/1998 Coll., Act No. 233/1998 Coll., Act No. 235/1998 Coll., judgment of the Constitutional Court of the Slovak Republic No. 318/1998 Coll., Act No. 331/1998 Coll., Act No. 46/1999 Coll., judgment of the Constitutional Court of the Slovak Republic No. 66/1999 Coll., judgment of the Constitutional Court of the Slovak Republic No. 166/1999 Coll., judgment of the Constitutional Court of the Slovak Republic No. 185/1999 Coll., Act No. 223/1999 Coll., Act No. 303/2001 Coll., Act No. 501/2001 Coll., Act No. 215/2002 Coll., Act No. 232/2002 Coll., Act No. 424/2002 Coll., Act No. 451/2002 Coll., Act No. 480/2002 Coll., judgment of the Constitutional Court of the Slovak Republic No. 620/2002 Coll., judgment of the Constitutional Court of the Slovak Republic No. 75/2003 Coll., Act No. 353/2003 Coll., Act No. 530/2003 Coll., Act No. 589/2003 Coll., Act No. 204/2004 Coll., Act No. 371/2004 Coll., Act No. 382/2004 Coll., Act No. 420/2004 Coll., Act No. 428/2004 Coll., Act No. 613/2004 Coll., Act No. 757/2004 Coll., Act No. 36/2005 Coll., Act No. 290/2005 Coll., Act No. 341/2005 Coll., Act No. 24/2007 Coll., Act No. 84/2007 Coll., Act No. 273/2007 Coll., Act No. 335/2007 Coll., Act No. 643/2007 Coll., Act No. 384/2008 Coll.,

Act No. 477/2008 Coll., Act No. 484/2008 Coll., Act No. 491/2008 Coll., Act No. 487/2009 Coll., Act No. 495/2009 Coll., Act No. 575/2009 Coll., Act No. 151/2010 Coll., Act No. 183/2011 Coll., Act No. 332/2011 Coll., Act No. 348/2011 Coll., Act No. 388/2011 Coll., Act No. 335/2012 Coll., Act No. 64/2013 Coll., Act No. 75/2013 Coll., Act No. 180/2013 Coll., Act No. 106/2014 Coll., Act No. 151/2014 Coll., Act No. 180/2014 Coll., Act No. 335/2014 Coll., Act No. 353/2014 Coll., Act No. 73/2015 Coll., Act No. 78/2015 Coll. and Act No. 131/2015 Coll. is amended as follows:

Art. 35b reading as follows is inserted behind Art. 35a:

### “Art. 35b

For the purpose of rights protection, the court can involve the Commissioner for Children or the Commissioner for People with Disabilities even without a motion to do so“.

### Art. III

Act No. 71/1967 Coll. on administrative proceedings (Administrative Procedure Code) in the wording of Act No. 215/2002 Coll., Act No. 527/2003 Coll., Act No. 122/2006 Coll., Act No. 445/2008 Coll. and Act No. 204/2011 Coll. shall be amended as follows:

In Art. 23 par. 2 the words "rights in relation to execution of his competence <sup>1)</sup>" shall be replaced by the following words: "rights, the Commissioner for Children and the Commissioner for People with Disabilities in relation to execution of their competence“.

The footnote to reference 1 is omitted.

### Art. IV

Act of the National Council of the Slovak Republic No. 308/1993 Coll. on establishment of the Slovak National Centre for Human Rights in the wording of Act No. 136/2003 Coll., Act No. 365/2004 Coll., Act No. 269/2007 Coll. and Act No. 85/2008 Coll. shall be amended as follows:

In Art. 1 par. 2 of the initial sentence the words "including children's rights <sup>1)</sup>" are omitted.

The footnote to reference 1 is omitted.

### Art. V

Act No. 4/2001 Coll. on the Corps of Prison and Court Guard as amended in the wording of Act No. 422/2002 Coll., Act No. 166/2003 Coll., Act No. 537/2004 Coll., Act No. 581/2004 Coll., Act No. 475/2005 Coll., Act No. 491/2008 Coll., Act No. 59/2009 Coll., Act No. 192/2011 Coll., Act No. 220/2011 Coll., Act No. 372/2013 Coll. and Act No. 307/2014 Coll. shall be amended as follows: In Art. 58 par. 4 d) the following words: "Commissioner for Children a Commissioner for People with Disabilities," shall be added at the end.

