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National CAN-MDS Pilot Plan

Our initial plan for piloting was to be at regional and local level, including 3 regions with 21 municipalities: Veliko Tarnovo (6 municipalities, total population of children 40 971*); Sofia town (9 municipalities, total population of children 235 634*); Blagoevgrad (6 municipalities, , total population of children 58 947¹). Sectors, planned to be involved in piloting were: Social system [State Agency for Child Protection-SACP (at national level) and Child Protection Departments (at local level)], Municipalities, Police departments, Regional health inspections, Regional education offices, NGOs. Total expected number of professionals to be as system's operators was 122 , divided as:

- Sofia town (34): 2 SACP representatives, 18 SWs, 9 police officers, 1 health & 1 education inspector, 1 municipality representative; 2 NGOs;
- Veliko Tarnovo (44): 24 SWs, 12 police officers, 2 health & 2 education inspectors, 2 municipality representatives, 2 NGO;
- Blagoevgrad (44): 24 SWs, 12 police officers, 2 health & 2 education inspectors, 2 municipality representatives, 2 NGOs)

Administrative authorities

Within the project, the SACP took over the function of an **administrative body**. Since 2002, SACP collects and summarizes the number and profiles of children-victims of violence. Under the Child Protection Act, art. 17a, para. 1, p. 9, SACP established and maintains a national system for children at risk, some of which are children, victims of violence.

On May 4, 2020, a National CAN-MDS Administrator was elected, who subsequently underwent a special training course organized by the coordinating organization-ICT.

Intersectoral board

In June 2020, an **Intersectoral Board** was formed, which includes representatives of the following institutions: State Agency for Child Protection, Ministry of Labor and Social Support, SWU, National Center for Public Health, Ministry of Interior - Police Directorate, Ministry of Education - Regional Education Office, Sofia; Supreme Cassation Prosecutor's

¹ National Statistics Institute (2015)

Office; National Statistical Institute; Commission for Personal Data Protection; UNICEF, and Ombudsman.

The first meeting was held in July 2020, during which the project activities were presented. The members also got acquainted with the schedule for the implementation of the project and discussed current issues.

The participants in the meeting agreed on the fact that the information systems that currently exist are not coordinated and do not exchange enough data with each other. In Bulgaria, no institution has real and complete data on these children. Practice and experience show that professionals do not communicate with each other - social workers with health professionals, with local authorities - the municipality or social service provider. There is also no data-based policy on the number of children who have experienced violence, including neglect.

Within the project, periodic communication was carried out with some of the board members on certain issues.

The details of the project and problems with GDPR was discussed with board member-expert in the Commission for Personal data protection additionally (Meeting in SACP; Meeting in Commission for Personal data protection, September 2020, Vaska Stancheva-Popkostadinova on behalf of project's teams; and online meeting between the partners and the expert).

[Communication with Agency for Social Assistance and other authorities](#)

In connection with the implementation of the project and communication between the project partners with various institutions, official written communication was carried out between South-West University and Agency for Social Assistance (ASA), State Agency for Child Protection (SACP) and ASA. In connection with an invitation for data entry by ASA employees, a response was received on 27.11.2019 that participation of ASA is inappropriate. It was pointed out that an integrated information system has been put into operation in the ASA, which is centralized, web-based, with a single database. According to the Agency, inclusion in the system would lead to duplication of commitments and additional staffing.

The existing system has 3 modules, one of which is "Child Protection", but it does not include all the elements contained in the CAN-MDS system. The application of CAN-MDS would enrich the existing system of ASA, and this was explained several times.

At the same time, meetings were held between the management and employees of SACP, SWU and ASA.

A letter from the SACP to the ASA dated 13 July 2020 reiterated the importance of support from the Social Assistance Agency for the successful implementation of the project, including the appointment of representatives of the institution to participate in the training in the three areas.

