# ACT AMENDING THE SOCIAL ASSISTANCE AND SOCIAL SERVICES ACT

## Article 1

In Article 3 of the Social Assistance and Social Services Act (*Uradni list Republike Slovenije*, 54/92, 42/94 – Constitutional Court ruling, 1/99, 41/99, 36/00, 54/00) the words “allowance intended for” shall be replaced with the words “financial social assistance intended for”.

## Article 2

In Article 4 the words “social allowance” shall be replaced with the words “financial social assistance”.

## Article 3

In the second paragraph of Article 5 the word “allowance” shall be replaced with the words “financial social assistance”.

## Article 4

Chapter 3 of the Act (“SOCIAL ALLOWANCE”) shall be amended to read as follows:

“CHAPTER 3: FINANCIAL SOCIAL ASSISTANCE

Article 19

Financial social assistance shall be used to provide entitled persons, during their residence in the Republic of Slovenia, with means for satisfying minimum needs to a level that guarantees subsistence.

It shall be deemed that the subsistence referred to in the preceding paragraph has been guaranteed if the entitled person is provided with income, available to him after paying tax and compulsory social protection contributions, to the level of the minimum income specified in this Act (hereinafter referred to as: minimum income).

Article 19a

Entitlement to financial social assistance shall be established and the level of financial social assistance determined exclusively on the basis of the basis and scales set forth in this Act.

Article 20

All individuals shall be obliged, to the best of their ability, to ensure that they and their family members are provided with decent subsistence.

Persons incapable of ensuring means of subsistence for themselves through work, rights arising from work or insurance, income from property or from other sources, other types of compensation or income acquired on the basis of other regulations, or assistance from those

obliged to provide them with means of subsistence shall have the right to financial social assistance to the level and under the conditions specified in this Act.

Recipients of financial social assistance may not be in a more favourable social situation than persons who ensure means of subsistence through work or on the basis of rights arising from work.

Article 21

Financial social assistance shall be granted to those entitled persons who cannot ensure means to the level of the minimum income for reasons which were or are beyond their control, who have exercised the right to financial benefits on the basis of other regulations and the right to exemptions and reliefs pursuant to this Act, and who fulfil the other conditions set forth in this Act.

Article 21a

In addition to the entitled persons referred to in Article 5 of this Act, financial social assistance may be granted to persons who exercise the right to financial social assistance on the basis of international acts binding on Slovenia.

Article 22

The basic minimum income shall amount to SIT 37,943.00 and shall be adjusted once a year in January with the consumer price index for the period of the 12 months before the month of adjustment, and shall begin to be applied on the first day of the month following adjustment.

The adjusted level of the basic minimum income shall be published by the minister responsible for social assistance and social services in the *Uradni list Republike Slovenije*.

Article 23

Notwithstanding the other provisions of this Act, financial social assistance shall not be granted to a single person or a family who have savings or property exceeding the level of 24 minimum wages.

For the purposes of this Act, property shall exclude:

- the apartment in which an individual person or family live and which is set forth in regulations governing housing relations as an adequate apartment;
- property generating income which is observed in the determination of own income pursuant to this Act;
- objects which, pursuant to the regulations governing the execution of judgements in civil matters and the insurance of claims, are exempt from execution, except for the cash referred to in point 5 of Article 79 of the Execution of Judgements in Civil Matters and the Insurance of Claims Act (*Ur. l. RS*, 51/98, 72/98 – CC ruling, 11/99 – CC ruling);
- personal vehicles up to the value of 18 minimum wages.

The method of determining savings and property pursuant to this Act and the method of determining their value shall be prescribed in more detail by the minister responsible for social assistance and social services.

Article 24

Financial social assistance shall not be granted to persons who do not achieve the minimum income for reasons which they could or can influence or who, without good reason, reject, avoid or abandon activities which could or can lead to employment or to another method of improvement of their social situation or the social situation of their family members.