<sup>19)</sup> Act of the National Council of the Slovak Republic No. 278/1993 Coll. on Administration of the State Property, as amended

#### Art. VI

Act No. 564/2001 Coll. on the Public Defender of Rights in the wording of Act No. 411/2002 Coll., Act No. 551/2003 Coll., Act No. 215/2004 Coll., Act No. 523/2004 Coll., Act No. 618/2004 Coll., Act No. 122/2006 Coll., Act No. 400/2009 Coll., Act No. 220/2011 Coll., Act No. 392/2012 Coll., Act No. 462/2013 Coll. and Act No. 362/2014 Coll. shall be amended as follow:

1. In Art. 3 par. 2, the words "Commissioner for Children, Commissioner for People with Disabilities" are inserted behind the words "Government of the Slovak Republic".

2. In Art. 15, clause f) is added to par. 2 in the following wording:

"f) in the matter to which the complaint refers to, the Commissioner for Children or the Commissioner for People with Disabilities already acts or has been acting".

#### Art. VII

Act No. 461/2003 Coll. on Social Insurance in the wording of Act No. 551/2003 Coll., Act No. 600/2003 Coll., Act No. 5/2004 Coll., Act No. 43/2004 Coll., Act No. 186/2004 Coll., Act No. 365/2004 Coll., Act No. 391/2004 Coll., Act No. 439/2004 Coll., Act No. 523/2004 Coll., Act No. 721/2004 Coll., Act No. 82/2005 Coll., Act No. 244/2005 Coll., Act No. 351/2005 Coll., Act No. 534/2005 Coll., Act No. 584/2005 Coll., Act No. 310/2006 Coll., judgment of the Constitutional Court of the Slovak Republic No. 460/2006 Coll., Act No. 529/2006 Coll., Act No. 592/2006 Coll., Act No. 677/2006 Coll., Act No. 274/2007 Coll., Act No. 519/2007 Coll., Act No. 555/2007 Coll., Act No. 659/2007 Coll., judgment of the Constitutional Court of the Slovak Republic No. 204/2008 Coll., Act No. 434/2008 Coll., Act No. 449/2008 Coll., Act No. 599/2008 Coll., Act No. 108/2009 Coll., Act No. 192/2009 Coll., Act No. 200/2009 Coll., Act No. 285/2009 Coll., Act No. 571/2009 Coll., Act No. 572/2009 Coll., Act No. 52/2010 Coll., Act No. 151/2010 Coll., Act No. 403/2010 Coll., Act No. 543/2010 Coll., Act No. 125/2011 Coll., Act No. 223/2011 Coll., Act No. 250/2011 Coll., Act No. 334/2011 Coll., Act No. 348/2011 Coll., Act No. 521/2011 Coll., Act No. 69/2012 Coll., Act No. 252/2012 Coll., Act No. 413/2012 Coll., Act No. 96/2013 Coll., Act No. 338/2013 Coll., Act No. 352/2013 Coll., Act No. 183/2014 Coll., Act No. 195/2014 Coll., Act No. 204/2014 Coll., Act No. 240/2014 Coll., Act No. 298/2014 Coll., Act No. 25/2015 Coll., Act No. 32/2015 Coll., Act No. 61/2015 Coll., Act No. 77/2015 Coll., Act No. 87/2015 Coll., Act No. 112/2015 Coll. and Act No. 140/2015 Coll. shall be changed and amended as follows:

1. The following quotation is added to the Footnote to reference 39c: "Act No. 176/2015 Coll. on Commissioner for Children and Commissioner for People with Disabilities and on changes and amendments to certain acts."

2. In Art. 190, behind par. 2 a new par. 3 is added which reads as follows:

"(3) An organisational unit of the Social Insurance Company shall enable inspection of files kept by the Commissioner for Children and the Commissioner for People with Disabilities in relation to performance of their competence."

The present par. 3 shall be designated as par. 4.

#### Art. VIII

Act No. 595/2003 Coll. on Income Tax in the wording of Act No. 43/2004 Coll., Act No. 177/2004 Coll., Act No. 191/2004 Coll., Act No. 391/2004 Coll., Act No. 538/2004 Coll., Act No. 539/2004 Coll., Act No. 659/2004 Coll., Act No. 68/2005 Coll., Act No. 314/2005 Coll., Act No. 534/2005 Coll., Act No. 660/2005 Coll., Act No. 688/2006 Coll., Act No. 76/2007 Coll., Act No. 209/2007 Coll., Act No. 519/2007 Coll., Act No. 530/2007 Coll., Act No. 561/2007 Coll., Act No. 621/2007 Coll., Act No. 653/2007 Coll., Act No. 168/2008 Coll., Act No. 465/2008 Coll., Act No. 514/2008 Coll., Act No. 563/2008 Coll., Act No. 567/2008 Coll., Act No. 60/2009 Coll., Act No. 184/2009 Coll., Act No. 185/2009 Coll., Act No. 504/2009 Coll., Act No. 563/2009 Coll., Act No. 374/2010 Coll., Act No. 548/2010 Coll., Act No. 129/2011 Coll., Act No. 231/2011 Coll., Act No. 250/2011 Coll., Act No. 331/2011 Coll., Act No. 362/2011 Coll., Act No. 406/2011 Coll., Act No. 547/2011 Coll., Act No. 548/2011 Coll., Act No. 69/2012 Coll., Act No. 189/2012 Coll., Act No. 252/2012 Coll., Act No. 288/2012 Coll., Act No. 395/2012 Coll., Act No. 70/2013 Coll., Act No. 135/2013 Coll., Act No. 318/2013 Coll., Act No. 463/2013 Coll., Act No. 180/2014 Coll., Act No. 183/2014 Coll., Act No. 333/2014 Coll., Act No. 364/2014 Coll., Act No. 371/2014 Z., Act No. 25/2015 Coll., Act No. 61/2015 Coll., Act No. 62/2015 Coll., Act No. 79/2015 Coll. and Act No. 140/2015 Coll. is amended as follows:

In Art. 5 par. 1 c) behind the words: "Public Defender of Rights" the following words are inserted: "Commissioner for Children, Commissioner for People with Disabilities".

#### Art. IX

Act No. 570/2005 Coll. on National Service and on changes and amendments to certain acts in the wording of Act No. 330/2007 Coll., Act No. 333/2007 Coll., Act No. 518/2007 Coll., Act No. 452/2008 Coll., Act No. 59/2009 Coll., Act No. 473/2009 Coll., Act No. 106/2011 Coll., Act No. 220/2011 Coll. and Act No. 345/2012 Coll. shall be changed and amended as follows:

In Art. 17 par. 1 behind clause e) new clauses f) and g), are added in the following wording:

„f) Commissioner for Children,  
g) Commissioner for People with Disabilities“.  
The present clauses f) through m) are designated as h)  
through o).

#### Art. X

Act No. 275/2006 Coll. on the Information Systems of Public Administration and on changes and amendments to certain acts in the wording of Act No. 678/2006 Coll., Act No. 385/2008 Coll., Act No. 553/2008 Coll., Act No. 570/2009 Coll., Act No. 69/2012 Coll., Act No. 289/2012 Coll., Act No. 202/2013 Coll. and Act No. 305/2013 Coll. is amended as follows:

In Art. 3 par. 3 d) behind the word "rights," the words "Office of the Commissioner for Children, Office of the Commissioner for People with Disabilities" are inserted.

#### Art. XI

Act No. 647/2007 Coll. on Travel Documents and on changes and amendments to certain acts in the wording of Act No. 445/2008 Coll. and Act No. 336/2012 Coll. is changed and amended as follows:

1. In Art. 10 par. 1 behind clause e) new clauses f) and g), are added in the following wording:

„f) Commissioner for Children,  
g) Commissioner for People with Disabilities“.  
The present clauses f) through i) are designated as h)  
through k).

2. In Art. 16 par. 4 e) the text "g)" is replaced by "i)".

#### Art. XII

Act No. 385/2008 Coll. on the Press Agency of the Slovak Republic and on amendments to certain acts in the wording of Act No. 547/2011 Coll. and Act No. 352/2013 Coll. is amended as follows:

In Art. 3 par. 5 a) and b) behind the words "Office of the Public Defender of Rights" a comma and the following words are inserted: "Commissioner for Children, Commissioner for People with Disabilities".

#### Art. XIII

Act No. 563/2009 Coll. on Tax Administration (Tax Procedure Code) and on changes and amendments to certain acts in the wording of Act No. 331/2011 Coll., Act No. 332/2011 Coll., Act No. 384/2011 Coll., Act No. 546/2011 Coll., Act No. 69/2012 Coll., Act No. 91/2012 Coll., Act No. 235/2012 Coll., Act No. 246/2012 Coll., Act No. 440/2012 Coll., Act No. 218/2013 Coll., Act No. 435/2013 Coll., Act No. 213/2014 Coll., Act No. 218/2014 Coll., Act No. 333/2014 Coll., Act No. 361/2014 Coll. and Act No. 130/2015 Coll. is changed and amended as follows:

1. In Art. 11 par. 6 ae) the following words are added to the end: "Commissioner for Children a Commissioner for People with Disabilities".

2. In Art. 23 par. 3 behind the word "rights" " a comma and the following words are inserted: "Commissioner for Children and the Commissioner for People with Disabilities" and the word "his" is replaced by the word "their".

#### Art. XIV

This Act comes into force on 1 September 2015. Art. II and expires on 1 July 2016.

**Signed by:**  
**Andrej Kiska**  
**Peter Pellegrini**  
**Robert Fico**