It is emphasized that the data collection and processing system, which remains for use by each project partner country, will enable the receipt of information from reliable sources and its analysis, as well as will support the national efforts to create a single database for children, victims of violence and neglect.

In response to the letter of August 2020, the ASA informed that as a public response it may receive personal data within the legally defined powers, therefore it is not treated as a "recipient", and the processing of such data complies with the applicable rules for data protection according to the purposes of processing. With regard to personal data, the ASA requested additional information on the specific and legitimate purposes for providing data for children; the legal grounds for disclosing personal data of children and in connection with Regulation (EU) 2016/679 on data protection; who will process the data of children after their disclosure/provision; which subjects will have access to data, in what period of time they will be processed, as well as for the respective guarantees for the exercise of the rights.

In this regard, a consultation was held with the board member of the CPDP, as well as with the leading Greek organization.

The leading Greek organization confirmed the feasibility of the project, as well as detailed information regarding personal data. This information was also provided to the ASA.

In response from October 2020, the SACP stated that the first project examined the available information systems in each of the partner countries. For Bulgaria, a legislative framework has been established, and weaknesses have been identified, namely the coordination between the different protection bodies, as well as the need to improve the signaling.

It is reiterated that, in line with the 2016 recommendations of the Committee on the Rights of the Child, it is crucial to ensure effective cooperation, coordination and data

exchange between the various systems, namely between child protection services, and the government on the other hand – especially the police and the justice system.

It is specified that personal data is processed lawfully, fairly and in a transparent manner with regard to the data subject. A detailed answer was given to all questions raised by the ASA.

In a letter from the ASA dated 19 October 2020, the Agency expressed its concerns related to the provision of personal data of children at risk under Art. 7, para 1 and special personal data of children at risk in the sense of art. 9, §1 of Regulation (EU) 2016/679 on data protection, which data to be collected, generated, stored and processed through the “CAN-MDS II” system. Concerns are shared that the data will be shared with partners in different countries.

It is alleged that the ASA, as the primary controller of personal data, has no legal basis to provide personal data to children at risk/children who have been abused. Their disclosure on a contractual basis is not applicable to a public institution, such as the ASA, as it collects and processes data of children in the performance of their competencies, described in the Child Protection Act. The ASA states that it can support the project by providing data within the statistics: number of children affected by violence, gender, age, by districts, as well as protection measures taken.

In the meantime meeting with UNICEF, Police and some NGOs were made concerning possibilities for piloting CAN-MDS and involving respective professionals in the training.

After the meeting with a representative of the Ministry of Interior it was clarified, that according to the regulations their employees are not allowed to submit information to a system, other than their own.

[Consultation with Commission for Personal Data Protection](#)

In its letter of December 2020, the SACP sent an inquiry to the Commission for Personal Data Protection.

SACP informs the Commission that pseudonymization is used (the child's personal data is not presented), and the key to this data is stored on paper (offline forms from the SACP), as the National Control Authority of the system, under the relevant requirements.

The SACP states that when the ASA fills in a specific case in the system, the identification data will be shared only between the ASA and the SACP. According to the

relevant legislation, namely Art. 7, para. 1 of the Child Protection Act, a person who becomes aware that a child needs protection is obliged to immediately notify the Social Assistance Directorate, the State Agency for Child Protection or the Ministry of Interior in order to take measures of competence. The three agencies are the competent authorities for providing this protection, whether individually or jointly, and may exchange data with each other in this regard.

An opinion was requested on the following issues:

1. When processing personal data of children at risk, should the explicit consent of the parents/bearers of parental responsibility be required, as well as of the child, upon reaching a certain age?
2. Does the Child Protection Act constitute a legal basis under Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and on repeal of Directive 95/46/EC (General Data Protection Regulation), according to which the ASA should provide the SACP with personal data of children at risk/children who have been abused?
3. With regard to the processing of personal data of children at risk, can Art. 26 of Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (GDPR), namely the role of joint administrators of SACP and ASA in relation to the provision of personal data to children for the purposes of the CAN-MDS system?