The reasons referred to in the preceding paragraph shall be deemed to be the following in particular:

- termination of a labour relation for reasons for which insured persons cannot exercise the right to financial compensation in accordance with the regulations governing employment and unemployment insurance , unless this involves an absolute inability to work;
- reasons for which the body responsible for employment ceases to keep the person in the record of unemployed persons, except for the reasons specified in the first, fifth, sixth, seventh and eighth indents of the first paragraph of Article 70 of the Employment and Unemployment Insurance Act;
- the person's failure to register with the body responsible for employment if the person could be deemed to be an unemployed person in accordance with the regulations governing employment and unemployment insurance;
- unjustified abandonment of the exercise of a right which could influence the social situation of the person or his family members;
- unwillingness to accept the conclusion of the contract on maintenance referred to in Article 34 of this Act;
- the person's refusal to conclude or failure to implement the contract on the active addressing of his social problems;
- the fact that the person is serving a prison sentence.

Subject to the fulfilment of other conditions for obtaining financial social assistance, the reason referred to in the first indent of the preceding paragraph shall not be taken into consideration after six months of its emergence if the entitled person concludes the contract on the active addressing of his problems referred to in Article 32 of this Act.

Persons in relation to whom the reasons referred to in the first and second paragraphs of this Article exist shall not be taken into account in the determination of the minimum income of their family, though their income shall be taken into account.

Article 24a

Notwithstanding the reasons referred to in the first, second and third indents of the second paragraph of the preceding article, a person shall be entitled to financial social assistance, subject to the fulfilment of other conditions, if he care for:

- a child
- or an adult person incapable of providing for himself

who is deemed to be part of the family pursuant to this Act, if this kind of care for a child or an adult person replaces institutional care pursuant to this Act.

Article 25

The level of financial social assistance for an entitled person who does not have his own income in accordance with this Act shall be set at the level of the minimum income to which the person is entitled in accordance with this Act.

The level of financial social assistance for other entitled persons shall be determined as the difference between the minimum income to which the entitled person is entitled and his income determined in the manner specified in this Act (hereinafter referred to as: own income).

The level of financial social assistance for a family shall be determined as the difference between the sum of minimum incomes to which individual entitled persons or family members are entitled, and the incomes of the family members, determined in the manner specified in this Act (hereinafter referred to as: family's own income).

Article 25a

The level of the minimum income for individual family members shall be determined in proportion to the basic level of the minimum income referred to in Article 22 of this Act using the following scales:

- First adult person in the family: 1
- Every next adult person in the family: 0.7
- Child up to 18 years of age and a child who has reached the age of majority and for whom his parents must still provide due to regular schooling 0.3.

The level of the minimum income for a single-parent family shall be increased by 30% of the basic level of the minimum income referred to in Article 22 of this Act.

The first adult person in the family shall be deemed to a single person or one of the spouses or persons living under the cohabitation arrangement referred to in the first indent of the first paragraph of Article 26 of this Act who exercise the right to financial social assistance.

The next adult person in the family shall be deemed to be a person of full age who, pursuant to this Act, is deemed to be a family member and who is not a child in accordance with the last indent of the first paragraph of this Article.

Article 26

For the purposes of this Act, a family shall be deemed to comprise the following persons or family members:

- the spouse or a person who has lived at least one year in cohabitation with the person exercising the right to financial social assistance which, pursuant to the Marriage and Family Relations Act, is equalised with marriage in terms of legal consequences;
- the children of the person exercising the right to financial social assistance, for as long as this person is obliged to provide for them – if a child is a student, only until he concludes his undergraduate studies or until he reaches 26 years of age; if education at a university requires five or six years for completion, if the child fails to complete his studies within the prescribed time limit due to disease or injury or if he is obliged to undergo military service during the period of education – for as long as the education has is extended for the above reasons;

- the stepchildren of the person exercising the right to financial social assistance, for as long as this person is married or is in the relationship referred to in the first indent of this paragraph with one of the stepchild's parents who is obliged to provide for his or her child;
- minor grandchildren, cousins or brothers and sisters of the person exercising the right to financial social assistance, and persons referred to in the first indent of this paragraph, if this person provides for parentless minor grandchildren, cousins or brothers and sisters.

Notwithstanding the provision of the preceding paragraph, a family shall be deemed to also comprise an adult person for whom, in accordance with statute or another legal title, one of the family members is obliged to provide (to a major extent), if this person has no income of his own or property to the level of the minimum income.

A single person shall be deemed to be a person who has no family members in accordance with this Act.

