

## data protection - legal changes published in May 2018

**On the 23<sup>rd</sup> of May 2018, Decision no. 99/2018 regarding the cessation of applicability of certain acts of an administrative nature issued in application of Law no. 677/2001 on the protection of individuals regarding the processing of personal data and the free movement of such data was published.**

Since Regulation (EU) 2016/679 on the protection of individuals regarding the processing of personal data is applicable starting with the 25<sup>th</sup> of May 2018, from this date, a series of acts cease to be applicable, such as:

- (a) ANSPDCP Decision no. 167/2006 on the approval of standard contractual clauses in the case of transfers of personal data to a processor established in a state whose legislation does not provide a level of protection at least equal to that provided by the Romanian law published in the Official Gazette of Romania, Part I, no. 6 of the 4<sup>th</sup> of January 2007;
- (b) ANSPDCP Chairman's Decision no. 105/2007 regarding the processing of personal data carried out in credit office - type logging systems, published in the Official Gazette of Romania, Part I, no. 891 of the 27<sup>th</sup> of December 2007;
- (c) ANSPDCP Chairman's Decision no. 95/2008 regarding the establishment of the standard form of the notices provided by the Law no. 677/2001 for the protection of individuals regarding the processing of personal data and the free movement of such data, published in the Official Gazette of Romania, Part I, no. 876 of the 24<sup>th</sup> of December 2008, as amended;
- (d) ANSPDCP Chairman's Decision no. 101/2008 on the procedure for issuing the authorization for the processing of personal data regarding health, under the conditions of art. 9 par. (3) and (4) of Law no. 677/2001 for the protection of individuals regarding the processing of personal data and the free movement of such data, published in the Official Gazette of Romania, Part I, no. 34 of the 19<sup>th</sup> of January 2009;
- (e) ANSPDCP Chairman's Decision no. 10/2009 regarding the establishment of an authorization model for the transfer of personal data abroad under art. 29 para. (4) of the Law no. 677/2001 for the protection of individuals regarding the processing of personal data and the free movement of such data, published in the Official Gazette of Romania, Part I, no. 149 of the 10<sup>th</sup> of March 2009;
- (f) ANSPDCP Chairman's Decision no. 132/2011 regarding the conditions of processing the personal numerical code and other personal data having a generally applicable identification function, published in the Official Gazette of Romania, Part I, no. 929 of the 28<sup>th</sup> of December 2011;
- (g) ANSPDCP Chairman's Decision no. 52/2012 regarding the processing of personal data by using video surveillance means, published in the Official Gazette of Romania, Part I, no. 389 of the 11<sup>th</sup> of June 2012;

- (h) ANSPDCP Chairman's Decision no. 41/2014 regarding the establishment of an authorization model for the transfer of personal data abroad, under Binding Corporate Rules (BCR), published in the Official Gazette of Romania, Part I, no. 218 of the 27<sup>th</sup> of March 2014;
- (i) ANSPDCP Chairman's Decision no. 200/2015 regarding the establishment of personal data processing cases for which no notice is necessary, as well as for amending and repealing certain decisions, published in the Official Gazette of Romania, Part I, no. 969 of the 28<sup>th</sup> of December 2015;
- (j) Ombudsman's Order no. 52/2002 regarding the approval of the minimum security requirements of personal data processing, published in the Official Gazette of Romania, Part I, no. 383 of the 5<sup>th</sup> of June 2002;
- (k) Ombudsman's Order no. 75/2002 on the establishment of specific measures and procedures to ensure a satisfactory level of protection of the rights of individuals whose personal data is being processed.

The Order was published in the Official Gazette of Romania, Part I, no. 432 of the 22<sup>nd</sup> of May 2018 and enters into force on the 25<sup>th</sup> of May, 2018.

**The National Supervisory Authority for Personal Data Processing published on the 17<sup>th</sup> of May 2018, a notice on repealing the obligation of controllers to notify the data processing operations carried out starting with the 25<sup>th</sup> of May 2018.**

On the 17<sup>th</sup> of May 2018, the National Supervisory Authority for Personal Data Processing issued a note whereby, in accordance with the provisions of EU Regulation 2016/679 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, repealing Directive 95/46/EC, starting the 25<sup>th</sup> of May 2018 (date of application of this European Regulation), controllers will no longer have the obligation to notify data processing activities, according to an ANSPDCP notice.

In this context, as of this date, the notice form existing on the Authority's website will no longer be available for filling in by the controllers in order to enter the processing operations carried out by them in the registry of personal data processing.

At the same time, the notice forms sent by controllers prior to this date and not processed by the Supervisory Authority will no longer be entered into the personal data processing registry after that date.

However, the removal of the obligation to notify the Supervisory Authority does not exonerate controllers from fulfilling their obligations under the provisions of EU Regulation 2016/679 on the protection of individuals regarding the processing of personal data and on the free movement of such data, repealing Directive 95/46/EC.

**A Corrigendum was published to the Regulation (EU) 2016/679 of the European Parliament and of the Council of the 27<sup>th</sup> of April 2016 on the protection of individuals with regard to the**

**processing of personal data and on the free movement of such data, repealing Directive 95/46/EC (General Data Protection Regulation).**

The Official Journal of the European Union L 119 of the 23<sup>rd</sup> of May 2018 published a Corrigendum to Regulation (EU) 2016/679 of the European Parliament and of the Council of the 27<sup>th</sup> of April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, repealing Directive 95/46/EC (General Data Protection Regulation).

[https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:32016R0679R\(02\)](https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:32016R0679R(02))

**The National Supervisory Authority for Personal Data Processing has published on its website the template of the statement - form regarding the data protection officer (DPO).**

On the 24<sup>th</sup> of May 2018, in the context of the entry into force of GDPR Regulation no. 679/2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, applicable from the 25<sup>th</sup> of May 2018, ANSPDCP has published on its website the template of the statement-form on the Data Protection Officer (DPO).

The document must be filled in with the data of the controller/processor, the information on the Data Protection Officer, their signature, and then it must be sent to the e-mail address: [anspdcpc@dataprotection.ro](mailto:anspdcpc@dataprotection.ro).