Answers from the Commission for Personal Data Protection

In relation to this the role of the designated persons for personal data protection in each of the the administrations should be stated. Their role is to supervise the processing activities and to inform and consult the administrators/mutual administrators and the staff who process the data about their obligations according to the GDPR and other regulations on personal data protection on EU and Member State level. The staff may also perform additional duties and in the exact case in the context of the project implementation their opinion could be required on the impact assessment over the personal data according to Art. 35 of the GDPR.

This statement is of only clarifying nature on the implementation of the norms stated without any rights or obligations for each party. According to the GDPR the personal data administrator alone or together with another administrator states the rules and procedures for data processing which have to be in an accordance with the applicable law.

Statement, made by the Commission for Personal Data Protection:

1. The Implementation of the CAN-MDS II Project does not require the consent of persons under the Art. 11a from the Child Protection Act. The reason for data processing under the project should be found in Art.9, par.2 from the GDPR in accordance with the special legislation regulating the functions and rights of the project participants.
2. When there are one or more reasons according to Art.9, par.2 from the GDPR in connection with Art. 6a from the Child Protection Act, the Agency for Social Assistance can provide data to the State Agency for Child Protection for the project purposes.

Following the reply from the Commission for Personal Data Protection, the reply was forwarded to the ASA, along with draft agreement between the State Agency for Child Protection and the Agency for Social Assistance for joint data controllers.

Even the positive statement for the implementation of the Project, given by the Commission for Protection of Personal data, Agency for Social Assistance put some additional requirements and stress that may participate with simulated data (March 2021).

Communication with ICH - coordinating organization

During this phase, permanent support was provided to our teams by the Institute of Child Health, especially by Sakis Ntinapogias, as well as George Nikolaidis, Jany Gray and Andreas Jud: series of 4 bilateral meetings (Skype, mails, Viber, phone calls).

Communication with Coordinator of the project at this stage was intensive and concern difficulties for starting implementation, and discussion of alternatives for training and piloting (5 bilateral meeting were held through Viber, 2 via phone, and couple of E-mails (Bg-Vaska Stancheva-Popkostadinova, Yanko Kovachev with ICH-Sakis Ntinapogias). An official letter was sent to ICH in July 2020 related to the project implementation issues.

-4.12.2020: Bilateral meeting ICH-SWU [Viber call: discussion on requests sent by Agency for Social Assistance to State Agency for Child Protection concerning the Child Protection Act and the GDPR for protection of personal and sensitive personal data);

-29.03.2021: Bilateral meeting ICH-SWU, Viber call; discussion on alternatives for implementing training of operators–presentation of tools such as talentlms and powerpoint-based videos;

-5.05/2021: Bilateral meeting ICH-SWU , Viber call: discussion on alternatives for implementing training and necessary steps towards piloting;

-10.06.2021: Bilateral meeting ICH-SWU, Viber call: discussion on the pending activities and deliverables of the projects and what is feasible to be done: implementation of at least one complete training of operators subjects related to alternatives for implementing training and necessary steps towards piloting in front of the last Consortium meeting;

-28.06. 2021: Bilateral meeting, ICH-SWU, Viber call: discussion about final reporting and budget issues

Training of professionals

Initially provisioned schedule for the training: 6x2-day seminars x ~20 participants (122 trainees-operators), but we changed it, due to a combination of unfavorable circumstances, some of which were out of any control, hindered the preliminary plans. First, there was a prolonged and tough communication between the two national bodies responsible for child protection and welfare issues, namely the Child Protection Agency and the Agency for Social Assistance. The Agency for Social Assistance, did not agree on the implementation of CAN-MDS and refused to provide the system’s piloting due to data privacy-related issues and perhaps other reasons beyond our knowledge. Secondly, COVID-19 related lockdown made it impossible to conduct face-to-face trainings. Additionally, the political situation did not favor the implementation of trainings due to the local and national elections. All of the above-described circumstances hindered the implementation of the activities as planned in advance.