Article 26a

Notwithstanding the provision of the preceding article, for the purposes of this Act a family shall be deemed to exclude:

- the spouse of the person exercising the right to financial social assistance who is no longer effectively connected with the family;
- children who, upon divorce or break-up of the cohabitation arrangement referred to in the first indent of the preceding paragraph of the preceding article, have not been given in custody to the person exercising the right to financial social assistance or the person referred to in the first indent of the first paragraph of the preceding article;
- the children and stepchildren referred to in the second and third indents of the first paragraph of the preceding article who get married or live under the cohabitation

Notwithstanding the other provisions of this Act, the determination of entitlement to financial social assistance shall not take into account:

- the children and stepchildren referred to in the second and third indents of Article 26 of this Act who are in foster care and for whom their parents are entirely exempt from payment of foster-care costs;
- other persons who are in institutional care and who are entirely exempt from payment for services.

The income they generate shall also not be taken into account.

Article 30

In the determination of own income, income from activities (entrepreneurial income) on which a person liable to tax is obliged to pay tax (tax on activity) in accordance with the regulations governing income tax shall be taken into account in accordance with the methodology for taking into account income from activity, which shall be prescribed in more detail by the minister responsible for social assistance and social services, in agreement with the minister responsible for finance.

Article 30a

Income from agricultural activities shall be included in own income in accordance with the methodology to be prescribed in more detail by the minister responsible for social assistance and social services, in agreement with the minister responsible for agriculture and the minister responsible for finance.

In the event of old age, disease, disability and other personal circumstances of the entitled person which the entitled person could not control or prevent and for which reason agricultural or forest land was not cultivated, and income through sale, lease or rental to the Farmland and Forests Fund of the Republic of Slovenia or to another legal or natural person could not be acquired, it shall be deemed that there has been no income from agricultural activities if the entitled person permits the entry of a note of prohibition of expropriation or encumbrance of property to the benefit of the state.

Inability to cultivate land shall be determined by the Disability Commission, in accordance with the regulations governing pension and disability insurance.

Persons involved in agricultural activities shall not be obliged to seek or accept employment if their agricultural activities ensure the generation of the minimum income to which individual persons or family members would be entitled for each person separately who would otherwise be obliged to seek employment.

Article 31

The competent social work centre may decide that financial social assistance shall not be granted or that it shall be granted in a lower amount to a single person or family with regard to whom it is possible to conclude that they are provided with income which entirely or partly reaches the level of minimum income because:

- they are in possession of savings ensuring subsistence, or property whose level does not reach the level of the savings or value of the property referred to in Article 23 of this Act;
- they are staying for at least 30 days in a hospital or other institution in which they are provided with care throughout the day and are not obliged to cover the relevant costs or are obliged merely to pay partial costs;
- they live with other persons or are assisted by other persons who pursuant to this Act are not family members, or if they are provided with subsistence in some other manner.

The competent social work centre shall take into account the basic purpose of financial social assistance in such a manner that from the financial social assistance to which a single person or family is entitled:
- it deducts one-third of savings or the value of property in the cases referred to in the first indent of the preceding paragraph;
- it deducts the monthly value of the basic care with which the entitled person is provided (accommodation, food) in the cases specified in the second and third indents of the preceding paragraph.

The reasons referred to in the first paragraph of this Article, the method of establishing these reasons, and the methodology for determining the value referred to in the second indent of the preceding paragraph shall be prescribed in more detail by the minister responsible for social assistance and social services.

Article 31a

The financial social assistance of a person entitled to financial social assistance who, due to old age, disease or disability, is unable to work and requires another person's assistance to perform his basic vital functions and who does not receive a supplement for that other person's care and assistance in accordance with other regulations shall be increased by the level of the supplement for assistance and attendance.

The need for another person's assistance shall be established by the Disability Commission, in accordance with the regulations governing pension and disability insurance.

The level of the supplement for assistance and attendance shall be set at the level of the supplement for assistance and attendance to which the person would be entitled in accordance with the regulations governing pension and disability insurance.

Article 31b

Notwithstanding the other provisions of this Act, a single person or a family may be granted extraordinary financial social assistance as a special form of financial social assistance if it is established that the single person or the family have found themselves at material hardship for reasons which were or are beyond their control.

Extraordinary financial social assistance shall be granted with respect to the needs of the single person or family; extraordinary financial social assistance may be granted:
· in the form of a one-off amount if the case involves material hardship to a single person or a family (one-off extraordinary assistance);

- for a period for which financial social assistance is granted if the competent social work centre finds that the case involves material hardship that will last longer than two months (extraordinary assistance).

