

data protection - legal changes published in January 2019

The European Data Protection Board (EDPB) - published the summary of the Sixth Plenary session

According to the press release published on January 24, 2019 at https://edpb.europa.eu/news/news/2019/european-data-protection-board-sixth-plenary-session-privacy-shield-brexit-clinical_en, a wide range of topics were discussed, such as:

1. **Privacy Shield** – The Board Members adopted the EDPB’s report on the Second Annual Review of the EU-US Privacy Shield. The EDPB welcomes the efforts made to adapt the initial certification process, to start ex officio oversight and enforcement actions, as well as the efforts to publish a number of important documents, in part by declassification (such as decisions by the FISA Court);
2. **Brexit** – The EDPB discussed possible consequences of Brexit in the area of personal data transfers. Members agreed to cooperate and exchange information regarding their preparations and the tools available to transfer personal data;
3. **Clinical trials** - Following a request from the European Commission, the EDPB adopted its opinion on the clinical trials. The opinion addresses in particular the aspects related to the adequate legal bases in the context of clinical trials, and the secondary uses of clinical trial data for scientific purposes. The opinion will now be transmitted to the European Commission.
4. **DPIA lists** - The EDPB adopted opinions on the Data Protection Impact Assessment (DPIA) lists, submitted to the Board by Liechtenstein and Norway;
5. **Guidelines on certification** - The EDPB adopted a final version of the WP29 guidance on certification, including a new annex, which will be subject to public consultation.

Law no. 363/2018 on the protection of individuals with regard to the processing of personal data by the competent authorities for the prevention, detection, investigation, prosecution and fighting of criminal offenses or the execution of sanctions, educational and safety measures and the free movement of such data.

The law, published on January 7, 2019, regulates the processing of personal data for the purpose of carrying out activities to prevent, discover, investigate, prosecute and fight crime, punishments, educational and safety measures, and to maintain and ensure public order and safety by the competent authorities, within the limits of the powers established by law.

The law provides obligations regarding:

- the inclusion in the normative acts that establish personal data processing of some aspects regarding the general context of the processing, the personal data to be processed, the purposes of the processing, the general and, where appropriate, the specific storage periods of the personal data ;
- retention periods that can not be more than half the general storage period for the purpose of processing,
- the controller must inform the data subject on the identity and contact details of the controller, contact details of the data protection officer, the purposes for which the personal data is processed, the controller's right to not provide the information to the data subject in certain cases;
- appropriate technical and organizational measures for the processing of personal data;
- the obligation of the controller to keep track of all categories of processing activities under their responsibility;
- designating a data protection officer.

Law no. 363/2018 was published in the Official Gazette of Romania, Part I, no. 13 of 7 January 2019, the date on which it enters into force, except for the provisions on misdemeanors which will enter into force within 30 days from the date of publication of the law in the Official Gazette.