When it became evident that there is no way to pilot CAN-MDS, no active National administrator, and no readiness on the part of the State Agency for Child Protection to act as a National authority (due to the above-mentioned problems), we took a decision to arrange at least one local training in Blagoevgrad with participants from the social welfare and educational sectors, under the authority of the Mayor of Blagoevgrad. Training was held 21-22 June 2021 online (more information for the training- D.3_D17_BG_CAN-MDSII)

All the participants of the training were satisfied and declared their willingness to become operators of CAN-MDS.

Challenges

The implementation of the project activities took place in the conditions of continuous and unproductive communication with and between the main responsible institutions and logistical constraints as a result of the epidemiological situation. There were hesitations and increased caution regarding the exchange of information based on specific cases, which raised sensitive issues with the protection of personal data. This problem, obvious from the time of development of the CAN-MDS system, has been satisfactorily solved by introducing (a) pseudonymisation of all information to be stored in the system; and (b) mechanisms for maintaining case-based data communication between different countries using the system (i.e. using the methodology and CAN-MDS programs). In other words, such considerations have already been addressed, and the fluctuations for precisely these reasons are due to misconceptions on the issue and technical solutions already applied.

In our trials for arrange piloting CAN-MDS we faced many challenges. There were some delays during the preparatory phase and organizational issues. There was staff turnover within the State Agency for Child Protection, including change of the Chairperson. The current staff of the project (SACP) started the real work in 2020.

Our main concerns were about GDPR and legislation related issues, difficulties in communication with Agency for Social Assistance. Agreements with the state authorities, communication with various organizations and professionals were time consuming processes .

COVID condition were leading to delays and change of initial plans. The declared state of emergency and epidemic situation and the introduced restrictive measures in the Republic of Bulgaria, in connection with COVID-19, have created a number of difficulties and challenges for children and young people, as well as for professionals. The social isolation and distance, the remote form of work, the observance of strict sanitary anti-epidemic measures prevented the full work on the project. Personal contacts as well as meetings were limited, and the workload increased many times over.

There were recent governmental elections, followed by unsecure political situation. This situation lasted for a long time and hindered some of the important processes related to the project - especially agreement for piloting. After long communication efforts with Agency for Social Assistance, meeting with representatives of State Agency for Child

Protection and Agency for Social Assistance, was organized by Vice-Minister of Ministry of Labor and Social Policy, but this was canceled, due to the change of government.

Actions taken to deal with the challenges: extension was asked; the trainings were reorganized to take place online; new experienced staff was recruited (SACP); consultations with GDPR experts were held.

During implementation of project-especially preparation for piloting phase, many lessons were learned more negative, but also and some positive.

Some “negative” lessons: it was difficult to convince some of the relevant third parties to commit to such a target in such a short period (as the project’s duration); they were also overloaded with work and COVID-19 unpredictable conditions made it even harder. Some overlap in responsibilities regarding CAN management at national level, communication problems, leadership issues.

Some “positive” lessons: some of the stakeholders were very supportive when they gained understanding of the need for data collection on CAN and how the CAN-MDS could contribute to this (especially as it relates to children).

During the project strong network of professionals for CAN prevention was built at local, regional and international level.

Conclusion

Despite the efforts of the project teams, the piloting of the system CAN-MDS did not take place in Bulgaria. The reasons for this were multifaceted.

To introduce and maintain CAN-MDS as a permanent operation/service needs time and more awareness and joint efforts by the respective authorities. We hope that even though we didn’t succeed with piloting the system CAN-MDS, strong basis for its future implementation in Bulgaria was made in the frame of CAN-MDS-II project. We are continuing our efforts for encouraging professionals, and lobbying for implementation of CAN-MDS, in order to create effective system for registration and monitoring cases of child abuse and neglect and build fruitful intersectorial collaboration in the field of child protection.