The monthly level of extraordinary financial social assistance may not exceed the level of one minimum income of a single person or a family, while the amount of one-off extraordinary assistance may not exceed the level of two of their minimum incomes during one calendar year.

Granting and payment of financial social assistance

Article 32

The competent social work centre may, together with the entitled person and on the basis of the definition of the social problems, difficulties and distress, and assessments of potential solutions, conclude a contract on the active addressing of his social problems (inclusion in medical treatment, etc.) which shall set out the obligations of the entitled person and the termination of entitlement to financial social assistance in the event of unjustified failure to carry out the contract.

Article 33

Financial social assistance shall be granted for a limited period of time with respect to the circumstances which form the basis for granting and determining the level of financial social assistance.

Financial social assistance shall be initially granted for a period not exceeding three months.

Financial social assistance may be renewed if the circumstances which form the basis for granting and determining the level of financial social assistance remain unchanged during the time between the first and second decisions on granting financial social assistance. Financial social assistance may be renewed for a period not exceeding six months.

Notwithstanding the provisions of the second and third paragraphs of this Article, financial social assistance may be granted for a period not exceeding one year if the social situation of the entitled person cannot be expected to improve due to the fact that he is over 60, or has a disease or disability, or due to other circumstances.

The entitled persons referred to in the preceding paragraph and entitled persons incapable of work and who have no income, receipts or property, for whom no one is obliged and able to provide, and who live at home shall be granted permanent financial social assistance. Permanent inability to work shall be established by the Disability Commission, in accordance with the regulations governing pension and disability insurance.

Article 33a

Entitlement to financial social assistance shall be decided in the first instance, subject to submission of an application by the entitled person (hereinafter referred to as: applicant), by the social work centre. The application for obtaining financial social assistance shall be

submitted using the prescribed forms, which must be accompanied with evidence of the fulfilment of the conditions for acquiring the right to financial social assistance.

The content and form of the application forms and the types of evidence shall be prescribed by the minister responsible for social assistance and social services.

An appeal against the decision on entitlement to financial social assistance shall not stay execution.

Article 34

Individual persons shall be entitled to financial social assistance from the first day of the month following submission of the application. In cases where circumstances call for immediate payment, payment shall be made immediately.

Financial social assistance shall generally be paid in monetary form, while in certain justified cases it may also be paid partly or entirely in kind (vouchers, orders, payment of bills, etc.).

Article 34a

The social work centre, in agreement with the entitled person, shall invite persons who are obliged to provide for him to conclude a maintenance agreement.

Article 35

Financial social assistance shall be granted as a single financial social assistance for the entire family, and shall generally be paid out to the applicant.

For the purpose of protecting the interest of the entitled person and subject to his approval, financial social assistance may be paid out to the person who provides for the entitled person or to the institution in which the entitled person is staying.

Article 36

Financial social assistance calculated in accordance with this Act and amounting to less than 10% of the basic level of the minimum income referred to in Article 22 of this Act shall be paid to a single person or a family in a one-off amount for a three-month period in such a way that it is paid three months in advance.

Change in circumstances, adjustment of granted financial social assistance, and unjustifiably received financial social assistance

Article 37

The entitled person must fulfil the conditions for obtaining financial social assistance throughout the period of receipt of financial social assistance.

The entitled person shall be obliged to report to the social work centre all income and receipts received between the time of submission of the application and the expiry of the period for

which he was granted financial social assistance, including all facts and circumstances, or changes in these, which could affect the right to financial social assistance, its level and the period of receipt.

The entitled person must report the changes referred to in the preceding paragraph within eight days of the day he becomes aware of them.

Article 38

If between the time of submission of the application and the expiry of the period for which financial social assistance was granted there are changes in the own income of the entitled person or the entitled family, individual changes in own income shall be taken into account in such a way that they shall be determined in the same method as that for the period referred to in Article 27a for the period of the previous three calendar months, where the first calendar months shall be deemed to be the month a change in own income occurred. Unchanged income determined for the period referred to in Article 27a of this Act shall be taken into account in its already-determined, i.e. equal, amount.

Notwithstanding the other provisions of this Act, casual income received by the entitled person during the period referred to in the second paragraph of the preceding article, and income generated on the basis of an employment contract concluded in the same period and received periodically during this period, shall not be taken into account for a period of three months from receipt, while during the subsequent three months it shall be taken into account to half the total amount.

In the event of another individual change in a fact or circumstance which could affect the right to financial social assistance, only the individually changed fact or circumstance shall be reconsidered.

Article 39

The competent social work centre shall institute an ex officio procedure for re-establishing entitlement to financial social assistance if it determines that circumstances have emerged due to which it is necessary to issue a different decision on entitlement to financial social assistance due to the fact that the entitled person was not entitled to financial social assistance or was entitled to a lower financial social assistance or was entitled to financial social assistance for a shorter period of time, because he submitted false or incorrect data, concealed data, failed to submit data on time, failed to act in accordance with Article 37 of this Act or for any other reasons. Within this procedure, the social work centre shall issue a decision to annul the decision on the basis of which the entitled person was granted financial social assistance, and shall either decide that entitlement to financial social assistance has terminated, determine another level of financial social assistance, or set another period of receipt of financial social assistance.

The social work centre shall decide on the changes referred to in the preceding paragraph on the first day of the month following the occurrence of the circumstances.

If the competent social work centre finds that the entitled person submitted false or incorrect data, or concealed data, prior to the issuing of the decision on the basis of which he was

granted financial social assistance, or if the decision was issued on the basis of another impermissible act by the entitled person, it shall nullify the decision.

Article 40

The level of granted financial social assistance shall be adjusted during the period of receipt upon every instance of adjustment of the basic level of the minimum income referred to in Article 22 of this Act.

Article 41

Notwithstanding the issuing of the decision referred to in Article 39 of this Act, financial social assistance received by an entitled person on the basis of false data or concealment of data upon submission of an application or after the expiry of the period referred to in Article 7 of this Act shall be deemed to be unjustifiably received financial social assistance.

The entitled person shall be obliged to return unjustifiably received financial social assistance.

The social work centre and the entitled person may conclude an agreement on the method and time of repayment of unjustifiably received financial social assistance, taking into account the level of own income and the social situation of the entitled person.

If the social work centre and the entitled person fail to conclude the agreement referred to in the preceding paragraph, the social work centre shall submit three copies of the entire documentation to the ministry responsible for social assistance and social services, which shall institute, through the Attorney-General, proceedings at the competent court for the return of unjustifiably received financial social assistance, including penalty interest determined in accordance with the law governing the rate of penalty interest, counted from the day of receipt of unjustifiably received financial social assistance.

At the proposal of the entitled person and subject to the prior opinion of the competent social work centre, the ministry responsible for social assistance and social services may partly or entirely write off the debt of the entitled person, but only to a level that does not exceed the value of objects and receipts which, in accordance with the regulations governing the execution of judgements in civil matters and the insurance of claims, are exempt from execution."

**Article 5**

In the first paragraph of Article 98, the eighth and ninth indents shall be merged into a single indent, which shall be changed to read as follows:

"- financial social assistance;"

**Article 6**

In Article 109 the words "(*Uradni list RS*, 8/90 and 19/91)" shall be deleted.

**Article 7**

The second paragraph of Article 110 shall be changed to read as follows:

“Collections of data shall contain data on:
- services;
- financial social assistance;
- providers of social welfare activities;
- financing of social welfare activities.”

**Article 8**

Article 111 shall be changed to read as follows:

“The collections of data referred to in the first, second and third indents of the second paragraph of the preceding article shall contain the following personal data:
- name and surname of the entitled person and his legal representative;
- data on birth;
- sex;
- personal identification number;
- data on citizenship;
- data on the permit for residence for an alien;
- data on residence;
- data referring to family relations (number of family members, type of family, relation to the applicant);
- data on the household;
- data referring to the type of relationship (marriage or cohabitation);
- data on status (data on schooling, employment, retirement, etc.);
- data on the level of education;
- data on the state of health and data on disability;
- data on wages and other incomes and receipts;
- data on property;
- data on the social distress and difficulties of individual persons, families and population groups;
- data on exemption from payment for services;
- tax number;
- number of current account, or number of other account;
- data referring to housing and accommodation conditions.

Individual collections of data may also contain data which is not personal but which is necessary for achieving the purpose referred to in the first paragraph of the preceding article.”

**Article 9**

In Article 112 a new second paragraph shall be inserted to read as follows:

“The ministry responsible for social assistance and social services shall process the personal data contained in the collections of data on financial social assistance which have the same content as those processed by social work centres, and shall manage, set up, administer, maintain and supervise the central collection of data on financial social assistance, which it shall receive free of charge from the collections of data managed and maintained by social work centres.”

The current second and third paragraphs of Article 112 shall be deleted.

**Article 10**

Article 113 shall be changed to read as follows:

"Data on individual persons and their family members shall be collected directly from them, as well as from other official collections kept in Slovenia by authorised bodies and organisations. The applicant and his family members shall be obliged to give the competent social work centre all data for whose administration social work centres are responsible.

The ministry responsible for social assistance and social services and social work centres shall obtain, free of charge, data contained in existing collections of data from the following data managers:
- Ministry of the Interior – data on the entitled person and his family members (name and surname, data on birth, personal identification number, data on citizenship, data on residence) and data referring to family relations from the central register of population, data on the permit for residence for an alien, and data on the household from other records kept by the Ministry of the Interior;
- Ministry of Education, Science and Sport and providers of schooling and educational activities – data on inclusion in schooling and educational institutions;
- Ministry of Health, Public Health Institute of the Republic of Slovenia and other providers of healthcare activities – data on state of health or data on disability;
- Pension and Disability Insurance Institute of the Republic of Slovenia – data on insured persons and beneficiaries of rights to pension and disability insurance, data on pensions paid, disability benefits, pension support, supplements for assistance and attendance, compensations arising from disability insurance and other financial rights arising from pension and disability insurance;
- Health Insurance Institute of the Republic of Slovenia – data on insured persons included in the health insurance system, data on compensation paid on the basis of health insurance;
- Employment Office of Slovenia – data on unemployed persons, compensation paid on the basis of insurance in the event of unemployment, unemployment assistance, grants and related financial rights, and data on the date and reasons for termination of the keeping of the person in the record of unemployed persons, as well as the reasons for termination of the payment of financial rights;
- Guarantee and Maintenance Fund of the Republic of Slovenia – data on paid compensation of maintenance and data on payments in the event of employer insolvency;
- Tax Administration of the Republic of Slovenia – data on tax numbers, taxable income and property of persons liable to tax, data on paid taxes and income tax (tax paid on taxable income), data on paid social protection contributions and other special contributions introduced on the basis of acts, data on capital investment, data on reliefs and exemptions applicable to income from agricultural activities and other activities;
- social work centres – data on paid maternity benefits, paternity benefits, childcare and protection benefit, adoptive parent benefits, parental allowance, birth grant, child allowance, large family supplements, childcare supplements for children in need of special care, partial payments for lost income, foster care benefits and costs, contributions for foster mothers, and data on bank balances;

- Social Protection Institute and other providers of social welfare activities – data on the use and provision of services, and on the social distress and problems of individual persons, families and population groups;
- administrative units – data on financial rights on the basis of regulations governing war veterans, victims of military violence and war invalids, and data on the protection of the members of the family of a person serving compulsory military service;
- employers – data on employment, data on payments of wages and compensations, and data on other payments.

In the cases referred to in the first and second paragraphs of this Article, it shall not be necessary to inform the individuals to whom this data refers in advance."

**Article 11**

A new Article 113a shall be added after Article 113 to read as follows:

"The ministry responsible for social assistance and social services and social work centres may process personal data which they keep in their collections of data, and data which they obtain from the managers of collections of data referred to in the preceding article exclusively for the purpose of conducting procedures for adopting decisions, carrying out activities and keeping records pursuant to this Act. The ministry responsible for social assistance and social services may also process this data for the purpose of effecting central payments, exercising supervision, monitoring the current situation and conducting analyses, as well as for scientific research and statistical purposes.

The Social Protection Institute shall obtain, free of charge, data from the collections of data kept by the ministry responsible for social assistance and social services and social institutions and other legal persons and private entities performing social activities in accordance with this Act, and shall use it for conducting analyses and for scientific research and statistical purposes in a form that does not disclose the identity of individual persons. The Social Protection Institute may forward the collected data to other managers of collections of data for the purpose of carrying out activities in accordance with this Act.

Other legal persons and private entities performing social activities in accordance with this Act shall process personal data contained in their collections of personal data exclusively for the purpose of carrying out activities for which they were authorised on the basis of law and their founding acts, or for which they were granted a concession or issued with a permit for work."

**Article 12**

Article 114 shall be changed to read as follows:

"The personal data referred to in the first paragraph of Article 111 of this Act shall be stored for ten years following the expiry of the right.

Once the time limit referred to in the preceding paragraph expires, the data shall be archived.

The data referred to in the second paragraph of Article 111 of this Act shall be stored until the expiry of the purpose referred to in the first paragraph of Article 110 of this Act."

## Article 13

Article 115 shall be changed to read as follows:

"More detailed instructions on the form of processing data contained in individual collections of data, and on the distribution of content by individual collection of data, shall be prescribed by the minister responsible for social assistance and social services."

## TRANSITIONAL AND FINAL PROVISIONS

## Article 14

Entitled persons who at the time of commencement of application of this Act receive financial supplements shall receive financial social assistance until the expiry of the period for which they were granted financial supplements in accordance with regulations that were valid until the commencement of application of this Act, taking into account the scales referred to in Article 25a of this Act and the basic level of the minimum income valid during the time of receipt. The social work centre shall notify the recipient of the new level of financial social assistance upon the first payment following commencement of application of this Act.

## Article 15

Social work centres shall be obliged, within three months of the commencement of application of this Act, to establish ex officio whether the entitled persons who upon commencement of application of this Act receive financial assistance as the sole means of subsistence fulfil the conditions for obtaining financial social assistance pursuant to this Act, and shall issue suitable decisions on their findings.

## Article 16

Procedures for granting financial supplements and financial assistance as the sole means of subsistence in which on the day of commencement of application of this Act decisions have not been issued as part of procedures carried out by social work centres shall be subject to the provisions of this Act.

Within the procedures referred to in the preceding paragraph and instituted at the request of entitled persons who are entitled to social allowances in accordance with the regulations valid prior to commencement of application of this Act but who are not entitled to financial social assistance in accordance with this Act, financial supplements or financial assistance as the sole means of subsistence on the basis of the regulations valid until the commencement of application of this Act shall be granted until the commencement of application of this Act.

## Article 17

Until the entry into force of the regulation referred to in Article 30a of this Act, the Rules on the Methodology for Taking into Account Income from Agricultural Activities in Order to Obtain the Right to Social Allowances and Unemployment Assistance (*Ur. l. RS*, 57/94 and 60/99) shall remain valid if they do not contravene this Act.

**Article 18**

The implementing regulations referred to in the third paragraph of Article 23, Article 30, the first paragraph of Article 30a, the third paragraph of Article 31, the second paragraph of Article 33a and Article 115 of the Social assistance and social services Act shall be issued by the competent minister until the commencement of application of this Act.

**Article 19**

In the implementation of acts and other regulations governing relations applying to the receipt of financial supplements and financial assistance as the sole means of subsistence, it shall be deemed that these relations apply to the receipt of financial social assistance and permanent financial social assistance.

**Article 20**

The level of the minimum income specified in this Act for the first adult person in the family and for a single person shall enter into force in their entirety on 1 January 2003.

In the period between the commencement of application of this Act and the entry into force of the full level of minimum income for the first adult person in the family, the level of minimum income for the first adult person in the family shall be paid on the basis of the 0.8 scale until 1 July 2002 in proportion to the basic level of the minimum income specified in this Act, and the 0.9 scale between 1 July 2002 and 1 January 2003.

**Article 21**

In the period between the commencement of application of this Act and the entry into force of the full level of minimum income for the first adult person in the family, subject to the fulfilment of other conditions specified in this Act families shall receive financial social assistance at least to the level of the social allowance which they would receive on the basis of the scales specified in the regulations valid until commencement of application of this Act.

**Article 22**

Until the legal regulation of subsidised rents in accordance with the National Housing Programme and with the regulations governing the area of housing, financial social assistance for persons entitled to financial social assistance who are obliged to pay housing rent shall be increased by the level of the non-profit rent they would be obliged to pay in social housing, but not exceeding 25% of the basic level of the minimum income specified in this Act.

Until the legal regulation of the allocation of rented social housing in accordance with the National Housing Programme and with regulations governing the area of housing, entitlement to rented social housing shall be subject to the provisions of Article 26 of the Social Assistance and Social Services Act (*Ur. l. RS*, 54/92, 42/94 – CC ruling, 1/99, 41/99, 36/00, 54/00).

**Article 23**

This Act shall enter into force on the fifteenth day following its publication in the *Uradni list Republike Slovenije*, and shall commence application on 1 September 2001.

Ljubljana, 23 rd March 2001